

(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 upon which the accessory dwelling unit is located shall meet the definition of "lot" or "lot, substandard" as established within this chapter. Lots within the R-1 district shall must be a minimum of five thousand (5,000) square feet, and have a lot width no less than must be a minimum of fifty (50) thirty (30) feet. Lots within the R-2 or R-MF districts shall be a minimum of three (3,000) square feet and have a lot width of no less than thirty (30) 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 occupy more than thirty (30) percent of the rear yard and shall comply with the following, whichever is less:~~
 1. ~~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, or eight hundred (800) square feet,~~
 2. ~~Not exceed, when combined with the principal dwelling on the lot, the maximum FAR (floor area ratio) of the lot, if classified as a "small" or "medium" lot within Table 4.1-1 of this chapter;~~ or
 3. ~~Not contain more than 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, one additional off-street parking space shall be provided for accessory dwellings having three (3) or more bedrooms. No more than three (3) 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:
 - (1) The fire chief has determined paved access is not necessary to provide safe and adequate fire access to all parts of all dwellings on the lot;
 - (2) An existing gravel driveway provides access to the accessory dwelling unit, or a new compacted gravel driveway is constructed to provide such access; and
 - (3) The driveway apron (i.e., the driveway within the public right-of-way) is constructed of a paved surface as required by 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.

Commented [PZ1]: This change would enable ADUs on nearly all lots now considered legal via the most recent UDC text changes. As written, a second dwelling R-1 lots between 3,000 to 5,000 sq. ft. would not be permitted. This restriction is consistent with current discussions underway on integrating such lots into the R-1 district as a "by-right" lot size for SF use only.

ADU construction on 3,000 sq. ft. lots in the R-2 and R-MF districts is supported given these districts are intended for two or more dwelling units per lot.

Commented [PZ2]: These revisions are believed necessary to ensure consistency with respect to FAR limitations being proposed for "small" or "medium" lots within the R-1, R-2 or R-MF districts. Without the provision shown in item 2, it would be possible that combined dwelling unit floor area (principal & ADU) on a "small" or "medium" lot may result in too much building area on a lot with reduced setbacks. A work around may be to allow 75% of principal dwelling, no greater than 800 sq. ft., if standards setbacks were maintained (i.e. 25-ft front & rear).

Commented [PZ3]: This provision has been removed in recognition that safety issues may be created by requiring an entry to an attached ADU to be placed elsewhere on the primary structure. Furthermore, the concern of creating the appearance of a duplex (the original consideration for the standard) has been reevaluated. Many structures have a secondary door on the street facing façade leading into a dwelling or a garage. Given this factor, the prohibition's effectiveness is not seen as necessary.

Table 4.1-1: Dimensional Standards for Residential Districts					
Standard	District				
	R-1	R-2 [1]		R-MF [2][6]	R-MH
		Current [6]	Cottage		
Lots					
Minimum Lot Area (sq. ft.)					
One-Family Dwelling	7,000	5,000	3,000	5,000	3,750
One-Family Attached Dwelling		3,500		3,500	
Two-Family Dwelling		7,000		7,000	
Multiple Family Dwelling				2,500 per du	
Sorority or Fraternity				7,500	
CRCC				No min., but max. density 17du/ac	
Lot area if no public or community sewer [5]	15,000	15,000			
Minimum Lot Width (ft.) (detached)	60	60	30	60	45
Minimum Lot Width (ft.) (attached) - per lot		30		30	
Maximum size of contiguous area that may be replatted without being within a "cottage" subdivision			1		
Minimum Setbacks (ft.)					
Front Yard					
Front Yard Depth	25	25	10	25	20
Front lot line to garage depth (if applicable)	25	25	20		
Side Yard					
Side Yard	6	6	6	6 or 10 [7]	10
Side Yard - Corner Lot Street Side	25	25	10	15	
Distance between mobile dwelling units					20
Rear Yard	Lesser of 30% lot depth or 25	Lesser of 25% lot depth or 25	10	25	10
Maximum Height (ft.)					
Primary Residential Building See also section 29-4.7 Neighborhood Protection Standards	35[3]	35[3]	35	35[3]	35
Primary Non-residential Building [4] See also section 29-4.7 Neighborhood Protection Standards	75	75		75	
<p>[1] All R-2 lands are subject to Current Standards until they request application of the Cottage Standards, and that request is approved under section 29-6.4(j).</p> <p>[2] Multifamily structures constructed before January 1, 2014, with building height up to 45 ft. and lot area of at least 1,500 sq. ft. per dwelling unit are conforming structures.</p> <p>[3] Or 45 ft. if two side yards at least 15 ft. in width are provided.</p> <p>[4] Provided that each building setback is increased one foot above the District residential building minimum for each one foot of additional building height above the residential building maximum.</p> <p>[5] The minimum lot area for on-site septic is subject to health department approval based, in part, on distances between the lot and existing public sewer mains. This lot area could be greater, conditional, or denied on a case-by-case basis.</p> <p>[6] "Substandard lots" meeting the definition and qualifications specified in section 29-1.11 may nonetheless be eligible for a single-family building permit subject to the dimensional standards of section 29-4.1(b)(8)</p> <p>[7] The minimum side yard setback for single-family (detached and attached) and two-family dwellings shall be 6 ft. Multi-family structures (3 or more units) minimum side yard setback shall be 10 ft.</p>					

Commented [PZ4]: These provisions have been added to ensure that all single and two-family construction in the R-MF district are treated equally to similar uses in the R-1 and R-2 districts.

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