

10-8-5: ACCESSORY DWELLING UNITS:

A. Accessory Dwelling Units: An accessory dwelling unit may be allowed as an incidental residential use on the same lot as the main dwelling unit in the RR, HS, MR, and NC zone districts. No more than one accessory dwelling unit shall be permitted on a lot. An accessory dwelling unit shall conform to the following criteria:

1. The accessory dwelling unit must be constructed at a location approved by the director.
2. The minimum parcel size for a lot containing a primary dwelling unit and an accessory dwelling unit which is not attached to or within the primary dwelling unit shall be one-half (1/2) acre. There is no minimum acreage requirement for lots with accessory dwelling units which are attached to or within the primary dwelling unit. Accessory dwelling units considered to be attached to or within the primary dwelling units shall have at least one common wall.
3. The accessory dwelling unit may not be sold separately from the entire property, including the primary dwelling unit.
4. Setback requirements shall be the same as for the primary structure.
5. A low impact permit and a building permit shall be required for an accessory dwelling unit.
6. Accessory dwelling units shall conform to the height limitations of the primary structure.
7. A certificate of occupancy for an accessory dwelling unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary use structure on said property.
8. An accessory dwelling unit shall not exceed one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit shall be limited to one thousand (1,000) square feet. Other provisions of this title apply to the size and permitting of the larger accessory structure.
9. A restrictive use covenant shall be signed and recorded by the property owner prior to building permit issuance for the accessory dwelling unit. The restrictive use covenant shall state that the accessory dwelling unit may not be sold separately from the entire property, including the primary residence, and that the dwellings may not be condominiumized. (Ord. 647, 9-13-2006)