

## ACCESSORY DWELLING UNIT (ADU) REGULATIONS

### § 153.110 PURPOSE

The purpose for accessory dwelling units is to offer a versatile solution to various housing challenges, promote affordability, improve density, flexibility, and sustainability in urban development.

### § 153.111 DEFINITION.

Self-contained dwelling unit of permanent construction, including foundation, designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area; that is located on the same parcel as a larger single-family dwelling that serves as the principal use of the parcel; and whose use is subordinate and incidental to the larger single-family structure.

- Shall not exceed 1,000 sq. ft. in area.
- Separate electrical service is required for detached ADUs.
- Separate address is required for all ADUs.
  - Attached ADUs will be designated by adding ½ to the numerical address of the primary residence.
  - Detached ADUs will be the primary property address + “Unit A”
- 1 off-street parking space required per ADU (Total of 3 parking spaces with primary residence, see §153.306)

(A) Examples of accessory dwelling units include: Detached, Attached, Interior (Upper Level), Interior (Lower Level), Above Garage, Garage Conversion.

### § 153.112 PROHIBITED STRUCTURES

Prohibited Structures: Mobile homes, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

### § 153.113 OCCUPANCY BY OWNER OR REQUIREMENT OF RESPONSIBLE PERSON

The owner of each lot on which an accessory dwelling unit is established must:

- (i) maintain a residence in the principal single-family dwelling or the accessory dwelling unit on the lot for so long as the accessory dwelling unit exists; or
- (ii) designate a responsible person who maintains a residence in the principal single-family dwelling or the accessory dwelling on the lot for so long as the accessory dwelling unit exists.

Limit of three ADUs per owner

Limit of one ADU per parcel.

For these purposes, the following terms shall have the following meanings:

(i) "Residence" means a dwelling unit that is the true, fixed, and permanent home where an individual intends to remain permanently and indefinitely; to which, whenever absent, the individual intends to return; and that only one of which may exist for one person with the Village of Bluffton at any time.

(ii) "Responsible Person" means a natural person designated by the owner of a lot on which an accessory dwelling unit is established as having the independent duty, responsibility (including financial responsibility), and authority to operate, maintain, and manage the lot and all the dwelling units thereon.

(iii) "Owner" means a person or a company; and the limit of total ADUs applies to each person in their individual capacity and as stakeholder in a company holding title to property.

#### **§ 153.114 CONDITIONAL USES; WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER A PUBLIC HEARING.**

(A) Residents of Orange & Richland Township who own property within the Village of Bluffton limits may apply for Conditional Use.

#### **§ 153.115 REQUIRED SETBACKS AND FOOTPRINT**

(A) At least six feet from any other building and at least five feet from any lot lines of adjoining lots which are within an approved R-Residential District.

(B) No ADU shall be erected in any required yard except a rear yard and shall not occupy more than 35% of a required rear yard.

#### **§ 153.116 CORNER LOTS**

Corner lots should have the same minimum front yard requirements on each street side of the lot.

#### **§ 153.117 HEIGHT REGULATIONS WITHIN AN ADU DISTRICT.**

Regulations shall comply with the R-II Residential District.

#### **§ 153.118 REQUIRED FLOOR AREA IN THE ADU DISTRICT.**

Any building intended in whole or part for residential purposes shall provide a livable floor area as hereinafter specified:

- Minimum 250 sq. ft.
- Maximum 1,000 sq. ft.

#### **§ 153.119 APPLICATION, PERMITTING AND REGISTRATION**

Following completion of Zoning Application, all units must be:

- Permitted by Zoning Department and
- Registered with Income Tax Department.

Change of parcel ownership requires completion of new application and registration.

Change in the responsible person requires new registration form to be completed.

### **§ 153.120 PARCEL TO REMAIN IN COMMON OWNERSHIP**

Both the primary dwelling and the accessory dwelling unit must remain in common ownership.

### **§ 153.121 EXISTING ADUs**

ADUs that existed before the adoption of this Ordinance will be grandfathered. (Legal, nonconforming, but conforming at the time of adoption.)

Existing ADUs must register with the Village as described above, § 153.119.

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