

CHAPTER 14a. ACCESSORY DWELLING UNITS

- 7-14a-1. Definitions.**
- 7-14a-2. Purposes.**
- 7-14a-3. Primary Dwelling Requirement.**
- 7-14a-4. Owner occupancy requirement.**
- 7-14a-5. Permitted use.**
- 7-14a-6. Types of ADUs.**
- 7-14a-7. Number of ADUs per Lot.**
- 7-14a-8. Planned Unit Developments.**
- 7-14a-9. Resident Limit.**
- 7-14-10. Minimum Lot Size.**
- 7-14a-11. Size.**
- 7-14a-12. Height.**
- 7-14a-13. Setbacks.**
- 7-14a-14. Separation.**
- 7-14a-15. Lot coverage.**
- 7-14a-16. Utilities - Water and Sewer Laterals.**
- 7-14a-17. Addressing.**
- 7-14a-18. Mailbox.**
- 7-14a-19. Subdivision.**
- 7-14a-20. Design.**
- 7-14a-21. Site plan.**
- 7-14a-22. Parking.**
- 7-14a-23. Entrances.**
- 7-14a-24. Site Location.**
- 7-14a-25. Impact Fee Reductions.**
- 7-14a-26. Water Rights.**
- 7-14a-27. Fee Exemptions.**
- 7-14a-28. Building Permits - Building Codes - Foundations.**
- 7-14a-29. Variance.**
- 7-14a-30. Conversion.**
- 7-14a-31. Business License.**
- 7-14a-32. Home Occupation.**
- 7-14a-33. Registration.**
- 7-14a-34. Violation - Notice - Civil Penalties.**
- 7-41a-35. Zoning Administrator - Appeals.**

7-14a-1. Definitions.
The terms “Accessory Dwelling Unit,” “ADU,” “Base Zoning District,” and “Primary Dwelling” shall have the meanings given in Section 7-1-5.
(Ord. 2019-13, 08-21-2019)

7-14a-2. Purposes.
The purposes of this Chapter are as enumerated in Ordinance 2019-13.
(Ord. 2019-13, 08-21-2019)

7-14a-3. Primary Dwelling Requirement.
No ADU in a single-family residential or mixed-use zoning district shall be permitted or constructed except as an accessory dwelling to a habitable primary dwelling.
(Ord. 2019-13, 08-21-2019)

7-14a-4. Owner occupancy requirement.
Either the primary dwelling or the ADU must be occupied by the primary dwelling owner.
(Ord. 2019-13, 08-21-2019)

7-14a-5. Permitted use.
(1) ADUs shall be a permitted use in all single-family residential zoning districts, namely, R1-7, R1-8, R1-10, R1-12, R1-14, R1-30, RR-1, RR-5, and RR-20.

(2) ADUs shall be permitted uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), and Neighborhood Commercial (NC) zoning districts.

(3) ADUs shall be prohibited in the multi-family (MR) zoning districts.

(4) Internal and attached ADUs shall be conditional uses in the General Commercial (GC) and Regional Commercial (RC) zoning districts. Detached ADUs shall be prohibited in those districts.

(5) An Accessory Dwelling Unit for Caretaker shall be a conditional use in all the mixed use, commercial, and industrial zoning districts.

(6) All ADUs shall be subject to the regulations of this Chapter and Title.
(Ord. 2019-13, 08-21-2019)

7-14a-6. Types of ADUs.
An ADU may be internal, attached, or detached. See Figure 1.
(Ord. 2019-13, 08-21-2019)

7-14a-7. Number of ADUs per Lot.
No residential lot shall have more than one ADU.
(Ord. 2019-13, 08-21-2019)

7-14a-8. Planned Unit Developments.
ADUs shall not be included in the density calculations for a planned unit development (PUD).
(Ord. 2019-13, 08-21-2019)

7-14a-9. Resident Limit.
ADU occupancy shall be limited to one family, as defined in Section 7-1-5.
(Ord. 2019-13, 08-21-2019)

7-14-10. Minimum Lot Size.
Notwithstanding Section 5 herein, the minimum lot size required for ADUs is as follows:

- (1) 8,500 square feet for a detached ADU;
 - (2) 8,500 square feet for an attached ADU;
 - (3) 6,000 square feet for an internal ADU.
- (Ord. 2021-08, 05-05-2021) (Ord. 2019-13, 08-21-2019)

7-14a-11. Size.
(1) Internal ADUs shall be no smaller than 400 square-feet and no larger than the square footage of the foundation of the primary dwelling.
(2) Attached ADUs shall be no smaller than 400 square-feet, no larger than 800 square feet on one story, and no larger than 1,200 square feet.

(3) Detached ADUs shall be no smaller than 800 square-feet and no larger than 1,200 square feet.

(4) An ADU may have no more than two bedrooms.

(Ord. 2019-13, 08-21-2019)

7-14a-12. Height.

ADU height shall be limited by both the regulations of the base zoning district and by the height of the primary dwelling unit, and shall be the lesser height of the two.

(Ord. 2019-13, 08-21-2019)

7-14a-13. Setbacks.

Front, rear, and side setbacks for ADUs shall be as required by the regulations of the base zoning district.

(Ord. 2019-13, 08-21-2019)

7-14a-14. Separation.

A detached ADU shall be separated from the primary dwelling by a distance of at least ten feet.

(Ord. 2019-13, 08-21-2019)

7-14a-15. Lot coverage.

Lot coverage limitations applicable to ADUs shall be those established by the regulations of the base zoning district.

(Ord. 2019-13, 08-21-2019)

7-14a-16. Utilities - Water and Sewer Laterals.

(1) ADUs are required to connect to the City water and sewer main lines for culinary water and sanitary sewer service.

(2) ADUs are required to share utility meters, accounts, and water and sewer laterals with the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-17. Addressing.

An ADU shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the ADU address.

(Ord. 2019-13, 08-21-2019)

7-14a-18. Mailbox.

An ADU is allowed, but not required, to have a separate mailbox from the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-19. Subdivision.

(1) An ADU may not be sold or divided from the primary dwelling through deed, condominium, subdivision, plat, boundary line agreement, or otherwise.

(2) If a lot on which an ADU sits is subdivided, the ADU must remain on the lot containing the primary dwelling with which the ADU was associated upon its construction.

(3) An ADU shall not be considered or become

the primary dwelling on any lot.

(Ord. 2019-13, 08-21-2019)

7-14a-20. Design.

An ADU shall have the same or substantially similar architectural features, materials, and colors as the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-21. Site plan.

An ADU building permit application shall include a scaled site plan. The site plan must indicate the locations and dimensions of property lines and existing and proposed buildings, building entrances, building additions, setbacks, parking spaces, driveways, utility meters, and utility laterals and conduits. The site plan need not be engineered.

(Ord. 2019-13, 08-21-2019)

7-14a-22. Parking.

(1) An attached ADU and a detached ADU shall each provide one additional on-site parking stall per ADU bedroom.

(2) An internal ADU shall provide one additional on-site parking stall per ADU.

(3) No ADU parking spaces may be located within the front or side yard setbacks adjacent to a street except for within an approved driveway. See Figure 1. (Ord. 2021-08, 05-05-2021) (Ord. 2019-13, 08-21-2019)

7-14a-23. Entrances.

Entrances to internal and attached ADUs shall be to the side or rear of the primary dwelling or ADU. See Figure 1.

(Ord. 2019-13, 08-21-2019)

7-14a-24. Site Location.

Detached ADUs shall be located to the rear of the primary dwelling, except that on a corner lot a detached ADU may be located to the side of the primary dwelling but flush with or set back from the primary dwelling side facade facing the street. See Figure 1.

(Ord. 2019-13, 08-21-2019)

7-14a-25. Impact Fee Reductions.

(1) Notwithstanding the provisions of Chapter 4-15, attached and detached ADUs shall pay the following impact fees:

(a) Culinary water: 50% of the single-family culinary water impact fee for interior water use only, and no impact fee for exterior water use.

(b) Sanitary sewer: 50% of the single-family sanitary sewer impact fee.

(c) Public safety: 50% of the single-family public safety impact fee.

(d) Parks and recreation: 50% of the single-family parks and recreation impact fee.

(2) Notwithstanding the provisions of Chapter 4-

15, internal ADUs shall not be required to pay impact fees.

(Ord. 2019-13, 08-21-2019)

7-14a-26. Water Rights.

Notwithstanding the provisions of Chapter 7-26, an ADU shall not be required to convey water rights to the City.

(Ord. 2019-13, 08-21-2019)

7-14a-27. Fee Exemptions.

An ADU shall not be required to pay the street light utility fee or the storm water utility fee.

(Ord. 2019-13, 08-21-2019)

7-14a-28. Building Permits - Building Codes - Foundations.

(1) The installation and/or construction of an ADU shall require the application for and issuance of a building permit. An ADU building permit shall clearly identify that it is for an ADU.

(2) Unless otherwise required by applicable building and fire codes, an internal ADU shall not be required to construct one-hour fire rated separations between the area of the primary dwelling used by the primary dwelling occupants and the ADU portion of the primary dwelling.

(3) ADUs must comply with all uniform building codes applicable to dwellings.

(4) ADUs shall be constructed on site-built permanent foundations, which may include slabs-on-grade.

(5) All running gear, tongues, axles, wheels, and similar or related appurtenances must be removed at the time of ADU installation.

(Ord. 2019-13, 08-21-2019)

7-14a-29. Variance.

An ADU located on a legal nonconforming lot may apply to the Zoning Administrator for a variance from the setbacks of the base zoning district to match the setbacks of the primary dwelling, but must comply with applicable building and fire code setback requirements.

(Ord. 2019-13, 08-21-2019)

7-14a-30. Conversion.

Non-dwelling accessory structures may be converted into detached ADUs upon compliance with this Chapter and with applicable building and fire codes.

(Ord. 2019-13, 08-21-2019)

7-14a-31. Business License.

The owner of an ADU shall not be required to obtain a city business license to own or rent the ADU.

(Ord. 2019-13, 08-21-2019)

7-14a-32. Home Occupation.

Subject to the primary dwelling owner's written

consent, an ADU may contain a home occupation, which must be conducted entirely within the ADU.

(Ord. 2019-13, 08-21-2019)

7-14a-33. Registration.

No ADU registration shall be required in addition to the building permit.

(Ord. 2019-13, 08-21-2019)

7-14a-34. Violation - Notice - Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil offence.

(2) Notice of the violation and associated civil penalties shall be delivered by first-class regular U.S. mail to both:

(A) the address of record with the County Recorder's Office; and,

(B) to the street address.

(3) A violation of this Chapter shall be punishable by a civil penalty of \$100 per occurrence. Following a cure period of 30 days from the date of the notice of violation, every week the violation continues shall be considered an additional occurrence of the same violation and shall result in the imposition of an additional \$100 civil penalty per week of the continuing violation.

(Ord. 2019-13, 08-21-2019)

7-14a-35. Zoning Administrator - Appeals.

(1) Interpretations and decisions applying this Chapter shall be made by the Zoning Administrator.

(2) Administrative appeals of Zoning Administrator interpretations and decision, notices of violation, and the imposition of civil penalties shall be made pursuant to Chapters 1-27 and 1-28.

(Ord. 2019-13, 08-21-2019)