

Accessory Dwelling Units

What Is an Accessory Dwelling Unit

An Accessory Dwelling Unit or (ADU) means an auxiliary or subordinate dwelling unit on the same lot/parcel or within an existing detached single family structure. The unit includes its own independent living provisions for sleeping, cooking and sanitation, designed for residential occupancy independent of the primary dwelling unit.

Types of Accessory Dwelling Units

- **Detached**

A detached ADU is detached from the primary living structure and meets all of the zoning sizing and setbacks. This ADU is limited to one story with no basement.

- **Attached**

An attached ADU must be contained completely inside the primary structure.

Occupancy requirements for ADUs

Either the principal structure or ADU must be occupied by the owner of the property. Occupants of both structures must be members of the same family or providers of home and/or medical support services.

Size requirement for ADUs

- Units within primary structures may not exceed 40% of the gross floor area of the main floor living area of the primary structure.
- Living areas exclude attached garages and decks.
- The total square foot of the ADU may not exceed 800 square foot and must be a minimum of 300 square foot.
- Any ADU within a principle structure may not reduce the required minimum 900 square foot of the main floor of a single family home.
- The combined square foot of the primary structure and the ADU may not exceed the maximum lot coverage.

Minimum yard setbacks for ADUs

- Front yards must meet the minimum front yard setbacks of that zoning district and must meet or exceed the front setback of the principle structure.
- Side yards must meet current side yard setback requirements for principal structure in that zoning district.
- Rear yard minimum setback for structures will be 10 feet from rear property lines.

Public Utilities

ADUs must be connected to public utilities if available, either through connection to principal structure utilities or through direct connection to an ADU structure. If public utilities are not available, the applicant must show that sufficient water supply, sewage treatment and disposal is available on site.

Building Codes

The ADU must comply with all International Residential Codes, North Dakota State Building Codes, and both North Dakota state plumbing and electrical codes.

How to Apply for an ADU

1. **A Conditional Use Permit is required, fill out and return the attached application to the City Offices.**
2. A site plan is required for all new construction of an accessory structure. The site plan must show, to scale, the location and dimension of the building, all required setbacks, and any easements on the property.
3. For all ADUs that would not comply with the required one parking space, a parking plan must be submitted to

the City for review by the Planning and Zoning Commission.

4. Termination of Conditional Use Permit. A conditional use permit for an ADU shall automatically expire if the permitted dwelling unit is substantially altered and no longer in conformance with the provisions of ordinance No. 945; If the owner of the property no longer occupies one of the units; the required parking is no longer maintained and available for use by the occupant; or the permit is not put to use within 12 months of approval.
5. Building permit is required
After a Conditional Use permit is submitted and approved, a building permit is required before construction of the ADU.

For additional information refer to Ordinance No. 945 of the Devils Lake municipal code.