

**ATTACHMENT CASE #35-2019**

**Chapter 29 Unified Development Code (Proposed Amendments)**

Accessory dwelling unit provisions

Sec. 29-1.11. - Definitions and rules of construction.

- (a) *Definitions—General.* For the purpose of this chapter 29, the following words and terms are defined to mean the following:

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*Accessory dwelling unit ("ADU").* A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be internal to or attached to the principal dwelling, or built as a detached structure. Principal one-family dwellings shall not include single-family structures that have been devoted to other uses, including, but not limited to, boardinghouses and bed and breakfasts.

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Sec. 29-3.3. - Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

In the event of a conflict between these use-specific standards and the requirements of chapter 29-4, the use-specific standards set forth in this section shall apply, except in the M-DT district, where the standards of the M-DT district will apply.

Where these use-specific standards require spacing between uses, no existing use that complied with applicable spacing requirements when the primary use was established on the property shall be made nonconforming because of the later location of any facility closer than the required spacing or because of an amendment to this chapter changing any applicable spacing distance.

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- (gg) *Accessory and temporary uses of land and buildings: Accessory dwelling units.* This use is subject to the following additional standards:

- (1) No more than two (2) dwelling units, including the accessory dwelling, may be permitted on a single lot;
- (2) The lot must be a minimum of five thousand (5,000) square feet, and lot width must be a minimum of fifty (50) feet;

- (3) A detached accessory dwelling shall be located a minimum of ten (10) feet behind the principal dwelling, and a minimum of six (6) feet from any side or rear lot line. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence. For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed one hundred and fifty (150) feet of travel distance unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the fire chief;
- (4) An accessory dwelling shall not exceed seventy-five (75) percent of the total square feet of the principal dwelling, as shown in the Boone County Assessor's records, or eight hundred (800) square feet, whichever is less. In addition, a detached accessory dwelling shall not occupy more than thirty (30) percent of the rear yard;
- (5) A detached accessory dwelling shall not exceed the height of the principal dwelling or twenty-four (24) feet, whichever is less;
- (6) When an accessory dwelling is attached to a principal dwelling, only one entrance may face the front lot line;
- (7) ~~In addition to the parking required for the principal dwelling, a minimum of one additional off-street parking space shall be provided on the subject lot for accessory dwellings having not more than two (2) bedrooms, and two (2) one additional off-street parking spaces shall be provided for accessory dwellings having three (3) or more bedrooms. No more than three bedrooms shall be allowed in an accessory dwelling unit.~~
- (8) When a driveway is constructed or used to provide vehicle access to an accessory dwelling, the driveway shall be surfaced as required by this chapter. Gravel may be considered an acceptable alternative surfacing material under the following conditions. Driveway access shall be paved to the extent needed for fire access to all parts of all dwellings on the lot. An existing gravel driveway or a portion thereof may remain in service for access to the ADU, or a new compacted gravel driveway may be constructed to provide access to the ADU, provided a more durable surface is not required for fire access. Driveway aprons (i.e., the driveway within the public right of way) must be constructed according to city specifications.
- (9) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the city, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above listed criteria.

[Text to be deleted is ~~struck through~~; proposed new text is underscored.]

**Table 4.3-1 Minimum Required Off-Street Parking**

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ACCESSORY USES	
Accessory Dwelling Units	No additional <u>±</u> spaces for accessory dwelling units having up to 2 bedrooms; <u>1</u> additional space for 3 bedrooms

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