

Accessory Dwelling Unit Regulations

(Amended by Ordinance 2023-11, adopted February 21, 2023)

Section 72-277(d)

- (1) Accessory dwelling units shall be permitted in the FR, RC, A-1 through A-4, RA, RR, R-1 through R-6, R-9, MH-3 through MH-6, MH-8, B-8, PUD, OMV, OUR, OTR, ORE, OCR, and SWR zoning classifications.
- (2) *Development standards.*
 - a. Accessory dwelling units shall not be greater than 50 percent of the living area of the principal detached single-family dwelling unit on any size parcel. On lots less than one acre in size, an accessory dwelling unit shall have a minimum living area of not less than 240 square feet and a maximum living area of not more than 1,200 square feet. On lots greater than or equal to one acre in size, an accessory dwelling unit shall have a minimum living area of not less than 240 square feet and shall not exceed 50 percent of the principal dwelling unit.

“Living area” shall be defined as conditioned space enclosed within the building thermal envelope that is utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes, including hallways; utility rooms; and closets. Unconditioned spaces such as garages or porches (open or screened) are not included in the definition of “living area.”
 - b. The residential lot shall be occupied by a principal detached single-family dwelling unit that is owner occupied. This requirement shall not be varied.
 - c. Accessory dwelling units must meet the same setbacks as required for the principal detached single-family dwelling unit.
 - d. On lots less than one acre in size, a detached accessory dwelling unit must be located so that its front façade is rearward of the rearmost point of the principal detached single-family dwelling unit. An attached accessory dwelling unit must be located to the rear of the primary detached single-family dwelling unit. On lots greater than or equal to one acre in size, this requirement does not apply, provided that all other minimum yard requirements are met.
 - e. Only one entrance may be located on the front façade of the primary detached single-family dwelling unit. If the accessory dwelling unit is attached to the primary detached single-family dwelling unit, the entrance must be located on the side or rear façade.
 - f. One (1) parking space shall be provided for the exclusive use of the accessory dwelling unit in addition to the parking space(s) required for the principal detached single-family dwelling unit. The parking space shall not be located in the required front yard setback. A tandem parking space (one car parked behind another) with spaces for the principal detached single-family dwelling unit shall not be permitted.
 - g. Both the principal detached single-family dwelling unit and the accessory dwelling unit shall be served by one common driveway connecting to a public or private road. The requirement for a single driveway connection may be waived if the Zoning Enforcement Official determines that the waiver of the requirement would not be detrimental to the public health, safety, or general welfare, subject to one of

the following circumstances being present:

1. Where an applicant seeks to convert an existing structure to use as an accessory dwelling unit, and that structure was served by an access driveway separate from the principal detached single-family dwelling unit;
 2. Where the applicant can show that there are already two (2) legally established access driveways to the parcel that are available to serve the primary detached single-family dwelling unit and accessory dwelling units separately;
 3. Where the parcel has frontage on two (2) roads; or
 4. Where the applicant demonstrates an alternative access design that provides an overall reduction in the expanse of driveway area is preferable.
- (3) An accessory dwelling unit may be constructed concurrently with or after construction of the principal detached single-family dwelling unit.
- (4) Accessory dwelling units may have independent meter connections for water, sewer, and electric utilities from the principal detached single-family dwelling unit. Utility impact fees will not be charged if the accessory dwelling unit shares utility connections with the principal detached single-family dwelling unit or if the accessory dwelling unit shares or has an independent well and septic system. However, if the accessory dwelling unit has independent water and sewer connections, then impact fees on these utilities will be charged.
- (5) *Restrictions.*
- a. An accessory dwelling unit may not be located on any parcel or lot already containing a principal detached single-family dwelling unit, where that dwelling unit is nonconforming with respect to land use or zoning, or developed with a duplex, triplex, or other multi-family dwelling unit.
 - b. A lot containing an accessory dwelling unit shall not be subdivided to separate the accessory dwelling unit from the principal detached single-family dwelling unit.
 - c. An accessory dwelling unit may not be sold separately from the principal detached single-family dwelling unit.
 - d. An accessory dwelling unit may not be a mobile home, unless mobile homes are permitted within the zoning classification of the property and the principal detached single-family dwelling unit is a mobile home.
 - e. Perimeter fencing of a property that contains primary detached single-family dwelling units and accessory dwelling units may not appear to separate the units as if they are located on separate lots.

ZONING CHECKLIST ACCESSORY DWELLING UNIT (ADU)

Required Information:

- ☐ Proof that the principal structure is owner occupied.
- ☐ Survey
- ☐ A Site Plan depicting the size and location of the principal residence and the ADU. All structures on the property must be drawn to scale on a site plan or survey.
 - Show the distance of the structures to the property lines.
 - Show the location and dimensions of the dedicated parking space for the ADU.
 - Show the location of the driveway access for the principal residence and the ADU.
 - Indicate the front façade/entrance of both the principal residence and the ADU.
- ☐ Provide the square footage of the principal residence, including the overall size and a square foot calculation of all living areas and non-living areas. If house plans are unavailable, the Property Appraiser's calculations may be utilized.
- ☐ Provide a detailed dimensioned drawing of the ADU, including the overall size and a square foot calculations of all living areas, non-living areas, and building height.

REVIEW CHECKLIST

- Is the principal residence owner occupied? ☐ Yes ☐ No
- Size of the principal residence living area = _____ sf
- Size of the ADU living area = _____ sf
- Does the ADU meet the size standards? ☐ Yes ☐ No
(The maximum allowed size of an ADU = 50% the size of the principal residence, subject to a maximum of 1,200 sf and minimum of 240 sf. Lots of one acre or greater, ADU = 50% the size of the principal residence, subject to minimum of 240 square feet)
- Does the ADU meet principal structure setbacks? ☐ Yes ☐ No
- Is there a dedicated parking space for the ADU? ☐ Yes ☐ No
(The parking space shall not be located in the required front yard setback and may not be a tandem parking space (one car parked behind another).)
- Is there one common driveway for both the principal residence and the ADU? ☐ Yes ☐ No
- If not, is the applicant eligible for a waiver? ☐ Yes ☐ No
The requirement for a single driveway connection may be waived by the ZEO, subject to one of the following circumstances being present:
 1. Where an applicant seeks to convert an existing structure to use as an accessory dwelling unit, and that structure was served by an access driveway separate from the principal detached single-family dwelling unit;
 2. Where the applicant can show that there are already two (2) legally established access driveways to the parcel that are available to serve the primary detached single-family dwelling unit and accessory dwelling units separately;
 3. Where the parcel has frontage on two (2) roads; or

4. Where the applicant demonstrates an alternative access design that provides an overall reduction in the expanse of driveway area is preferable.

– Detached ADU:

- Is the front façade of the ADU rearward of the rearmost point of the principal residence? _____ Yes _____ No

- If lot is one acre or greater, this requirement does not apply, provided that all other minimum yards are met.

– Attached ADU:

- Is the ADU located to the rear of the principal residence? _____ Yes _____ No

- Is the entrance of the ADU located on the side or rear of the principal residence? _____ Yes _____ No