

**TOWN OF TIBURON  
ORDINANCE NO. 594 N.S.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON  
AMENDING SUBSECTION 16-52.100 OF SECTION 16-52 OF CHAPTER 16 OF  
TITLE IV OF THE TIBURON MUNICIPAL CODE AND REPEALING  
SUBSECTION 16-52.105 OF SECTION 16-52 OF CHAPTER 16 OF TITLE IV OF  
THE TIBURON MUNICIPAL CODE REGARDING ACCESSORY DWELLING  
UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

WHEREAS, in October 2019, the Governor signed a trio of bills amending Government Code sections 65852.2 and 65852.22 regarding Accessory Dwelling Units and Junior Accessory Dwelling Units; and

WHEREAS the new State Accessory Dwelling Unit laws become effective on January 1, 2020; and

WHEREAS the Planning Commission held a duly noticed public hearings on April 12, 2021, May 12, 2021 and June 9, 2021; and

WHEREAS, on June 9, 2021, the Planning Commission reviewed the draft ordinance, recommended changes, determined that the amendments were exempt from CEQA, and adopted a resolution recommending the draft ordinance with changes to the Town Council.

WHEREAS, the Town Council held a duly noticed public hearing on August 4, 2021, regarding the Planning Commission's recommendation to revise the ordinance for the review. approval, denial and development of Accessory Dwelling Units and Junior Accessory Dwelling Units and requested further review by the Planning Commission; and

WHEREAS, on December 8, 2022, the Planning Commission reviewed the draft ordinance, recommended changes, determined that the amendments were exempt from CEQA, and adopted a resolution recommending the draft ordinance.

WHEREAS, on February 2, 2022, the Town Council held a duly noticed public hearing, received a staff report and public hearing and voted 3-2 to amend the Ordinance and to waive additional readings and set the adoption for the next regular meeting of the Town Council; and

WHEREAS, on February 16, 2022, the Accessory Dwelling Unit and Junior Accessory Dwelling Unit ordinance was placed on the consent calendar and adopted by the Town Council; and

NOW. THEREFORE, the Town Council of the Town of Tiburon does ordain as follows:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the Town Council of the Town of Tiburon.

**Section 2.** Repeal of Subsection 16-52.100 the Municipal Code.

Subsection 16-52.100 of section 16-52 of Chapter 16 of Title IV of the Tiburon Municipal Code is hereby repealed in its entirety.

**Section 3.** Adoption of Subsection 16-52.100 the Municipal Code.

A new subsection 16-52.100 of section 16-52 of Chapter 16 of Title IV of the Tiburon Municipal Code is hereby adopted, as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**Section 4.** Repeal of Subsection 16-52.105 of the Municipal Code.

Section 16-52.105 of the Municipal Code is hereby repealed in its entirety.

**Section 5.** Compliance with CEQA.

The proposed amendments to the Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), general rule, which applies to any action where can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. Therefore, no further environmental review is necessary.

**Section 6.** Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.


**Section 7.** Effective Date and Publication.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2)

post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on February 2, 2022, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on February 16, 2022, by the following vote:

AYES:	COUNCILMEMBERS:	Fredericks, Ryan, Welner
NAYS:	COUNCILMEMBERS:	Thier, Griffin
ABSENT:	COUNCILMEMBERS:	None

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 JON WELNER, MAYOR  
 TOWN OF TIBURON

ATTEST:

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 LEA STEFANI, TOWN CLERK

**Exhibit A**  
**Proposed Ordinance**  
**Chapter 16-52.100- Accessory Dwelling Unit**

This purpose of this chapter is to provide for the creation of Accessory Dwelling Units (“unit”) and Junior Accessory Dwelling Units in a manner consistent with State law. The purpose for the Town of Tiburon is to expand the opportunity to provide a variety of housing opportunities, while still preserving the character of the Town.

**A. Definitions**

1. “Accessory Dwelling Unit” (“ADU”) shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing dwelling. It shall include permanent provision for living sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is or will be situated
2. “Junior Accessory Dwelling Unit” (“JADU”) shall mean a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. A Junior Accessory Dwelling Unit must include an efficiency kitchen with a sink, cooking facility with appliances that do not require electrical service greater than 120 volts, and a food preparation area that is of reasonable size in relation to the size of the unit. The Junior Accessory Dwelling Unit must include a separate entrance from the main entrance to the structure. The Junior Accessory Dwelling Unit may include an interior entrance connecting the Junior Accessory Dwelling Unit and the primary dwelling unit. The interior entrance may include a second interior doorway for sound attenuation.
3. “Internal Accessory Dwelling Unit” means an Accessory Dwelling Unit that is contained within the existing space of a single-family residence or accessory structure, has independent exterior access, and does not add any floor area to an existing structure.
4. “Attached Accessory Dwelling Unit” means an Accessory Dwelling Unit that shares a common wall with the primary dwelling unit on the lot, either by being constructed as a physical expansion (i.e., addition) of the primary dwelling unit, conversion of an existing garage attached to the primary dwelling, or installation of a new basement underneath an existing primary dwelling unit.
5. “Detached Accessory Dwelling Unit” means an Accessory Dwelling Unit that is constructed as a separate structure from the primary dwelling unit on the lot or is created by the conversion (full or partial) of an existing detached accessory building into an Accessory Dwelling Unit.

**B. Accessory Dwelling Units**

**B.1 Administration.**

This section provides for the establishment and reasonable regulation of Accessory

Dwelling Units in order to encourage housing opportunities for all segments of the population while ensuring the public health safety and welfare of the town.

1. Application and fee. Applications for an Accessory Dwelling Unit shall be processed ministerially and shall be accompanied by the appropriate fee. Accessory Dwelling Unit shall be permitted through issuance of a building permit.
2. Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted on lots zoned to allow single-family or multi family dwelling residential use.
3. Director of community development as review authority. Building permit applications for Accessory Dwelling Units shall be acted upon by the director ministerially without discretionary review or a public hearing. The permit shall be reviewed and approved through the Building Division. The building permit application shall be acted upon within 60 days from receipt of a completed application and if not acted upon within that timeline the application shall be deemed approved. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A courtesy notice shall be provided to owners of property within one hundred feet of the subject property, as set forth on equalized county tax assessment rolls, at least ten days prior to a decision by the director.
4. Approved existing Accessory Dwelling Units remain valid. Any secondary dwelling unit legally established with an approved conditional use permit prior to July 1, 2003, and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such conditional use permit shall continue to comply with all conditions of original permit approval, and with building code for secondary dwelling units in effect at the time of permit approval. The Town shall not require the correction of any nonconforming zoning condition as a condition of approval for an Accessory Dwelling Unit.
5. Expiration. Accessory Dwelling Unit permits issued in compliance with this section shall expire and become null and void 18 months after building permit issuance unless a certificate of occupancy has been issued by the building division or extension of the existing building have been granted through the building division.
6. Periodic update. The director shall maintain a record of all legal Accessory Dwelling Units and all legal secondary dwelling units and shall review and update the record every two years.
7. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Chapter 31 (enforcement of code).
8. Administrative Review. The decision of the director granting or denying an Accessory Dwelling Unit permit is a ministerial decision as required by state law, and not subject to a public hearing.
9. Density. Pursuant to California Government Code Section 68552.2, no Accessory Dwelling Unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Tiburon General Plan, and Accessory Dwelling Units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

**B.2 Development Standards.**

1. **Rental.** The Accessory Dwelling Unit may be rented separate from the Primary Unit but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental. The Accessory Dwelling Unit may not be sold separately from the Primary Unit.
2. **Location on Lot.** The Accessory Dwelling Unit shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building by a minimum of six (6) feet, or as may otherwise be required by the building code.
3. **Guaranteed Allowance.** All standards related to size, limits on lot coverage, floor area ratio, open space and/or minimum lot size that apply to an Accessory Dwelling Unit shall not prohibit an Accessory Dwelling Unit measuring 800 square feet of floor area or less, a height of 16 feet or less, and four-foot side and rear yard setbacks, provided the Accessory Dwelling Unit complies with all other applicable standards. For an Accessory Dwelling Unit that exceeds these standards, the architectural compatibility objective design standards outlined in the subsequent sections shall be applied.
4. **Size – Attached ADUs.** The total floor area of an attached Accessory Dwelling Unit shall be as follows:

**Table 1: Attached ADU Floor Area**

<b>ADU Type</b>	<b>ADU Floor Area</b>
One bedroom or less	The total area of floor space shall not exceed 850 sq. ft.  For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.
More than one bedroom	The total area of floor space shall not exceed 1,000 sq. ft
	In no case may the total floor area of an attached ADU exceed 50% of an existing primary dwelling

5. **Size – Detached ADUs.** The total floor area of detached Accessory Dwelling Units shall be as follows:

**Table 2: Detached ADU Floor Area**

ADU Type	ADU Floor Area
One bedroom or less	<p>The total area of floor space shall not exceed 850 sq. ft.</p> <p>For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.</p>
More than one bedroom	The total area of floor space shall not exceed 1,000 sq. ft.

6. For Accessory Dwelling Units which exceed the maximum size limitations set forth in Table 1 or Table 2, Site Plan and Architectural Review will be required as well as a building permit, if approved. As part of this review, the ADU shall comply with all regulations set forth within the land use designation.
7. Setback. Minimum setbacks of Accessory Dwelling Units shall be as follows:

**Table 3. Minimum Property Line Setback**

Property Line	ADU Type	
	Attached and Detached	Internal
Front	<p>Same as applicable zone to the primary dwelling unit.</p> <p>In the case of an ADU within a Precise Plan Area or Residential Planned Development Area where no front setback is prescribed, the front setback shall be 30 feet</p>	None required

Side/Rear	4 ft.*	
<p>*No Setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an Accessory Dwelling Unit or to a portion of an Accessory Dwelling Unit.</p>		

8. Side yard setback and height will be verified by a licensed surveyor.
  
9. Setback exceptions. No Setback shall be required for a lawfully constructed garage in existence prior to January 1, 2017 that is converted in whole or part to an Accessory Dwelling Unit.
  
10. Height. One story Accessory Dwelling Units shall have a height limit of 16 feet or no taller than the primary residence at the area of attachment and in no case greater than 30 feet. Accessory Dwelling Units may be two stories and no greater in height than 30 feet.
  
11. Historic Structures. No demolition of a historic building (Local, State, or Federal Listing) is allowed as part of the construction of an Accessory Dwelling Unit.
  
12. Parking.
  - a. One off-street parking space per Accessory Dwelling Unit shall be required, unless parking exceptions as set forth in section (B) 13 of this Section apply.
  - b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit or converted to an Accessory Dwelling Unit, those off-street parking spaces need not be replaced. These spaces may be provided as tandem parking on a driveway.
  
13. Parking exceptions. No parking shall be required of an Accessory Dwelling Unit in any of the following instances:
  - a. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as measured along path of travel.
  - b. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.
  - c. The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure, including the conversion of existing garage or carport.
  - d. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
  - e. When there is a car share vehicle located within one block of the Accessory Dwelling Unit. "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any



time through an automated application, kiosk, or other method not requiring a live attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use.

14. Fire Sprinklers. Fire sprinklers are not required in an Accessory Dwelling Unit if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.
15. Architectural Compatibility. The Accessory Dwelling Unit shall comply with the following objective architectural standards.
  - a. Color and Materials. The color and materials of the Accessory Dwelling Unit shall match the Primary Unit.
  - b. Lighting. Lighting shall be shielded and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property.
  - c. The Accessory Dwelling Unit shall be located at least 10 feet from the top of any creek bank that exists on the lot of the proposed Accessory Dwelling Unit. The top of creek bank shall be defined by a licensed civil engineer.
  - d. The Accessory Dwelling Unit shall have a permanent full kitchen with a sink, refrigerator, and stove/oven. Only one kitchen is allowed per Accessory Dwelling Unit.
  - e. No exterior lights are allowed except two shielded downward pointing lights at the entry to the Accessory Dwelling Unit.
  - f. No windows facing the rear and side property lines are allowed when located less than 6 feet from the rear or side property line.
  - g. No entryways are allowed within 10 feet of a side or rear property line.
  - h. The Accessory Dwelling Unit is not allowed on any open space easement. A title report shall be provided to identify all open-space easements.
  - i. The Accessory Dwelling Unit shall not have any reflective roof or building material.
  - j. The roof color of the Accessory Dwelling Unit shall use similar roof materials and color as the primary dwelling unit.
  - k. No vents, flues, or appurtenances shall exceed the height limit.
  - l. No signs are allowed on Accessory Dwelling Unit except an address sign.
  - m. No portico, trellis or other roof is allowed as part of the Accessory Dwelling Unit. A 5x5 foot entryway roof is allowed but must be at least 10 feet from any property line.
  - n. All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all Accessory Dwelling Units.
  - o. The Accessory Dwelling Unit shall not include any other item that would require discretionary approval, including but not limited to an exterior shower, exterior sink, pool, BBQ, spa, fence, and/or piping stub outs to the exterior.
  - p. Two trees shall be planted at each proposed window of the Accessory

Dwelling Unit facing a neighboring property where such trees are consistent with the Fire Code.

16. Any protected tree to be removed as part of a new Accessory Dwelling Unit shall require a tree removal permit.
17. Fire District Regulations. The Accessory Dwelling Unit shall comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
18. Sanitary Service. Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit shall be available. If the lot is connected to the public sewer system, the applicant shall submit a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant shall submit a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.
19. Separate Utility Connection. New and separate utility connections shall be required directly between the Accessory Dwelling Unit and the utility. Consistent with Government Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service,
20. Premises identification. Any town-assigned street address number for the Accessory Dwelling Unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
21. Exterior Access and Passageways.
  - a. Internal Dwelling Units. Internal Accessory Dwelling Units shall have independent exterior access separate from the primary dwelling.
  - b. Attached Accessory Dwelling Units. Independent exterior access separate from the primary dwelling is required. No internal connection is permitted for attached Accessory Dwelling Units. Exterior access may not encroach into required setbacks.
  - c. No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

## C. Junior Accessory Dwelling Units

### C.1 Administration.

This section provides for the establishment and reasonable regulation of Junior Accessory Dwelling Units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

1. Building permit required. No Junior Accessory Dwelling Unit shall be established or used unless a building permit has been issued by the town.
2. Director of Community Development as review authority. Applications for Junior Accessory Dwelling Unit permits shall be acted upon by the director without discretionary review or a public hearing. The Director shall act on the application within 60 days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application is submitted with a permit application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the Accessory Dwelling Unit until the Town acts on the permit application to create the new single-family dwelling, but the application to create the Accessory Dwelling Unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60- day time period shall be tolled for the period of the delay.
3. Grant of Junior Accessory Dwelling Unit permit. In order to grant a Junior Accessory Dwelling Unit permit, the Director shall find that the Junior Accessory Dwelling Unit would comply with the standards set forth in subsection C (2) of this section.
4. Building permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a Junior Accessory Dwelling Unit. Any repair, rehabilitation, or other work associated with the installation of the Junior Accessory Dwelling Unit shall also obtain building permits where required by law.
5. Expiration. Junior Accessory Dwelling Unit permits issued in compliance with this section shall expire and become null and void 18 months after building permit issuance unless a certificate of occupancy has been issued by the building division or extension of the existing building have been granted through the building division.
6. Periodic update. The director shall maintain a record of all authorized Junior Accessory Dwelling Units and shall review and update the record every two years. At the review, the owner of record shall verify in writing under penalty of perjury that the Junior Accessory Dwelling Unit is in compliance with the standards for Junior Accessory Dwelling Units and with all operating requirements of the permit as set forth in applicable ordinances and regulations.

## C.2 Development Standards.

1. Maximum Size. Junior Accessory Dwelling Units shall be no greater than 500 square feet in size and contained entirely within a single-family residence.
2. Owner Occupancy. One of the dwelling units on the site (either the Primary Unit or the Junior Accessory Dwelling Unit) shall be owner-occupied. For purposes of this standard, "owner" is defined as a person or entity with a majority (i.e., fifty-one percent or greater) interest in the property. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.

3. Junior Accessory Dwelling Units shall not be sold separately. A prohibition on the sale of the Junior Accessory Dwelling Unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
4. Rental. The Junior Accessory Dwelling Unit may be rented separate from the Primary Unit but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental. The Junior Accessory Dwelling Unit may not be sold separately from the Primary Unit.
5. Location. No more than one Junior Accessory Dwelling Unit is permitted on a residential lot within an existing single-family structure. No setbacks apply to Internal/Junior Accessory Dwelling Units.
6. Size. Maximum floor area allowed is 500 square feet.
7. Architectural Compatibility. The Junior Accessory Dwelling Unit shall comply with the following objective design standards:
  - a. All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all Junior Accessory Dwelling Units.
  - b. The Junior Accessory Dwelling Unit shall have a permanent efficiency kitchen as defined in A (2). Only one kitchen is allowed per Junior Accessory Dwelling Unit.
  - c. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
  - d. No portico, trellis or other roof is allowed as part of the Junior Accessory Dwelling Unit.
  - e. The Junior Accessory Dwelling Unit shall not include any other item that would require discretionary approval, including but not limited to an exterior shower, exterior sink, pool, BBQ, spa, fence, and/or piping stub outs to the exterior.
  - f. No signs are allowed on Junior Accessory Dwelling Unit except an address sign.
8. Fire Sprinklers. Fire sprinklers are not required in a Junior Accessory Dwelling Unit if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.
9. Exterior Access and Passageways. Junior Accessory Dwelling Units shall have independent exterior access separate from the primary dwelling.

D. Accessory Dwelling Units Subject to Limited Standards.

The City shall ministerially approve an application for a building permit within a residential or mixed-use district to create the following types of Accessory Dwelling Units. The City shall only permit one type of the following Accessory Dwelling Units per lot. For each type of Accessory Dwelling Unit, the City shall require compliance only with the development standards in this subsection. Standards provided above in subsections (B) and (C) do not apply to the following types of Accessory Dwelling Units:

1. Internal Accessory Dwelling Units. One Accessory Dwelling Unit or Junior Accessory Dwelling Unit per lot with a proposed or existing single-family dwelling if all of the following apply:
  - a. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit, as such use is classified in BMC [17.16.080](#), is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  - b. The space has exterior access from the proposed or existing single-family dwelling.
  - c. The side and rear setbacks are sufficient for fire and safety.
  - d. The Junior Accessory Dwelling Unit complies with the requirements of California Government Code Section 65852.22.
2. Detached Accessory Dwelling Units. One detached, new construction, Accessory Dwelling Unit for a lot with a proposed or existing single-family dwelling. The Accessory Dwelling Unit may be combined with a Junior Accessory Dwelling Unit described previously in subsection (C), or an Internal Accessory Dwelling Units described in this section. The detached Accessory Dwelling Unit must comply with the following:
  - a. Maximum floor area: 800 square feet.
  - b. Maximum height: 16 feet.
  - c. Minimum rear and side setbacks: four feet.
3. Non-Livable Multifamily Space. Multiple Accessory Dwelling Units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
  - a. At least one Accessory Dwelling Unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and
  - b. Each Accessory Dwelling Unit shall comply with building code standards for dwellings.
4. Detached Accessory Dwelling Units on Multifamily Lots. In the event an Accessory Dwelling Unit is proposed on a lot that has an existing multifamily dwelling but is detached from that multifamily dwelling, no more than two Accessory Dwelling Units are permitted. The Accessory Dwelling Units, are subject to the following:
  - a. Maximum height: 16 feet.
  - b. Minimum rear and side setbacks: four feet.