

## ARTICLE II

### **2.1 DEFINITIONS**

- **ACCESSORY DWELLING UNIT (A.D.U.):** A separate dwelling unit, containing habitable space, bathroom(s), and a kitchen, within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:
  - A. **ACCESSORY DWELLING UNIT, DETACHED:** Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.
  - B. **ACCESSORY DWELLING UNIT, ATTACHED:** Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.
- **AGRICULTURAL USES:** Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops; including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract.
  - A. **AGRICULTURAL USE, RESIDENTIAL:** Agricultural residential use means residential use in an ~~A-4~~ agricultural zone, including Accessory Dwelling Units. The density of ~~which such uses~~ shall not exceed one dwelling unit per five contiguous acres held under common title and residential cluster development ~~into A-4 zone, in any agricultural zone.~~ Accessory Dwelling Units, as defined by this Ordinance, shall not count against such a density maximum.

### **2.5 SPECIFIC USE REGULATIONS**

#### **2.5.17 ACCESSORY HOUSING**

1. **Purpose**
  - a. Scott County recognizes the benefits that accessory housing can provide as a housing alternative where such benefits consider and are balanced with other community goals.
  - b. The purpose and intent of this chapter is to:
    - i. Ensure that accessory housing remains clearly an incidental and subordinate use to the existing single-family dwelling.

- ii. Protect the rural and neighborhood character in areas where accessory housing is allowed.
- iii. Accommodate unique or special housing needs and circumstances.
- iv. Provide for the general convenience of area landowners to accommodate family and guests with independent living quarters.
- v. Create alternative housing opportunities that promote more efficient use of existing or planned public and private transportation facilities and utilities.
- vi. Encourage accessory housing where public and private utilities, transportation facilities, and other facilities already exist.

**2. Applicability**

- a. Accessory housing units are allowed land uses in all residential and agricultural zones where otherwise consistent with the standards of this chapter and the Scott County Code. Accessory housing includes accessory dwelling units (ADUs).
- b. Accessory housing which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located.
- c. Accessory Dwelling Units shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

**3. General Requirements:** The requirements listed below apply to all accessory housing.

a. Certificate of Occupancy.

- i. A certificate of occupancy is required to be obtained from the Building Official and posted within the accessory housing unit.
- ii. The code inspection required to obtain a certificate of occupancy in an existing structure shall be restricted to the portion of the structure to be occupied by the accessory housing unit and shall apply only to new construction, and not the existing components of the primary dwelling.

b. Structure Type.

- i. Accessory housing units shall not be travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for permanent residences.
- ii. If such structures are occupied for a period of 90 or more calendar days in the same year, such occupation shall be considered a violation of this chapter and subject to enforcement.

c. Water and Wastewater Disposal.

- i. Accessory housing units shall be required to utilize the same potable water source as the primary dwelling.
- ii. Accessory housing shall not be permitted unless the water supply and sewage disposal facilities are adequate for the number of

bedrooms and meet all applicable local or state health department requirements.

d. Recording.

- i. To ensure continued compliance with owner-occupancy and other ordinance requirements by current, as well as any subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with the County.
- ii. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing.
- iii. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the *Scott County Zoning Ordinance*.
- iv. Proof of registration, in the form of a copy of the filed document, shall be submitted to the Georgetown – Scott County Planning Commission prior to issuance of a certificate of occupancy
- v. Said registration may only be removed upon a demonstration to the Georgetown – Scott County Planning Commission that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to local regulations.

e. Sale or Transfer of Accessory Housing Units.

- i. Accessory housing units shall not be sold as separate dwelling lots from the subject property, unless the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to local regulations.

f. Density.

- i. There shall be no more than one accessory housing unit allowed per lot.

**4. Additional Standards:** In addition to the general requirements listed above, accessory dwelling units shall be subject to the following requirements.

a. Size.

- i. Size of Detached ADU. Detached ADUs shall not exceed 50 percent of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. This requirement shall not apply to any detached ADU 400 square feet or less.
- ii. Size of Attached ADU. Attached ADUs shall not exceed 35 percent of the gross floor area of the primary dwelling unit.

b. Density.

- i. The property on which an ADU is to be located must be a legally created parcel.

- ii. The property on which a detached ADU is to be located shall be at least 5 acres in size.
- c. Occupancy.
  - i. The owner of the parcel shall live either in the primary dwelling or ADU as their primary residence. For the purpose of this standard, "primary residence" shall mean occupancy by the underlying property owner for no less than 120 days during a calendar year.
  - ii. ADUs may be used for occupation by family members, guests, renters, lessees, and estate caretakers/groundskeepers.
  - iii. The ADU may not be used as a short-term rental.
- d. Design.
  - i. When development abuts or is accessed by a state or county road, all building entrances shall be located so that only one entrance faces the road frontage of the development.
  - ii. On-site parking area shall be provided.
  - iii. Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.
  - iv. The primary dwelling and the ADU may be no more than 300 linear feet from each other.