

## 9-1-8: ACCESSORY DWELLING REGULATIONS:

A. Requirements For All Accessory Dwelling Units: All accessory dwelling units must meet the following requirements when they are the result of converting existing living area, attic, basement, or garage; adding floor area; constructing a detached accessory dwelling unit on a site with an existing primary dwelling unit, attached primary dwelling unit, or manufactured home; or constructing a new primary dwelling unit, attached primary dwelling unit, or manufactured home with an internal or detached accessory dwelling unit:

1. Maximum Allowed: Maximum of one accessory dwelling unit, either detached or attached, is allowed per parcel.
2. Conversion Of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current structural, electrical and plumbing codes, subject to the review and approval of the building official.
3. When Subject To A Conditional Use Permit: When subject to a conditional use permit, either the accessory dwelling unit or the primary residence must be owner occupied and the property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling unit or documentation of the homeowner's exemption status will be presented.
4. Location Of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.
5. Parking: Parking for the main residential structure must meet the requirements of [chapter 5](#) of this title.
6. Maximum Size: The size of the accessory dwelling unit may be no more than ninety percent (90%) of the living area of the primary dwelling unit, attached primary dwelling unit, or manufactured home or six hundred fifty (650) square feet, whichever is less.

B. Creation Of Accessory Dwelling Units Through Addition Of Floor Area: Accessory dwelling units created through the addition of floor area to the primary dwelling unit must meet the following requirements:

1. Exterior Finish Materials: The exterior finish material must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit, attached primary dwelling unit, or manufactured home.
2. Roof Pitch: The roof pitch must be the same as the predominant roof pitch of the primary dwelling unit, attached primary dwelling unit, or manufactured home.
3. Trim: Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling unit, attached primary dwelling unit, or manufactured home.
4. Windows: Windows must match those in the primary dwelling unit, attached primary dwelling unit, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical) and style and material. Second floor fenestrations shall be oriented to protect the privacy of neighboring property owners.
5. Eaves: Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling unit, attached primary dwelling unit, or manufactured home.

6. Conversion Of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current structural, electrical and plumbing codes, subject to the review and approval of the building official.
7. When Subject To A Conditional Use Permit: When subject to a conditional use permit, either the accessory dwelling unit or the primary residence must be owner occupied and the property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling unit or documentation of the homeowner's exemption status will be presented.
8. Location Of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.
9. Maximum Size: The size of the accessory dwelling unit may be no more than ninety percent (90%) of the living area of the primary dwelling unit, attached primary dwelling unit, or manufactured home or six hundred fifty (650) square feet, whichever is less.
10. Modification Of Design Requirements: Any design requirement of this section may be modified by the planning director and building authority.

C. Detached Accessory Dwelling Units: Detached accessory dwelling units must meet the following requirements:

1. Setbacks: The accessory dwelling unit must be at least:
  - a. Fifty feet (50') from the front lot line; or
  - b. Six feet (6') behind the primary dwelling unit, attached primary dwelling unit, or manufactured home.
  - c. All newly created detached accessory dwelling units must meet a minimum of ten feet (10') side and rear setbacks. Property that abuts an alley may have a rear setback of five feet (5').
  - d. Newly created structures which include an accessory dwelling unit will not be eligible for any setback reduction as provided in subsection [9-1-5E](#) of this chapter.
2. Height: The planning commission shall limit the height of an accessory dwelling unit if it is not in scale with the primary dwelling unit.
3. Coverage: The detached accessory dwelling unit may not have a larger footprint than the footprint of the primary dwelling unit. The combined footprint of all detached accessory structures may not exceed thirty five percent (35%) of the total area of the site.
4. Bedrooms: The detached accessory dwelling shall be limited to one bedroom.
5. Exterior Finish Materials: The exterior finish material of the accessory dwelling unit must be the same or visually match the type, size, and placement of the exterior finish material of the primary dwelling unit.
6. Roof Pitch: The roof pitch of the accessory dwelling unit must be the same as the predominant roof pitch of the primary dwelling unit.
7. Trim: Trim on the accessory dwelling unit must be the same in type, size, and location as the trim used on the primary dwelling unit.

8. Windows: Windows in the accessory dwelling unit must match those in the primary dwelling unit, attached primary dwelling unit, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical) and style and material.
9. Eaves: Eaves on the accessory dwelling unit must project from the building walls the same distance as the eaves on the primary dwelling unit.
10. Modification Of Design Requirements: Any design requirement of this section may be modified by the planning director and building authority.
11. Conversion Of Primary Dwelling Structure: In cases where an existing primary dwelling structure is to be converted to a secondary dwelling unit or partially converted to create a secondary dwelling unit within the structure, the area designated for the secondary dwelling unit must be brought up to current structural, electrical and plumbing codes, subject to the review and approval of the building official.
12. When Subject To A Conditional Use Permit: When subject to a conditional use permit, either the accessory dwelling unit or the primary residence must be owner occupied and the property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling unit or documentation of the homeowner's exemption status will be presented.
13. Location Of Entrances: Only one entrance may be located on the facade of the primary dwelling unit, attached primary dwelling unit, or manufactured home facing the street, unless the primary dwelling unit, attached primary dwelling unit, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation would be entrances that do not have access from the ground such as entrances from balconies or decks.
14. Maximum Size: The size of the accessory dwelling unit may be no more than ninety percent (90%) of the living area of the primary dwelling unit, attached primary dwelling unit, or manufactured home or six hundred fifty (650) square feet, whichever is less.

D. Illegal Accessory Dwelling Units: That portion of a single- family residence which meets the definition of accessory dwelling unit which was in existence prior to November 19, 2008, may continue in existence, provided the following requirements are met:

1. An application for an accessory dwelling unit is submitted within eighteen (18) months of November 19, 2008.
2. The unit complies with the minimum requirements of the international building code.
3. The planning director may waive the square feet limitation where exceeded in an accessory dwelling unit existing on November 19, 2008, if an application to legalize the accessory dwelling unit is filed within eighteen (18) months of the effective date hereof and if the director finds that reduction of the floor area would be impractical.
4. Owners of illegal units who apply for a permit within the grace period may also be given some leeway on minor violations of ADU size, lot size, setback, parking, and other requirements where full compliance would be impractical.

E. Enforcement:

1. In addition to the conditions which may be imposed by the planning director, all accessory dwelling units shall be subject to the condition that such a permit shall automatically expire whenever the accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the planning director and the building official.

2. The planning director shall report annually to the city council on the number and location of ADUs constructed since the inception of the ordinance codified herein and an assessment of the impact on neighborhoods. (Ord. 1196, 11-19-2008)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): IC § 67-6501 et seq.