

ACCESSORY DWELLING UNITS

Add “S/C” under “R-1”, “R-2”, and “R-3” zoning for Accessory Dwelling Units in TMC18.60.

Revised Definition in TMC18.55 for Accessory Dwelling Unit.

A single dwelling unit that is incidental to, subordinate to, and located on the same zoning lot as the principal building. That accessory dwelling may either be integrated into or added on to the principal dwelling or established as a detached accessory dwelling building. Shall be referred to in these regulations as an “ADU”.

18.60.010 Use Tables

		APPROVAL LEVELS																								
		● = Allowed Use																								
		S = Allowed per Special Use Requirments under Chapter 18.225 TMB																								
		S/C = If unable to meet Special Use Requirements, may apply for CUP																								
		C = Conditional Use Poermit (CUP) approved by Governing Body																								
# = See Definition in Chapter 18.55 TMC		See Design Standards for X and D Districts																								
Use	Description	R-1/R-2/R-3 Single Family Dwelling	R-4 Manufactured Homes	M-1 Two Family Dwelling	M-1a Limited Multiple Family Dwelling	M-2 Multiple Family Dwelling	M-3 Multiple Family Dwelling	O&I-1 - Office And Institutional	O&I-2 - Office And Institutional	O&I-3 - Office And Institutional	C-1 Commercial	C-2 Commercial	C-3 Commercial	C-4 Commercial	I-1 Light Industrial	I-2 Heavy Industrial	U-1 University	MS-1 Medical Service	X-1 Mixed Use	X-2 Mixed Use	X-3 Mixed Use	D-1 Downtown Mixed Use	D-2 Downtown Mixed Use	D-3 Downtown Mixed Use	RR-1 Residential Reserve	OS-1 Open Space
Residential		Districts																								
Dwelling, Detached Single-Family #		●	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	●	●
Dwelling, Attached Single-Family #		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-
Dwelling, Two-Family # (Duplex)		-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-
Dwelling, Three/Four-Family	includes 3-4 unit row or town houses #	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	●	-	-	-
Dwelling, Multiple-Family #	structure with at least 5 units	-	-	-	-	●	●	-	-	-	-	-	-	-	-	-	-	●	C	C	●	S	●	●	-	-
Dwelling, Accessory #	secondary to primary dwelling, not exceeding 600-800 sq. ft.	S/C		●	●	●	●											●	●	●	●					

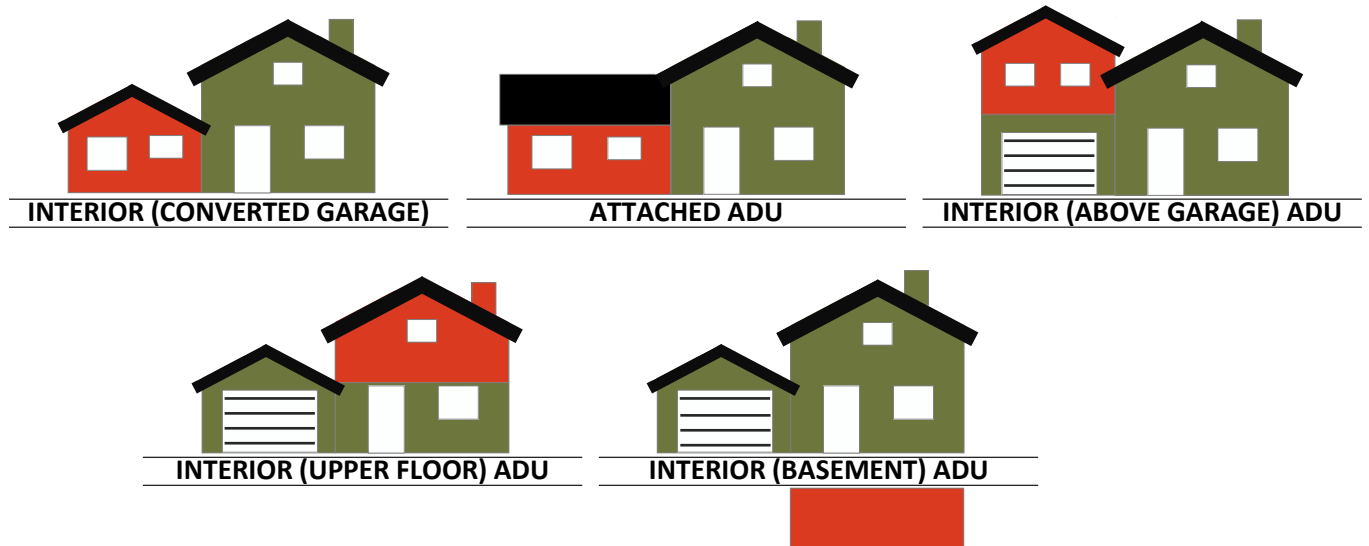
TMC 18.225 Specific Use Requirements for Accessory Dwelling Units.

(mm) Accessory Dwellings.

(1) Generally. A single ADU is permitted as an accessory use to the principal dwelling and allowed subject to satisfying these standards.

(2) Accessory Dwelling Units (ADU) are classified into the following types:

A. Integrated Accessory Dwelling (Conversion or addition within or onto principal dwelling)



B. Detached Accessory Dwelling (Conversion or new construction of detached building)



(3) Purpose.

- A. Create new housing units while preserving the character of single-family detached residential neighborhoods;
- B. Allow more efficient use of the City's existing housing stock, infrastructure, and services, and preserve open space.
- C. Provide a mix of housing types in a traditional neighborhood setting and accommodate non-traditional living environments while respecting the scale, location and design of the principal single-family dwelling;
- D. Provide a broader range of accessible and affordable housing to promote aging in place.

(4) Standards.

- i. Applicable to Accessory Dwelling Units with approval level "S/C" in TMC 18.60.010 Use Tables.
- ii. Detached Accessory Dwellings shall;

- A. contain no more than 800 square feet, exclusive of garages attached to the accessory dwelling, or 50% of the gross floor area of the principal dwelling, whichever is less.
 - iii. Integrated Accessory Dwellings:
 - A. Shall contain no more than 800 square feet and shall not exceed 80% of the area of the principal dwelling.
 - B. Shall be separated from the principal dwelling by a wall, floor, or ceiling and have a separate entrance from the exterior.
 - C. Shall be designed and constructed in a manner integrated with the architecture of the principal dwelling.
 - D. For means of accessing the ADU, exterior stairways may be located on either the side or rear of the primary dwelling. The stairway shall not be located on any street facing façade.
 - E. The windows for the integrated ADU, if visible from the street, shall match those in the principal dwelling in proportion and orientation;
 - F. Eaves shall project from the building wall the same distance as the eaves on the rest of the principal dwelling;
 - G. Shall not have a new, exclusive or separate entrance, visible from the street, on the same street-facing building elevation as the principal dwelling.
 - iv. Second-story additions for detached garages must comply with the standards for detached accessory dwellings and the height standards for detached accessory buildings in Chapter 18.60.020.
- (5) Owner Occupancy Required: Either the accessory dwelling unit or the principal dwelling unit shall be occupied by an owner of record of the property.
- (6) Building design guidelines for all types of ADUs.
 - A. The exterior finish material shall be visually compatible in type, size and placement with the exterior finish material of the principal dwelling;
 - B. The roof pitch shall be similar or compatible with the predominant roof pitch of the principal dwelling;
 - C. Trim on edges of elements on the addition shall be similar or compatible with in type, size and location as the trim used on the rest of the principal dwelling;
 - D. Windows shall match those in the principal dwelling in proportion and orientation;
 - E. Eaves shall project from the building wall the same distance as the eaves on the rest of the principal dwelling;
 - F. If the ADU is converted from an existing detached building, the exterior shall be modified to the greatest extent possible to match or be comparable to the principal dwelling.
- (7) Parking Standards.
 - A. One off-street parking space on a hard surface meeting City of Topeka standards shall be provided in addition to the off-street parking required for the principal dwelling.

- B. For lots with a single street frontage of less than 100 feet, additional off-street parking and driveway access for the accessory dwelling shall be from the existing parking and driveway access. Lots abutting an alley may provide parking access to the ADU from the alley.
- C. For corner lots or lots with alley access, off-street parking and driveway access shall be either:
 - a. Integrated with existing parking and driveway access;
 - b. provided on the street frontage other than where the parking and driveway access for the principal dwelling is located; or provided from the alley.

(8) Existing Legal Nonconforming Uses

- A. Existing buildings with legal nonconforming setbacks may be converted to accessory dwellings provided building codes are met.

(9) Comply with applicable building codes, and dimensional standards of the zoning district shall apply unless stated otherwise in these standards.

(10) Approval by Planning Division. Upon review of an application a building permit that includes information as determined by the Planning & Development Director, the Director will determine whether the application meets the requirements of the TMC 18.225.010.

(11) Addressing. The property owner shall make arrangements with the Planning & Development Department to obtain a separate address or unit number for purposes of mail delivery to the accessory dwelling.

(12) ADUs that do not meet the standards in above paragraphs 4, 5, and 6 may be approved by Conditional Use Permit (CUP) in accordance with Chapter 18.215 Conditional Use Permits.