

Chapter 19.XX
Accessory Dwelling Units (ADUs)

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units (ADUs).
2. The purpose of this chapter is to allow accessory dwelling units within single-family detached dwellings in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable.

B. Definitions

1. Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by this title, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a special review use.

Commented [SN1]: Should we allow a mobile home as an ADU? No mobile homes or camping trailers. How do we define what a mobile home is?

C. Accessory Dwelling Unit Approval Required

1. Accessory Dwelling Units shall be considered permitted by right when they comply with the standards and provisions of this title. Accessory Dwelling Units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions
2. Short Term Rental, as defined within this title, shall be a prohibited use within ADUs.
3. No ADU shall be built on registered wetland or flood plain
4. 4.

Commented [SN2]: Prohibit Short Term Rentals.

D. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by MUNICIPALITY. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The Accessory Dwelling Unit application shall be submitted with the materials listed herein.

- a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that such owner will occupy the property except for bona fide temporary absences
- b. Floor Plan: A floor plan showing the floor in which the accessory apartment will be located shall be provided
- c. Parking Plans: A parking plan shall be submitted showing where off-street parking will be provided.
- d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
- e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.

E. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants and that preserve the residential characteristic of the neighborhood shall be approved
2. Owner Occupation: the owner(s) of the residence shall live either in the dwelling in which the accessory dwelling unit was created or the ADU, except for bona fide temporary absences
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Exterior Appearance: The accessory dwelling unit shall be incorporated into the residence so that to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including landscaping, installation of separate utility meters for accessory dwelling units is prohibited. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes. All entrances to accessory dwelling units shall be located on the rear or side of the building.
5. Parking: Off-street parking for one vehicle, shall be provided for use by the tenants of the accessory dwelling unit
6. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be created within a single-family dwelling
7. Detached Structures: Accessory dwelling units may be permitted in a detached structure so long as the setbacks of the detached structure are maintained.

~~8. Size criteria:~~

F. Size, Height and Zoning

1. ADU shall have the following size requirements:

- a. Shall have the minimum size of 300 sq. ft.
- b. For ~~d~~Detached ADUs, the ADU shall following the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. ADUs No detached ADUs shall be larger than 1,5001,200 sq. ft.
- ~~b-c.~~ Detached ADUs shall not be permitted on lots smaller than 12,000 sq. ft.
- d. The total square footage of all detached ADUs shall not occupy more than twenty five percent (25%) of the rear yard.
- e. Detached ADUs shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

2. ADU Use within Commercial, Neighborhood Commercial, and Industrial Zones

- a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. ADUs shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
- b. Any Neighborhood Commercial Building shall supply two additional off-street parking for each ADU.
- c. Each ADU shall have a separate access apart from the commercial access to the building
- d. Each ADU must meet all applicable building, zoning, and fire code requirements.

~~e-e.~~

G. Noncompliance

1. Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Single-family owners who fail to maintain or violate the city's ordinances regulating accessory apartment use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

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