

Memorandum

City of Lawrence

Planning and Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director
Randy Larkin, Senior Assistant City Attorney
Brian Jimenez, Code Enforcement Manager

Date: January 12, 2012

RE: Ordinance 8692: Rental of Dwellings in RS Zoning Districts

At the January 10th City Commission meeting, the Commission approved Ordinance 8692 on first reading regarding the Rental Licensing of dwellings in the RS Zoning Districts. Ordinance 8692 includes a list of exemptions from the Rental Licensing article. It was discussed in the staff presentation at the meeting that Accessory Dwelling Units (ADU) should be added to this list of exemptions; however, staff failed to request clarification of whether to add it to the list of exemptions when the motion was made.

An ADU is defined by the *Land Development Code* as, "A Dwelling Unit that is incidental to and located on the same Lot as the Principal Building or use, when the Principal Building or use is a Dwelling." Staff believes this type of dwelling unit should be exempt for the following reasons:

- The *Land Development Code* requires either the principal dwelling unit or the ADU to be owner occupied. If one unit is not owner occupied, then it is considered a duplex and would no longer be exempt from the Rental License regulations.
- The *Land Development Code* requires registration of ADU with the Planning Office.
- Existing occupancy limits are outlined in the Code and sets the accumulative density of a property with an ADU, established in accordance with section 20-534 of the Code, to be one family plus one additional person.

With the information that the property must be owner occupied, the ADU must be registered and the Code outlining a specific occupancy for the site, staff feels that it is appropriate to add Accessory Dwelling Units to the list of exemptions from the Rental License article of the Code. This recommendation received no opposition during the public comment and the Commission did not direct staff either way in the matter. Ordinance 8692 has been revised to reflect this change.

Action Requested

Adopt on second reading revised Ordinance 8692.