

MURRAY

## Chapter 17.78 ACCESSORY DWELLING UNITS

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**17.78.010: PURPOSE:**  

The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

**17.78.020: DEFINITIONS:**  

**ACCESSORY DWELLING UNIT (ADU):** A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living

facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

**17.78.030: CONDITIONAL USE PERMIT REQUIRED:**  

An ADU meeting the development standards, as specified in section [17.78.040](#) of this chapter, may be allowed in any single-family residential zone after approval of a conditional use permit by the planning commission. (Ord. 09-23 § 2)

**17.78.040: DEVELOPMENT STANDARDS:**  

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.
- B. Only one ADU may be created per lot or property in single-family zones.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- D. Installing separate utility meters and separate addresses for the ADU is prohibited.
- E. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- F. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- G. ADUs shall not contain more than two (2) bedrooms.
- H. ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.
- M. Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.
- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.
- R. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood. (Ord. 09-23 § 2)

**17.78.050: AFFIDAVIT:**  

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the planning commission, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of fifty dollars (\$50.00). (Ord. 09-23 § 2)

**17.78.060: INSPECTION:**  

Following the issuance of a conditional use permit, the community and economic development department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission.

Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued. (Ord. 09-23 § 2)

**17.78.070: TERMINATION:**  

In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)

**17.78.080: EXISTING LEGAL NONCONFORMING UNITS:**  

Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit in order to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) square foot limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit. (Ord. 09-23 § 2)

**17.78.090: VARIANCES:**  

Variations to the standards of this chapter may be approved by the appeal authority in accordance with [chapter 17.52](#) of this title. In no case shall a variance be approved for the owner occupancy provisions or number of units allowed per property. (Ord. 14-10: Ord. 09-23 § 2)