



**North Liberty Planning Commission
Tuesday, September 3, 2024, 6:30 PM
North Liberty City Council Chambers
360 N Main St, North Liberty, Iowa 52317**

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Call to Order

1. Roll Call

2. Approval of the Agenda

3. Public Hearing on Zoning Map Amendment: Request of Corridor Media Properties, LLC for a zoning map amendment (rezoning) on property owned by Corridor Media Properties, LLC on approximately 1.53 acres from O/RP Office and Research Park District to C-3 Higher-Intensity Commercial District on property located at 2345 Landon Road.

- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments
- d. Questions and Comments
- e. Recommendation to the City Council

4. Public Hearing on Ordinance: Request of the City of North Liberty for an Ordinance amending Chapters 165, 167, 168, 169 and 180 of the North Liberty Code of Ordinances, including regulations for preliminary site plans, certificates of zoning compliance, definitions, residential district dimensional standards, uses listed in the use matrix, uses defined and use standards, off-street vehicle parking requirements, parking lot landscaping, fences and walls, permitted encroachments into required yards, design standards and required improvements for subdivisions.

- a. Staff Presentation
- b. Public Comments
- c. Questions and Comments
- d. Recommendation to the City Council

5. **Approval of Previous Minutes**
6. **Old Business**
7. **New Business**
8. **Adjournment**



To **City of North Liberty Planning Commission**
 From **Ryan Rusnak, AICP**
 Date **August 30, 2024**
 Re **Request of Corridor Media Properties, LLC for a zoning map amendment (rezoning) on property owned by Corridor Media Properties, LLC on approximately 1.53 acres from O/RP Office and Research Park District to C-3 Higher-Intensity Commercial District on property located at 2345 Landon Road.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo.

1. Request Summary:

The purpose of the rezoning request is to allow the property owner greater flexibility for tenant spaces.



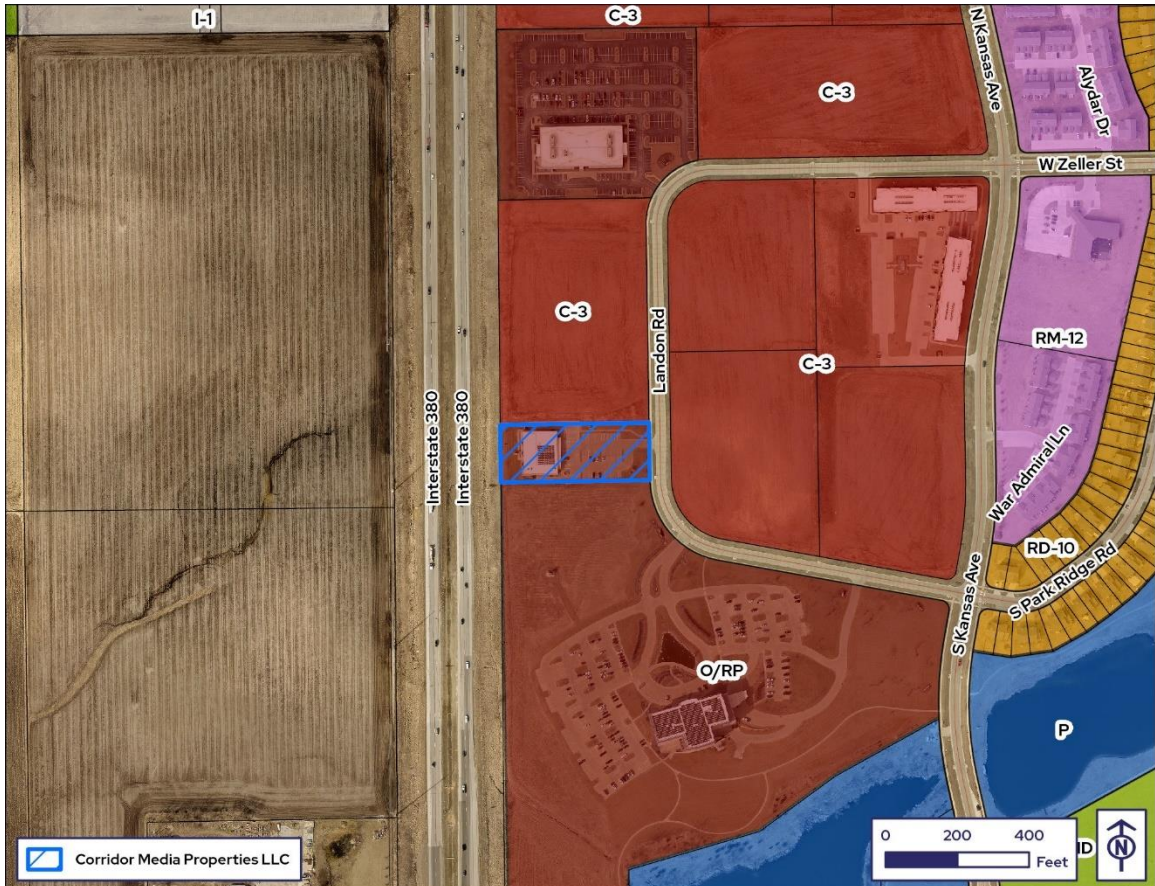
2. Current and Proposed Zoning:

Current Zoning

The O/RP Office and Research Park District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.

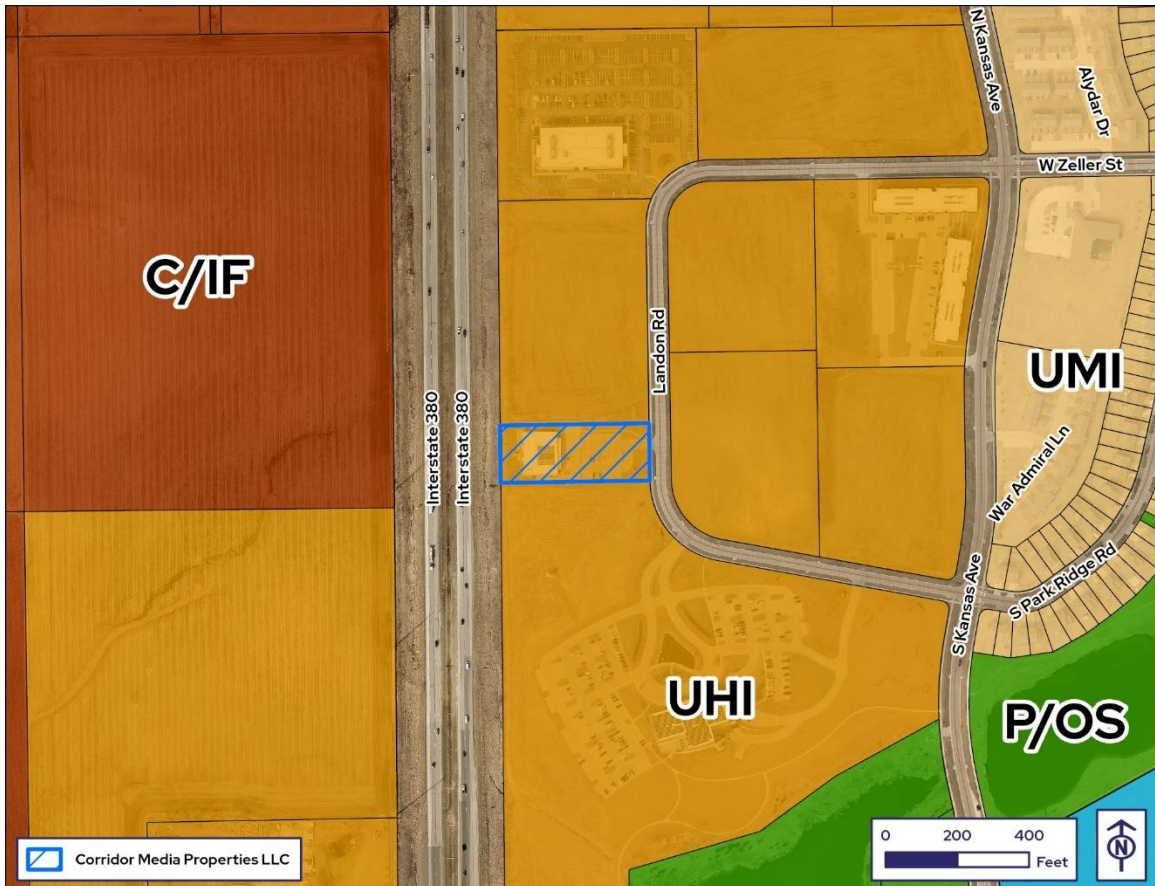
Proposed Zoning

C-3 Higher-Intensity Commercial District. The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.



3. Consistency with Comprehensive Plan:

Land Use Plan designation: Urban High Intensity.



Urban High Intensity Description

These areas have increased economic activity and a higher frequency of diverse and complementary uses. High-intensity areas include more urban services with a horizontal and vertical mix of high-density residential uses and community to regional commercial uses of compatible densities and scales.

Residential

Developments have more focus on non-residential buildings but still offer residential uses ranging from townhomes and apartments. Mixing residential with commercial uses on the same site is encouraged when feasible from a design and market capitalization standpoint.

Form and Features

- » Aggregate development density at 14+ units per acre at sites with direct access to major arterial and collector streets. Development should avoid the creation of isolated multi-family development.
- » Edges of UHI residential developments transition to lower intensity uses or buffer from industrial/commercial uses through design, landscaping, and buffering.

Non-Residential

More prevalent and focus in the UHI district that can include larger offices, medical buildings, commercial, and larger institutional uses such as places of worship, community centers, and indoor recreation.

4. Public Input:

A virtual good neighbor meeting was held on April 19, 2024. No one outside City staff and the applicant attended. There are no formal objections to the request.

5. Zoning Map Amendment Approval Standards

Section 165.09(4)(D)(1) of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

Map Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Figure 3.4 within Connected to Tomorrow was utilized to determine which zoning district would be compatible with the Future Land Use Map.

Figure 3.4: Land Use Compatibility

TRADITIONAL LAND USES	AGRICULTURE (AG)	URBAN RESERVE (UR)	URBAN LOW INTENSITY (ULI)	URBAN MEDIUM INTENSITY (UMI)	URBAN HIGH INTENSITY (UHI)	COMMERCIAL/ INDUSTRIAL FLEX (FLX)	PUBLIC AND SEMI PUBLIC (PUB)	PARK AND OPEN SPACE (P, OS)
Agriculture	●	●						○
Rural residential		●						
Low-density residential			●	○				
Medium-density residential			●	●	○			
High-density residential				●	●	○		
Rural commercial		●						
Neighborhood commercial			○	●	●	●		
Community commercial				○	●	●		
Regional commercial					○	●		
Low/medium intensity office			○	●	●	●		
High-intensity office				○	●	●		
Limited industrial		○				●		
Heavy industrial						○		
Parks and civic uses	●	●	●	●	●	○	●	●
Major public/civic facilities					○	○	●	○
Residential density range (du/A*)	≤40	≤40	3-8	7-14	14+	14+	NA	NA

● Permitted ○ Permitted with special review
*Dwelling Units per Acre

It is staff’s opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies.

- (b) The compatibility with the zoning of nearby property.

It is staff’s opinion that the proposed zonings would be compatible with the area.

(c) The compatibility with established neighborhood character.

It is staff's opinion that the proposed zonings would be compatible with established neighborhood character.

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

It is staff's opinion that the proposed zonings would promote the public health, safety, and welfare of the City.

(e) The extent to which the proposed amendment creates nonconformities.

It is staff's opinion that the proposed zoning would not create any nonconformities.

6. Additional Considerations:

The subject property is located adjacent to North Kansas Avenue, which is a minor arterial road. This is an appropriate location for a higher-intensity commercial district.

Office research parks have been a declining trend, which has been exasperated by Covid-19. Staff envisions the O/RP district being deleted as a zoning district and being replaced with other relevant zoning districts.

If this property is rezoned to C-3 Higher-Intensity Commercial District, only two properties (Geico and GreenState Credit Union) in the City will remain zoned O/RP Office and Research Park District.

7. Staff Recommendation:

Finding:

1. The rezoning request from O/RP Office and Research Park District to C-3 Higher-Intensity Commercial District would achieve consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment (rezoning) from O/RP Office and Research Park District to C-3 Higher-Intensity Commercial District on approximately 1.53 acres to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the listed finding and forward the zoning map amendment to the City Council with a recommendation for approval.



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **August 30, 2024**
Re **Request of the City of North Liberty for an Ordinance amending Chapters 165, 167, 168, 169 and 180 of the North Liberty Code of Ordinances, including regulations for preliminary site plans, certificates of zoning compliance, definitions, residential district dimensional standards, uses listed in the use matrix, uses defined and use standards, off-street vehicle parking requirements, parking lot landscaping, fences and walls, permitted encroachments into required yards, design standards and required improvements for subdivisions.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo.

1. Request Summary:

The City is proposing several updates to the Zoning and Subdivision Ordinance which provides for greater clarity, flexibility and adapts to development trends. A summary of the changes are as follows:

- A. Modifications to approved preliminary site plans.
Preliminary site plans reviewed by the Planning Commission and approved by City Council are conceptual in nature and modification should be expected. This would provide City staff more flexibility to allow modifications to approved preliminary site plans.
- B. Re-writing the section on Zoning Certificates of Zoning Compliance to provide greater clarity on the approval process. One shortcoming City staff has observed is a change from one restaurant to a different restaurant. While the zoning use – restaurant – is the same, new tenants often make changes to the interior space necessitating City permits. This would ensure property communication from outside and within the City.
- C. Deleting outdated definitions.
The definitions “accessory living quarters” and “kitchen” become outdated due to the created use “accessory dwelling unit” and related standards. It’s apparent that “accessory living quarters” was defined for the specific purpose of prohibiting it.
- D. Modifications to residential dimensional standards.
 - (1) Reducing the front yard setback in RS-9 Districts to 20’, except for a front facing garage, which would still need to be set back 25’.
 - (2) Expanding the RD and RM dimensional standards to allow townhouses on individual lots. Reducing the front yard setback in RM Districts to 20’, except for a front facing garage, which would still need to be set back 25’.
 - (3) Reducing the required separation distance between manufactured home from 15’ to 10’. The 15’ separation is excessive for denser housing developments.

- E. Adding the use “accessory dwelling unit” as a permitted use in RS Districts. This is the biggest change to the Zoning Ordinance. It would allow accessory dwelling units as a permitted use in the RS Districts. This is the result of several conversations with the Johnson County Affordable Housing Coalition over the past couple of years. Locally, Johnson County and the City of Iowa City have adopted regulations allowing accessory dwelling units. If approved, this allowance would not supersede a private covenant or restriction prohibiting the use.
- F. Updating uses defined and use standards.
 - (1) Adding the use definition for “accessory dwelling units” and providing use standards for the new use. Detached buildings follow similar requirements for already permitted detached garages.
 - (2) Updating use standards for exterior cladding for residential buildings, which addresses recently adopted changes to the Iowa State Code.
 - (3) Updating use standards for “truck stops” to clarify that a truck stop is a facility for short-term parking.
- G. Adding flexibility to the required tree in landscape islands for pedestrian accommodations.
- H. Reintroducing design standards for fences.
- I. Updating encroachments into required yards.
- J. Removing the requirement for reimbursement for upsizing a sanitary sewer main. This doesn’t prohibit the City from participating in a cost share for upsizing, however, staff believes an automatic requirement is limiting. Notably, similar language is not contained for upsizing a water main.

2. Zoning Map Amendment Approval Standards

Section 165.09(4)(D)(2) of the Zoning Ordinance sets for the approval standards for zoning text amendments.

Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

Text Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

It is staff’s opinion that the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

- (b) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

It is staff’s opinion that the proposed zonings would promote the public health, safety, and welfare of the City.

(c) The consistency of the proposed amendment with the intent and general regulations of this Ordinance.

It is staff's opinion that the proposed amendment would be consistent with the intent and general regulations of this Ordinance.

(d) Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.

It is staff's opinion that the proposed amendment adds clarification to existing requirements and reflects changes in development trends.

(e) The extent to which the proposed amendment creates nonconformities.

It is staff's opinion that the proposed amendment does not create any nonconformities, which is always a staff priority.

3. Public Input:

There is an email in the background material advocating for lesser design standards for detached accessory dwelling units. There are no formal objections to the request.

4. Staff Recommendation:

Finding:

1. The proposed amendment would achieve consistency with Section 165.09 of the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the request for Ordinance amendment to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval.

ORDINANCE NO. _____

AMENDING CHAPTERS 165, 167, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES, INCLUDING REGULATIONS FOR PRELIMINARY SITE PLANS, CERTIFICATES OF ZONING COMPLIANCE, DEFINITIONS, RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS, USES LISTED IN THE USE MATRIX, USES DEFINED AND USE STANDARDS, OFF-STREET VEHICLE PARKING REQUIREMENTS, PARKING LOT LANDSCAPING, FENCES AND WALLS, PERMITTED ENCROACHMENTS INTO REQUIRED YARDS, DESIGN STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Subsection 2, Paragraph F of Section 165.05 and Table 165.05-A of the North Liberty Code of Ordinances, are amended to read as follows:

- F. Modifications. The development shall be substantially in conformance with the approved preliminary site plan. Amended preliminary site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council. In determining whether the amendment qualifies for administrative or Planning Commission review/City Council approval, the Code Official shall use the criteria in Table 165.05-A. Under no circumstance shall any such amendment conflict with any minimum or dimensional standard and/or requirement in this code.

Table 165.05-A Preliminary Site Plan Amendments		
Amendment	Administrative	Planning Commission review/ City Council approval
Land Use	Any decrease. Any increase of less than 20% of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area	Increase of 20% or more of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area
Project Scale	Any decrease. Any increase in density or intensity of use of less than: - 20% gross floor area - 10% of the number of dwelling units	Increase in density or intensity of use as follows: - 20% or greater gross floor area - 10% or greater of the number of dwelling units
Open Space/ Recreation Area	Any increase. Any decrease less than 10% size reduction or change in location or characteristics	10% or more size reduction or change in location or characteristics
Setbacks	Any increase. Any decrease of less than 20%	Decrease of 20% or more
Height	Decrease in height or number of stories	Increase in height greater than/equal to 20% or an increase of one story
Parking Spaces	Any decrease. Increase of less than 20%	Increase of 20% or more

SECTION 2. AMENDMENT OF ORDINANCE. Section 165.06 of the North Liberty Code of Ordinances is amended as follows:

No land and/or building shall be occupied or used in whole or in part until a certificate of zoning compliance is issued by the Code Official recognizing that the use of land and/or building complies with zoning regulations, and/or completed site improvements are in compliance with the issued permit or approved construction site plan. The issuance of a certificate of zoning compliance by the Code Official shall be required for the following:

1. Completion of site improvements in accordance with an issued permit and/or approved construction site plan. A final certificate of occupancy shall not be issued prior to the issuance of a certificate of zoning compliance.
2. New occupancy for a non-residential use in a building or portion of a building.
3. Change of occupancy for a non-residential use in a building or portion of a building. A change of occupancy is defined as a change from group to another group.

SECTION 3. AMENDMENT OF ORDINANCE. Section 167.01 of the North Liberty Code of Ordinances, is amended to delete the definitions of “accessory living quarters” and “kitchen”.

SECTION 4. AMENDMENT OF ORDINANCE. Subsection 5 of Section 168.02 of the North Liberty Code of Ordinances, is amended as follows:

5. Dimensional Standards.
 - A. RS Districts.

Table 168.02-A Dimensional Standards SF = Square Feet, ' = Feet						
	RS-3	RS-4	RS-6	RS-7	RS-8	RS-9
Bulk						
Minimum Lot Area	15,000 SF	10,000 SF	7,000 SF	6,000 SF	5,000 SF	4,500 SF
Minimum Frontage	50'	40'	35'	35'	35'	35'
Minimum Lot Width	100'	80'	70'	60'	60'	40'
Maximum Building Height	35'	35'	35'	35'	35'	35'
Setbacks						
Minimum Required Front Yard	25'	25'	25'	20'	20'	20*
Minimum Required Corner Side Yard	25'	25'	25'	20'	20'	25'
Minimum Required Side Yard	10'	10'	8'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	25'	25'	25'
*Garage doors facing a public street shall be setback a minimum of 25'						

B. RD and RM Districts.

Table 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
Bulk (Prior to Subdividing into DU Individual Lots)					
Minimum Lot Area	10,000 SF	9,000 SF	21,780 SF	21,780 SF	21,780 SF
Minimum Frontage	40'	35'	75'	50'	50'
Minimum Lot Width	100'	80'	100'	80'	80'
Maximum Building Height	35'	35'	40'	40'	65'
Maximum Density	--	--	8 DU/Acre	12 DU/Acre	21 DU/Acre
Setbacks (Prior to Subdividing into Individual DU Lots)					
Minimum Required Front Yard	25'	25'	25'	25'	25' **
Minimum Required Corner Side Yard	25'	25'	25'	25'	25' **
Minimum Required Side Yard	8'	5'	15'	15'	10'
Minimum Required Rear Yard	30'	30'	30'	30'	30'
Bulk (After Subdividing into Individual DU Lots)					
Minimum Lot Area	5,000 SF	4,500 SF	1,500 SF	1,500 SF	1,500 SF
Minimum Frontage	25'	20'	10'	10'	10'
Minimum Lot Width	50'	40'	15'	15'	15'
Maximum Building Height	35'	35'	40'	40'	40'
Setbacks (After Subdividing into Individual DU Lots)					
Minimum Required Front Yard	25'	25'	25'	25'	25'
Minimum Required Corner Side Yard	25'	25'	25'	25'	25'
Minimum Required Side Yard (Between Units)	0'	0'	0'	0'	0'
Minimum Required Side Yard (at the End of Units)	8'	5'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	30'	30'
<p>*Townhouses may reduce setback to a minimum of 20' except when garage doors face a public street. Notwithstanding the foregoing, there shall be a minimum setback of 20' to any sidewalk or street edge **An additional foot of setback is required for every foot of building height over 45'</p>					

C. R-MH District

Table 168.02-C Dimensional Standards SF = Square Feet, ' = Feet		
	Manufactured Home Park	Manufactured Home Site
Bulk		
Minimum Lot Area	10 acres	5,500 SF
Minimum Frontage	400'	35'
Minimum Lot Width	500'	50'
Maximum Building Height	--	35'
Minimum Separation Distance	--	10' as measured between the walls of manufactured homes
Setbacks		
Minimum Required Front Yard	25'	20'
Minimum Required Corner Side Yard	25'	20'
Minimum Required Side Yard	25'	--
Minimum Required Rear Yard	25'	25'

SECTION 5. AMENDMENT OF ORDINANCE. Table 168.06 of Section 168.06 of the North Liberty Code of Ordinances, is amended as follows:

Table 168.06: Use Matrix See Section 168.07 for Use Definitions and Use Standards														
Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
1. Accessory Dwelling Unit		P												
2. Adult Entertainment												C		
3. Agricultural Experience	C													
4. Agriculture	P													
5. Amusement Facility – Indoor						C	P	P	P					
6. Amusement Facility – Outdoor									C					
7. Animal Care Facility						P	P	P			P			
8. Animal Shelter											C			C
9. Art Gallery						P	P	P	P					
10. Arts and Fitness Studio						P	P	P	P					
11. Bar						P	P	P	P		P		P	
12. Bed and Breakfast Home		C												
13. Body Art Establishment								P						
14. Brewery-Micro						P	P	P	P				P	
15. Broadcasting Studio								P	P				P	P
16. Building Trades and Services								P	P		P		P	
17. Car Wash								P						
18. Child Care Center						P	P	P	P	P			P	P
19. Child Care Home		P			P									
20. Child Development Home		P												
21. Community Center						P	P	P	P				P	P
22. Community Pantry	C	C	C	C		C	P	P						
23. Cultural Facility						P	P	P	P					P

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
<u>24.</u> Distillery, Micro						P	P	P	P				P	
<u>25.</u> Drive-Through Facility						C	P	P	P	P			P	
<u>26.</u> Dwelling – Manufactured Home					P									
<u>27.</u> Dwelling – Mixed Use						P	P	P	P					
<u>28.</u> Dwelling – Multiple-Unit				P				P	P					
<u>29.</u> Dwelling – Single-Unit	P	P												
<u>30.</u> Dwelling – Single-Unit Zero Lot Line			P											
<u>31.</u> Dwelling – Townhouse				P				P						
<u>32.</u> Dwelling – Two Unit			P	P										
<u>33.</u> Educational Facility – Primary	P	P	P	P		P	P	P	P					P
<u>34.</u> Educational Facility – Secondary	P	P	P	P		P	P	P	P					P
<u>35.</u> Educational Facility – University or College										P			P	P
<u>36.</u> Educational Facility – Vocational						C	P	P	P		P		P	
<u>37.</u> Financial Institution						P	P	P	P				P	
<u>38.</u> Fireworks, Retail Sales of											P			
<u>39.</u> Food Bank											P			
<u>40.</u> Fueling Station							P	P	P		P		P	
<u>41.</u> Fulfillment Center, Micro								C	C		P			
<u>42.</u> Funeral Home								P						
<u>43.</u> Golf Course/Driving Range							P							P
<u>44.</u> Greenhouse/Nursery - Retail											P			
<u>45.</u> Group Home	P	P	P		P									
<u>46.</u> Healthcare Institution									P				P	P

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
<u>47.</u> Heavy Rental and Service Establishment											P			
<u>48.</u> Heavy Retail Establishment									P		P			
<u>49.</u> Hotel						C	P	P	P	P			P	
<u>50.</u> Industrial - General												P		
<u>51.</u> Industrial - Light											P	P	P	
<u>52.</u> Industrial Design							P	P	P		P		P	
<u>53.</u> Live Performance Venue						P	P	P	P				P	
<u>54.</u> Manufactured Home Park					P									
<u>55.</u> Medical/Dental Office						P	P	P	P					
<u>56.</u> Office						P	P	P	P	P	P		P	P
<u>57.</u> Outdoor Seating						P	P	P	P				P	P
<u>58.</u> Park, Private	P	P	P	P	P	P	P	P	P	P			P	
<u>59.</u> Park, Public														P
<u>60.</u> Parking Lot (Principal Use)						C	P	P	P		P		P	P
<u>61.</u> Parking Structure (Principal Use)						C	P	P	P		P		P	P
<u>62.</u> Personal Services Establishment						P	P	P	P					
<u>63.</u> Place of Worship	P	P	P	P		P	P	P	P					
<u>64.</u> Private Club						P	P	P	P					
<u>65.</u> Public Safety Facility														P
<u>66.</u> Public Works Facility														P
<u>67.</u> Research and Development								P	P	P	P		P	
<u>68.</u> Residential Care Facility				P			P	P	P					
<u>69.</u> Restaurant						P	P	P	P		P		P	P
<u>70.</u> Retail Good Establishment						P	P	P	P		P		P	
<u>71.</u> Salvage Yard												C		

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
<u>72.</u> Self-Storage – Enclosed								P	P		P			
<u>73.</u> Self-Storage - Outdoor								C	C		P			
<u>74.</u> Specialty Food Service						P	P	P	P		P		P	
<u>75.</u> Storage – Outdoor (Principal Use)											C	P		
<u>76.</u> Truck Stop											C	P		
<u>77.</u> Utility (Sub)Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>78.</u> Vehicle Dealership, New and Used								P	P					
<u>79.</u> Vehicle Dealership, Used								C						
<u>80.</u> Vehicle Operations Facility											P			P
<u>81.</u> Vehicle Rental											P			
<u>82.</u> Vehicle Repair - Major								C			P			
<u>83.</u> Vehicle Repair - Minor								P			P			
<u>84.</u> Warehouse											P			
<u>85.</u> Wholesale Establishment											P			
<u>86.</u> Winery, Micro						P	P	P	P				P	

SECTION 6. AMENDMENT OF ORDINANCE. Section 168.07 of the North Liberty Code of Ordinances, is amended by renumbering existing subparagraphs 1 through 85 to 2 through 86, respectively, inserting the following new subparagraph 1 immediately after the first unnumbered paragraph as follows:

1. Accessory Dwelling Unit (ADU).
 - A. Defined. Accessory Dwelling Unit (ADU) means a self-contained unit that provides living facilities on the same lot as a primary dwelling. ADUs can be attached, detached, or repurposed from existing space within the primary dwelling.
 - B. Use Standards.
 - (1) A property shall be limited to one ADU.
 - (2) Either the primary dwelling or the ADU shall be occupied by the owner of the property.
 - (3) ADUs shall have a consistent architectural style as the primary dwelling, as defined by compatible exterior building materials and colors, and architectural elements.
 - (5) Specific regulations for ADUs attached to the primary dwelling.
 - (a) Subject to the setbacks and maximum building height of the underlying zoning district.
 - (b) Shall not exceed 50% of the gross floor area of the residence.
 - (6) Specific regulations for ADUs detached from the primary dwelling.
 - (a) A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum gross floor area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence. Attachments, such as garages, storage buildings, etc., to the ADU shall be included in the maximum gross floor area calculation.
 - (b) Shall be located within the rear yard subject to a five foot side and rear setback.
 - (c) Must be situated a minimum 20 feet from a public or private right-of-way or improved alley.
 - (d) Shall not be located within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (e) No (other) detached accessory buildings greater than 200 square feet gross floor in accordance with Section 169.05.
 - (f) A maximum height of 15 feet.

SECTION 7. AMENDMENT OF ORDINANCE. Paragraphs 28-32 of Section 168.07 of the North Liberty Code of Ordinances, as renumbered by section 6 above, are further amended to read as follows:

28. Dwelling – Multiple–Unit.
- A. Defined. Multiple–Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple–unit dwelling does not include a townhouse dwelling.
 - B. Use Standards.
 - (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi–unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
 - (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three–dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
 - (3) To the maximum extent permitted by Iowa Code § 414.1(1)(h), minimum required masonry on front and corner side yard building elevations in residential districts is 25%.
 - (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
 - (5) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
 - (6) Additional commercial district design standards.
 - (a) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
29. Dwelling – Single–Unit.
- A. Defined. Single–Unit Dwelling means a structure containing only one dwelling unit on a single lot.
 - B. Use Standards.
 - (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost–protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.

- (5) To the maximum extent permitted by Iowa Code § 414.1(1)(h), minimum required masonry on front yard building elevation is 25%, with the exception that masonry is not required in the RS-7 and RS-8 districts.
- (6) On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, cantilevers, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
- (7) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (8) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- (9) A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.
- (10) Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

30. Dwelling – Single-Unit Zero Lot Line.

- A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
- B. Use Standards.
 - (1) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - (2) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (3) To the maximum extent permitted by Iowa Code § 414.1(1)(h), minimum required masonry on front yard building elevation is 25%.
 - (4) On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, cantilevers, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
 - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

31. Dwelling – Townhouse.
- A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling. To provide for design flexibility, a townhouse dwelling development may include single-unit and two-unit dwellings.
- B. Use Standards.
- (1) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - (2) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (3) To the maximum extent permitted by Iowa Code § 414.1(1)(h), minimum required masonry on front yard building elevation in residential districts is 25%.
 - (4) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (5) Additional commercial district design standards.
 - (a) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
 - (b) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
 - (c) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
32. Dwelling - Two-Unit.
- A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot. To provide for design flexibility, a two-unit dwelling development may include single-unit dwellings.
- B. Use Standards.
- (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (2) To the maximum extent permitted by Iowa Code § 414.1(1)(h), minimum required masonry on front yard building elevations is 25%.

- (3) On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
- (4) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

76. Truck Stop

- A. Defined. Truck stop means an establishment where short-term parking is providing for semi-trucks and other large trucks. A truck stop may also include ancillary truck wash bays.
- B. Use Standards. None.

SECTION 8. AMENDMENT OF ORDINANCE. Table 169.01-C within Section 169.01 of the North Liberty Code of Ordinances, is amended as follows:

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Accessory Dwelling Unit	None
Adult Entertainment	1 per 300SF GFA
Amusement Facility, Indoor	1 per 200SF GFA
Amusement Facility, Outdoor	1 per 1000SF GFA
Animal Car Facility	1 per 350SF GFA
Bar	1 per 200SF GFA
Body Art Establishment	1 per 500SF GFA
Broadcasting Studio	1 per 1,000SF GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Child Care Center	1 per 500SF GFA
Community Building	1 per 350SF GFA
Community Pantry	1 per 500SF GFA
Dwelling, Duplex	2 per DU
Dwelling, Manufactured Home	2 per DU
Dwelling, Multiple-Unit	
Studio and 1 bedroom	1.5 per DU
Two bedroom	1.5 per DU
Over two bedroom	2 per DU + .5 for each bedroom over 2
Dwelling, Single-Unit (Detached and Zero Lot Line)	2 per DU
Dwelling, Townhouse	2 per DU
Dwelling, Two-Unit	2 per DU
Education Facility, Primary or Secondary	
Elementary and/or Junior High	3 per each classroom + 3 per office
High School	6 per classroom + 4 per office

Table 169.01-C: Off-Street Vehicle Parking Requirements
SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area

USE	MINIMUM REQUIRED VEHICLE SPACES
Education Facility, University or College	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Education Facility, Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 350SF GFA
Fireworks, Retail Sales of	1 per 500SF GFA
Fueling Station	1 per pump/charging position + 1 per 500SF GFA of structure
Funeral Home	1 per 200SF GFA of public space
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Greenhouse/Nursery - Retail	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor space
Group Home	1 per 2 rooms
Healthcare (all uses, unless otherwise specified)	1 per 3 beds + 1 per 250 SF GFA office and administrative area
Heavy Retail, Rental, and Service	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor display space
Hotel	1 per room
Industrial	1 per 1,000SF GFA up to 40,000SF, then 1 per 2,500SF for additional GFA above 40,000SF (excludes any outdoor storage)
Industrial Design	1 per 500SF GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500SF GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Office	1 per 350SF GFA
Office	1 per 350SF GFA
Parks	
Conservation	None
Community	None
Neighborhood	None
Personal Service Establishment	1 per 500SF GFA
Place of Worship	1 per 10 seats
Private Club	1 per 300 SF GFA
Public Safety Facility	1 per 300SF GFA
Public Works Facility	1 per 500SF GFA
Research and Development	1 per 500SF GFA
Residential Care Facility	To be calculated on the type of facility or combination of facilities provided below
Independent Living Facility	0.75 per DU
Assisted Living Facility	0.5 per DU
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 200SF GFA
Retail Goods Establishment	1 per 350SF GFA

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Self-Service Storage Facility	1 per 25 storage units
Specialty Food Service	1 per 500SF GFA
Storage - Outdoor	1 per 2,500SF of lot area
Vehicle Dealership (New and Used)	1 per 500SF of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500SF of lot area
Vehicle Rental	1 per 500SF GFA of indoor area (excluding indoor storage)
Vehicle Repair, Major or Minor	4 per service bay
Warehouse	1 per 500SF of office area + 1 per 30,000SF GFA of warehouse
Wholesale Establishment	1 per 500SF of office area + 1 per 15,000SF GFA of warehouse

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 6 of Section 169.02 of the North Liberty Code of Ordinances, is amended as follows:

6. Parking Lot Interior Landscape.

All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

 - A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. A tree is not required if there is insufficient area due to pedestrian accommodations (limited to connected walkways and outdoor seating areas) within the island.

SECTION 10. AMENDMENT OF ORDINANCE. Paragraph 6, 7 and 8 of Section 169.04 the North Liberty Code of Ordinances, is amended as follows:

6. Height.

The height of all fences and/or retaining walls located within a front, corner side yard, side, or rear yard shall not exceed those found in Table 169.04.

Table 169.04 Maximum Fence and Wall Height				
District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	6'	6'
All Other Districts	4'	4'	16'	16'
<ol style="list-style-type: none"> 1. Fences shall not be located within the corner visual clearance. 2. Chain link fences shall not be located within the required front or required corner side yard (see exception within number 4 below). 3. Fences shall not exceed 8' in height if the property abuts a residential district. 4. With the exception of a reverse corner lot, a fence up to 6' high may be erected on that portion of the corner lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements. 				

7. Location.

Fences and walls shall be located entirely within the confines of the property lines except for fences located next to a public or private alley shall maintain a minimum 2-foot separation between the fence and alley property line. No fence or wall shall encroach on or obstruct a public sidewalk.

8. Design and Maintenance Standards.

- A. Except where impracticable (such as a shadowbox fence, split rail fence, etc.), the frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.
- B. All fences and walls shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance.

9. Prohibited Fence Material.

The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin, and pests:

- A. Metal fences with the exception of chain link, wrought iron, and simulated wrought iron
- B. Electrical fences or any kind of electrically charged fences
- C. Wood panel fence
- D. Plywood or oriented strand board (OSB)
- E. Pallets or any used repurposed material
- F. Chicken wire
- G. Snow fence, except as provided below

A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, a snow/safety fence shall be removed within 24 hours after the elimination of the reason for which the fence was erected originally.

SECTION 11. AMENDMENT OF ORDINANCE. Table 169.08 of Section 169.08(8)(B) the North Liberty Code of Ordinances, is amended as follows:

Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit Max. projection of 18" from building wall	Y	Y	Y	N
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 40% of the required yard or 4', which ever is less. Does not include awnings used as a sign (See Chapter 173)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape Max. of 3' into required yard	N	Y	Y	Y
Fire Training Tower	N	N	N	Y
Grain Elevator (and necessary mechanical appurtenances	N	N	N	Y

**Table 169-08: Permitted Encroachments Into Required Yards
and Exceeding Maximum Building Height
Y= Permitted // N= Prohibited
Max. = Maximum // Min. = Minimum**

	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N
Pergola (attached) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk Min. of 1' from any lot line except front lot line.	Y	Y	Y	N
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y
Window Wells	Y	Y	Y	Y

SECTION 12. AMENDMENT OF ORDINANCE. Paragraph G of Section 169.10(2) the North Liberty Code of Ordinances, is amended as follows:

- G. Roof top equipment shall be screened on all sides of the building as viewed in plan elevation.

SECTION 13. AMENDMENT OF ORDINANCE. Paragraph 12 of Section 180.12 the North Liberty Code of Ordinances, is amended as follows:

- 12. Sanitary Sewers. The subdivider shall provide a complete sanitary sewer system, including stubs, for each lot, which shall connect with a sanitary sewer outlet approved by the City Engineer. The sanitary sewer in each defined drainage area shall extend to the subdivision boundaries and beyond, as necessary to provide for the extension of the sanitary sewer to adjacent property, as determined by the City.

ORDINANCE NO. _____

AMENDING CHAPTERS 165, 167, 168, 169 AND 180 OF THE NORTH LIBERTY CODE OF ORDINANCES, INCLUDING REGULATIONS FOR PRELIMINARY SITE PLANS, CERTIFICATES OF ZONING COMPLIANCE, DEFINITIONS, RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS, USES LISTED IN THE USE MATRIX, USES DEFINED AND USE STANDARDS, OFF-STREET VEHICLE PARKING REQUIREMENTS, PARKING LOT LANDSCAPING, FENCES AND WALLS, PERMITTED ENCROACHMENTS INTO REQUIRED YARDS, DESIGN STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF ORDINANCE. Subsection 2, Paragraph F of Section 165.05 and Table 165.05-A of the North Liberty Code of Ordinances, are amended to read as follows:

- F. Modifications. The development shall be substantially in conformance with the approved preliminary site plan. Amended preliminary site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council. In determining whether the amendment qualifies for administrative or Planning Commission review/City Council approval, the Code Official shall use the criteria in Table 165.05-A. Under no circumstance shall any such amendment conflict with any minimum or dimensional standard and/or requirement in this code.

Table 165.05-A Preliminary Site Plan Amendments		
Amendment	Administrative	Planning Commission review/ City Council approval
Land Use	Any decrease. Any increase of less than 10%20% of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area	Increase of 10%20% or more of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area
Project Scale	Any decrease. Any increase in density or intensity of use of less than: - 10%20% gross floor area - 5%10% of the number of dwelling units	Increase in density or intensity of use as follows: - 10%20% or greater usable gross floor area - 5%10% or greater of the number of dwelling units
Open Space/ Recreation Area	Any increase. Any decrease less than 10% size reduction or change in location or characteristics	10% or more size reduction or change in location or characteristics
Setbacks	Any increase. Any decrease of less than 10%20% , or any increase	Decrease of 10%20% or more
Height	Decrease in height or number of stories	Increase in height greater than/equal to 20% or an increase of one story
Parking Spaces	Any decrease. Increase or decrease of less than 10%20%	Increase or decrease of 10%20% or more

SECTION 2. AMENDMENT OF ORDINANCE. Section 165.06 of the North Liberty Code of Ordinances is amended as follows:

~~No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part, for any purpose whatsoever, until a certificate is issued by the Code Official stating that the building and use comply with the provisions of this code. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without the issuance of a certificate of zoning compliance therefor by the Code Official. No certificate of zoning compliance shall be issued for a change of use unless the change is in conformity with the provisions of this code. A certificate of zoning compliance shall be issued prior to the issuance of a certificate of occupancy. A record of all certificates shall be kept on file with the Code Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.~~

No land and/or building shall be occupied or used in whole or in part until a certificate of zoning compliance is issued by the Code Official recognizing that the use of land and/or building complies with zoning regulations, and/or completed site improvements are in compliance with the issued permit or approved construction site plan. The issuance of a certificate of zoning compliance by the Code Official shall be required for the following:

1. Completion of site improvements in accordance with an issued permit and/or approved construction site plan. A final certificate of occupancy shall not be issued prior to the issuance of a certificate of zoning compliance.
2. New occupancy for a non-residential use in a building or portion of a building.
3. Change of occupancy for a non-residential use in a building or portion of a building. A change of occupancy is defined as a change from group to another group.

SECTION 3. AMENDMENT OF ORDINANCE. Section 167.01 of the North Liberty Code of Ordinances, is amended to delete the definitions of "accessory living quarters" and "kitchen".

~~"Accessory living quarters" means an accessory building used solely as the temporary dwelling of guests of the occupants of the premises, such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.~~

~~"Kitchen" means any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.~~

SECTION 4. AMENDMENT OF ORDINANCE. Subsection 5 of Section 168.02 of the North Liberty Code of Ordinances, is amended as follows:

5. Dimensional Standards.
 - A. RS Districts.

Table 168.02-A Dimensional Standards SF = Square Feet, ' = Feet						
	RS-3	RS-4	RS-6	RS-7	RS-8	RS-9
Bulk						
Minimum Lot Area	15,000 SF	10,000 SF	7,000 SF	6,000 SF	5,000 SF	4,500 SF

Minimum Frontage	50'	40'	35'	35'	35'	35'
Minimum Lot Width	100'	80'	70'	60'	60'	40'
Maximum Building Height	35'	35'	35'	35'	35'	35'
Setbacks						
Minimum Required Front Yard	25'	25'	25'	20'	20'	25' 20*
Minimum Required Corner Side Yard	25'	25'	25'	20'	20'	25'
Minimum Required Side Yard	10'	10'	8'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	25'	25'	25'
<u>*Garage doors facing a public street shall be setback a minimum of 25'</u>						

B. RD and RM Districts.

Table 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
Bulk (Prior to Subdividing into DU Individual Lots)					
Minimum Lot Area	10,000 SF 5,000 SF/DU	9,000 SF 4,500 SF/DU	21,780 SF 5,000 SF/DU	21,780 SF 3,500 SF/DU	21,780 SF 2,000 SF/DU
Minimum Frontage	40'	35'	75'	50'	50'
Minimum Lot Width	100'	80'	100'	80'	80'
Maximum Building Height	35'	35'	40'	40'	65' [*]
Maximum Density	--	--	8 DU/Acre	12 DU/Acre	21 DU/Acre
Setbacks (Prior to Subdividing into Individual DU Lots)					
Minimum Required Front Yard	25'	25'	25' ₂ [*]	25' ₂ [*]	25' ₂ ^{**}
Minimum Required Corner Side Yard	25'	25'	25' ₂ [*]	25' ₂ ^{**}	25' ₂ ^{**}
Minimum Required Side Yard	8'	5'	15'	15'	10' [*]
Minimum Required Rear Yard	30'	30'	30'	30'	30' ^{**}
Bulk (After Subdividing into Individual DU Lots)					
Minimum Lot Area	5,000 SF	4,500 SF	1,500 SF	1,500 SF	1,500 SF
Minimum Frontage	25'	20'	10'	10'	10'
Minimum Lot Width	50'	40'	15'	15'	15'
Maximum Building Height	35'	35'	40'	40'	40'
Setbacks (After Subdividing into Individual DU Lots)					
Minimum Required Front Yard	25'	25'	25'^{**}	25'^{**}	25'^{**}
Minimum Required Corner Side Yard	25'	25'	25'^{**}	25'^{**}	25'^{**}
Minimum Required Side Yard (Between Units)	0'	0'	0'	0'	0'
Minimum Required Side Yard (at the End of Units)	8'	5'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	30'	30'
<p>[*]An additional foot of setback is required for every foot of building height over 45'. Townhouses may reduce setback to a minimum of 20' except when garage doors face a public street. Notwithstanding the foregoing, there shall be a minimum setback of 20' to any sidewalk or street edge</p> <p>^{**}An additional foot of setback is required for every foot of building height over 45'</p>					

C. R-MH District

Table 168.02-C Dimensional Standards SF = Square Feet, ' = Feet		
	Manufactured Home Park	Manufactured Home Site
Bulk		
Minimum Lot Area	10 acres	5,500 SF
Minimum Frontage	400'	35'
Minimum Lot Width	500'	50'
Maximum Building Height	--	35'
Minimum Separation Distance	--	15' 10' as measured between the walls of manufactured homes
Setbacks		
Minimum Required Front Yard	25'	20'
Minimum Required Corner Side Yard	25'	20'
Minimum Required Side Yard	25'	--
Minimum Required Rear Yard	25'	25'

SECTION 5. AMENDMENT OF ORDINANCE. Table 168.06 of Section 168.06 of the North Liberty Code of Ordinances, is amended as follows:

Table 168.06: Use Matrix														
See Section 168.07 for Use Definitions and Use Standards														
Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	O R/P	I-1	I-2	I-P	P
1. <u>1.</u> Accessory Dwelling Unit		P												
1.2. <u>1.2.</u> Adult Entertainment												C		
2.3. <u>2.3.</u> Agricultural Experience	C													
3.4. <u>3.4.</u> Agriculture	P													
4.5. <u>4.5.</u> Amusement Facility – Indoor						C	P	P	P					
5.6. <u>5.6.</u> Amusement Facility – Outdoor									C					
6.7. <u>6.7.</u> Animal Care Facility						P	P	P			P			
7.8. <u>7.8.</u> Animal Shelter											C			C
8.9. <u>8.9.</u> Art Gallery						P	P	P	P					
9.10. <u>9.10.</u> Arts and Fitness Studio						P	P	P	P					
10.11. <u>10.11.</u> Bar						P	P	P	P		P		P	
11.12. <u>11.12.</u> Bed and Breakfast Home		C												
12.13. <u>12.13.</u> Body Art Establishment								P						
13.14. <u>13.14.</u> Brewery-Micro						P	P	P	P				P	
14.15. <u>14.15.</u> Broadcasting Studio								P	P				P	P
15.16. <u>15.16.</u> Building Trades and Services								P	P		P		P	
16.17. <u>16.17.</u> Car Wash								P						
17.18. <u>17.18.</u> Child Care Center						P	P	P	P	P			P	P
18.19. <u>18.19.</u> Child Care Home		P			P									
19.20. <u>19.20.</u> Child Development Home		P												
20.21. <u>20.21.</u> Community Center						P	P	P	P				P	P
21.22. <u>21.22.</u> Community Pantry	C	C	C	C		C	P	P						
22.23. <u>22.23.</u> Cultural Facility						P	P	P	P					P

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
45.46. Healthcare Institution									P				P	P
46.47. Heavy Rental and Service Establishment											P			
47.48. Heavy Retail Establishment									P		P			
48.49. Hotel						C	P	P	P	P			P	
49.50. Industrial - General												P		
50.51. Industrial - Light											P	P	P	
51.52. Industrial Design							P	P	P		P		P	
52.53. Live Performance Venue						P	P	P	P				P	
53.54. Manufactured Home Park					P									
54.55. Medical/Dental Office						P	P	P	P					
55.56. Office						P	P	P	P	P	P		P	P
56.57. Outdoor Seating						P	P	P	P				P	P
57.58. Park, Private	P	P	P	P	P	P	P	P	P	P			P	
58.59. Park, Public														P
59.60. Parking Lot (Principal Use)						C	P	P	P		P		P	P
60.61. Parking Structure (Principal Use)						C	P	P	P		P		P	P
61.62. Personal Services Establishment						P	P	P	P					
62.63. Place of Worship	P	P	P	P		P	P	P	P					
63.64. Private Club						P	P	P	P					
64.65. Public Safety Facility														P
65.66. Public Works Facility														P
66.67. Research and Development								P	P	P	P		P	

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2	C-3	OR/P	I-1	I-2	I-P	P
67.68. Residential Care Facility				P			P	P	P					
68.69. Restaurant						P	P	P	P		P		P	P
69.70. _____ Retail Good Establishment						P	P	P	P		P		P	
70.71. Salvage Yard												C		
71.72. Self-Storage – Enclosed								P	P		P			
72.73. Self-Storage – Outdoor								C	C		P			
73.74. Specialty Food Service						P	P	P	P		P		P	
74.75. Storage – Outdoor (Principal Use)											C	P		
75.76. Truck Stop											C	P		
76.77. Utility (Sub)Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P
77.78. Vehicle Dealership, New and Used								P	P					
78.79. Vehicle Dealership, Used								C						
79.80. _____ Vehicle Operations Facility											P			P
80.81. Vehicle Rental											P			
81.82. Vehicle Repair – Major								C			P			
82.83. Vehicle Repair – Minor								P			P			
83.84. _____ Warehouse											P			
84.85. Wholesale Establishment											P			
85.86. Winery, Micro						P	P	P	P				P	

SECTION 6. AMENDMENT OF ORDINANCE. Section 168.07 of the North Liberty Code of Ordinances, is amended by renumbering existing subparagraphs 1 through 85 to 2 through 86, respectively, inserting the following new subparagraph 1 immediately after the first unnumbered paragraph as follows:

1. Accessory Dwelling Unit (ADU).

A. Defined. Accessory Dwelling Unit (ADU) means a self-contained unit that provides living facilities on the same lot as a primary dwelling. ADUs can be attached, detached, or repurposed from existing space within the primary dwelling.

B. Use Standards.

(1) A property shall be limited to one ADU.

(2) Either the primary dwelling or the ADU shall be occupied by the owner of the property.

(3) ADUs shall have a consistent architectural style as the primary dwelling, as defined by compatible exterior building materials and colors, and architectural elements.

(5) Specific regulations for ADUs attached to the primary dwelling.

(a) Subject to the setbacks and maximum building height of the underlying zoning district.

(b) Shall not exceed 50% of the gross floor area of the residence.

(6) Specific regulations for ADUs detached from the primary dwelling.

(a) A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum gross floor area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence. Attachments, such as garages, storage buildings, etc., to the ADU shall be included in the maximum gross floor area calculation.

(b) Shall be located within the rear yard subject to a five foot side and rear setback.

(c) Must be situated a minimum 20 feet from a public or private right-of-way or improved alley.

(d) Shall not be located within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.

(e) No (other) detached accessory buildings greater than 200 square feet gross floor in accordance with Section 169.05.

(f) A maximum height of 15 feet.

SECTION 7. AMENDMENT OF ORDINANCE. Paragraphs 28-32 of Section 168.07 of the North Liberty Code of Ordinances, as renumbered by section 6 above, are further amended to read as follows:

28. Dwelling – Multiple–Unit.
 - A. Defined. Multiple–Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple–unit dwelling does not include a townhouse dwelling.
 - B. Use Standards.
 - (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi–unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
 - (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three–dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
 - (3) ~~Minimum~~To the maximum extent permitted by Iowa Code § 414.1(1)(h). ~~minimum~~ required masonry on front and corner side yard building elevations in residential districts is 25%.
 - (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
 - (5) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
 - (6) Additional ~~Commercial~~commercial district design standards.
 - (a) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
29. Dwelling – Single–Unit.
 - A. Defined. Single–Unit Dwelling means a structure containing only one dwelling unit on a single lot.
 - B. Use Standards.
 - (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost–protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.

- (5) To the maximum extent permitted by Iowa Code § 414.1(1)(h), Minimum minimum required masonry on front ~~and corner side~~ yard building elevations is 25%, with the ~~following exceptions that masonry is not required in the RS-7 and RS-8 districts.:~~
- (a) ~~No masonry is required in the RS-7 and RS-8 districts.~~
- (b) ~~In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:~~
- (i) ~~Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.~~
- (ii) ~~Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.~~
- (6) On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, cantilevers, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
- ~~(6)(7)~~ The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- ~~(7)(8)~~ A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- ~~(8)(9)~~ A dwelling with a front-facing attached three-car garage shall have one of the garages offset a minimum of one foot from the other garages.
- ~~(9)(10)~~ Front-facing garages shall not exceed 16' or 60% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

30. Dwelling – Single-Unit Zero Lot Line.

- A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
- B. Use Standards.
- ~~(1)~~ ~~The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).~~
- ~~(2)(1)~~ Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units

- ~~(3)~~(2) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- ~~(4)~~(3) To the maximum extent permitted by Iowa Code § 414.1(1)(h), ~~Minimum~~minimum required masonry on front ~~and corner side~~-yard building elevations is 25%, ~~with the following exceptions:~~
 - ~~(i)~~—Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - ~~(ii)~~—Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
- ~~(4)~~ On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, cantilevers, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
- (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

31. Dwelling – Townhouse.

- A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling. To provide for design flexibility, a townhouse dwelling development may include single-unit and two-unit dwellings.
- B. Use Standards.
 - ~~(1)~~—~~The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).~~
 - ~~(2)~~(1) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - ~~(3)~~(2) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - ~~(4)~~(3) To the maximum extent permitted by Iowa Code § 414.1(1)(h), ~~Minimum~~minimum required masonry on front ~~and corner side~~-yard building elevations in residential districts is 25%.
 - ~~(5)~~(4) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

~~(6)~~(5) Additional commercial district design standards.

- (a) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
- (b) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
- (c) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.

32. Dwelling - Two-Unit.

- A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot. To provide for design flexibility, a two-unit dwelling development may include single-unit dwellings.
- B. Use Standards.
 - (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (2) To the maximum extent permitted by Iowa Code § 414.1(1)(h). ~~Minimum~~minimum required masonry on front ~~and corner side~~ yard building elevations is 25%.
 - (3) On corner lots, the façade facing the corner side yard shall contain two insets and/or protrusions, such as wall corners, bay windows, etc., or other means approved by the Code Official. As an alternative, two, two-inch caliper trees may be planted in the corner side yard.
 - ~~(3)~~(4) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

76. Truck Stop

- A. Defined. Truck stop means an establishment where short-term parking is providing for semi-trucks and other large trucks~~fuel for semi-trucks and other large trucks is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles.~~ A truck stop may also include ancillary ~~(overnight) truck parking~~ ~~and~~ truck wash bays.
- B. Use Standards. None.

SECTION 8. AMENDMENT OF ORDINANCE. Table 169.01-C within Section 169.01 of the North Liberty Code of Ordinances, is amended as follows:

Table 169.01-C: Off-Street Vehicle Parking Requirements
SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area

USE	MINIMUM REQUIRED VEHICLE SPACES
<u>Accessory Dwelling Unit</u>	<u>None</u>
Adult Entertainment	1 per 300SF GFA
Amusement Facility, Indoor	1 per 200SF GFA
Amusement Facility, Outdoor	1 per 1000SF GFA
Animal Car Facility	1 per 350SF GFA
Bar	1 per 200SF GFA
Body Art Establishment	1 per 500SF GFA
Broadcasting Studio	1 per 1,000SF GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Child Care Center	1 per 500SF GFA
Community Building	1 per 350SF GFA
Community Pantry	1 per 500SF GFA
Dwelling, Duplex	2 per DU
Dwelling, Manufactured Home	2 per DU
Dwelling, Multiple-Unit	
Studio and 1 bedroom	1.5 per DU
Two bedroom	1.5 per DU
Over two bedroom	2 per DU + .5 for each bedroom over 2
Dwelling, Single-Unit (Detached and Zero Lot Line)	2 per DU
Dwelling, Townhouse	2 per DU
Dwelling, Two-Unit	2 per DU
Education Facility, Primary or Secondary	
Elementary and/or Junior High	3 per each classroom + 3 per office
High School	6 per classroom + 4 per office
Education Facility, University or College	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Education Facility, Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 350SF GFA
Fireworks, Retail Sales of	1 per 500SF GFA
Fueling Station	1 per pump/charging position + 1 per 500SF GFA of structure
Funeral Home	1 per 200SF GFA of public space
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Greenhouse/Nursery - Retail	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor space
Group Home	1 per 2 rooms
Healthcare (all uses, unless otherwise specified)	1 per 3 beds + 1 per 250 SF GFA office and administrative area
Heavy Retail, Rental, and Service	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor display space
Hotel	1 per room

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Industrial	1 per 1,000SF GFA up to 40,000SF, then 1 per 2,500SF for additional GFA above 40,000SF (excludes any outdoor storage)
Industrial Design	1 per 500SF GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500SF GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Office	1 per 350SF GFA
Office	1 per 350SF GFA
Parks	
Conservation	None
Community	None
Neighborhood	None
Personal Service Establishment	1 per 500SF GFA
Place of Worship	1 per 10 seats
Private Club	1 per 300 SF GFA
Public Safety Facility	1 per 300SF GFA
Public Works Facility	1 per 500SF GFA
Research and Development	1 per 500SF GFA
Residential Care Facility	To be calculated on the type of facility or combination of facilities provided below
Independent Living Facility	0.75 per DU
Assisted Living Facility	0.5 per DU
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 200SF GFA
Retail Goods Establishment	1 per 350SF GFA
Self-Service Storage Facility	1 per 25 storage units
Specialty Food Service	1 per 500SF GFA
Storage - Outdoor	1 per 2,500SF of lot area
Vehicle Dealership (New and Used)	1 per 500SF of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500SF of lot area
Vehicle Rental	1 per 500SF GFA of indoor area (excluding indoor storage)
Vehicle Repair, Major or Minor	4 per service bay
Warehouse	1 per 500SF of office area + 1 per 30,000SF GFA of warehouse
Wholesale Establishment	1 per 500SF of office area + 1 per 15,000SF GFA of warehouse

SECTION 9. AMENDMENT OF ORDINANCE. Paragraph 6 of Section 169.02 of the North Liberty Code of Ordinances, is amended as follows:

6. Parking Lot Interior Landscape.

All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

- A. All rows of parking stalls must terminate in a parking lot island or landscape area.
- B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
- C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. A tree is not required if there is insufficient area due to pedestrian accommodations (limited to connected walkways and outdoor seating areas) within the island.

SECTION 10. AMENDMENT OF ORDINANCE. Paragraph 6, 7 and 8 of Section 169.04 the North Liberty Code of Ordinances, is amended as follows:

6. Height.

The height of all fences and/or retaining walls located within a front, corner side yard, side, or rear yard shall not exceed those found in Table 169.04.

Table 169.04 Maximum Fence and Wall Height				
District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	6'	6'
All Other Districts	4'	4'	16'	16'
1. Fences shall not be located within the corner visual clearance. 2. Chain link fences shall not be located within the required front or required corner side yard (see exception within number 4 below). 3. Fences shall not exceed 8' in height if the property abuts a residential district. 4. With the exception of a reverse corner lot, a fence up to 6' high may be erected on that portion of the corner lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.				

7. Location.

Fences and walls shall be located entirely within the confines of the property lines except for fences located next to a public or private alley shall maintain a minimum 2-foot separation between the fence and alley property line. No fence or wall shall encroach on or obstruct a public sidewalk.

8. Design and Maintenance Standards.

A. Except where impracticable (such as a shadowbox fence, split rail fence, etc.), the frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.

B. All fences and walls shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance.

8.9. Prohibited Fence Material.

The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin, and pests:

- A. Metal fences with the exception of chain link, wrought iron, and; simulated wrought iron ~~and~~
- B. Electrical fences or any kind of electrically charged fences
- C. Wood panel fence
- D. Plywood or oriented strand board (OSB)
- E. Pallets or any used repurposed material
- F. Chicken wire
- G. Snow fence, except as provided below

A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, a snow/safety fence shall be removed within 24 hours after the elimination of the reason for which the fence was erected originally.

~~9. Installation and Maintenance. All fences and walls shall be installed or constructed in a workmanlike manner. All fences and walls shall be maintained and repaired as needed. The owner of the property upon which the fence or wall is constructed is required to maintain the fence.~~

SECTION 11. AMENDMENT OF ORDINANCE. Table 169.08 of Section 169.08(8)(B) the North Liberty Code of Ordinances, is amended as follows:

Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit	Y	Y	Y	N

**Table 169-08: Permitted Encroachments Into Required Yards
and Exceeding Maximum Building Height**
Y= Permitted // N= Prohibited
Max. = Maximum // Min. = Minimum

	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Max. projection of 18" from building wall				
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 2'40% <u>of the required yard or 4', which ever is less.</u> Does not include awnings used as a sign (See Chapter 173)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape Max. of 3' into required yard	N	Y	Y	Y
Fire Training Tower	N	N	N	Y
Grain Elevator (and necessary mechanical appurtenances)	N	N	N	Y
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N
Pergola (attached) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk	Y	Y	Y	N

**Table 169-08: Permitted Encroachments Into Required Yards
and Exceeding Maximum Building Height**
Y= Permitted // N= Prohibited
Max. = Maximum // Min. = Minimum

	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Min. of 3' from any lot line except front lot line.				
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y
Window Wells	Y	Y	Y	Y

SECTION 12. AMENDMENT OF ORDINANCE. Paragraph G of Section 169.10(2) the North Liberty Code of Ordinances, is amended as follows:

- G. Roof top equipment shall be screened on all sides of the building as viewed in plan elevation.

SECTION 13. AMENDMENT OF ORDINANCE. Paragraph 12 of Section 180.12 the North Liberty Code of Ordinances, is amended as follows:

- 12. Sanitary Sewers. The subdivider shall provide a complete sanitary sewer system, including stubs, for each lot, which shall connect with a sanitary sewer outlet approved by the City Engineer. The sanitary sewer in each defined drainage area shall extend to the subdivision boundaries and beyond, as necessary to provide for the extension of the sanitary sewer to adjacent property, as determined by the City. ~~In the event the City requires a sewer system greater than needed to service the subdivision under review, the City shall pay the developer for the difference in the costs of materials for the upsizing, and future subdivisions that connect with the subject system shall on a pro rata basis reimburse the City for the cost for the upsizing.~~

From: william gorman <w_gorman@hotmail.com>
Sent: Friday, August 16, 2024 1:27 PM
To: Ryan Rusnak; Jeff Kellbach; Jessica Andino
Subject: Re: [External] Zoning Code for ADUs

WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.

Hi Ryan. I think your stair stepping of the size of the ADU based on the size of the lot is reasonable. I would encourage you to limit the architectural requirements to attached ADUs, and not detached ADUs.

Look forward to seeing your final draft.

Bill

Sent from my Verizon, Samsung Galaxy smartphone
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From: Ryan Rusnak <rusnak@northlibertyiowa.org>
Sent: Friday, August 16, 2024 7:22:52 PM
To: william gorman <w_gorman@hotmail.com>; Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>; Jessica Andino <jessica@jcaffordablehousing.org>
Subject: RE: [External] Zoning Code for ADUs

Oh, and I added this to the parking regulations:

USE	MINIMUM REQUIRED VEHICLE SPACES
Accessory Dwelling Unit	None



RYAN "RUS" RUSNAK
PLANNING DIRECTOR
(319) 626-5747 office

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From: Ryan Rusnak

Sent: Friday, August 16, 2024 12:15 PM

To: william gorman <w_gorman@hotmail.com>; Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>;

Jessica Andino <jessica@jcaffordablehousing.org>

Subject: RE: [External] Zoning Code for ADUs

Seeking initial feedback on language. I assume you may wish for us to water down the architectural requirement, but I wrote this understanding that was already your concern.

Proposed as a permitted use in our RS and RD Districts.

Please note, this can change as we discuss more internally. I just didn't want to spring this on you too late. I'll let you know what changes we make.

The size and location for detached mirrors what we already allow for detached garages.

1. Accessory Dwelling Unit (ADU).
 - A. Defined. Accessory Dwelling Unit (ADU) means a self-contained unit that provides independent living facilities on the same lot as a primary dwelling. ADUs can be attached, detached, or repurposed from existing space within the primary dwelling.
 - B. Use Standards.
 - (1) A property shall be limited to one ADU.
 - (2) Either the primary dwelling or the ADU shall be occupied by the owner of the property.
 - (3) ADUs shall have a consistent architectural style as the primary dwelling, as defined by compatible exterior building materials and colors, and architectural elements.
 - (4) Specific regulations for ADUs attached to the primary dwelling.
 - (a) Subject to the setbacks and maximum building height of the underlying zoning district.
 - (b) Shall not exceed 50% of the gross floor area of the residence.
 - (5) Specific regulations for ADUs detached from the primary dwelling.
 - (a) A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum gross floor area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence.
 - (b) Shall be located within the rear yard subject to a five foot side and rear setback.
 - (c) Must be situated a minimum 20 feet from a public or private right-of-way or improved alley.

- (d) Shall not be located within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (e) No (other) detached accessory buildings greater than 200 square feet gross floor in accordance with Section 169.05.
- (f) A maximum height of 15 feet.



RYAN "RUS" RUSNAK
PLANNING DIRECTOR
(319) 626-5747 office

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From: william gorman <w_gorman@hotmail.com>
Sent: Thursday, July 25, 2024 4:44 PM
To: Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>; Ryan Rusnak <rrusnak@northlibertyiowa.org>
Cc: Ryan Heiar <rheiar@northlibertyiowa.org>; Jessica Andino <jessica@jcaffordablehousing.org>
Subject: Re: [External] Zoning Code for ADUs

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Ryan. That is good to hear. As Jeff indicated, let us know if we can be of help

William

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From: Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>
Sent: Thursday, July 25, 2024 3:59:31 PM
To: Ryan Rusnak <rrusnak@northlibertyiowa.org>; william gorman <w_gorman@hotmail.com>
Cc: Ryan Heiar <rheiar@northlibertyiowa.org>; Jessica Andino <jessica@jcaffordablehousing.org>
Subject: Re: [External] Zoning Code for ADUs

Hi Ryan,

Thank you for the update. Please let us know if there is anything we can do to be of assistance.

Thank you,

Jeff Kellbach, Aging Specialist

Johnson County Social Services

855 S. Dubuque St.

Suite 202 B

Iowa City, IA 52240

Phone: 319-356-6090

Direct Office: 319-688-5842

Fax: 319-688-5711

www.johnsoncountyiowa.gov

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Please note that I will be out of the office August 1st and returning on August 13th.

From: Ryan Rusnak <rrusnak@northlibertyiowa.org>

Sent: Thursday, July 25, 2024 11:47 AM

To: william gorman <w_gorman@hotmail.com>

Cc: Ryan Heiar <rheiar@northlibertyiowa.org>; Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>;

Jessica Andino <jessica@jcaffordablehousing.org>

Subject: RE: [External] Zoning Code for ADUs

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Hi William,

I will be working on an Ordinance to include ADUs in the Zoning Code. My plan is to have this one the 9/3 Planning Commission agenda.

Stay tuned!



RYAN "RUS" RUSNAK
PLANNING DIRECTOR
(319) 626-5747 office

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From: william gorman <w_gorman@hotmail.com>
Sent: Tuesday, July 16, 2024 8:39 AM
To: Ryan Heiar <rheiar@northlibertyiowa.org>; Ryan Rusnak <rrusnak@northlibertyiowa.org>
Cc: Jeff Kellbach <jkellbach@johnsoncountyiowa.gov>; Jessica Andino <jessica@jcaffordablehousing.org>
Subject: [External] Zoning Code for ADUs

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Hello Ryan and Ryan. Just checking in to see if you have initiated any movement to draft zoning code for Accessory Dwelling Units, for North Liberty? Can you provide us with a status update?

William Gorman
Chair, Housing Action Team
Johnson County Livable Community for Successful Aging Policy Board

A good reputation is measured by how much you can improve the lives of others.
George Eastman



The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



DETACHED ADU



BASEMENT ADU



GARAGE-CONVERSION ADU



ATTACHED ADU



SECOND-STORY ADU

[AARP.org/ADUs](https://www.aarp.org/ADUs)



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
Twitter: @AARPLivable
Free Newsletter: AARP.org/LivableSubscribe

AARP is the nation’s largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



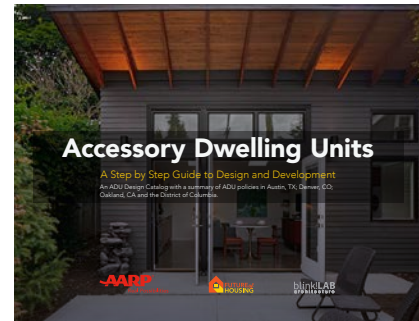
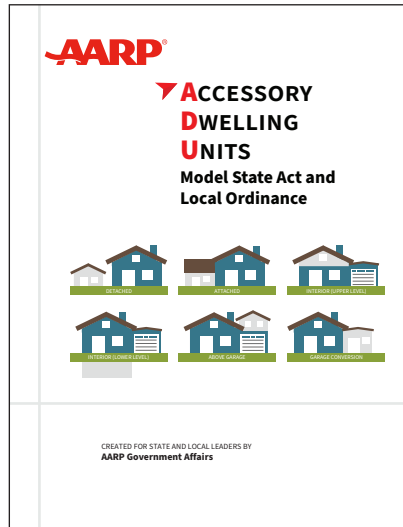
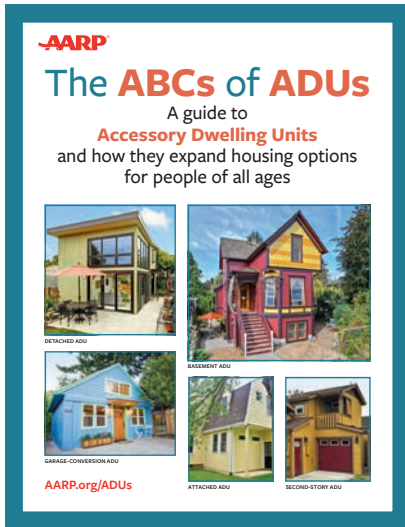
Orange Splot LLC

Website: OrangeSplot.net
Email: eli@OrangeSplot.net

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset magazine* and on NBC’s *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 300 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as chair of Portland, Oregon’s Planning and Sustainability Commission.

AARP and Accessory Dwelling Units

Visit AARP.org/ADU to order or download our free publications and find more resources about ADUs.



AARP’s ADU Publications
 (from left): This introductory guide; guidance about creating an ADU model state act or local ordinance; a detailed guide to design and development.

Welcome! Come On In

Accessory dwelling units are a needed housing option for people of all ages

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall, the decrease in households with children and the national housing shortage — will continue to boost the demand for smaller homes and affordable, quality rental housing.

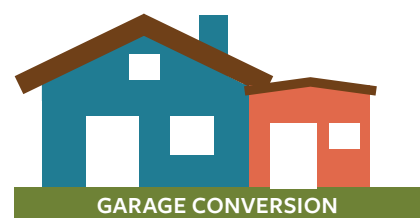
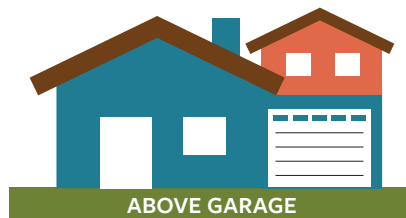
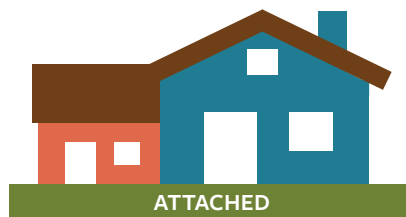
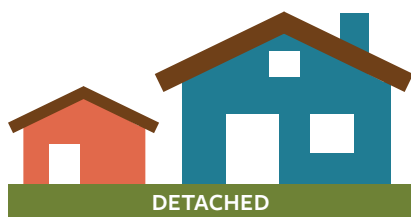
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2021 AARP Home and Community Preferences Survey, adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and entire states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs. ■



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can support the creation of ADUs as a way to expand and diversify housing options.

What ADUs Are — And What They Can Do

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what’s being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs are found in cities, in suburbs and in rural areas, yet are often invisible from view because they’re positioned behind or are tucked within a larger home
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can enable family members (including family caregivers) to reside on the same property while having their own living spaces
- An ADU can provide housing for a hired caregiver
- An ADU can provide rental income to homeowners
- ADUs are a practical option for tenants seeking small, affordably priced rental housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if they’re older, an age-restricted community
- ADUs can help older residents remain independent and “age in place”
- As an adaptable form of housing, ADUs provide flexible solutions for changing needs. ■



▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rents an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

CREATIVE COMMONS

ADUs Are Also Known As ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot’s primary residence, pay her home mortgage.

up different images. (Who wouldn’t rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you’ve never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted in the list at right. ■

- accessory apartment
- backyard bungalow
- basement apartment
- casita
- carriage house
- coach house
- English basement
- garage apartment
- granny flat
- guest cottage
- guest house
- in-law suite
- laneway house
- multi-generational house
- ohana unit
- secondary dwelling unit

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

ADUs Come in Many Shapes and Styles

Since ADUs are custom designed and created, they're able to fit discreetly into all sorts of locations, including suburban subdivisions, walkable towns, urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon
Photo by David Todd



▲ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance. In this example, the owners built a connection between the house and what was a detached garage. The addition and the space above the garage contain the ADU, which has its own entrance (pictured at right).



Location: Anne Arundel County, Maryland
Photo by Melissa Stanton, AARP



▲ A **GARAGE ADU** converts all or part of an attached or detached garage into a residence. Other options: adding an ADU above a garage or building a new unit for both people and cars.

Location: Cape May, New Jersey
Photo by Melissa Stanton, AARP

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU is part of a 1,900-square-foot primary dwelling.



Location: Portland, Oregon
Photo by Eli Spevak,
Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met) during construction of the house or (above and on page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Chris Nascimento

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life. ■

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2020
Median square footage of new single-family homes	983	2,261
Number of people per household	3.8	2.5
Square feet of living space per person	292	904

FACT: ADUs house more people per square foot of living area than single-family homes do.

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



AARP



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▼ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people who owned land built as many homes as they wished, often for extended family or workers. There were few or no zoning rules, municipal services or infrastructure needs (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers such as stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



converted into rental homes. By becoming landlords, the owners gained income from their often unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing “coach house” ADUs — but only if they remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

Many communities don't allow new ADUs, even if they did in the past. Even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings or continuing to live in preexisting ones. Countless units in single-family homes or yards are technically illegal simply because they date from when such units were not allowed.

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release a model state act and local code for ADUs. An updated resource was published by AARP in 2021. (See an image of it on the inside front cover of this guide.)

Many state and local governments are legalizing and encouraging the creation of ADUs (see page 8), driven by high housing costs and, in some cases, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property. ■

HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence. (The ADU’s entrance is pictured on page 3.)

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

*Design: Communitecture | Home Lift: Emmert International
Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by
Communitecture (before) and Chris Nascimento (after)*

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met. Others start with those basic standards and then layer on extra requirements that can make it challenging to create an ADU. (Learn more on pages 14 and 15.)

Municipalities nationwide have been relaxing their restrictions against ADUs, and several states now require communities to allow them. Some examples:

- New Hampshire and Vermont allow ADUs nearly everywhere single-family housing is permitted. New Hampshire’s 2017 legislation stemmed in large part from the frustration of builders who couldn’t construct the backyard cottages and garage apartments their clients desired.
- In 2020, the California legislature declared that “allowing accessory dwelling units in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California’s housing needs.” The state allows up to one ADU *and* one JADU per lot. (What’s a JADU? See page 14.)
- Oregon requires cities and counties of certain sizes to allow ADUs in all single-family areas within urban growth boundaries. In 2021, the state extended ADU rights to rural residential areas.
- Other states allowing ADUs include Connecticut, Rhode Island and Utah. Many cities now allow ADUs, including Anchorage, Alaska; Atlanta, Georgia; Annapolis, Maryland; Asheville, North Carolina; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Louisville, Kentucky; Philadelphia, Pennsylvania; Phoenix and Tucson, Arizona; Seattle, Washington; and Washington, D.C. ■

▶ Located on the lowest floor of a town house, an English basement is a partially belowground apartment that has its own exterior entrance. They are typically found in older cities such as New York or (pictured) Washington, D.C. In the past, property owners used the space as servant quarters. Today, these essentially built-in ADUs are often used as rental apartments.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- establish funding programs to help homeowners create ADUs
- let garages be converted into ADUs without requiring replacement off-street parking
- allow for the creation of a second ADU, subject to a combined size cap

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO: SARAH DALE FOR AARP

HOME VISIT #4

Internal ADU (Main Level)

Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”



▲ The steps and side entrance lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area. (See two interior photos on pages 19 and 20.)

*Design: Rita Haberman | Builder: RS Wallace Construction
Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and how having downstairs neighbors will change what

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows are part of the main residence.



you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

*Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP
Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org*

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby ■



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



▲ Walt Drake’s southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.

HOME VISIT #6 Detached ADU (One-Story)

Decatur, Georgia

Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad’s house for himself and his family and built a detached ADU (or DADU) for Walt.

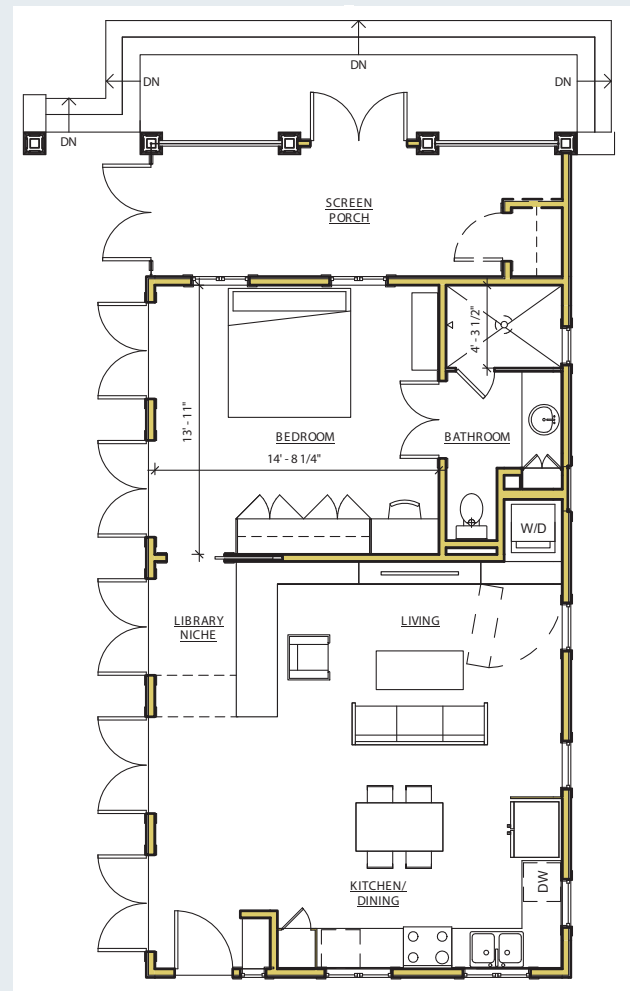
“From not finding what we wanted for Dad, we decided to create it,” says Scott. “Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years.”

NEAR AND FAR: “We wanted the houses to be separate and to feel like we’re each on our own property, but we’re there for each other,” says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn’t have to leave his home and neighborhood. “He was able to keep his own stuff and turn over what he didn’t need to us,” says Scott. “It kept my dad in place, which I think was important.”

FUTURE PLANS: Scott says the ADU is “serving its intended purpose” but that someday down the road it could be used as a long- or short-term rental. “The ADU could turn into lots of different things over the course of its lifetime.”

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Converted garages (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the *AARP HomeFit Guide* at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

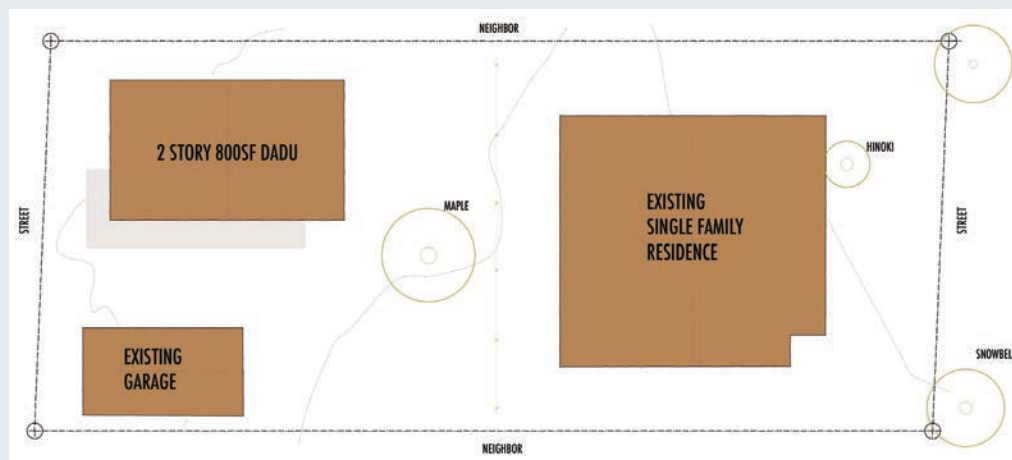
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: *Christine Kim, NEST Architecture & Design* | Builder: *Ian Jones, Treebird Construction* | Photo by *Alex Hayden*
Cost to build: \$250,000 in 2014 | Article adapted from *Where We Live: Communities for All Ages* (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



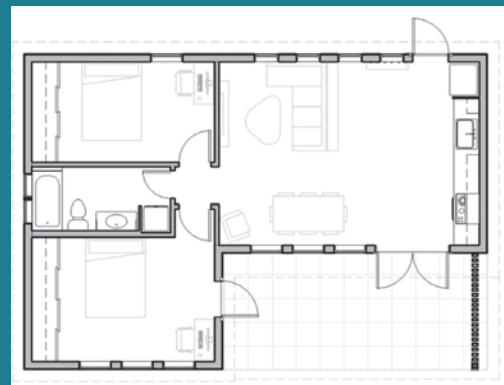
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Trading Spaces

An ADU is always the smaller of two dwellings on a property, but it’s possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling. Or the opposite can happen! Tired of living in an older house that didn’t get a lot of natural light, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. The original, larger home has become a rental.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

*Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017
Adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. ADU regulations are typically adopted at the local level, although several state legislatures have required cities to allow them.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how many square feet they can contain, how they can be used. These rules can be found in the local zoning code.

There is a balance to strike between prudent ADU laws and encouraging their construction. For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built rose from about 30 per year between 2000 and 2009 to nearly one a day in 2015.

Changes in California's ADU rules saw Los Angeles go from 80 applications in 2016 to nearly 2,000 in 2017. Allowing Sonoma County homeowners to add both an ADU and a JADU (see the green box below) were among the policies adopted in the wake of the area's many devastating fires.

Well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that ADUs get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing can establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.) ■

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

Are ADUs allowed?

Find out by calling your town, city or county office in charge of land use and permits — or stop by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed and you want them to be, ask an elected official or your community's department of zoning and planning how the codes can be updated.
- Then get organized and start advocating!

JUNIOR ACCESSORY DWELLING UNITS (or JADUs) are smaller than 500 square feet and have a separate entrance but are created within the existing dwelling. A JADU can share a bathroom with the main house and contain a basic kitchen equipped with small plug-in appliances.

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community’s zoning code needn’t be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: “An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation.”

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of the residential neighborhood
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that’s affordable and responds to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of lot? A statement in this part of the code clarifies that an ADU can be placed only on a “residentially zoned lot.” (Some communities provide lot size standards.)

4. Creation: The code sets out how an ADU can be built. For instance: “An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.”

5. Quantity: Most municipalities that permit ADUs allow one per lot. Those allowing two typically permit one internal and one external. Some allow duplexes or townhomes to have an ADU, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those used for the main dwelling on the property. (See page 17 for more.)

Visit [AARP.org/ADU](https://www.aarp.org/ADU) to download **Accessory Dwelling Units: Model State Act and Local Ordinance**, a free publication that can be used by state and local officials to develop ADU policies.

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance: “An ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller.” Codes often limit detached ADUs to 1.5 or 2 stories in height. An example of that language: “The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.”
- **Parking:** Most zoning codes address the amount and placement of parking. Some don’t require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU’s roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more.)

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached units that don’t meet that standard.) Although such a rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely cap the combined lot coverage of a detached ADU and the primary dwelling to a specific percentage.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules. ■

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors.

Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticeable from the street

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.



▲ Providence, Rhode Island, has many homes that were built as or long-ago converted into multidwelling units. (Notice the two front doors.) A homeowner can live in one apartment while renting out the other.

Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient space for added parking. However, the extra parking often isn't needed.

Studies of Portland, Oregon, and the San Francisco Bay area found that ADU households own an average of 0.9 cars. That's half the national average of 1.8 cars per household. With just over 2 percent of Portland homes having an ADU (the highest percentage of any large city in the country), there's roughly one extra car parked on the street every six blocks. This suggests that, even in booming ADU cities, any impact on street parking from ADUs is likely to be very small and dispersed. More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using a combination of off-street parking, curb parking and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections. Sadly, in 2021, several city residents living in unsafe basement apartments drowned in their homes due to flooding caused by Hurricane Ida.

Some cities have found that legalizing ADUs, simplifying ADU rules and/or waiving fees can be effective at getting the owners of illegal housing units to “go legit” — and address safety problems in the process. ■

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities prefer the simple approach: regulating ADUs like other homes. So if a home-based child-care service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples of those regulations include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they “greatly value the ability to use an

ADU flexibly.” For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals can regulate them across all housing types. Doing so might mean that special rules are not needed. An approach employed in Portland, Oregon, is to treat ADUs the same as other residences except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by requiring that an annual statement confirming residency be filed. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate. ■



◀ The zoning code of Brevard, North Carolina, a city of fewer than 10,000 residents, allows ADUs, which are referred to as “secondary dwelling units” and are allowed “within residentially-zoned, single-family and duplex lots.” The code states that such homes “shall be encouraged and designed to meet housing needs,” adding that “[s]econdary dwelling units shall be accessory and subordinate to the primary living quarters.” In the image at left, the one-story cottage is the primary dwelling. The apartment above the detached garage is the secondary dwelling.

Inside Spaces

ADUs vary from studio apartment-like spaces to multi-bedroom, multi-story structures. Regardless of size, the result is a needed residence



▲ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became part of our family.”



▲ The alcoves in the ADU area above a garage provide a light-filled work space in one, and a reading nook in the other. (See the attached ADU’s exterior on page 3.)



▲ This studio apartment internal ADU uses a wardrobe cabinet to separate the bedroom from the living area and kitchen (seen on page 19).



▲ As an independent living space, an ADU has its own bathroom and kitchen. Depending on the available square footage — and sometimes on the local zoning code or the property’s plumbing and utility connections — an ADU might have a full kitchen with full-sized appliances and a dining area (top) or a smaller but functional kitchenette. This interior is from the detached ADU pictured below right and on the back cover. Fun fact: A coat closet and extra kitchen shelving are built into the base of the circular staircase. In a small home, every bit of space counts!



▲ The kitchen of this internal ADU (also seen at the top of page 9 and in the bedroom image at left) has a full-sized range but a mini-refrigerator. Some ADU owners install a one- or two-burner electric cooktop and a convection microwave in lieu of an oven.



▲ The second story of this detached ADU is accessed by the spiral staircase shown in the image at top. The space features a bedroom and a sitting area that could be used as a nursery, office or den. A full-sized, stacked washer-dryer is hidden behind a closet door.

Just One More

While not technically ADUs, tiny houses can serve a similar purpose

Because tiny houses are typically built on a trailer with wheels rather than a fixed foundation, they are usually treated by zoning as recreational vehicles (RVs) or manufactured (aka mobile) homes. In Portland, Oregon, and a growing number of smaller cities, tiny houses can be legally occupied on any residentially-zoned lot. Since they're small — typically under 400 square feet — tiny houses can fit in a space too small for an ADU. Many include a kitchen and bathroom. Some function more like a detached bedroom. A unique plus: Unlike ADUs, tiny houses can move to a new location as needed.



◀ ▲ “The Lucky Penny” tiny house measures 8 feet wide by 14 feet, 6 inches long and provides 100 square feet of living space. The home, which is located in the backyard of a single-family residence, features a pullout bed, a kitchenette, a shower, built-in storage, and three large windows plus a skylight to provide lots of nature light.



◀ ▼ ADUs are sometimes used as short-term rental units for travelers. The “Kangablue,” is one of several units at Caravan, the “world’s first tiny house hotel.” At 170 square feet, the home is the largest tiny house on the lot, located in the Cully neighborhood of Portland, Oregon. The tiny space includes a kitchen, living area, bathroom (with a shower and toilet) and a sleep loft.



Top: Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Dutilh, PhotoXplorer
Bottom: Design and Builder: Benn Kovco | Photos by Jeff Freeman Photography

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

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A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, which was one of the first municipalities in the nation to allow and encourage the creation of accessory dwelling units.

To learn more about ADUs — and to order or download this guide — visit [AARP.org/Livable](https://www.aarp.org/livable).

Other useful resources include:

- *AccessoryDwellings.org*
- *BuildingAnADU.com*
- *Planning.org* (the website of the American Planning Association)
- And the websites of the states, cities and towns mentioned in this guide as allowing and encouraging the creation of accessory dwelling units.



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
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North Liberty Planning Commission
July 2, 2024
Council Chambers, 360 N Main Street

Call to Order

Chair Josey Bathke called the July 2, 2024, Planning Commission to order at 6:30 p.m. in the Council Chambers at 360 N Main Street. Commission members present: Josey Bathke, Sheila Geneser, Amy Yotty, Valerie Ward, Barry A'Hearn; absent—Jason Heisler, Dave Willer.

Others present: Ryan Heiar, Grant Lientz, Josiah Bilskemper, Mary Byers, Bryce Achen and other interested parties.

Approval of the Agenda

A'hearn moved, seconded by Geneser to approve the agenda. The vote was all ayes. Agenda approved.

Public Comments

No public comments were offered.

Election of Chairperson

Bathke moved, seconded by A'Hearn to appoint Yotty has as chairperson. The vote was all ayes. Motion carried.

Yotty assumed the Chair as Chairperson.

Election of Vice-Chairperson

Bathke moved, seconded by Geneser to appoint A'Hearn Vice-Chairperson. The vote was all ayes. Motion carried.

Preliminary Subdivision Plat

Staff presentation

Bilskemper presented the Request of Primestone Residential to approve a Preliminary Subdivision Plat for a 30-lot subdivision on approximately 43.7 acres. The property is generally located on the north side of West Forevergreen Road approximately 150 feet west of Covered Bridge Boulevard. Staff recommends the Planning Commission accept the two listed findings: 1)The preliminary plat, which proposes commercial development, would achieve consistency with the Comprehensive Plan Future Land Map designation of Urban High Intensity; and 2) The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 on the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards respectively; and

forward the request of the Preliminary Subdivision Plat on approximately 43.7 acres to the City Council for a recommendation for approval.

Applicant Presentation

Bryce Achen, McClure Engineering, was present on behalf of the applicant and offered additional information and answer questions.

Public Comments

No public comments were offered.

Recommendation to the City Council

Bathke moved, seconded by A'Hearn that the Planning Commission accept the two listed findings and forward the Preliminary Subdivision Plat to the City Council with a recommendation for approval. The vote was—Bathke, Geneser, Yotty, Ward, A'Hearn; absent—Heisler and Willer. Motion carried.

Approval of Previous Minutes

Ward moved, seconded by A'Hearn, to approve the Minutes of June 4, 2024 meeting. The vote was all ayes. Minutes approved.

Old and Old Business

Lientz welcomed Valerie Ward to the Commission.

Adjournment

Yotty adjourned the meeting at 6:50 p.m. The vote was ayes. Meeting adjourned.

Signed:

Mary Byers, Deputy Clerk