

## Chapter 18.27 - ACCESSORY DWELLING UNITS

### 18.27.010 - Purpose.

Accessory dwelling units are intended to:

- A. Provide for a range of choices of housing in the city;
- B. Provide additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods;
- C. Allow individuals and smaller households to retain large houses as residences; and
- D. Enhance options for families by providing opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.
- E. Ensure that the development of an ADU does not cause unanticipated impact on the character or stability of single-family neighborhoods.

### 18.27.020 - Scope.

Accessory dwelling units shall meet the requirement of this chapter, and may be allowed in all zones where residential uses are permitted. ~~in the residential (R) and multifamily (MF) zones.~~

### 18.27.030 - Definition.

An "accessory dwelling unit (ADU)" means an additional smaller, subordinate dwelling unit on a lot with or in an existing or new house. These secondary units contain a private bath and kitchen facilities comprising an independent, self-contained dwelling unit. ~~These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts.~~ An ADU is not a duplex because the intensity of use is less due to the limitations of size ~~and number of bedrooms.~~

### 18.27.040 - Establishing an accessory dwelling unit.

An accessory dwelling unit may be created through:

- A. Internal conversion within an existing dwelling;
- B. The addition of new square footage to the existing house, or to a garage, ~~and any addition thereto is located at least forty feet back from the front property line;~~
- C. Conversion of an existing garage provided it is not larger than the primary residence. ~~if the garage is setback at least forty feet back from the front property line;~~
- D. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
- E. A separate detached dwelling unit on the same lot as the primary dwelling unit, ~~when the accessory unit is located at least ten feet behind the most distant back or side wall, or other structural element of the primary dwelling unit structure.~~

Manufactured homes or recreational vehicles are not considered an accessory structure for the purposes of this chapter.

18.27.050 - Development standards.

- A. Number. No more than one accessory dwelling unit per legal lot is permitted, and it must be accessory to a single-family residence. A lot of record lawfully occupied by two or more single-family residences shall not be permitted to have an accessory dwelling unit, unless the lot is short platted under Title 17 of this code. If a short plat is approved, an accessory dwelling unit for each dwelling unit is permitted only if all dimensional standards of the underlying zone, and all other provisions of this chapter are met.
- B. ~~Lot Area. No accessory dwelling unit shall be permitted on a lot of less than five thousand square feet.~~
- C. Building Permit. The applicant must apply for a building permit for an accessory dwelling unit. An ADU shall comply with applicable building, fire, health, and safety codes. Addressing of the ADU shall be assigned by the building department, with approval by the fire department. An ADU cannot be occupied until a certificate of occupancy is issued by the building department.
- D. Conformance to Zoning. The addition of an accessory dwelling unit shall not make any lot, structure or use nonconforming within the development site. An accessory dwelling unit shall conform to existing requirements for the primary residence, including, but not limited to, lot coverage, front, side, and rear yard setbacks. Building height is limited to twenty-five feet for a detached ADU. Building height requirements of the underlying zone apply to the ADU for internal conversion, or structural addition to the existing primary dwelling.
- E. Outbuilding Size. For purposes of this section, an accessory structure (such as a garage or other outbuilding, but not a detached accessory dwelling unit) which contains an accessory dwelling unit may not cover more than ten percent of the total site area.
- F. Total Floor Area. The total gross floor area of an accessory dwelling unit shall not exceed forty percent of the area of the primary dwelling's living area. The living area of the primary unit excludes uninhabitable floor area and garage or other outbuilding square footage whether attached or detached.
- G. ~~Number of Bedrooms. An accessory dwelling unit shall not contain more than one bedroom.~~
- H. Parking. An accessory dwelling unit shall have a minimum of one on-site parking space, in addition to the primary dwelling unit's designated parking spaces if there is not on street parking allowed.
- I. Architectural Design. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and color, roof material, form and pitch, window style and placement, other architectural features, and landscaping.
- J. Entrances. For an accessory dwelling unit created by internal conversion or by an addition to an existing primary dwelling, only one entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
- K. Utilities. An accessory dwelling unit shall connect to public sewer and water. A home or lot not connected to public sewer and water, which adds an accessory dwelling unit, shall connect to public sewer and water. An ADU may have shared or separate public sewer and water services.
- L. Nonconformity. A home or lot which has an accessory dwelling unit which was established prior to adoption of this chapter may be approved for a building permit, subject to the provisions of Chapter 18.41 "Nonconforming Lots, Structures and Uses."
- M. Reserved.
- N. Owner Occupancy. Prior to the issuance of a building permit establishing an accessory dwelling unit, the applicant shall record the ADU as a deed restriction with the Clark County auditor's office. Forms shall be provided by the city stating that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the

other unit is being rented or otherwise occupied. The owner shall show proof of ownership, and shall maintain residency for at least six months out of the year, and at no time receive rent for the owner occupied unit. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance, and is subject to the enforcement actions.

18.27.060 - Design guidelines.

- A. Exterior Finish Materials. Exterior finish materials must duplicate or reflect the exterior finish material on the primary dwelling unit.
- B. Roof Slopes. For buildings over fifteen feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominate slope of the primary dwelling structure.
- C. Historic Structures. If an accessory dwelling unit is on the same lot as, or within an historic structure which has been designated on the national, state, or local historic register, the following design guidelines are applicable:
  - 1. Exterior materials shall be of the same type, size, and placement as those of the primary dwelling structure.
  - 2. Trim on edges of elements of an ADU shall be the same as those of the primary structure in type, size, and placement.
  - 3. Windows in any elevation which faces a street shall match those in the primary structure in proportion, i.e., same height, width, and orientation (horizontal or vertical).
  - 4. Pediment and Dormers. Each accessory dwelling unit over twenty feet in height shall have either a roof pediment or dormer, if one or the other of these architectural features are present on the primary dwelling.