

SECTION 5.110: ACCESSORY DWELLING UNIT (ADU) STANDARDS

DEFINITION: Accessory Dwelling Unit (ADU): a subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same property as the primary dwelling and which is incidental to the main use of the property. In no case shall the ADU exceed in area, extent or purpose, the primary dwelling.

An Accessory Dwelling Unit (ADU) may be either integrated into the same structure as the primary dwelling or constructed as a separate freestanding dwelling. If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to all building code requirements for fire separation between the two units. Attached or detached, an ADU shall be subordinate to the primary dwelling and shall meet the following use and development standards:

(A) *Location.* An ADU may be sited on a lawfully established property located in unincorporated community residential zoning districts. There is no minimum land area requirement for an ADU.

(B) *Number.* Only one ADU shall be permitted per property.

(C) *Setbacks.* For a detached ADU, the minimum rear yard setback shall be five feet; the minimum side yard setback shall be five feet and where applicable, the minimum street-side yard setback shall be ten feet. The required front yard setback of the underlying residential zone shall apply or the required front yard setback for small lots allowed under Section 4.100 and Section 4.110, where applicable. A detached ADU shall be physically separated from the primary residence by a minimum distance of six feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements.

If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to the setback requirements of the underlying zone or the required setbacks for small lots allowed under Section 4.100 and Section 4.110, where applicable.

(D) *Design.* An ADU shall be set on a permanent foundation; have any wheels, tongues, and running gear removed; and be connected to domestic sewer and water or connect to an onsite wastewater treatment system for those properties in unincorporated communities not served by sewer. A Recreational Vehicle (RV), yurt, travel trailer or other non-habitable structures not intended for residential occupancy shall not be utilized as an ADU.

(E) *Area.* The floor area of an ADU shall not exceed 75% of the living space of the primary residence or 800 square feet, whichever is less. If free-standing, the building footprint of the ADU shall also not exceed 75% of the building footprint of the primary dwelling or 800 square feet, whichever is less.

(F) *Height.* The maximum height of a freestanding ADU shall not exceed the height of the primary residence or the allowable maximum height of the underlying zone, whichever is less. An ADU built within or as an addition to the primary dwelling unit or over a detached garage shall not exceed the maximum height of the zone.

(G) *Lot Coverage.* Where applicable, maximum lot coverage requirements of the underlying zone shall not apply to the placement of an ADU. Maximum lot coverage requirements for properties developed under TCLUO Section 4.100 shall apply.

(H) *Parking.* One off-street parking space shall be maintained for the ADU. The parking space shall be a minimum of 8-feet by 20-feet in size.

(I) *Transient Lodging Prohibition.* The ADU shall not be utilized for transient lodging purposes.

(J) *Non-Conforming Structures.* Any legal nonconforming structure may be allowed to contain, or be converted to, an ADU, provided the ADU does not increase the nonconformity and meets applicable building and fire code requirements. Expansion of a Non-Conforming structure to accommodate an ADU may be allowed, subject to the provisions of Article VII: Nonconforming Uses.