
UNIFIED DEVELOPMENT ORDINANCE

SECTION 39-9.07

ACCESSORY DWELLING UNITS (ADUS)

- A. **Definition:** An *Accessory Dwelling Unit* (ADU) is a detached *dwelling unit* that is permitted only on properties with a single detached principal *dwelling unit*. ADUs are a lesser size than the principal *dwelling unit* and include a kitchen, a sleeping area, and full bathroom facilities.
- B. **Zone Districts Permitted:** LDR, MDR, TNR, GMU, and PUD provided they are only on properties with one single detached *dwelling unit* and meet the standards of this section.
- C. **Application Process.** Application for an ADU shall be made to the *Zoning Administrator* and shall include the following information:
1. **Scaled and Dimensioned Site Plan** of the property showing the following:
 - a. Location of all *structures* on the property (principal and *accessory structures*);
 - b. Proposed location of the ADU;
 - c. *Setbacks* of the proposed ADU from the *property lines* and all *structures*;
 - d. Designated *parking* area for the ADU;
 - e. *Landscaping* or fencing for the ADU.
 2. **Scaled and Dimensioned Floor Plan** of the ADU, showing the following:
 - a. Kitchen;
 - b. Bathroom;
 - c. Sleeping area;
 - d. Entry stairs, porches, or entrances;
 - e. Total square footage of the ADU;
 - f. Gross square footage of the principal *dwelling unit*.
 3. **Scaled elevations** of all sides of the ADU, including windows, doors, porches, and other exterior features.
- D. **Review Process.**
1. **Approving Authority.** The **Zoning Administrator** shall be the *Approving Authority* and shall use the criteria listed in subsection E.
 2. **Notice to Adjacent Property Owners.** After the *Zoning Administrator* receives a complete application for an ADU, and determines that the Plan meets all of the Standards for Approval, a notice shall be provided to all property *owners* within a **300 foot radius** of the subject property with a description of the ADU request. See Section 39-12.06.C.
 3. **A notified property owner may request, a Special Exception public hearing** and review by the *Board of Appeals*. To initiate a hearing by the *Board of Appeals*, the noticed neighbor shall provide a written request to the *Zoning Administrator* describing the specific reasons for the request. The *Board of Appeals* may approve an ADU with conditions if necessary to ensure compatibility with adjoining or nearby residential properties, or to protect the health, safety, and general welfare of the neighbors or the public.
- E. **Standards for Approval:** The *Zoning Administrator* or *Board of Appeals* shall review the ADU using the following standards:
1. **Number Allowed. 1 ADU** maximum shall be permitted on a property.
 2. **Location and Setbacks.**
 - a. **Front Yard:** An ADU shall not be permitted in a required front *setback*.
 - b. **Side Yard:** Shall meet the minimum *side yard setback* for *principal structures* in the *Zone District*. See Article 39-2.
 - c. **Secondary Street:** An ADU shall meet the minimum *secondary street yard setback* for *principal structures* in the *Zone District*. See Article 39-2.
 - d. **Rear Yard:** Shall meet the minimum *side yard setback* for *principal structures* in the *Zone District*. See Article 39-2.

3. **Size and Occupancy.** An ADU shall comply with the size and occupancy requirements of the chart below.
4. **Height.** An ADU located on the first floor shall have a maximum average height of **16 feet**. An ADU located on the second-floor shall have a maximum average height of **22 feet**.
5. **Occupancy.** Either the principal dwelling unit or the ADU shall be **owner-occupied**.
6. **Property Requirements.**
 - a. An ADU shall only be constructed on a property with a *single detached dwelling unit*.
 - b. A property with an ADU shall **not have** a *Short Term Rental* or a *Bed and Breakfast* on the same property.
 - c. **An ADU** shall count towards the maximum number of permitted *accessory structures* on the *lot*, as described in Section 39-9.05.
 - d. An ADU shall **not be allowed** in the area defined as the Hope Neighborhood Overlay District. See Section 39-2.21.
 - e. An ADU shall be connected to an approved water and sewer system.
 - f. The utilities for the ADU shall not be metered separately.
 - g. An ADU shall not be sold separately.
 - h. The ADU shall have one dedicated parking space in addition to one parking space for the single family home.
7. **Impact.**
 - a. An ADU located in any *Zone District* shall receive an Infill Design Review per Section 39-9.09 to ensure character compatibility with the neighborhood;
 - b. The ADU shall not result in an excessive increase in traffic, *parking* congestion, or noise;
 - c. The placement, orientation, and location of the windows and doors of the ADU shall not infringe on the privacy of the surrounding neighborhood;
 - d. Adequate *landscaping* and/or a **6 foot** high *fence* shall be installed to *screen* an ADU from an adjacent property when the ADU is located on the ground floor.
- F. **Post Approval Requirements.** Construction may commence on an ADU following approval by the *Zoning Administrator* or *Board of Appeals*, Infill Design Review, and the issuance of a *Building Permit*. After ADU construction is complete and a Certificate of Occupancy has been obtained, the property owner shall **record a document with the County Register of Deeds** notifying potential buyers of the ADU requirements specified in this section.

ADU Size and Occupancy Requirements

	MINIMUM LOT SIZE	MINIMUM LOT WIDTH	PERMITTED ADU SIZE	MAXIMUM NUMBER OF OCCUPANTS*
Tier 1	-	-	200 to 720 sf, not to exceed 35% of the gross floor area of the principal dwelling unit above grade	3 people
Tier 2	9,600 sf	60 ft	200 to 800 sf, not to exceed 50% of the gross floor area of the principal dwelling unit above grade	4 people

* The number of occupants in an ADU shall not exceed the space requirements of Section 14-4.15 of the Code of Ordinances.