

§ 153.172 DETACHED ACCESSORY DWELLING UNITS.

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

- (A) *Parking.* No additional 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 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. Setbacks for ADUs shall not be more restrictive than those applicable to the primary dwelling.
- (D) *Separation.* The ADU shall meet all state and city regulations for separation of structures.
- (E) *Existing development on lot.* A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
- (F) *Number of accessory units per parcel.* Only one accessory dwelling unit shall be allowed for each parcel.
- (G) *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 Paragraph 4 herein.
 - 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 shall not be counted toward minimum or maximum density requirements.

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

- (I) Residential Impact Fees. The City shall not assess development impact fees of an accessory dwelling unit in excess of two hundred fifty dollars (\$250), provided that this limitation shall not prohibit the City from imposing its standard building permit fees or other generally applicable charges.

- (J) Utility Availability and Service Requirements: The City may require, as a condition of approval for an accessory dwelling unit, the submission of a will-serve letter from both the municipal water system and the municipal sewer system demonstrating the availability of adequate service to the proposed unit.