

Adopting accessory dwelling units: a case study of Manhattan, Kansas

by

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A REPORT

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Abstract

In the United States, millions of people are considered cost-burdened when paying for housing, meaning more than 30% of their income is used for housing cost (Thrush, 2018). Affordable housing has continued to be an issue in rapidly growing communities that lack a diverse and sufficient housing stock. To alleviate housing issues, many municipalities are turning to alternative methods to provide more housing opportunities, such as accessory dwelling units. While a solution for our nation's housing issues go far beyond accessory dwelling units, they do bring a diversified and affordable housing option to communities without extensive government intervention.

As secondary units within single-family residential neighborhoods, accessory dwelling units provide many benefits to property owners, renters, and the community. The City of Manhattan, Kansas, took interest in permitting this housing type within their community but due to lack of support, it ultimately failed. To gain a more in depth understanding of the most effective accessory dwelling unit policy adoption process, I will examine three other cities that have successfully implementing ADUs into their communities; Boulder, Colorado; College Station, Texas; and Lawrence, Kansas.

To gather information from the cities I will use case study research and interviews with City Staff. I will then examine the adoption processes the identified cities executed to educate their residents on the proposed policy in effort to gain support from the public and elected officials. A conclusion will be formed by synthesizing the results of a cross-case comparison using document analysis and grounded theory inspired analysis.

The aim of this research is to provide the City of Manhattan, Kansas's Community Development Department with recommendations on an effective accessory dwelling unit policy and public education and engagement process.

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Chapter 1 - Introduction

Housing Crisis

According to the Robert Wood Johnson Foundation County Health Rankings, Riley County has the largest number of households with severe housing problems in the state of Kansas. The housing problems considered included overcrowding, high housing cost, or lack of kitchen or plumbing facilities (Robert Wood Johnson Foundation, 2017). Housing issues are not isolated to Kansas; in recent years there has been a national housing crisis, most notably the lack of affordable housing options. In 2016, over 38 million households were considered cost-burdened as defined by the Department of Housing and Urban Development, spending more than 30 percent of their income on housing (Joint Center for Housing studies of Harvard University, 2018).

Since 2009 there has been more people living in urban areas rather than rural. Urbanization has increased the demand for housing in urban areas drastically (United Nations, 2010). The high demand, in combination with demographic shifts, have revived the concept of accessory dwelling units as viable housing solutions for U.S. cities.

Housing Solutions

A study conducted by The Urban Institute and The Housing Assistance Council in October 2018 found that a strategy to improve affordable rental housing was to emphasize rental housing in areas with existing local infrastructure and near existing services aligning with the intent of accessory dwelling units (Sally, et al, 2018). Accessory dwelling units (ADUs) serve as a secondary living unit on a single-family property that is attached, detached, or within the principal unit (Coppage, 2017). Physically ADUs can take many forms but can offer a solution

for a variety of issues American cities are facing including diversity of housing stock, urban sprawl, and high housing cost (Peterson, 2018).

Most research of accessory dwelling units is limited in midwestern communities because of lack of data available and the research that is available is focused on the potential benefits and implementation processes for property owners to utilize this housing type. There has been minimal attention to the execution of an adoption process, which has been a significant challenge for communities attempting to incorporate an ADU policy.

ADUs in Manhattan

The City of Manhattan, Kansas, began writing a Unified Development Ordinance in March 2017 to replace the existing zoning and subdivision regulations. During this process, City Staff, under the direction of a planning consultant, proposed the concept of accessory dwelling units as a permitted land use in single-family neighborhoods. The new concept was presented to the public and elected officials but was unenthusiastically received and ultimately removed from the proposed regulations. Like Manhattan, other cities have acknowledged the benefits of accessory dwelling units and conducted a process to incorporate ADUs into their land use regulations.



Figure 1.1: An ADU in Manhattan, Kansas that does not appear to be in use.

To further understand the most effective strategy to incorporate accessory dwelling units into City Ordinance, I have identified three cities that have successfully adopted an ADU policy to use for case study research. In this study, I intend to gain an understanding of the strategies that Manhattan, Kansas, can execute to adopt an ADU policy by researching other communities' approach to the obstacles they faced, essential public engagement components that were executed, and the evolution of their written policy.

Chapter 2 - Background

History of Accessory Dwelling Units

A version of what is now called an accessory dwelling unit has been traced back to as early as the 1700s. At the time these had a variety of names including *Servant Quarters* or *Guest Quarters*. The use of ADUs as a housing type became popular in U.S. cities in the mid-1800s to increase the housing supply during periods of rapid population growth. The popularity of ADUs changed with suburbanization following World War II (Peterson, 2018).

After the war, the United States housing market focused on the development of low-density single-family detached homes. Cities used zoning laws to protect single-family neighborhoods from multi-family housing. This stemmed from the 1926 *Village of Euclid v. Ambler Realty Co.* Supreme Court case decision that classified multi-family housing as a nuisance in single-family neighborhoods. Through this landmark case mid-level housing types, like two-family dwellings or ADUs, were also classified as being a nuisance ultimately causing property owners to be fearful of the impacts of these forms of housing. This led to the ban of ADUs in most U.S. Cities and the development single-family, low-density suburban homes (Peterson, 2018).

It is estimated that only 40% of U.S. cities allowed ADUs in 1990 (Peterson, 2018). Due to this there is a shortage of current information on accessory dwelling units due to the lack of interest in prior years. Recently, this flexible housing solution has become more popular due to demographic shifts, an increase in the need for multigenerational housing, and housing shortages in urban areas (Coppage, 2017).

Defining an ADU

The concept of an accessory dwelling unit has many alternative, less formal names including granny-flat, carriage house, secondary living quarters, or an in-law suit (Peterson, 2018). ADUs can also have different physical configurations; they can be integrated, attached, or detached from the principal unit. Figure 2, below, demonstrates some of the possible configurations of an ADU on a single-family lot; the highlighted area represents the ADU. While the terminology and configuration can vary, most characteristics of an ADU remain the same. Traditionally, ADUs are on a single-family property with a larger principal unit, that is typically owner-occupied. To truly be considered a secondary unit; most building codes also require bathroom and kitchen facilities within the accessory unit (Peterson, 2018).

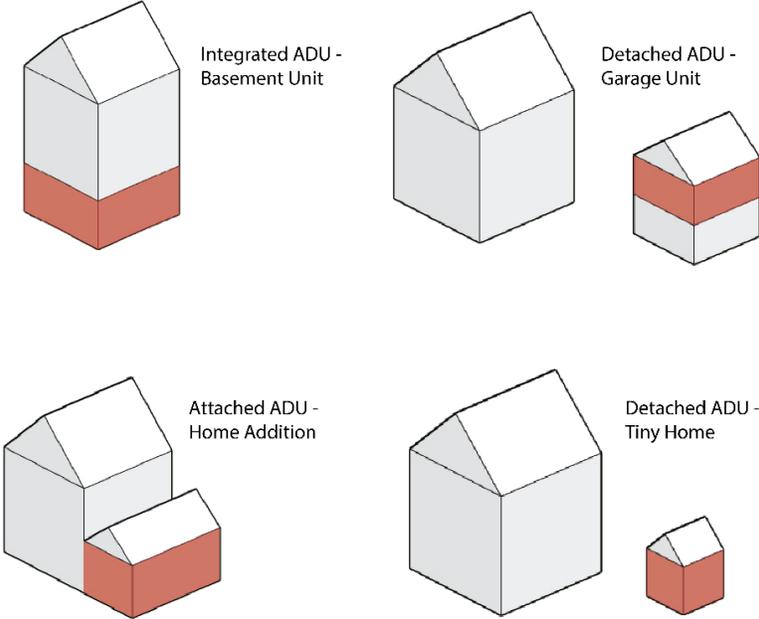


Figure 2.1: Example of potential ADU configurations.

The intent of an ADU is to provide additional housing supply within single-family districts without disrupting the existing neighborhood character. ADUs offer an affordable

solution to individuals or families that desire the living environment that a single-family neighborhood provides.

ADU Policy

Components that are included in an ADU policy are used to ensure they have little impact on the surrounding neighborhoods. The components may include, but are not limited to, owner-occupancy, off-street parking, property line setbacks, size limits, structural forms, minimum lot size, and utility connectivity. Cities often struggle to find a balance within ADU policies that protect existing neighborhoods but are also not overly restrictive.

Benefits

While accessory dwelling units do not serve as a comprehensive solution to affordable housing issues, they do offer a variety of benefits for property owners, renters, and cities. Economic, environmental, and social benefits have been identified from the implementation of ADUs in a community. Benefits include the utilization of existing infrastructure, reduction of sprawling development, provision of affordable housing, stabilization of housing cost for homeowners, reduction of energy use in smaller units, provision of housing supply, and diversification of housing stock (Peterson, 2018).

ADUs provide an opportunity to densify single-family neighborhoods that will alleviate the pressure on many housing markets that cannot accommodate the demand (Coppage, 2017). These benefits are supported by organizations like the U.S. Department of Housing and Development that believes ADUs can be an opportunity for affordable housing and multigenerational living (HUD, N.D.).

Concerns

While ADUs have the potential to be positive for a community they may also pose issues for many citizens. Accessory dwelling units have a strong group of “not in my backyard” (NIMBY) protesters that have concerns about increasing the density of single-family neighborhoods with ADUs. Concerns from community members include preservation of single-family neighborhoods, divergence from neighborhood character, diminishing property values, parking, owner-occupancy, and upkeep of the property (Husock, 2018). Safety is another factor that may causes concern for elected officials; this leads to the inclusion of registration and/or inspection processes in policies to confirm an ADU is built to code and safe to inhabit.

Cities use written policy to prevent property owners concerns from coming to fruition but can create an onerous and restrictive process that makes it extremely difficult to develop ADUs. For an emerging development type that many communities deny, there is very little literature on the negative impacts of ADUs. This is partially because they have not been widely used and studied long enough to fully understand the potential impacts but also because very few short-term impacts have been identified.

Obstacles

A major obstacle for property owners interested in adding an ADU to their property is the excessive regulations some communities use to ease the public’s concern about potential impacts on existing neighborhoods. The most difficult regulations for homeowners to overcome when developing an ADU include owner-occupancy requirements, off-street parking requirements, and conditional use reviews (Peterson, 2018). Additional obstacles may appear for some property owners if there are deed restrictions, homeowner’s association restrictions, historic preservation restrictions, or conservation districts.

Cities may also face obstacles when implementing an ADU policy in their community. Increasing density in single-family neighborhoods has the potential to create undesired affects that could lead to opposition from property owners and elected officials. To overcome this obstacle, cities must execute an adoption process to educate residents and change the public perception of ADUs.

Chapter 3 - Methodology

Research Question

The aim of my research is to identify the most effective components of a policy adoption process and corresponding written policy for accessory dwelling units. To accomplish my goal, I have identified the following questions to guide my research.

My principal research question is as follows:

- What strategies can the City of Manhattan, Kansas, learn from other communities' experiences incorporating accessory dwelling units into their land use regulations?

Additional supporting questions that influence data collection are as follows:

- What opposition have communities faced when adopting an accessory dwelling unit policy and what was their approach to change the public perception?
- What public engagement components have communities executed during the adoption process?
- How did the input from the public and elected officials affect the written accessory dwelling unit policy?

To answer my research questions, I used applied, qualitative research. The framework for my research included the execution of case studies and process evaluation through interviews and document analysis. Through a multiple-case study procedure I concluded my research with cross-case comparison inspired by grounded theory which resulted in recommendations for the City of Manhattan, Kansas.

Methods

According to Robert K. Yin, case studies foster in-depth research of a phenomenon within its real-world context (Yin, 2018). Using case study research allows a researcher to study

a distinctive situation with many variables while using multiple sources to provide evidence. Yin identifies two variations of case study research: single and multiple case studies. A single case study is more appropriately used for a more in-depth study and multiple cases studies are typically used as a comparative case method (Yin, 2018). For this report I utilized the multiple-case study approach to compare multiple Cities’ planning processes permitting accessory dwelling units within their communities. I have modified Yin’s Multiple-Case Study Procedure to fit my research, shown in Figure 3.

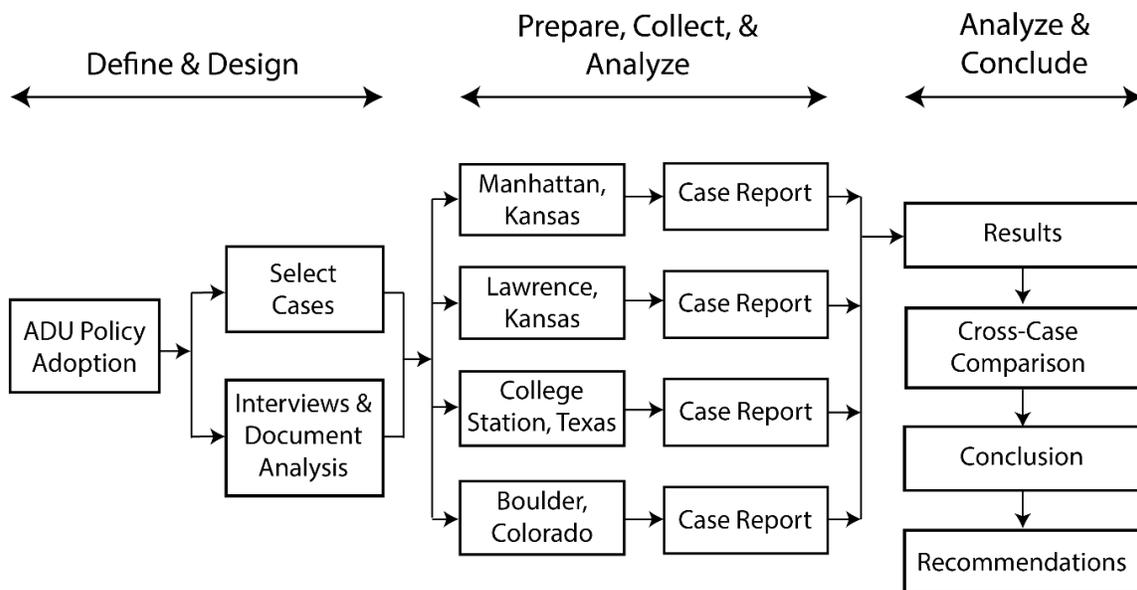


Figure 3.1: Modified multi-case study procedure.

I used document analysis as an additional method of analysis to compliment my case study research. Exploration of public records including zoning code, local publications, and public meeting agendas and minutes provided background information to offer context to my research. Due to the nature of these documents there is little concern about difficulty with acquisition, linguistic or cultural barriers. I encounter minimal bias throughout the document analysis and it did not affect my findings.

In combination with my case study research and document analysis I conducted interviews as a means of triangulation to validate my data. The convergence of multiple sources

of evidence into one set of findings provides my research with credibility and reduces the impact of potential bias (Frankfort-Nachmias et al, 2015).

Study Area

I analyzed four cities; Manhattan, Kansas; Lawrence, Kansas; Boulder, Colorado; and College Station, Texas that are shown in Figure 4. Manhattan, Kansas, will serve as the control in my research while Lawrence, Boulder, and College Station were used as influential case studies.

When selecting my influential case studies, I focused on the following criteria:

- Comparable Population to Manhattan, Kansas
- Major University
- Midwestern Geography
- Permitted Accessory Dwelling Units



Figure 3.2: Map of case study cities.

Data Collection

The primary data collection technique I used was interviews with planning staff of case study city planning departments. The interviewees were selected based upon their participation of their city's adoption process. Each of the identified participants were heavily involved in the efforts to allow ADUs in their community. The interviews consisted of 16 questions and lasted approximately 30-45 minutes. I limited the duration of the interviews to be considerate of the interviewees schedules while still allowing enough time to gather information about the accessory dwelling unit process.

The interview was conducted using a funneling sequence that can be subdivided into three categories: introductory, pre-adoption of an ADU policy, and post-adoption of an ADU policy. Interview questions consisted of factual and subjective questions that were open ended; this caused responses to be less succinct for cross-case comparison but allowed for a greater amount of information to be collected. The interview questions can be found in Appendix A.

Prior to the interviews I sent the participants a reminder of the meeting and the interview questions via email to improve the efficiency of the discussion. All interviews were executed via telephone, which was recorded on a digital voice recorder for future transcription. The interviews were transcribed using Google Doc's Voice Typing capabilities, which were used for data analysis. After the interviews were transcribed they were reviewed by hand and revisions were made when necessary to ensure accuracy.

Data Analysis

A comparative structure was used to complete a cross-case assessment to draw conclusions and identify recommendations for the City of Manhattan's Community Development

Department. To analyze the data, I utilized document analysis and grounded theory inspired analysis.

Document analysis was used to evaluate public meeting transcripts when the adoption or amendment of accessory dwelling units were discussed, the written policy adopted by the case study cities or the proposed policy for Manhattan, and local publications that reported substantial information on accessory dwelling units within the case study cities. Publications that were released containing strictly factual, non-substantive information were excluded from this analysis. This information is presented within a series of tables and summaries within Chapter 4 to identify how the input from the public and elected officials affected the adoption process and written policy of ADUs.

The grounded theory process was used to inspire an analysis that resulted in recommendations rather than theories by identifying themes that emerge from the interview transcripts. I began this process by reading through the interview transcripts and identifying the information that was relevant to answering my research questions. The relevant information that was extracted from the interview transcripts and synthesized for each city. Using the summaries of the interviews, the data was categorized based upon topic or theme to conceptually sort the information. The number categories were reduced to three key themes that were inclusive of all the collected data. The recommendations that conclude this report were identified as successful strategies that were used by one or more of the case study cities. The recommendations are outlined based upon the identified themes. This process was used for each case study city.

Project Outcomes

The aim of my research is to identify strategies for the most effective way to permit accessory dwelling units in a city based upon the experiences of other communities. These

strategies will result in recommendations that the City of Manhattan, Kansas's Community Development Department can use to effectively incorporate an ADU policy into their land use regulations. While the research focus is specifically on implementation of an ADU policy in Manhattan, Kansas, it is possible to apply the recommendations in other communities that desire to incorporate ADUs into their municipal code.

Chapter 4 - Case Studies

To better understand effective strategies, I examined four different cities that have adopted or attempted to adopt an accessory dwelling unit policy. This chapter contains the relevant information gathered through document analysis and interviews with planning staff for each case study city.

Manhattan, Kansas

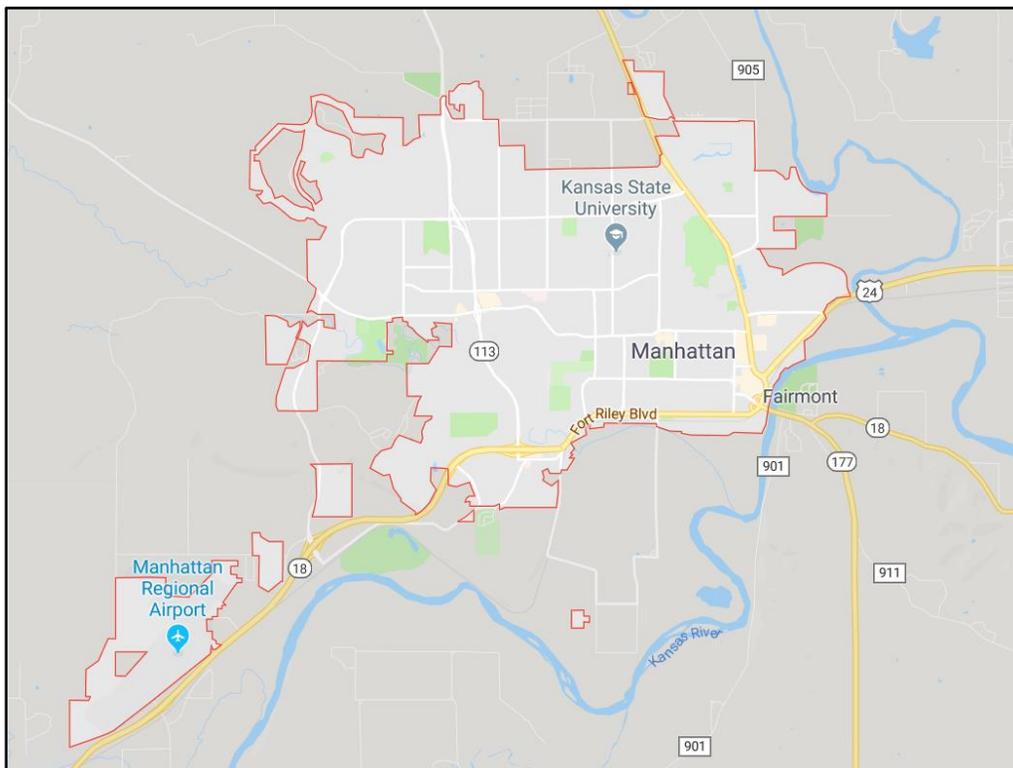


Figure 4.1: Map of Manhattan, Kansas.

Background

Manhattan is located in northeast Kansas and serves as the county seat for Riley County. The community of approximately 54,832 residents (U.S. Census Bureau, 2017a). Manhattan is home to Kansas State University, which has a population of approximately 22,795 students. The Fort Riley Military Base, located 11 miles west of Manhattan, is also a big contributor to Manhattan's resident population. Manhattan uses a city commission-city manager government structure (Explore Manhattan, n.d.).

Document Analysis Findings

Through the development of the Unified Development Ordinance, the City of Manhattan, with the support from a planning consultant, drafted and proposed an accessory dwelling unit policy. To more clearly understand the context of the interview with planning staff, I analyzed the proposed policy, City Commission meeting minutes, Manhattan Urban Area Planning Board meeting minutes, and local news publications.

Policy

For comparison to the other case studies I will be using the proposed policy that was present the Manhattan Urban Area Planning Board and the Manhattan City Commission for accessory dwelling units that was ultimately rejected. The policy that was presented to elected officials included limitations to type, location, occupancy, design, parking, and size of accessory dwelling units. Specific standards are outlined in the table below. The proposed accessory dwelling unit standards were approximately three pages long within in Unified Development Ordinance. The full proposed policy can be found in Appendix B (City of Manhattan, Kansas, 2018).

Manhattan’s ADU Policy Components	
Type of Unit	Integrated (attached) or Independent (detached)
Permitted Location <i>(as accessory to single-family detached dwelling)</i>	Integrated Units: RL (residential large-lot), RS (residential standard lot) Independent Units: RL, RS, and RM (mixed-use)
Minimum Lot Size	Integrated Units: 6,500 square feet Independent Units: RL - 10,000 square feet, RS – 8,500 square feet, EN Overlay: 7,500 square feet
Owner-Occupancy	Owner-occupancy of principal unit
Density	One ADU per lot

Bulk Regulations (Integrated Units)	Size: no more than 25% of gross floor area of principal unit, Setbacks: same as principal unit, Exterior Design: must use comparable building materials as principal unit, ADU Entry Door: located in manner typical for secondary access to single-family dwelling
Bulk Regulations (Independent Units)	Two-Story Unit: Not exceed 800 square feet, 13 feet to wall plate, and 24 feet to ridgeline of roof Tiny Home: Minimum size 220 square feet (1 st occupant), additional 100 square feet for each additional occupant.
Parking	One additional off-street parking space (one tandem space allowed per lot)
Outdoor Area	Minimum 1,000 square feet
Utilities	Principal & ADU will be metered and billed together

Table 4.1: Manhattan's proposed ADU policy components.

Meeting Minutes

Accessory dwelling units were presented and discussed at two public meetings for the Manhattan Urban Area Planning Board and the Manhattan City Commission. The summaries and results of the discussion are as follows.

The proposed concept of accessory dwelling units first was introduced to the Manhattan Urban Area Planning Board on April 2, 2018 during a work session over new topics within the Unified Development Ordinance. The concept was met with criticism from elected officials concerning parking requirements, enforcement of owner-occupancy, and encroachment of rental properties into single-family neighborhoods. The public did not have the opportunity to share their opinions at this meeting as there is typically not a public hearing portion of work session items (City of Manhattan, 2018a).

The concept was then presented to the City Commission on April 17, 2018, along with other items proposed in the Unified Development Ordinance. The board was immediately skeptical of the enforcement of this new housing type. The consensus from the City Commission was that the enforcement of the ADU regulations, specifically owner-occupancy, would be a nearly impossible feat. There was also concern about the use of an ADU as a short-term rental, increasing the density of single-family neighborhoods, and the potential abuse of these secondary

units. During the public comment portion of the meeting, three residents spoke on the subject. The residents echoed some of the concerns that commissioners shared including lack of enforcement, declining property values, inadequate parking, and densification of single-family neighborhoods. One individual did voice support for the benefits of ADUs in neighborhoods that were willing to accept them but was otherwise oppose to the idea elsewhere in Manhattan (City of Manhattan, 2018b).

Publications

One local publication was released about accessory dwelling units. It was published following the presentation of an update of the Unified Development Ordinance to the Manhattan City Commission on April 17, 2018, which shared the discussion and rejection of accessory dwelling units.

The Manhattan Mercury, a local newspaper, gave an account of the comments from commissioners including their concerns with enforcement and owner-occupancy. One commissioner even said, “I don’t have any hope at all that we can accomplish what you said,” referring to the proposed regulations which required owner-occupancy (Richardson, 2018). Other commissioners echoed the concern, stating that mandatory inspections were illegal by state law, it would treat one segment of the rental market differently [if inspections were required for just ADUs], and that the owner-occupancy status could change quickly without knowledge. Tiny homes were also considered as a new housing type for Manhattan; it was met with support from the commissioners (Richardson, 2018).

Interview Findings

To gather detailed information about Manhattan’s experience attempting to adopt an ADU policy, I interviewed a city planner that assisted with the ADU adoption effort. Information gather from the interview is summarized below.

Manhattan currently does not allow accessory dwelling units. While updating the existing zoning and subdivision regulations into a Unified Development Ordinance, the consultant for the project proposed the creation of an ADU policy. Initially elected officials and residents were confused and concerned about the new housing type. Many individuals were reluctant to allow renters in single-family neighborhoods regardless of how controlled the ADUs could be through policy standards like owner-occupancy.

It was explained that the concerns are derived from market pressure for rental units near Kansas State University. Recently, areas around the university campus were downzoned to single-family in hopes to encourage the reoccupation of homes with owners rather than renters. Due to the market pressures the downzone was unsuccessful as single-family homes are more profitable as subdivided rental units. Property owners in the area expect the neighborhood to convert back to owner-occupied single-family homes so they are especially sensitive to the addition of more rental units.

The concept was introduced to the community, along with other updates, through neighborhood meetings and presentations to interest groups such as the Historical Society. Historic preservationist felt particularly targeted because ADUs would be most effective in the older, historic neighborhoods that have alleyways and are close to campus. Overall, ADUs were poorly received by elected officials and residents because they were concerned about increasing density, parking, property values, maintaining neighborhood character and enforcement.

While the first attempt to adopt a policy was unsuccessful, staff is still confident that there are residents and elected officials that would be supportive of a prepared and well-rounded ADU policy. City staff hope to gain support from a housing study and Region Reimagined, a regional economic development plan, to validate the need for ADUs in Manhattan. They believe there are many gains to be had by incorporating ADUs in the community including affordable housing, neighborhood revitalization, encouragement of owner-occupancy, and reducing sprawl development. In the future, city staff anticipates have information about enforcement when presenting to elected officials as it may have been interpreted as unprepared the first time. Staff needs to begin with more strict regulations and have answers for all questions. They also plan to be prepared with successful examples of how ADUs have been beneficial in other communities.

Boulder, Colorado

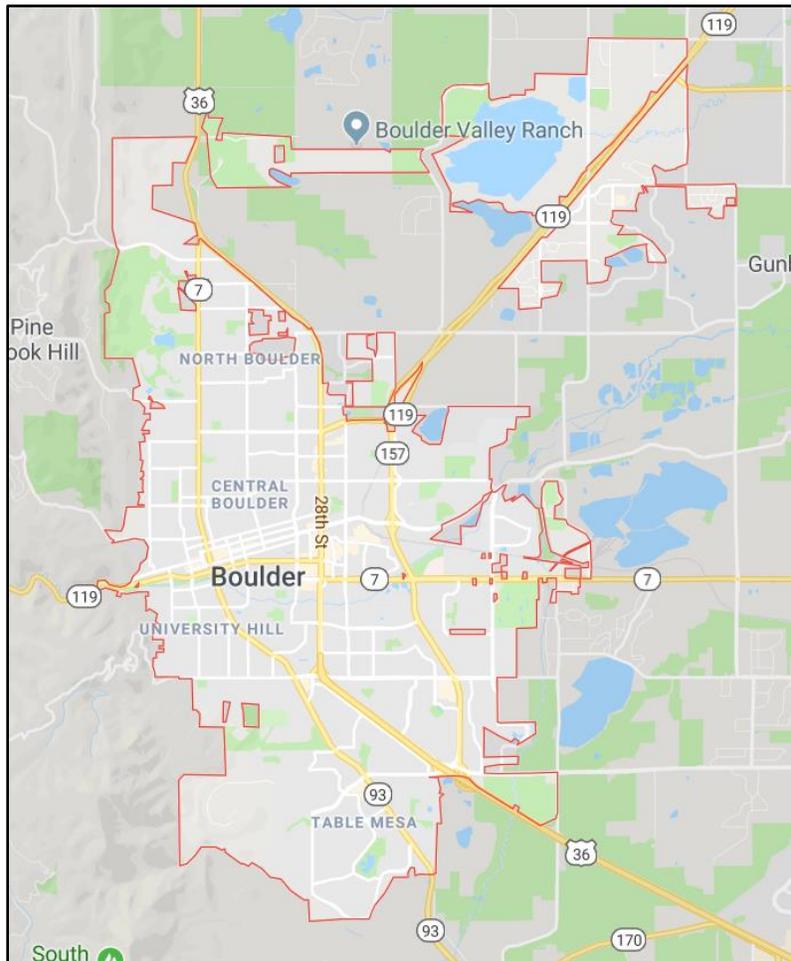


Figure 4.2: Map of Boulder, Colorado.

Background

Boulder is located in northcentral Colorado, approximately 30 minutes northwest of Denver. Boulder serves as the county seat for Boulder County and has a population of approximately 107,125 (U.S. Census Bureau, 2017b). The University of Colorado is in Boulder and has a student population of approximately 30,000. Boulder uses a council-manager form of government (About, Boulder Colorado, n.d.).

Document Analysis Findings

The City of Boulder has had an accessory dwelling unit policy since 1983. It has gradually evolved following multiple amendments, the most recent being in 2018. To gather information about the process city staff underwent during the adoption I completed an interview

with the project manager and analyzed documents such as the ADU policy, public meeting minutes, and local news publications.

Policy

I used Boulder, Colorado’s current accessory dwelling unit standards, adopted in December 2018, for this analysis. Some of the standards included limitations to type, location, occupancy, design, parking, saturation, and size of accessory dwelling units. Specific standards are outlined in the table below. Boulder’s accessory unit standards are approximately five pages long. The full policy can be found in Appendix B (City of Boulder, Colorado, 2019).

Boulder’s ADU Policy Components	
Type of Unit	Attached, detached, affordable unit, historical property
Permitted Location <i>(as accessory to single-family detached dwelling)</i>	Attached & Detached: RR: Residential Rural, RE: Residential Estate, RL: Residential Low, RMX: Residential Mixed, A: Agriculture, & P: Public
Owner-Occupancy	Owner-occupancy of principal or accessory unit
Number of Residents	Base zoning district occupancy standards
Rental License	Required for operation of ADU
Short-term Rental	Short-term rentals of ADUs are prohibited
Saturation Limit	Attached & Detached: RL-1 and RL-2 districts only 20% of lots within 300 feet may have an ADU
Parking	Attached & Detached: One additional off-street parking space Affordable Unit: No additional parking required Historical Property: No additional parking required
Minimum Lot Size	Attached: 5,000 square feet
Size	Attached: One-third of principal structure or 1,000 square feet, whichever is less Detached: Maximum 550 square feet Limited:
Entry	Attached: May be located on front façade if screened
Roof Pitch	Detached: Roof pitch cannot exceed 21 feet in height

Outdoor Space	Detached: Minimum 60 square feet
Building Materials	Detached: Must be consistent with existing structure(s)
Bulk Regulations	Follow base zoning district
Affordable Units	<p>Parking: Any unit designated as affordable is not required to add an additional parking space</p> <p>Attached (Size): One-half of principal structure or 1,000 square feet, whichever is less</p> <p>Detached (Size): Maximum 800 square feet</p>
Historical Property	<p>Saturation Rate (attached & detached): RL-1 and RL-2 districts can have no more than 30% of lots within 300 feet with an ADU</p> <p>Parking: Any unit designated as historical is not required to add an additional parking space</p> <p>Attached (Size): Between one-third and one-half the principal structure or 1,000 square feet, whichever is less</p> <p>Detached (Size): Maximum 1,000 square feet</p>

Table 4.2: Boulder’s ADU policy components.

Meeting Minutes

For the analysis of Boulder’s public meeting minutes, only records regarding the 2018 amendment to the ADU policy were reviewed. Accessory dwelling units were presented and discussed at eight public meetings of the City of Boulder Planning Board and City Council. The summaries and results of the discussion are as follows.

At the October 19, 2017 Planning Board meeting, city staff introduced the potential changes for the ADU code. Board members were supportive of updating the policy but had many comments and suggestions including expanding where ADUs are permitted and increasing the saturation limit to allow more development. They also suggested reviewing the height and size limitations and studying the potential benefits of these changes. For community engagement efforts, the board suggested creating interactive maps, forming a focus group, and focusing on historic preservation within the community (City of Boulder, 2017).

On May 3, 2018 a public hearing was conducted at the Planning Board meeting for the amendments of the ADU policy. Fifteen residents spoke on the matter, the public comment was

overwhelmingly supportive of the changings which included removing the parking requirement, increasing the saturation rate by 10%, allowing detached and attached ADUs in all the same zones, increasing the size limitations, lowering the minimum lot size, and removing design standards for garage doors and roof pitches, removing the 5-year minimum age requirement of the principal structure, removing the ADU permit renewal, prohibit short-term rentals for new ADUs, and removing the 2-person occupancy limit per ADU. The public was supportive of broadening the opportunities for the community by making the creation of an ADU easier and more assessible, promoting aging in place, alleviating the housing crisis, and providing affordable housing. They suggested ADUs are good for gentle infill and have a low environmental impact. Some recommendations included removing the saturation limits all together to allow ADUs to be more equitable and requiring pervious surfaces. The few residents that voiced their opposition were concerned about parking, density, permanent affordability, and illegal units. One resident suggested adding rent caps.

Board members were generally supportive of all proposed changes except the increased saturation limit. Some members were supportive of the increase, other were opposed, but some suggested the alternative of limiting permits per year to make the process more equitable. The board sent recommendation of approval to the City Council to all the proposed changes, except the saturation limit. They urged staff to focus on landmarking, permanent affordable housing, and achieving net zero (City of Boulder, 2018a).

The amendment was read, and public comment was heard at the City Council meeting on June 5, 2018. Seventy-seven people spoke on the matter over 2.5 hours (City of Boulder, 2018b). The item was delayed until the August 29, 2018 meeting. Board discussion continued at the August 29, 2018 City Council meeting. The motion to adopt the amended ADU policy passed with the following alterations; parking is allowed within the setback for ADUs, legal nonconforming structures must be included in the saturation rate, allow a maximum of 550 square feet (Type 1) and 800 square feet (Type 2), include a six-month amnesty period for illegal units, add variance process, and enhance the definition of “primary residence” (City of Boulder, 2018c).

The third reading of the proposed ADU amendments occurred at the October 2, 2018 City Council meeting. Alterations included allowing the conversion of an affordable ADU to a market ADU, change square footage limitation, change occupancy limits to not count

dependents, create incentives for landmarking, and expand the variance process. Public comment was not received (City of Boulder, 2018d).

The fourth reading to consider the amendment to the ADU policy occurred at the October 16, 2018 City Council meeting. Changes included requiring homeowners to forfeit a short-term rental license to create an ADU, remove the paved parking requirement, and clarify incentives in historic districts. Public comment was not received for this item (City of Boulder, 2018e). The fifth reading was heard by the City Council on November 8, 2018. The sixth and final reading was presented on December 4, 2018 and was approved by the City Council (ADU Update, 2019).

Publications

I acquired five news articles about accessory dwelling units in Boulder, Colorado, that were published by the local newspaper, The Daily Camera. Boulder has allowed accessory dwelling units for many years but just recently completed a significant amendment to the policy. The following articles discuss the amendment process.

The Daily Camera published an article on September 24, 2017, which shared the discussion of the potential for amending the ADU policy to make it less restrictive for property owners. The currently policy restricts the number of ADUs in a 300-foot radius to 10% and most permits have already been taken. Boulder is the only city in the United States that currently has a 10% saturation threshold but with the amendments they hope to increase it to 20%. Four other changes the city wishes to amend include removing the requirement that a home be at least five years old before applying for a permit, change the size limitations to 1,000 square feet or half the size of the principal unit, eliminating the off-street parking requirement, and potentially adding location-specific implementation. The City Council had mixed reviews on the proposed amendments specifically because of the recent adoption of a co-op ordinance that allows higher density living quarters but many of them may no longer be on City Council following the upcoming election. Karen Chapple, an expert on ADUs, was interviewed and supported the amendments as a logical way for Boulder to grow given the current restraints on sprawl and building height limitations. In a recent survey of residents, the results showed the two-thirds of the community support ADUs (Burness, Sep. 2017).

The next article published February 27, 2018, summarizes the results from Boulder's City Council discussion on amending ADUs. Their aim is to make it easier for residents to establish

ADUs and to provide more affordable housing. Specific items that were discussed included eliminating off-street parking requirement for accessory units as it is a major deterrent, the council was generally supportive of the change. They also discussed and were generally supportive of increasing the saturation rate to 20%, allowing detached ADUs in “RL” zoning districts, and eliminating the requirement that a home must be five years old before it can have an ADU. City staff also recommend eliminating the notification law that required all neighboring properties of the ADU application property be notified but the council recommended keeping the it (Burness, Feb. 2018).

Following the first public hearing in front of the City Council, The Daily Camera released an article summarizing the meeting. Staff presented the proposal, which aimed to elevate the top barriers for ADUs. There were many questions from the council about design elements, square footage, and parking requirements. Sixty residents attended the public hearing to express the support and opposition for the proposed amendments with a greater number of supporters present. Those in opposition were concerned of increased density while supporters wanted assurance of affordability and even suggested permanent affordability be a condition of the changes. Many residents were against a permanent affordability condition because ADUs are currently affordable and it would cause potential ADU owners to change their mind as it would make it more difficult for the property owner. The meeting resulted in the City Council tabling the matter until July 17, 2018 (Castle, June 2018).

The Daily Camera reported on August 30, 2018, after the next meeting that the City Council voted unanimously to approve moving forward with the proposed amendments for accessory dwelling units. The amendments will include decreasing parking requirements, increasing the size of the units, increasing occupancy, and permitting ADUs in additional zoning districts. Many of the changes will be limited to the ADU type, either market-rate or rent-restricted units. This will ensure that ADUs are affordable and provide middle-income housing; however there will be no limitations on who can rent the rent-restricted ADUs. Some councilmembers argued that this negates the purpose especially when ADUs are naturally more affordable due to there smaller size while supporters claimed it would maintain ADU affordability for the long-term. Other change that were approved included requiring that no new ADUs be used as short-term rentals and eliminating the five-year waiting period for new homes. A six-month amnesty period was discussed to allow illegal ADUs to come into compliance with

the regulations. Boulder resident's opinion of the changes were unclear and there will be another hearing of the proposed amendments (Castle, Aug. 2018).

The final article by the Daily Camera shares the results of the sixth reading of the accessory dwelling unit. The article was published on December 4, 2018. There was discussion regarding the saturation limit and what happens when the 20% threshold is met. City Staff suggested a waiting list of ADU license request and revisit the saturation limit in the future based upon the number of properties on the waiting list; councilmembers supported this idea. The meeting resulted in the City Council adopting the less restricted accessory dwelling unit regulations for Boulder (Castle, Dec. 2018).

Interview Findings

Following the interview with the planner from Boulder, Colorado, it was clear that the community engagement process was a vital component in their adoption process. The adoption process was an update to an existing ADU policy and was used as a pilot for the city's newly adopted Community Engagement Framework. The purpose of the framework is to create a more transparent and explicit process for residents to understand because the city had faced criticism about their engagement methods in the past.

ADUs were first introduced into the community in 1983; incremental changes were made to the policy in 1986, 1995 and 2018. The most recent adoption process formally began in August 2017 with community engagement. Boulder held community meetings that fostered discussion and gave staff feedback on resident's needs. Staff then sent a postcard survey to every household near an existing ADU to gather data on their experience living near one. The city also used an online platform called "Be Heard Boulder" to gather opinions from residents who could not attend meetings. These efforts raised community awareness and educated the public on the benefits ADUs could bring to their neighborhoods.

Residents voiced a need for more flexibility of the existing housing stock to provide affordable options due to escalating housing cost for single-family homes. A majority of residents expressed their disapproval of existing barriers that made constructing an ADU difficult including parking requirements, the saturation threshold, and the registration process. They felt amendments to the existing policy to make ADUs more attainable were necessary. Staff also faced opposition with expanding the ADU policy from some residents as they feared for loss of

neighborhood character, on-street parking issues, increased density, enforcement, and a general distaste for the renter population.

Some of the significant changes that were approved through the amendment included permitting ADUs in nearly all single-family zoning district and adding an affordability component. Staff was unsupportive of the affordability component because ADUs are currently affordable in Boulder’s housing market and there is no indication that they will become unaffordable in the future. To ensure the enforcement of accessory unit regulations, the city hired additional staff to investigate complaints and review rental advertisements. Staff intentionally avoided implementing design standards for ADUs as they did not feel it was necessary.

The city planner interviewed from Boulder recommended that Manhattan focusing on attainable incremental changes, supportive data, community education, and gathering community champions to advocate for and articulate the importance ADUs. The community engagement and transparent communication with residents was vital to Boulder successfully adopting an updated ADU policy.

College Station, Texas

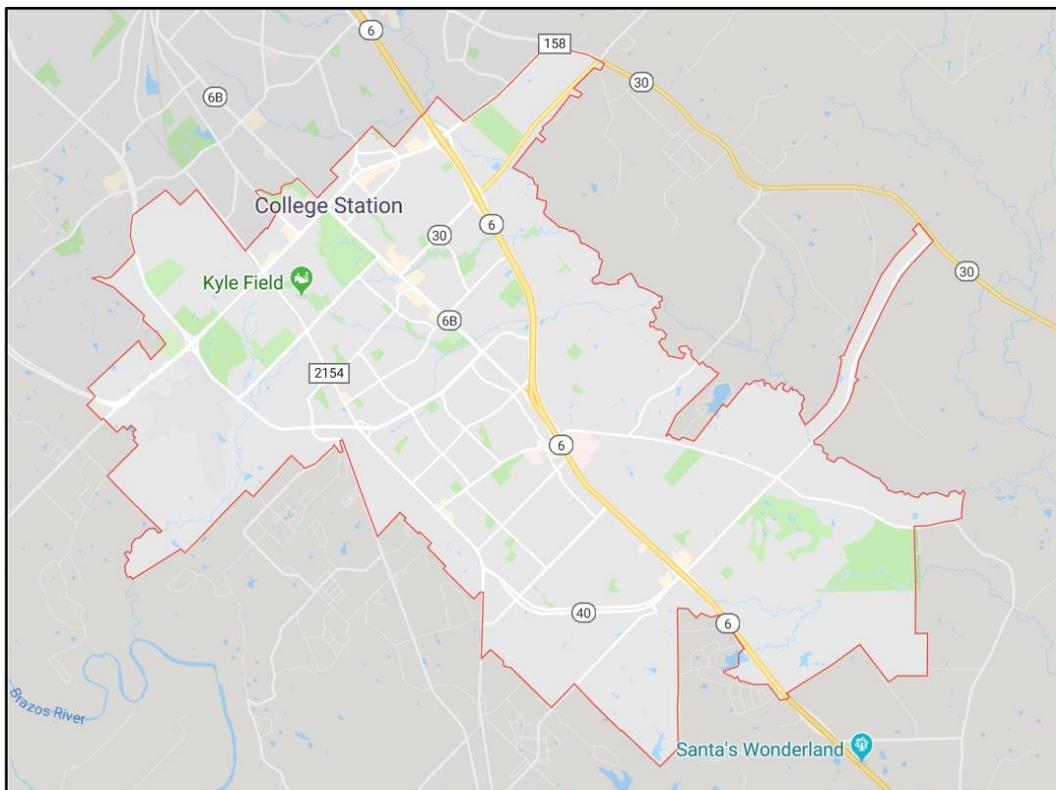


Figure 4.3: Map of College Station, Texas.

Background

College Station is located in central Texas in Brazos County and shares a city boundary with the City of Bryan, Texas, to the northwest. College Station has an estimated population of 119,871. Texas A&M University, one of the largest public universities in the country, is located in College Station and is home to approximately 68,603 students. They operate a council-city manager government structure. College Station refers to accessory dwelling units as accessory living quarters (About College Station, n.d.).

Document Analysis Findings

College Station has had accessory living quarters since 2012 but more recently adopted a traditional ADU policy. Prior to November 2018, accessory living quarters were permitted in single-family neighborhoods but only family members or employees of the property owner could live in them. In November 2018 the policy was expanded, allowing ADUs to be used as rentals. To better understand their adoption process I completed an interview with the project manager and analyzed documents including the ADU policy, public meeting minutes, and local news publications to provide context.

Policy

The policy that was analyzed for this study was adopted in November 2018. It included limitations to location, occupancy, density, parking, and size of accessory dwelling units. Specific standards are outlined in the table below. College Station’s ADU standards are approximately one page in length. The full policy can be found in Appendix B (City of College Station, Texas, 2017).

College Station’s ADU Policy Components	
Use	ADU is subordinate to principal structure in area, extent, and purpose
Permitted Location	Permitted in all single-family residential zones
Owner-Occupancy	Owner must occupy principal or accessory unit
Density	One ADU per lot
Number of Residents	No more than two unrelated persons living in ADU
Parking	One additional off-street parking space

Size	25% of principal unit or 400 square feet, whichever is greater
Bulk Regulations	Base district standards

Table 4.1: College Station's ADU policy components.

Meeting Minutes

For the analysis of College Station’s public meeting minutes, only records regarding the 2018 amendment to the ADU policy were reviewed. Accessory dwelling units were presented and discussed at five public meetings of the Planning and Zoning Commission and the City Council. The summaries and results of the discussion are as follows.

The first presentation of the amendments to College Station’s ADU policy occurred on June 21, 2018 at the Planning and Zoning Commission workshop meeting. The commission generally supported ADUs without restrictions and recommended approval to present this item to the City Council. The commission did express their concerns about enforcement, parking, and owner-occupancy. There was no public input at this meeting (City of College Station, 2018a). The second presentation was at the City Council workshop meeting on June 28, 2018. The presentation included an overview of the proposed amendments and a summary of the results from two community meetings. The City Council supported moving forward with the amendment to allow ADUs to be rented with additional restrictions including number of occupants, owner-occupancy, and density limitations (City of College Station, 2018b).

The ADU amendments were presented at the November 1, 2018 Planning and Zoning Commission meeting. The commission requested that the minimum square footage be set for ADUs. The public hearing was opened by the chairperson, but no one spoke on the matter. The board recommended approval of the amendments and asked staff to consider minimum square footage in the regulations (City of College Station, 2018c).

The final presentation of the amendment occurred at the November 19, 2018 City Council meeting. The amendments included allowing ADUs to be rented, required owner-occupancy, limited one ADU per site, limited the number of unrelated people, required one off-street parking space, and the ADU must have a minimum of 400 square feet per the Planning and Zoning Commission’s request. One resident spoke during the public hearing stating his concern with the enforcement of the number of unrelated people allowed to reside on the property. The

City Council unanimously approved the amendments to the ADU policy (City of College Station, 2018d).

Publications

A news broadcast was released on April 30, 2018, from the local television station that serves the Bryan and College Station, Texas, area, KBTX-TV. A corresponding press release was made summarizing the news broadcast.

The news broadcast and press release shared the results of two informational meetings regarding revisions to College Station's development code and publicized an online survey to gather the public's input on the revisions. The main concern that was outlined includes preserving neighborhood integrity as the university continues to grow by addressing stealth dorms, street parking, and neighborhood conservation. One of the strategies to address these concerns included allowing accessory living quarters to be rented out to allow increased density and providing incentives to preserve single-family homes. The proposed concept was met with skepticism from homeowners as they want to preserve neighborhood character (Miller, 2018).

Interview Findings

College Station adopted an accessory living quarters policy when they rewrote their unified development ordinance in 2012. The policy was most recently updated in November 2018. The update was initiated due to a concern of student rentals taking over the older neighborhoods as there had been a history of demolishing single-family homes to build multi-family housing. The changes were meant to encourage incremental development in single-family neighborhoods as a housing option between single-family and multi-family. Prior to the update, the ADU policy only allowed family or employees to reside in an ADU. The current policy permits ADUs on single-family lots and allows them to be rented to anyone as long as the property is owner-occupied.

To engage with the community on the upcoming changes, staff presented the new ADU concept, along with other planning items, to the public at a community meeting. City staff used surveys at the public meetings to gain community members' insights on ADUs prior to drafting the policy. They also provided the same survey online for individuals who could not attend the meeting. Many expressed interests in requiring owner-occupancy and limiting the number of occupants. By gaining feedback early in the process, staff was able to tailor the regulations based

on what the public wanted. This strategy prevented unnecessary opposition from residents and elected officials. Education played a significant role in making the community aware of ADUs. The local television station did media coverage on the project and a staff member did a radio interview to promote the survey so the data as representative of the population.

Planning staff from College Station recommended focusing on the due diligence process to get the community involved. It was stressed to take the process slow and be prepared for what the public and elected officials may ask.

Lawrence, Kansas

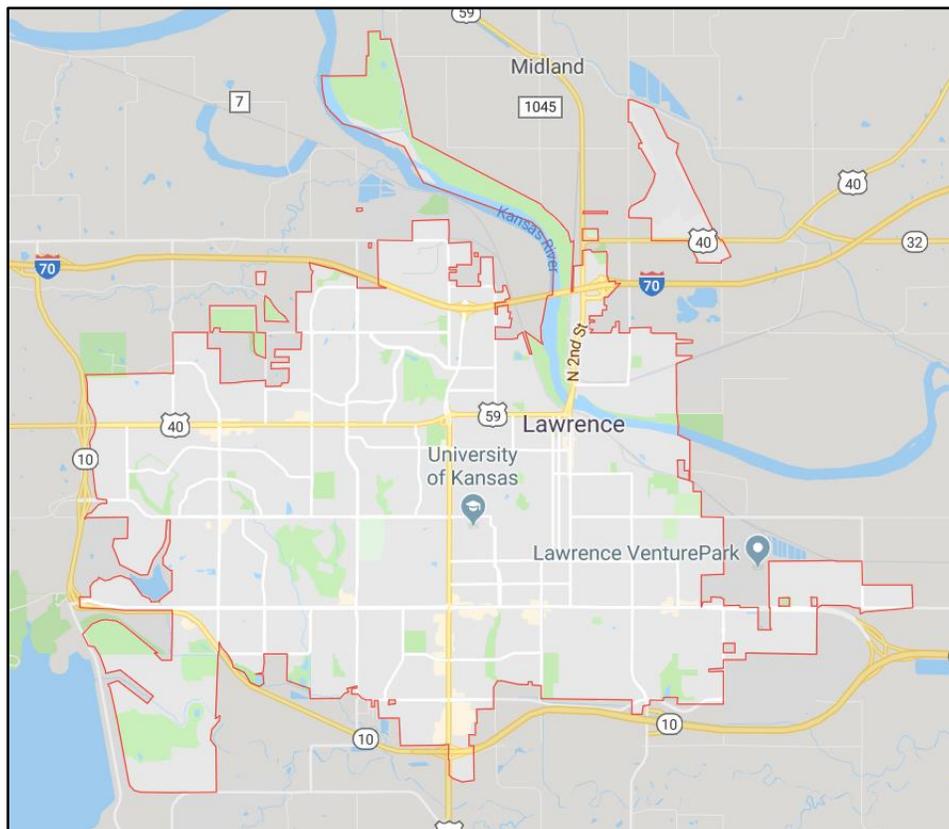


Figure 4.4: Map of Lawrence, Kansas.

Background

Lawrence is located in northeast Kansas in Douglas County and serves as the county seat. The community is located between Topeka, Kansas, to the east and Kansas City, Kansas to the west along Interstate 70. Lawrence has approximately 96,892 residents (U.S. Census Bureau, 2017c) and is home to the University of Kansas and Haskell Indian Nations University. The

university student population includes approximately 28,000 students. Lawrence uses a commission-city manager form of local government (About the City, n.d.).

Document Analysis Findings

An accessory dwelling unit policy was first adopted in Lawrence in 2006 during an update of the land development code. To gather information about Lawrence’s adoption process I completed an interview with a city planner and analyzed documents including the ADU policy, public meeting minutes, and local news publications to provide context.

Policy

Lawrence’s land development regulations for accessory dwelling units has not been amended since it was first adopted in 2006. Below are the regulations for ADUs; it includes limitations for location, size, occupancy, number of residents, methods of creation, location of entrances, and parking. It also clarifies design standards and registration requirements. The specific standard for each component is in the table below. Lawrence’s ADU standards are three pages long. The full policy can be found in Appendix B (City of Lawrence, Kansas, 2006).

Lawrence’s ADU Policy Components	
Location	RS40: Residential 40,000 SF lot, RS20: Residential 20,000 SF lot, RS10: Residential 10,000 SF lot, RS7: Residential 7,000 SF lot, MU: Mixed Use, and CN1: Inner Neighborhood Commercial
Size	No more than 33% of living area or 960 square feet, or less
Owner-Occupancy	Owner must occupy principal or accessory unit
Number of Residents	Total number of residents in principal and accessory unit may not exceed occupancy limit

Methods of Creation	Conversion of existing living area, addition of flood area to existing dwelling, or construction new dwelling. (May be detached or attached)
Entry	Only one entrance for street façade of principal unit (attach unit), unit behind principal unit should have entry facing the front lot line (detached unit)
Parking	Minimum of two off-street spaces per lot; an additional space is required if lot abuts local street less than 27 feet wide, is created at the same time as the principal unit or abuts only a collector or arterial street. If lot abuts only local streets 27 feet wide or more, no additional space is required.
Design Standards	Exterior material, roof pitch, trim, windows, and eaves must match existing structure
Registration	Must be registered with city and meet requirements, must submit affidavit of agreement, and must acquire ADU permit
Bulk Regulations	Base district standards

Table 2.4: Lawrence’s ADU policy components.

Meeting Minutes

Accessory dwelling units were presented and discussed at two public meetings for the Lawrence–Douglas County Metropolitan Planning Commission. The topic was initially presented at the February 16, 2006 meeting, which reconvened on February 22, 2006 to finish conducting business. The League of Women’s Voters provided a letter to the commission that expressed their support for the proposed requirement of owner-occupancy for ADUs. Other residents expressed their concerns about the impacts ADUs could have on storm sewers due to additional impermeable surfaces and potentially removing trees. The concept of ADUs was supported but there was doubt that the regulations would be enforcement resulting in more

rentals, parking problems, blight, and crime. Another resident suggested using a neighborhood adopted overlay district if they desire to allow ADUs. Commissioners responses were generally supportive but emphasized that owner-occupancy was a necessary requirement (City of Lawrence, 2006a).

At the April 17, 2006 Planning Commission meeting, which reconvened on April 19, 2006 to finish their business, changes were made to the ADU policy. City staff recommended removing the requirement that residential districts must have an Urban Conservation Overlay District for ADUs to be permitted. They did express that ADUs should not be allowed in the RS5 and RS3 residential districts without further study. There were no other recommended changes to the policy prior to the adoption. The changes were supported unanimously (City of Lawrence, 2006b).

Publications

I was unable to locate any news publications for Lawrence during their adoption process in 2006 or the amendment process in 2013. However, I did acquire more recent publications identifying new plans for amending accessory dwelling units in Lawrence. The Lawrence Journal-World, a local newspaper, released articles on August 19, 2018, and September 10, 2018.

The August 19, 2018, news release was a review of Lawrence's new comprehensive plan, Plan 2040, which outlines a need for infill development using ADUs, smaller lot sizes, and high-density housing types. The article shares that Plan 2040 provides a framework for interior growth that focuses on economical and sustainable ways for Lawrence to grow while utilizing existing resources and infrastructure as much as possible. The goal is to avoid sprawling development and creating more affordable housing by permitting a variety of housing types but maintain consideration for neighborhood character and traffic flow. The steering committee for the project placed special importance on providing strategies that align with the neighborhoods. The proposed policy through Plan 2040 would allow ADUs in all single-family residential zoning districts (Valverde, Aug. 2018).

The second article was from September 10, 2018, and was a summary of a housing market analysis that the City of Lawrence had hired a consultant to complete. The housing market analysis included a community survey and found that most of the residents that were surveyed were in support of smaller housing options. 42% of respondents supported accessory

dwelling units in the community. This information was supported by the small average household size of 2.2 people. The analysis also covered rental housing, finding that many renters in Lawrence are cost-burdened and there was an issue with unit quality (Valverde, Sep. 2018).

Interview Findings

Accessory dwelling units were adopted in Lawrence during a complete rewrite of their land development code in 2006. The previous zoning code from 1966 allowed guest house but they were not allowed to have a kitchen. It is not exactly what we consider an ADU today, but the general concept was familiar to the community. The concept was included to help Lawrence's aging population remain in their single-family homes. There was attempts to expand the policy into more single-family zoning district but ultimately it failed due to community resistance.

Community awareness about new planning concepts began prior to 2006 when the city had a diagnostic of their zoning code completed. The results showed that Lawrence's land use practices were outdated and used this opportunity to educate residents about new urbanism and smart growth in the existing urban footprint. It took city staff over a year to go through this process and successfully adopt the policy. The local neighborhood associations were crucial during this process and played a big role in the development of the policy and serving as a liaison to residents. To promote the new concept, staff also used local publications and neighborhood meetings. Since the policy was adopted in 2006, Lawrence has only registered 32 accessory units.

While many residents embraced ADUs, there was still fears of historic degradation and enforcement. Staff alleviated those concerns through the requirement of owner-occupancy and the rental registration program. The registration program was implemented in the early 2000s and ensured to the community that the standards would be enforced. Lawrence also relies on complaint-based enforcement. The addition of ADUs ultimately offered a new housing type and stabilized older neighborhoods by allowing the homeowners to remain in their homes longer.

For the policy standards specifically, Lawrence recommended using a scale when placing limits on square footage or using proportion in comparison to the principal structure. They have had issues with preexisting spaces, such as a basement, being over the 940 square foot limit and no administrative opportunity for leniency. Staff also mentioned calibrating the ADU standards to the community, being mindful of resident's needs. Staff also suggested focusing on

communication through a strong social media campaign, getting community activist involved, and have staff attend community events, unrelated to planning, to educate residents. To alleviate the fears of elected officials, Lawrence recommended that officials visit other communities that permit ADUs to have conversations with staff, so they can understand how the policy is enforced and the potential benefits.

Chapter 5 - Conclusion

Following the collection of data, an analysis was completed based on grounded theory analysis. A summary of the research findings and the application of those findings to Manhattan, Kansas can be found below.

Reflection of Findings

Summary of Recommendations

The goal of this study was to identify the best strategies for Manhattan, Kansas to execute to successfully adopt an accessory dwelling unit policy. Through the exploration of other community's policy adoption process, strategies have been identified to change the public's perception of ADUs and successfully adopt a policy.

Recommendations from Research and Literature

The exploration of literature on ADUs provided background knowledge and supporting information for the recommendations that were produced from document analysis, case studies, and interviews. The document analysis, case study research, and interviews conducted for this study revealed methods for addressing opposition when executing the process of adopting an ADU policy. Some of the recommendations may need to be adjusted to be used within a different community; this list of recommendations should be used as a best practice guide. Three major themes emerged from the research findings. The themes include policy development, market strategies, and community engagement. The recommendations are categorized by theme below.

Policy Development

- Limit the density of ADUs
 - If density, street parking, and the preservation of neighborhood character are a concern; limiting the quantity of ADUs can lessen the impacts. The concept allows the use of ADUs but with density limitations to prevent neighborhood change; this method was successful for Boulder, Colorado to first adopt an ADU policy. Boulder referred to their density restriction strategy as an ADU saturation limit. It assured residents who opposed ADUs that their single-family neighborhoods would be preserved. Through an amendment process, Boulder

later increased the density threshold as it proved to be too restrictive. This strategy is also recommended within the literature as an effective way to get a policy adopted (Gellen, 1985).

- Introduce housing options less aggressive than ADUs
 - If ADUs are too radical for a community; Kol Peterson suggests that city staff introducing other housing options like permitting tiny homes as the principal unit on single-family lots, allowing detached bedrooms without a kitchen (like a pool house), or allowing in-law suites that are attached living units without a kitchen. Slowly incorporating alternative housing types helps familiarize residents with a diverse housing stock and can ease the fear of ADUs. The difference between ADUs and these less aggressive forms of housing is that they are not intended to be permanently occupied independent from the principal unit (Peterson, 2018).
- Use regulatory phases to achieve the desired outcome
 - If ADUs are met with extreme opposition; city staff can use regulatory phases to obtain a desired outcome in the future. Residents often have many concerns about the impacts of ADUs and to ensure they will not be affected the ADU policy may need to begin in a limited form. The literature suggests using various strategies like proposing attached ADUs, then later amending the policy to also allow detached units (Peterson, 2018). The same strategy was suggested by planners in College Station, Texas and Boulder, Colorado. Another option is to allow ADUs in higher density areas to provide city staff with local examples of ADUs if single-family neighborhoods are resistant to the concept (Peterson, 2018). Having examples of ADUs in a community could help educate residents on the potential benefits and lead to the expansion of the policy to low-density neighborhoods.
- Focus on the regulation of the building envelope
 - Some experts suggest regulating the building envelope rather than the population or unit density. This would allow the use of attached or integrated ADUs within the maximum building envelope through limitations on building height, setbacks, and parking standards. This would preserve the character of low-density neighborhoods (Gellen, 1985).

- Permit ADUs as a conditional use
 - An option recommended within the literature is to require a conditional use review of each request (Gellen, 1985). This approach would allow maximum control of ADUs in the community by analyzing each request to ensure minimal impacts. While this strategy achieves the desired outcome, it will also make the ADU process more difficult and will put additional stress on a community's review board.
- Increase enforcement measures to ensure regulations are followed
 - Enforcement is a major concern regarding ADUs. Boulder suggested hiring more personnel to monitor and inspect ADUs in the community to ensure regulations are being followed. Boulder, College Station, and Lawrence also advocated for a registration and inspection process to hold ADU owners and tenants accountable.

Marketing Strategies

- Seek advice and guidance from other communities
 - Lawrence recommended using other community's success to advocate for a policy in Manhattan. It was suggested to have Manhattan's elected officials, city staff, and enforcement officers that are interested visit other cities that currently permit ADUs to provide insight to the inner workings of the policy.
- Use data to validate the need for ADUs
 - An argument in support of ADUs can be found in data. ADU experts recommend using housing data that demonstrates a need for additional housing types and affordable housing options. This strategy, in combination with education about the benefits of ADUs, may help gain community support by presenting ADUs as a solution to a housing problem (Peterson, 2018).
- Focus on neighborhood integrity
 - Change the focus of ADUs from increasing density to preserving neighborhood integrity by regulating building envelope. The strategy to regulate ADUs by regulating building envelope was offered as a recommendation under Policy Development. Using these two strategies together may persuade those opposed to ADUs because they fear it will destroy the neighborhood character.

- Introduce ADUs before drafting the ordinance
 - Before College Station began to draft an ADU policy they conducted multiple educational meetings to discuss planning concepts and new ideas for the community. Having these discussions before the ordinance was written helped residents understand ADUs and they were expecting an adoption process to begin. This gave residents ownership of the policy by allowing them to shape it from the very beginning.
- Use a housing study to introduce new housing types
 - ADUs were permitted in Lawrence following a housing study, conducted by a consultant, that publicized the existing housing issues that ADUs could address. A community is often more receptive to the concept of ADUs when having an unbiased expert introduce it.
- Use media coverage to educate the public
 - Boulder utilized media including the radio, a local television station, and newspapers to distribute information and educate their community on ADUs for those individuals who may not attend public meetings or public hearings on the topic.
- Create an online presence
 - Boulder created a website called *Be Heard Boulder* that served as an online hub for information and events within the community. This was very important for Boulder to distribute information and incorporate feedback from unrepresented demographic populations.
 - Boulder also used a weekly newsletter to educate the public on the ADU adoption process to improve transparency. Anyone interested in being informed about ADUs could sign up to receive a monthly newsletter.
- Emphasize personal testimonies
 - Boulder suggested seeking out residents to share personal testimony on how ADUs have or could positively impact their lives. It is vital that these residents share their testimony at public hearings.

Community Engagement

- Distribute postcard surveys
 - To gather the public’s perception of ADUs, the City of Boulder sent postcard surveys to all households within 300 feet of an existing ADU. The surveys then gave city staff data on resident’s experience living near an ADU. In addition to gathering data, it was effective about raising awareness of ADUs and the benefits they offer.
- Utilize online surveys to gather feedback
 - Boulder emphasized the need to gather information that was representative of all demographics within the community. On their website, *Be Heard Boulder*; any resident could complete a profile identifying their demographic information and city staff posted questions about the ADU policy. They used that data to support the policy during the adoption process.
- Engage neighborhood groups
 - Lawrence used neighborhood association groups to engage with residents outside of public hearings. They attended meetings with the neighborhood groups to discuss the issue, easing fears and concerns. This also gave city staff the opportunity to engage with residents in a more relaxed, comfortable setting. Lawrence had active neighborhood associations prior to beginning the ADU adoption process.

Application to Manhattan

It is suggested by ADU experts that certain conditions need to exist in a community to create a need for accessory dwelling units; those include overdominance of single-family housing, political leadership, and housing issues. Based on the case study research, the City of Manhattan is currently experiencing a housing crisis and has overdominance of single-family homes but is missing strong political leadership from elected officials. The lack of political will, opposing comments at the public hearing, and fears of enforcement were the reasons Manhattan’s ADU policy failed.

After adopting the Unified Development Ordinance there will be a period of adjustment and potential ordinance amendments. This will be an opportunity for city staff to reintroduce an

ADU policy. Based upon the research, the following strategies are recommended for the City of Manhattan, Kansas to use to successfully to adopt an ADU policy. These strategies can be used individually or used as a combination of methods.

Policy Development

- Limit the density of ADUs
 - Parking was a concern for Manhattan residents and ADU density restrictions would limit the number of residents per neighborhood and limit the number of new automobiles. It would also ensure property owners that ADUs would not be rampant in their neighborhood.
- Use regulatory phases to achieve the desired outcome
 - The concept of ADUs is new in Manhattan. There are not any local examples of how this can successfully work and be beneficial to the community. City staff could attempt to permit ADUs in two-family neighborhoods and give them an opportunity to gather data and provide local examples for future expansion into single-family districts.
- Focus on the regulation of the building envelope
 - Single-family homeowners are often fearful of ADUs as they may damage the character of their neighborhood and decrease property values. A solution to this fear is to permit only integrated or attached ADUs and regulate the building envelope. This will ensure that all parcels will remain consistent and preserve neighborhood integrity.
- Increase enforcement measures to ensure regulations are followed
 - Enforcement was a major concern during Manhattan's adoption process; many residents and public officials did not believe ADUs could be regulated. Hiring additional city personnel may be extreme for Manhattan but they can create a registration and inspection process and rely on neighbor complaints to prevent the misuse of ADUs.
- Permit ADUs as a conditional use
 - As a last resort, Manhattan may consider permitting ADUs as a conditional use. It is one of the only avenues to ensure maximum scrutiny of each ADU while still giving residents the opportunity.

Marketing Strategies

- Seek advice and guidance from other communities
 - To persuade elected officials to consider this housing type they will need to be educated by individuals with experience on ADUs.
- Use a housing study to introduce new housing types
 - A housing study could serve as support for ADUs. This strategy should be a top priority to have the community hear from experts the potential benefits of new housing types.
- Emphasize personal testimonies
 - Gather individuals who have impactful testimonies of how ADUs could positively affect their lives. It is vital that these individuals express their stories to the community at public hearings or public meetings.

Community Engagement

- Distribute postcard surveys
 - Manhattan could utilize household surveys to understand the public perception of ADUs and to raise awareness.
- Utilize online surveys to gather feedback
 - A platform should be created to gather feedback from residents outside of public hearings. There are many underrepresented cohorts of people in Manhattan and staff should use multiple platforms to seek out public opinions. This could be on a website or even an individual survey sent out in the city newsletter.
- Engage neighborhood groups
 - City staff should utilize existing neighborhood or interest groups to distribute information and gain support for an ADU policy. It is an effective way to educate the public and foster a discussion on the topic.

Study Limitations

Initially, when I proposed my research question, my focus was on the specific processes that cities use to engage constituents to alter their perception of ADUs. While conducting interviews, I uncovered unique situations, within the context of specific circumstances that cities were facing, rather than a timeline of effective community engagement events that were

executed. I believe this knowledge is more complex than a review of various engagement processes but for the recommendations to be effective for a local government they would have to be encountering similar circumstances. This information may not be effective if applied to any community attempting to adopt an ADU policy. Within the recommendations, the circumstances were identified to provide context as to how the strategy would be most effective.

The research I obtained was informative but could have been more in-depth. This could have been achieved through longer interviews or conducting the interviews in person. Time was a major constraint for the effectiveness of my interviews as there had been a significant time period between the city's adoption process and my interview for two of my case studies. If the interviews had occurred during or immediately following the process, more detailed information may have been collected. Using a larger sample size could have also produced more evidence for effective adoption strategies for ADUs but unfortunately, there are currently very few communities that fit my case study criteria.

Further Research

More than 38 million people are cost-burdened by housing in the United States. This is a widespread problem that will require extensive effort to overcome (Joint Center for Housing Studies, 2018). The affordable housing crisis is an issue that will require more than one solution; it will require a network of strategies and tools to improve. Accessory dwelling units can be used as one of those tools to be used as a form of middle housing within a community's existing urban footprint. This trend has been popular in the Pacific Northwest but has not gained as much momentum in the mid-west. Further research on mid-west communities that have adopted an ADU policy may reveal additional strategies that can expand this housing type and spread the potential benefits to reluctant cities.

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Figure & Table References

Figure 1.1: Photograph by author.

Figure 2.1: Diagram by author.

Figure 3.1: Figure by author.

Figure 3.2: Map by author.

Figure 4.1: Google Maps. (n.d.). Manhattan, Kansas. Map data 2019 Google. Retrieved February 24, 2019, from <https://www.google.com/maps/place/Manhattan,+KS/@39.168226,-96.6199044,12z/data=!3m1!4b1!4m5!3m4!1s0x87bdb7ef44c3632d:0xa9185d487312c7ef!8m2!3d39.1836082!4d-96.5716694?hl=en>. Screenshot by author.

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Figure 4.4: Google Maps. (n.d.). Lawrence, Kansas. Map data 2019 Google. Retrieved February 24, 2019, from <https://www.google.com/maps/place/Lawrence,+KS/@38.9529334,-95.2557335,12z/data=!4m5!3m4!1s0x87bf40c7ce479883:0x151713d50478ab2e!8m2!3d38.9716689!4d-95.2352501?hl=en>. Screenshot by author.

Table 4.1: Table by author.

Table 4.2: Table by author.

Table 4.3: Table by author.

Table 4.4: Table by author.

Appendix A - Interview Questions

1. When was your city's ADU policy adopted?
 - a. (Possible follow-up) When was your city's ADU Policy last updated?
2. What initiated your City to adopt an ADU policy?
3. Briefly describe your ADU policy.
4. How long did the planning process for your ADU policy take? (From first draft to approval)
5. What was your involvement in the adoption process?
6. Did City Staff face opposition during the process?
 - a. If so, describe the opposition you encountered?
 - b. If not, why do you think that occurred?
7. How did input from the public affect the ADU policy?
8. How did input from the elected officials affect the ADU policy?
9. What community engagement methods did City Staff use to address the public perceptions of ADUs?
10. What component of the adoption process was most effective at addressing the public perception of ADUs?
11. Briefly describe when the momentum switched from negative to positive?
12. What components were not effective to achieving the goal of adopting an ADU policy?
13. In your opinion, what can other cities learn from your city's experience implementing an ADU policy?
14. Are you satisfied with your current ADU policy?
 - a. How could the policy be improved?
15. How has the policy evolved?
16. Is there any other advice would you give a City interested in an ADU policy?

Appendix B - ADU Land Use Policies

Manhattan, Kansas

35-250-2-B-2: Accessory Dwelling Units.

1. Types. There are two types of accessory dwelling units, including:
 - a. Integrated units, which are created within or attached to an existing principal building such that the unit is a fully integrated part of the building; or
 - b. Independent units, which may include, a second story above a detached garage or a one and-one-half or two-story building constructed independent of the principal dwelling.
2. Permitted Locations. Accessory dwelling units are allowed as an accessory to a single-family detached dwelling in the districts set out in Table 35-220-2, Residential Standards and Land Uses.
 - a. Districts:
 - i. Integrated unit: Standard (S), cluster (C), or master planned (MP) development in the RE or RL districts, or standard (S) development in the RM district.
 - ii. Independent units:
 1. Standard (S), cluster (C), or (MP) master planned development in the RE district;
 2. Standard (S), cluster (C), or (MP) master planned development in the RL district.
 - b. Minimum Lot Sizes:
 - i. Integrated unit: Minimum 6,500 square feet.
 - ii. Independent units:
 1. RE district: Minimum 10,000 square feet.
 2. RL district: Minimum 6,500 square feet.
 3. O-EN overlay district: Minimum 6,500 square feet, except for lots in the RM, O-EN. District must have a maximum lot size 8,500 square feet.
3. Number. No lot will contain more than one accessory dwelling unit.

4. Density Calculations. Accessory dwelling units are exempt from the calculation as a dwelling unit when determining the maximum density set out in Sec. 35-230-2, Residential Districts and Uses.
5. Conversion of a Garage. An attached or detached garage may be converted into an accessory dwelling unit, provided the minimum required parking is available on-site, and all traditional elements of a garage, such as the garage door, is completely removed.
6. Bulk and Design Standards.
 - a. Integrated Units:
 - i. Integrated units will not occupy more than 30 percent of the gross floor area of the habitable space of the principal building, or 800 square feet, which ever is less.
 - ii. Integrated units will not involve design modifications to the exterior of the principal building that make their presence known or apparent. Where the principal building is expanded to accommodate the integrated unit, the expansion will be designed, clad, painted, and roofed in a manner that matches or is comparable to the principal building.
 - iii. Where exterior doors provide direct access to the integrated unit, such doors will be designed, located, and configured in a manner that is typical for secondary access to a single-family dwelling, such as a side or rear door.
 - iv. Setbacks for integrated units are the same as for the principal building.
 - v. No more than two unrelated people may reside in the integrated dwelling unit.
 - b. Independent Units.
 - i. An ADU in a 1.5-story building must not exceed:
 1. 800 square feet;
 2. 24 feet to the ridgeline of the roof.
 3. Setback:
 - a. Independent unit shall be setback at least five feet to the rear and side lot lines and 60 feet from the front property line.
 - b. An independent ADU shall be setback at least ten feet between the ADU and the principle residential structure.

7. Transitions. Plans for accessory dwelling units will provide means for protecting adjoining lots or land that is zoned Estate-lot Residential (RE) or Low-Density Residential (RL) from any impacts of the additional density and design of the unit. Increased bufferyards, landscaping, setbacks from adjoining homes, or prohibiting lots that abut a site boundary from having accessory dwelling units may be required by the City.
8. Parking.
 - a. An ADU requires one parking space on the lot in addition to that required by Sec. 35-710-3, Off-Street Parking.
 - b. Use of tandem parking is allowed provided only one tandem space is allowed per lot.
9. Required Outdoor Area. Lots that are developed with ADUs will include a usable outdoor area of no less than 1,000 square feet, located behind the principal dwelling unit.
10. Requirements in RE and RL districts:
 - a. No parking is allowed within front or street side yards other than on a driveway with a minimum width of 120 feet;
 - b. A Type A bufferyard is required between a proposed ADU and any lot line if:
 - i. An ADU is allowed on lots along street right-of-way or the boundary of the development; and
 - ii. The abutting development is single-family detached dwellings.
 - c. The bufferyard requirement is not required if the boundary of the development is an alley.
11. Requirements in an Established Neighborhood (O-EN) Overlay District. ADUs may be permitted if it is demonstrated that:
 - a. There is adequate and existing parking on-site or sufficient room to expand the existing parking to provide the required additional parking without encroaching into the required yards; and
 - b. Parking will be accessed from the alley, if available, and if not, parking may only be provided on a driveway with a width that is the lesser of 10 feet or the width of a garage.
12. Utilities. ADUs require utilities that are metered and billed together with the principal building.

13. Mailboxes. Separate mailboxes may be provided for the principal and accessory dwellings provided only one mailbox is visible from street rights-of-way.

Boulder, Colorado

9-6-3. – Specific Use Standards – Residential Uses.

1. Accessory Units:

- a. General Requirements: Three types of accessory units are permitted: Attached Accessory Dwelling Units, Detached Accessory Dwelling Units, and Limited Accessory Units. The following standards apply to all three types of accessory units:

- i. Standards:

1. Owner-Occupied: The principal dwelling unit or accessory unit on the parcel or lot must be owner-occupied.
 2. Occupancy Requirement: For purposes of determining occupancy requirements under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory unit.
 3. Rental License: No owner of the property shall allow, or offer to allow through advertisement or otherwise, any person to occupy the accessory unit or the principal dwelling unit as a tenant or lessee or otherwise for a valuable consideration unless such rented unit has been issued a valid rental license by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
 4. Short-Term Rental: Short-term rental of an accessory unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory unit are prohibited except as specifically authorized in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.

- ii. Application: All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and submit plans as may be required by the manager.
- iii. Public Notice: Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.
- iv. Review and Approval: All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
- v. Declaration of Use Required: Before obtaining approval, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice of the legal status of the owner's property. If the unit is to be an affordable accessory unit, the declaration shall include a sworn certification that the unit will meet the affordability standard and a statement of the number of bedrooms.
- vi. Amendments: The site plan for an accessory unit may be modified and an affordable accessory unit may be converted to an accessory unit that is not an affordable accessory unit provided that an application is filed and reviewed by the manager under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. The application must demonstrate that the proposed accessory unit meets the requirements of this section except that it shall not be subject to the saturation limitations of subparagraphs (a)(2)(A) and (E) and (a)(3)(A) and (E).
- vii. Floor Area: For the purpose of calculating the floor area of an attached accessory unit or detached accessory unit under this subsection (a), floor area shall mean the total square footage of all levels measured to the outside surface of the exterior framing, to six inches beyond the interior wall on an exterior wall, or to the outside surface of the exterior walls if there is no

exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space.

- b. Attached Accessory Dwelling Units: In addition to the general accessory unit standards in paragraph (a)(1) of this section, the following standards apply to attached accessory dwelling units. The owner or the owners of a lot or parcel with an existing single-family dwelling unit may establish and maintain an attached accessory dwelling unit within the principal structure of a detached dwelling unit in the RR, RE, RL, RMX, A or P districts if all of the following conditions are met and continue to be met during the life of the attached accessory dwelling unit:
 - i. Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:
 - 1. The "neighborhood area" in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any accessory unit will be located. Within the "neighborhood area" only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.
 - 2. For the purpose of calculating the twenty percent limitation factor, a legal, nonconforming structure containing two or more units or a cooperative housing unit is counted as an accessory unit. The city manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.

3. If an application for an accessory unit exceeds the twenty percent requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within a neighborhood area, the city manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.
- ii. Parking: The attached accessory dwelling unit shall have the following off-street parking:
 1. The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and
 2. One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located.
 3. The parking spaces required under this subparagraph (a)(2)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way.
- iii. Criteria: The attached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following criteria:
 1. The attached accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of five thousand square feet or more.
 2. The attached accessory dwelling unit does not exceed one-third of the total floor area of the principal structure or one thousand square feet, whichever is less, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
 3. If there is an interior connection between the attached accessory dwelling unit and the principal dwelling prior to the creation of the attached accessory dwelling unit, the connection shall be maintained during the life of the attached accessory dwelling unit.

4. Any additional entrance resulting from the creation of an attached accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling.
- iv. Affordable Accessory Units: If the attached accessory dwelling unit is licensed as an affordable accessory unit, the unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit and may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
 - v. Designated Historic Property: If the attached accessory dwelling unit is located within a principal structure that is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this paragraph (a)(2) apply:
 1. In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of subparagraph (a)(2)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;
 2. The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and
 3. The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The

BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

- c. Detached Accessory Dwelling Units: In addition to the general accessory unit standards in paragraph (a)(1) of this section, the following standards apply to detached accessory dwelling units. An owner or the owners of a lot or parcel with an existing single-family dwelling unit may establish and maintain a detached accessory dwelling unit within an accessory structure meeting the size restrictions described below, on a lot or parcel in the RR, RE, RL, RMX, A and P districts if all of the following conditions are met and continue to be met during the life of the detached accessory dwelling unit:
 - i. Neighborhood Area: In the RL-1 and RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:
 1. The "neighborhood area" in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which an accessory unit will be located. Within the "neighborhood area" only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.
 2. For the purpose of calculating the twenty percent limitation factor, a legal, nonconforming structure containing two or more units or a cooperative housing unit is counted as an accessory unit. The city manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.
 3. If an application for a detached accessory dwelling unit exceeds the twenty percent requirement set forth in subparagraph (a)(3)(A), the city manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within the neighborhood area, the city manager will notify the first eligible person on the waiting list. Such person on the

waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.

ii. Parking: The detached accessory dwelling unit shall have the following parking:

1. The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and
2. One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located.
3. The parking spaces required under this subparagraph (a)(3)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way. To the extent practical, any additional off-street parking that is constructed in the RR or RE zoning district required for the detached accessory dwelling unit shall be screened from the view of properties that directly abut a property line of the detached accessory dwelling unit.

iii. Incidental to Principal Dwelling Unit: The detached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following criteria:

1. The detached accessory dwelling unit is created on a lot of five thousand square feet or larger.
2. The detached accessory dwelling unit's floor area does not exceed five hundred and fifty square feet, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
3. The following design standards apply to detached accessory dwelling units:
 - a. Maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet unless the roof pitch is greater than 8:12 and the resulting ratio of the height of the roof (measured from the eave line to the top

of the roof) to the height of the side walls (measured from the low point of grade to the eave line) is less than a 1:2 ratio. In no case may a building be taller than twenty-five feet.

- b. A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies or patio areas. Decks, porches, patios, terraces and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage.
 - c. Architectural design shall be consistent with the existing residence on the site or the adjacent building(s) along the side yards of the lot.
 - d. Setbacks shall comply with accessory building setbacks. Where the rear yard of a property in the RR or RE zoning district directly abuts an RL zoning district, the rear yard accessory building setback shall be the same as the side yard setback for accessory buildings for applicable RR or RE zoning districts.
- iv. Affordable Accessory Units: If the detached accessory dwelling unit is licensed as an affordable accessory unit, the unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit and the unit's floor area may be up to eight hundred square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
- v. Designated Historic Property: If the detached accessory dwelling unit is located within an accessory structure that is designated as an individual landmark or recognized as contributing to a designated historic district or the

principal structure is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C 1981, the following modifications to the standards of this paragraph (a)(3) apply:

1. In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of subparagraph (a)(3)(A) provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;
2. The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and
3. The unit's floor area may be up to one thousand square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

d. Limited Accessory Units: In addition to the general accessory unit standards in paragraph (a)(1) of this section, the following standards apply to limited accessory units. An existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module may be converted to limited accessory dwelling units. A limited accessory dwelling unit may be modified and expanded as a conditional use. Conversion to a limited accessory dwelling unit is subject to compliance with all of the following standards:

- i. Applicability: This subsection (a)(3) is only applicable to dwelling units that legally existed, were actively used as multiple dwelling units, and had a valid rental license on January 1, 2005.
- ii. Expansion Limitation: The cumulative total of any expansion shall not exceed twenty percent of the total floor area that was documented at the time of the initial expansion. Any expansion of the restricted accessory unit shall not exceed ten percent. In no case shall any expansion cause the cumulative size of the restricted dwelling units to exceed the maximum allowable floor area ratio of the underlying zoning district as set forth in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.

- iii. Parking: The minimum number of off-street parking spaces shall not be less than three spaces. All parking shall comply with the design and access requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981. A minimum of one off-street parking space shall be available for use by the restricted accessory dwelling unit.
- iv. Loss of Prior Nonconforming Status: If a nonconforming duplex or two detached dwelling units are converted to limited accessory units through the conditional use process, any prior nonconforming status is lost.

College Station, Texas

Sec. 6.5. - Accessory Uses.

1. Accessory Uses.

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

- a. The use or structure is subordinate to and serves a primary use or principal structure;
- b. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
- c. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
- d. The accessory use shall be located within the same zoning district as the primary use is permitted; and
- e. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

2. Accessory Structures.

- a. In combination, all accessory uses shall contain no more square footage than twenty-five (25) percent of the habitable floor area of the principal structure or 400 square feet, whichever is greater. Garage or carport areas devoted to the storage of vehicles shall not be included in the calculation of the twenty-five (25) percent restriction.
- b. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a Building Permit.
- c. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots rear setbacks shall be measured from the rear property line. In no event shall more than thirty (30) percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
- d. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters.
 - i. A minimum rear setback of fifteen (15) feet; and,

- ii. A maximum building eave height of eight (8) feet.

3. Garage and Carports

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of twenty (20) feet. A minimum side yard setback of twenty (20) feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a. A minimum rear setback of twenty (20) feet; and,
- b. A minimum side street setback of twenty (20) feet is required for garages or carports that face onto side streets.

4. Living Quarters

In areas zoned and used for single family residential use, accessory living quarters are allowed subject to the following:

- a. The property owner resides on-site and uses the subject property as their primary residence.
- b. There is a limit of one (1) accessory living quarter per building plot.
- c. No more than two (2) unrelated persons live in the accessory living quarters; and
- d. One (1) additional off-street parking space is provided for the living quarters.

Lawrence, Kansas

20-534 Accessory Dwelling Units (Permitted only in RS40, RS20, RS10, RS7, MU and CN1)

1. Purpose

Accessory Dwelling Units are allowed in certain situations to:

- a. create new housing units while preserving the look and Scale of single-Family Detached Dwelling neighborhoods; subject to the procedures established in Section 20-534(2)(xi);
- b. allow more efficient use of the City's existing housing stock and Infrastructure;
- c. provide a mix of housing types that responds to changing Family needs and smaller households;
- d. provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- e. provide a broader range of accessible and more affordable housing.

2. Design Standards

a. Purpose

These design standards are intended to ensure that Accessory Dwelling Units:

- i. are compatible with the desired character and livability of the Zoning Districts;
- ii. respect the general Building Scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and
- iii. are 960 square feet or smaller in size.

b. Generally

The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

c. Methods of Creation

An Accessory Dwelling Unit may only be created through one of the following methods:

- i. converting existing living area within a Detached Dwelling, Attached Dwelling (e.g., attic, Basement or attached garage); or

- ii. adding Floor Area to an existing Detached Dwelling, Attached Dwelling or detached garage; or
- iii. constructing a new Detached Dwelling, Attached Dwelling or detached garage with an internal Accessory Dwelling Unit.

d. Owner Occupancy Required in RS Districts

Either the principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises.

If at any time, neither of the Dwelling Units in a Building that contains an Accessory Dwelling Unit is the principal residence of one of the Owner of the property, then the property shall be considered a Duplex. If a Duplex is not permitted in the Zoning District in which the property is located, the Owner shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the Premises to lawful status, conforming with the uses permitted in the Zoning District.

e. Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.

f. Other Uses

An Accessory Dwelling Unit is prohibited in a house with a Type B Home Occupation.

g. Location of Entrances

- i. Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.
- ii. When the Accessory Dwelling Unit is located behind the rear wall of the Principal Building, the accessory Dwelling entrance shall face the Front Lot Line.
- iii. An exception to subsection (b), above, is Dwelling Units that do not have Access from the ground such as Dwelling Units with entrances from balconies or elevated decks.

h. Parking

The following Parking requirements apply to Accessory Dwelling Units.

- i. Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces.
- ii. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is at least 27 feet wide, no additional Parking Space is required for the Accessory Dwelling Unit.
- iii. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is less than 27 feet wide, or if the Accessory Dwelling Unit is created at the same time as the principal Dwelling Unit, one additional Parking Space is required for the Accessory Dwelling Unit.
- iv. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

i. Size

The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

j. Floor Area Additions

Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with the following standards:

- i. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing Structure;
- ii. the roof pitch shall be the same as the predominant roof pitch of the house or existing Structure;
- iii. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing Structure;
- iv. windows shall match those in the house in proportion (relationship of width to Height) and orientation (horizontal or vertical); and

- v. eaves shall project from the Building walls the same distance as the eaves on the rest of the house or existing Structure.
- k. Registration; Affidavit
 - i. Accessory Dwelling Units shall be registered with the Planning Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.
 - ii. At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.
 - iii. Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.