

§ 153.172 DETACHED ACCESSORY DWELLING UNITS.

All detached accessory dwelling units (ADU) must conform to the following standards:

- (A) *Parking.* No additional off-street parking spaces shall be required for an accessory dwelling unit beyond the parking required for the primary dwelling.
- (B) *Unit size.* An accessory dwelling unit shall not exceed seventy-five percent (75%) of the gross floor area of the primary residence or one thousand (1,000) square feet, whichever is less. An accessory dwelling unit shall not have a required minimum floor area.
- (C) *Setbacks.* An accessory dwelling unit shall comply with the minimum setback requirements applicable ~~to accessory structures~~ within the zoning district, provided that such setback requirements shall not be applied in a manner that has the effect of prohibiting the construction of an accessory dwelling unit on an otherwise lawful space.
- (D) *Separation.* The ADU shall meet State Fire Code regulations for separation of structures.
- (E) *Height.* The ADU shall not exceed the height of the primary structure.
- (F) *Existing development on lot.* A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
- (G) *Number of accessory units per parcel.* Only one accessory dwelling unit shall be allowed for each parcel.
- (H) *Deed restrictions.*
 - 1) No deed restriction, restrictive covenant or recorded instrument shall be required as a condition of approval for an accessory dwelling unit, except as provided in subsection H.
 - 2) The City may require a recorded restriction stating that an accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling unless the property is lawfully subdivided in compliance with applicable zoning and subdivision regulations.
 - 3) No condition of approval for an accessory dwelling unit shall require owner occupancy of either the primary dwelling or the accessory dwelling unit.
 - 4) No permit, approval, or recorded restriction related to an accessory dwelling unit shall be conditioned upon limitations on rental duration, identity of tenant or

owner, or continued ownership by the original applicant, except as otherwise provided by state law.

- (1) Density. In the single-dwelling zones, ADUs are not included in the minimum or maximum density calculations for a site.

~~(I) *Architectural Standards.* Architectural features of ADUs shall conform with the single-family character of the neighborhood, and be constructed using exterior materials, roof pitch, and design elements that are substantially similar to the primary residence.~~

- (J) Private Covenants. Nothing in this Ordinance shall be construed to authorize the City to enforce private covenants or the rules of any homeowners' association.

- (K) Impact Fee not to exceed \$250.00

- (L) Can require will serve letter from municipal water and sewer or approval from the Department of Health.

(Ord. 2019-03-836, passed 3-5-19)