

## Chapter 18.247

### ACCESSORY DWELLING UNITS (ADUs)

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#### 18.247.010 Purpose.

The purpose of this chapter is to:

- (1) Increase the range of housing choices for residents in La Center.
- (2) Increase the supply of affordable housing options within the community.
- (3) Allow for the development of housing units that are appropriate for people at a variety of life stages.
- (4) Allow for added income and an increased sense of financial security for homeowners.
- (5) Help meet housing demand while utilizing existing infrastructure at minimal cost and disruption to single-family neighborhoods.
- (6) Ensure that the development of accessory dwelling units do not cause negative impacts to the character, appearance, and functionality of single-family neighborhoods as demonstrated by complying with the accessory dwelling unit code.

#### 18.247.020 Definition.

- (1) An accessory dwelling unit (ADU) is a smaller, self-contained residential dwelling located on the same lot as an existing or permitted single-family dwelling. An ADU contains all of the basic facilities needed for living independently of the single-family dwelling, including a kitchen, sleeping area, bathroom, heating, and sanitation. An ADU is distinguishable from a duplex, as an ADU is clearly subordinate to the single-family dwelling in use and appearance.

#### 18.247.030 Applicability.

- (1) ADUs shall be allowed outright in all zones where detached single-family dwellings are permitted if in compliance with all of the development standards contained in LCMC 18.247.050.
- (2) ADUs shall not be allowed on properties not containing an existing or permitted single-family dwelling.
- (3) Previously permitted ADUs that do not meet one or more of the development standards of LCMC 18.247.50 shall be considered a legal nonconforming use.

### **18.247.040 Establishment.**

- (1) An ADU may be established through:
  - (a) An internal unit within an existing single-family dwelling, such as the conversion of an attic or basement.
  - (b) An addition of new square footage to an existing single-family dwelling, creating an attached unit.
  - (c) A new detached structure.
  - (d) Conversion of an existing attached or detached structure, such as a garage.
  - (e) An addition of new square footage above an attached or detached structure.
- (2) An ADU shall not be established through a new or existing manufactured home.

### **18.247.050 Development standards.**

- (1) Lot size.
  - (a) A detached ADU shall not be established on any parcel smaller than five-thousand (5,000) square feet.
- (2) Density.
  - (a) No more than one (1) ADU shall be associated with each primary single-family dwelling.
- (3) Size.
  - (a) Minimum size. The gross floor area shall not be less than three-hundred (300) square feet.
  - (b) Maximum size. The gross floor area shall not exceed nine-hundred (900) square feet or forty (40) percent of the primary single-family structure, not including the garage and/or detached accessory buildings (whichever is less). Internal ADUs may exceed nine-hundred (900) square feet provided they are not larger than the size of the remainder of the single-family dwelling.
- (4) Setbacks and lot coverage.
  - (a) ADUs shall adhere to the front setback of the underlying zone and shall not be closer to the front lot line than the single-family dwelling.
  - (b) Consistent with Table 18.130.090, Footnote 3, ADUs require a setback of ten (10) feet from street side lot lines, five (5) feet from interior side and rear lot lines, and six (6) feet from the single-family dwelling.
  - (c) A detached ADU may be located at the lot line of the rear yard if adjacent to an alley.
  - (d) For ADUs that are constructed above a garage, the ADU shall be setback a minimum of eighteen (18) inches from the garage's front façade.
  - (e) An ADU building footprint shall not be included in the maximum lot coverage calculation of the underlying zone.
- (5) Height.
  - (a) Maximum building height for detached ADUs shall not be taller than the single-family dwelling or twenty-five (25) feet, whichever is less.
  - (b) Building height requirements of the underlying zone apply to internal or addition ADUs.
- (6) Architectural design.
  - (a) The exterior appearance of an addition or detached ADU shall match the single-family dwelling's siding, color, and roof form and pitch.
  - (b) For ADUs that are established by conversion of an existing garage facing a street, the garage door shall remain to match the aesthetic of the neighborhood, with the primary entrance established on the side of the ADU. Alternatively, an applicant can remove the garage door, if the alterations match the design of the single-family dwelling; front facing garages are not typical in the neighborhood; and at least one window is provided on the front facing wall.
- (7) Parking.
  - (a) One (1) off-street parking space is required for ADUs in addition to the parking required for the single-family dwelling. The parking requirement can be met by existing parking on site. If insufficient off-street parking exists on site to meet the single-family requirement plus the one (1) additional space for the ADU, then one (1) off-street parking space shall be provided to serve the ADU.

- (8) Access.
  - (a) An ADU may be accessed by the same driveway serving the single-family dwelling.
  - (b) An additional access may be provided to an ADU if it meets City driveway standards.
- (9) Utilities.
  - (a) ADUs constructed on sites that are already connected to public sewer and water, or such systems are adjacent to the site in the public street, shall connect to these systems.
  - (b) ADUs may connect to an existing septic system if a public sewer connection is not available and the homeowner provides verification from Clark County Public Health that the septic system has adequate capacity to support the unit.
  - (c) For internal and addition ADUs connecting to the public sewer system, the ADU may share a sewer connection with the single-family dwelling or have a separate connection.
  - (d) For detached ADUs connecting to the public sewer system, a separate side sewer may be made to the public sewer system or the existing side sewer connection from the single-family dwelling may be extended to the ADU. Shared side sewers shall have a diameter of six (6) inches or greater, consistent with LCMC 13.10.110(2).
  - (e) An ADU may have a shared or separate water system than the single-family dwelling.
- (10) Construction and safety standards.
  - (a) The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

#### **18.247.060 Review processes.**

- (1) The City will process ADU applications through a Type II procedure, pursuant to LCMC 18.30.090 and subject to conformance with the development standards contained in LCMC 18.247.050.
- (2) Type II procedures are subject to pre-application review, pursuant to LCMC 18.30.020, unless the director waives the requirement in writing on a form provided by the city.
- (3) Deviation from the development standards contained in LCMC 18.247.050 requires a Type II variance, subject to LCMC 18.260.
- (4) The applicant shall apply for a building permit for an ADU. An ADU cannot be occupied until a certificate of occupancy is issued by the building department. Addressing of the ADU shall be assigned by the city.
- (5) Type II applications and building permits for ADUs may be applied for concurrently; however, Type II approval is required prior to building permit approval and certificate of occupancy.
- (6) An alteration or addition to an existing, legal nonconforming ADU which was previously permitted may be approved for a building permit, subject to LCMC 18.255.

#### **18.247.070 Submission requirements.**

The following information shall be submitted as part of a Type II application for review, after the pre-application conference is held or the pre-application review requirement is waived:

- (1) Completed and signed La Center Master Land Use Application.
- (2) Application fee, subject to the current City fee schedule.
- (3) A copy of the pre-application conference summary, if the pre-application review requirement was not waived, which will be provided to the applicant from the City after the pre-application conference is held.

- (4) For all ADUs proposed on a lot located within a homeowner's association (HOA), a letter from the HOA shall be provided that verifies that ADUs are not prohibited in the HOA's covenants, conditions, and restrictions (CC&Rs).
- (5) Noticing information in accordance with LCMC 18.30.050(2)(k) for Type II applications.
- (6) For detached and addition ADUs, a site plan drawn to scale showing the location of the primary residence, proposed ADU structure location and size, setbacks, access, and parking. Internal ADUs do not need to provide a site plan.
- (7) For all ADUs, a floor plan drawn to scale. Internal ADUs shall show the proposed ADU within the single-family home.
- (8) Elevations drawn to scale showing height and design (e.g. exterior building materials, colors, roof form and pitch, and window style and placement) of the proposed addition or detached ADU.
- (9) Information about proposed water and sewer utilities connections. If an ADU is proposed to connect to an existing septic system, a letter shall be provided from Clark County Public Health verifying that the septic system has adequate capacity to support the unit.

#### **18.247.080 Fees.**

The following impact fees and capital facilities charges apply to ADUs:

- (1) Traffic impact fees shall be assessed at 33 percent of the current rate for single-family detached residences;
- (2) Park impact fees shall be assessed at 25 percent of the current rate for single-family detached residences;
- (3) Sewer capital facilities charges shall be 50 percent of the current rate for single-family detached residences;
- (4) Water system connection charges are established by Clark Public Utilities; and
- (5) School impact fees are established by the La Center School District.