

## CHAPTER 1131. ACCESSORY DWELLING UNITS (ADUs) REGULATIONS

### 1131.01. Purpose.

Accessory Dwelling Unit (ADU) regulations are established to achieve the orderly development of the City and its neighborhoods and the following purposes:

- (a) To regulate the bulk and location of accessory dwellings units.
- (b) To regulate the density and distribution of accessory dwelling units.
- (c) To achieve the City of Delaware’s Comprehensive Plan’s goal to promote and ensure a broad spectrum of housing options to meet the current and future needs of the population.

### 1131.02. Accessory Dwelling Unit types and definitions.

- (a) Generally. ACCESSORY DWELLING UNIT (ADU) is a smaller internal, attached, or detached independent residential dwelling unit located on the same lot as a stand-alone single-family home or two-family dwelling which include their own entrance and space for living, eating, sleeping, and cooking.

- (b) ADU Types. There are two ADU types:

- (1) Attached ADU. Attached ADUs are units that are created by dividing space within a principal building, or by adding floor area to an existing building.
- (2) Detached ADU. Detached ADUs are units that are located inside of accessory buildings located on the same lot as a principal dwelling.



### 1131.03. General requirements.

Accessory Dwelling Units shall be permitted in all single-family and two-family residential zoning districts which include the Agricultural (A-1), Residential Single Family (R-SF), Residential Neighborhood Transition (R- NT), and Residential Neighborhood Mixed (R-NX) districts and shall conform to the location, coverage, maintenance, and general standards contained in this Section as well as provisions of the Ohio Building Code requirements for a habitable space.

- (a) Occupancy Requirement by Owner. The owner of each lot on which an accessory dwelling unit is established must maintain a residence in the principal dwelling or the accessory dwelling unit on the lot for so long as the accessory dwelling unit exists.
  - (1) An occupancy permit shall be required prior to initial occupancy or use. If the ADU is changed, converted or wholly or partly altered or enlarged in its structure to the extent that a building permit is required or is changed in use, an occupancy permit shall be required.

PART ELEVEN - PLANNING AND ZONING CODE  
 TITLE FOUR – GENERAL ZONING REGULATIONS  
 CHAPTER 1131. ACCESSORY DWELLING UNIT REGULATIONS

(2) Following the completion of the ADU, the Owner Occupancy requirement shall be certified to the Planning and Community Development Department on an annual basis. The property owner shall provide a notarized, recorded affidavit to the Planning and Community Development Department attesting to the owner occupancy requirement prior to obtaining City approval for the ADU.

(b) Number of ADUs. No parcel shall contain more than one ADU per lot.

(c) Yard Requirements.

| Use                                | Yard in which use is permitted | Setback From Specified Lot Line: |       |       |
|------------------------------------|--------------------------------|----------------------------------|-------|-------|
|                                    |                                | Front                            | Side  | Rear  |
| (1) Attached ADU                   | Rear, Side                     | (a)                              | (a)   | (a)   |
| (2) Detached ADU <sup>(b)(c)</sup> | Side, Rear                     | N/A                              | 3 ft. | 3 ft. |

(a) Shall comply with the setback requirements for principal buildings set forth in Schedule 1134.01, except for utility boxes for underground utilities, residential air conditioning units, generators and decks and the like as defined below.

(b) Shall comply with the corner front yard requirements set forth in Section 1134.04.

(c) Additional Building Code regulations related to fire code may affect setback allowance as determined by the Chief Building Official.

(d) Maximum Floor Area of ADUs<sup>(a)(b)</sup>.

|  |   |
|--|---|
| (1) Maximum floor area of attached ADUs. | 50% of the floor area of the principal structure.   |
| (2) Maximum floor area of detached ADUs. | The sum of the footprint of shall not exceed 50% of the footprint of the principal structure, with a maximum of 900 square feet on any lot. On lots where the principal structure has a footprint of less than 1,200 square feet, the maximum footprint shall not exceed 600 square feet. |

(a) On a lot greater than 1 acre, larger ADUs may be considered by the Board of Zoning Appeals pursuant to 1128.09, provided that the ADU in total area shall not exceed 3% of the rear yard area of the property or 1,200 square feet, whichever is less.

(b) There is no maximum footprint of accessory structures in the Agricultural District.

(e) Height Restrictions.

(1) The maximum height of any attached ADU shall not exceed the height of the principal building.

(2) The maximum height of any detached ADU shall not exceed 20'.

PART ELEVEN - PLANNING AND ZONING CODE  
TITLE FOUR – GENERAL ZONING REGULATIONS  
CHAPTER 1131. ACCESSORY DWELLING UNIT REGULATIONS

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- (f) **Parking Requirements.** No additional off-street parking shall be required in locations where on-street parking is available within one block. In locations where on-street parking is not available within one block, the ADU shall provide one (1) additional off-street parking space. This may include space on an existing driveway.
- (g) **Exterior Design Standards.** Accessory dwellings shall be of similar style, color, and material selection as the primary building as set forth in **Section 11XX.08** and designed to portray the form of a single-family dwelling.
- (h) **Additional Requirements.**
  - (1) **Access to ADUs.** A continuous paved access corridor shall be provided from the front of any lot containing an ADU to the ADU entrance. The route must be suitable for emergency responders to use and shall have an unobstructed vertical clearance of ten feet and an unobstructed horizontal clearance of seven feet, including five feet clear of roof eaves or other projections. The access shall be kept accessible during all conditions, including being accessible when snow is on the ground.
  - (2) **Construction of ADUs may trigger public improvements,** including but not limited to sidewalk improvements, curb ramps, street trees, driveway improvements and driveway apron upgrades, and water meter upgrades, as determined by the relevant City Department.
  - (3) **ADUs proposed on a non-conforming lot shall conform to requirements set forth in **Chapter 11XX.****
  - (4) **All ADUs shall require a certified address from the City of Delaware.**