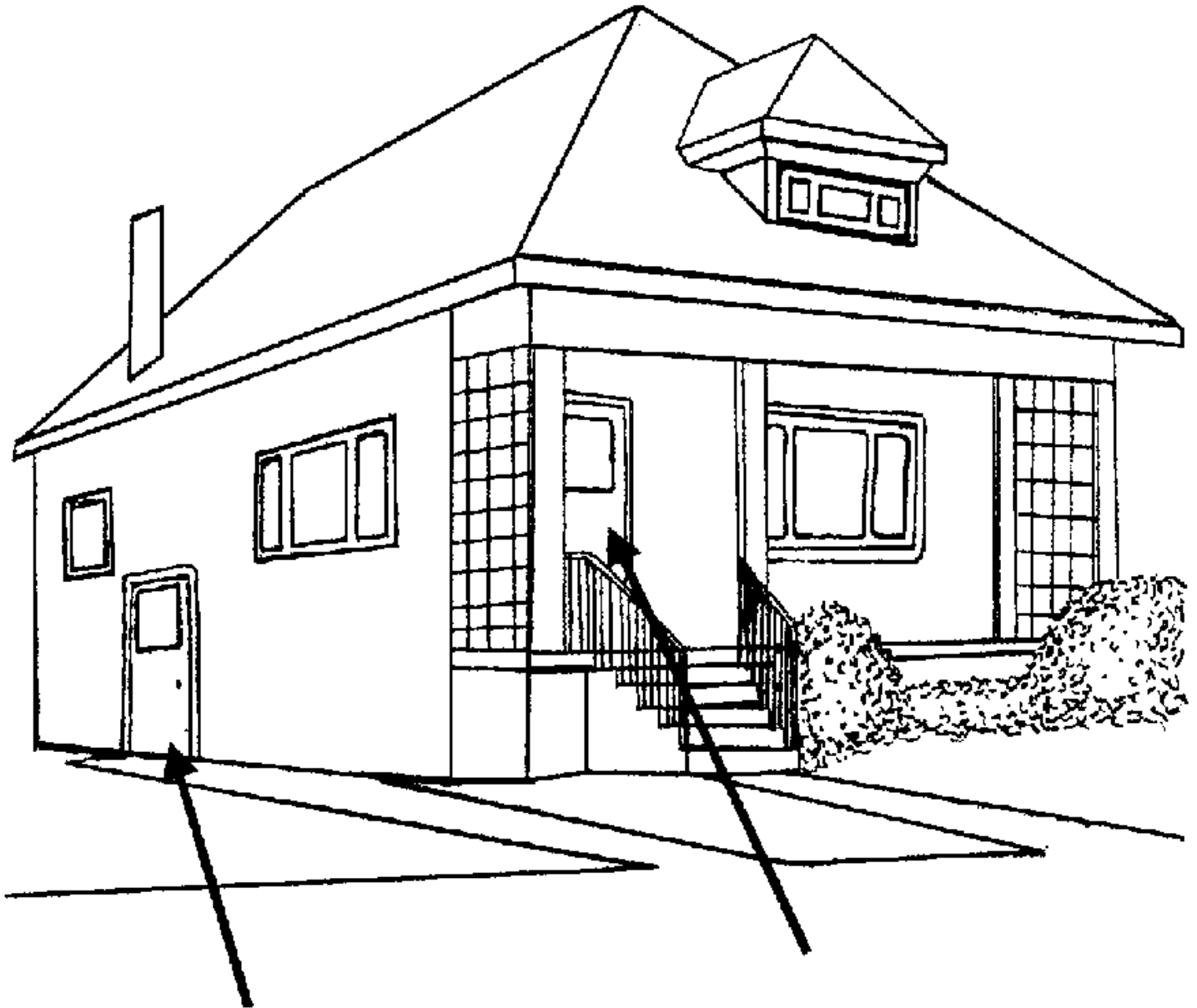


**15-13-39: STANDARDS FOR ACCESSORY DWELLING UNITS:**

In all residential zones, unless a more restrictive standard has been adopted within this title, accessory dwelling units shall meet the following requirements:

- A. Purpose: It is the purpose of this section to establish regulations controlling the use and construction of accessory dwelling units; to encourage individuals to become and remain homeowners by allowing limited opportunities for rental income; to allow the provision of security or services to owner occupants of the dwelling; to provide options for structures designed as single-family dwellings to meet the needs of owner occupants at a variety of stages in their life cycle; and to protect the stability of neighborhoods.
- B. Number Of Accessory Units Per Parcel: An accessory dwelling unit (ADU) shall be allowed only on parcels containing a single-family dwelling. No more than one (1) accessory dwelling unit shall be allowed for a lot or parcel which also contains the single-family dwelling. ADUs shall not be allowed on lots or units which are part of a PRUD, apartment building, group dwelling or a condominium project.
- C. Occupancy: The property owner, which includes titleholders, must occupy either the primary or accessory dwelling as their permanent and principal residence in order to qualify for an ADU.
1. As long as the owner occupies the main dwelling or the ADU then the other unit is allowed to be rented under this ADU provision.
  2. The owner is permitted to have a separate seasonal residence but during the time away from the permanent residence they are not allowed to rent out their vacant permanent residence unit. For the purposes of this subsection "seasonal residence" shall mean living in another location up to four (4) months in one (1) calendar year.
  3. The property owner shall conform to the definition of "family" as described in [chapter 2](#) of this title.
  4. The nonowner occupied unit is limited to no more than two (2) related or unrelated adults, with or without minor children of the two (2) adults.
  5. Neither the single-family dwelling nor the ADU may be used or licensed as a residential vacation rental.
- D. Size: The ADU shall not occupy more than forty percent (40%) of the building's total habitable square footage or for detached units shall not be less than three hundred (300) square feet or more than eight hundred (800) square feet. Detached units shall not occupy more than twenty five percent (25%) of the rear yard area of the lot.
- E. Appearance: The appearance of the dwelling shall remain that of a single-family residence and not be altered with the exception of required egress windows from bedrooms or entry doors. Any new detached building to accommodate an accessory dwelling unit shall be designed to follow the architectural design, style, and character of the main building. The exterior surfaces shall have the same visual appearance of the exterior material and color of the main building. The height of the building shall not exceed one (1) story if the main building is one (1) story nor be taller than twenty five feet (25') to the peak of the roof if the main building is taller than one (1) story.
- F. Outside Entrances: The entrances to the ADU and main dwelling shall use existing entrances to the dwelling if possible. If a separate entrance is required to be installed to one (1) of the units, it shall be by means of a door located in the side or rear of the building.



ADU Side  
Entry

Main entry

- G. Parking: A single-family dwelling with an accessory dwelling unit shall have in existence the required two (2) off street parking spaces that meet the legal location and requirements for off street parking for a single-family dwelling. No additional off street parking in the front or side yard for the ADU is to be provided such as a side yard parking slab or widened driveway. Tandem parking (1 vehicle behind another) in the driveway that leads to legal parking for the main unit shall be the means of providing parking provided the tandem parking does not extend over the property line and the public sidewalk.

H. Compliance With Building Codes: The ADU shall comply with all applicable Building, Health and Fire Codes with special attention for existing buildings given to providing the required emergency access from bedrooms.

I. Application Procedure:

1. Any homeowner who resides in a single-family dwelling and whose property is in a residential zone and desires an accessory dwelling unit shall obtain an accessory dwelling permit. The accessory dwelling permit shall be in addition to any building permits that may be necessary to create the accessory dwelling unit. The applicant shall submit as part of the application for an accessory dwelling permit:
  - a. A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
  - b. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
  - c. Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. The verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant in order for an accessory dwelling unit to be permitted.
2. After review by the Building Services and Fire Divisions, the Planning Division shall approve or deny the application based on compliance with these regulations and payment of the same business license fee, including any disproportionate fee, as an owner occupied duplex under [title 5, chapter 1, article B](#) of this Code. The required fee may be reduced by any discounts available to an owner occupied duplex.
3. Noncompliance with the standards of this section shall be just cause for the denial of an application or revocation of an accessory dwelling permit if the original conditions are not maintained that allowed the accessory dwelling unit. Revocation shall be decided based upon the findings of fact at an administrative hearing before a Hearing Officer, pursuant to [title 5, chapter 1, article C](#) of this Code, as such provisions may be applicable. If the permit is revoked the accessory dwelling unit shall be removed within thirty (30) days of the final determination.
4. The approval of a permit for an accessory dwelling unit is valid for one (1) year from the date of the approval and must be renewed annually. Change of property ownership voids the accessory dwelling permit. A new permit must be applied for according to these requirements if the new owner desires an ADU.

(Ord. 2016-2, 1-12-2016)