



Sec. 16-4-190. Review Standards Applicable to Particular Uses.

(c) Accessory Dwelling Unit/Accessory Building.

(1) **Location.** A legally-permitted accessory dwelling unit (ADU) may be located internal to, attached to, detached from a principal dwelling unit on the same lot. Only one (1) ADU is allowed per lot.

(2) **Square Footage.**

- a. Internal or Attached ADU: An accessory dwelling unit within or attached to the principal dwelling may include no more than one thousand (1,000) square feet of conditioned living space provided that the remainder of the principal dwelling is greater in square footage than the ADU and provided that no more than eight hundred (800) square feet of conditioned living space is located above the first floor. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than 50 sq. ft. All other areas of an ADU shall count towards conditioned living space. For principal dwellings existing prior to the effective date of Ordinance 2019-18, an internal ADU (only) may be permitted at any size provided that the remaining square footage of the existing principal dwelling is greater than that of the ADU.
- b. Detached ADU 15 feet in height or less: An accessory dwelling unit within a detached accessory building up to fifteen (15) feet in total height may include a maximum of one thousand (1000) square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than 50 sq. ft. All other areas of an ADU shall count towards conditioned living space.
- c. Detached ADU greater than 15 feet in height: An accessory dwelling unit within a detached accessory building greater than fifteen (15) feet in total height shall not exceed eight hundred (800) square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU. Conditioned living space does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility rooms less than 50 sq. ft. All other areas of an ADU shall count towards conditioned living space.

(3) **Parking.** There shall be one (1) additional off-street parking space provided for the accessory dwelling unit. Where alley access to the property exists, the required parking for detached ADUs shall be accessed from the alley, unless sufficient off-street parking with unencumbered access to the ADU can be provided on the remainder of the lot, or as allowed for corner lots in Sec. 16-8-20(e)(1)(i).

(4) **Occupancy.** The accessory dwelling unit shall not be condominiumized or sold and shall not be rented for periods of less than thirty (30) consecutive days. Maximum occupancy is determined per applicable Fire code.

(5) **Side lot line setbacks for detached accessory buildings.** Applies to all zones except for the Central Business (C-2) zone. (See Fig. 16-1 below for a visual description)

- a. Any part of a detached accessory building, excluding eaves (per Sec. 16-8-130), up to twelve (12) feet high must be set back a minimum of three (3) feet from all side lot lines.
- b. Any part of a wall plane (inc. windows and facades greater than 45 degrees from the horizontal) over twelve (12) feet up to twenty (20) feet high must be set back a minimum of five (5) feet from all side lot lines.
- c. Any part of a wall plane (inc. windows and facades greater than 45 degrees from the horizontal) over twenty (20) feet high must be set back a minimum of ten (10) feet from all side lot lines.
- d. Any part of a detached accessory building, excluding eaves (per Sec. 16-8-130), over twenty-two (22) feet high must be set back a minimum of ten (10) feet from all side lot lines.

Fig. 16-1 Detached Accessory Building Side Lot Line Setback Parameters

