

## Accessory Dwelling Units

A new ordinance was recently adopted that will be effective in late October, 2016.

For a copy of the complete ordinance, please click on this [link](#).

### ■ What is an accessory dwelling unit?

- A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot.

### ■ What standards must be met in order to establish an accessory dwelling unit?

- Only properties located within 1/2 mile of University Ave. between Emerald St. and Lexington Pkwy. qualify for an accessory dwelling unit.
- The lot size must be at least 5,000 square feet.
- There can only be one accessory unit on a lot.
- No more than one family is allowed in both the principal unit and the accessory unit together. The zoning definition of a family is a lineally related family plus two, or up to four unrelated persons.
- The property owner must permanently reside in either the principal unit or the accessory unit.
- The maximum size of a detached accessory dwelling unit is 800 square feet of floor area and the maximum height is the lesser of 25 feet or the height of the principal structure. All other requirements for [accessory structures](#) must be met.
- If the accessory unit is located within the principal unit, the principal structure must be at least 1,000 square feet and the accessory unit cannot exceed 1/3 of the total floor area of the structure. If the principal structure has more than one story, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to 50% of the total floor area of the structure.
- There must be a sidewalk from the street to the primary entrance of the accessory unit.
- An accessory unit on the upper floors of the principal unit shall have an interior stairway to the primary entrance of the accessory unit. Secondary stairways may be located on the exterior, but not on the front of the building.
- One off-street parking space on the property is required.
- All building code requirements for the accessory unit must be met and a building permit must be obtained for the change of use and/or construction work.

## ■ How do I apply for an accessory dwelling unit?

- The property owner must file a Declaration of Land Use Restrictive Covenants and Owner's Warranties [Form will be forthcoming at a later date] with the County Recorder. Before a building permit can be issued to establish the accessory dwelling unit, the property owner must submit an original of the Declaration, which includes the date and document number to the zoning administrator. The building permit application must show compliance with all standards for an accessory dwelling unit.
- After construction of the accessory dwelling unit has been completed, a building certificate of occupancy will be issued by the building official.
- Every year thereafter, the property owner will be required to file an annual affidavit with the zoning administrator verifying continued owner-occupancy of the property as their permanent and principal residence. An annual review fee of \$62.00 will be required.
- The accessory dwelling unit cannot be sold separately from the principal dwelling unit, and may not be a separate tax parcel.

## ■ What if the accessory dwelling unit is removed?

- At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed and under permit if required, the zoning administrator will record a release of the recorded covenant for the accessory dwelling unit.

## ■ More Questions?

- For more questions please call the zoning information line at 651-266-9008.