33-25.01 Purpose and intent.

(a) To provide homeowners with a means of obtaining, through tenants in the ADU or the principal unit, rental income, companionship, security, and services.

(b) Add affordable units to existing housing.

(c) Develop housing units in single-family neighborhoods that are appropriate for extended family living.

(d) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of these regulations.

33-25.02 General regulations and restrictions.

(a) No one shall establish or operate an ADU without a special exception that specifically identifies the ADU. Granting of a special exception for an ADU does not constitute the granting or creation of a zoning designation other than the existing underlying zoning.

(b) No ADU shall be permitted except where a principal single-family residential dwelling (hereafter principal unit) exists on the lot or will be constructed in conjunction with the ADU.

(c) The floor area for ADUs shall not exceed five hundred square feet for lots between 5,000 and 7,500 square feet. If a lot exceeds 7,500 square feet, an ADU may be up to 640 square feet and, for lots in excess of 10,000 square feet, an ADU may be up to 800 square feet. In no case may any combination of buildings occupy more than 35 percent of the required rear yard for the zoning district in which it is located.

(d) ADUs utilizing alternative green construction methods causing the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.

(e) The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, stormwater and any other applicable codes.

(f) Certification by the City of DeLand Utilities Department, or the County of Volusia Health Department where city utilities are not available, confirming water supply and sewage disposal facilities are adequate for the projected number of overall residents must be provided at the time of application, and must be recertified annually for each year the unit is operational.

(g) The ADU shall incorporate water conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.

(h) Any additions to an existing building or separate construction or existing structure modification to create an ADU shall be conforming, and shall not exceed the lot impervious surface allocation or encroach into existing setbacks, buffers, tree preservation, conservation, stormwater management or other designated limited or restricted land use area.

(i) The ADU may be attached to, or detached from, the principal unit; however, the ADU must be allocated or constructed in a manner which maintains the single-family appearance and architectural style of the primary structure and lot.

(j) Only one ADU shall be allowed per each parcel and shall remain within the parcel (not subdivided).
(k) The property owner, which shall include title holders and contract purchasers, must occupy either the principal ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit.

(l) An ADU may be developed in either an existing or a new residence.

(m) The ADU shall not result in excessive noise, traffic or parking congestion.

(n) One parking space shall be provided on-site for each studio and one bedroom ADU. Two parking spaces shall be provided on site for each two bedroom ADU. Parking for the accessory unit must be adjacent to the ADU, on the side or behind the principal unit and be constructed in addition to the required parking for the principal unit.

33.25.03 *Design standards.*

(a) The exterior design of the ADU shall be compatible with the principal unit on the lot through architectural use of building forms, height, construction materials, similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch colors, landscaping, and other methods that conform to acceptable construction practices.

(b) The exterior design of the ADU shall be in harmony with, and maintains the scale of, the neighborhood.

(c) The site plan provides adequate open space and landscaping for both the ADU and the principal unit. Open space and landscaping provide for privacy and screening of adjacent properties.

(d) The location and design of the ADU shall maintain a compatible relationship with adjacent properties and shall not significantly impact the privacy, light, air, solar access or parking of adjacent properties.

(e) The orientation and location of buildings, structures, open spaces and other features of the site plan shall maintain natural resources including historic and specimen trees and shrubs to the extent feasible and minimize alteration of natural land forms. The ACU building profiles, location and orientation shall relate to natural land forms.

(f) One and one-half to two-story structures shall limit major access stairs, decks, entry doors, and major windows to the walls facing the principal unit, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the principal unit and shall not visually dominate it or the surrounding properties.

(g) The site plan shall be consistent with physical development policies of the City of DeLand Design Standards, zoning district overlay standards or any area plan or specific plan or other city policy for physical development.

(h) The site plan shall be situated to protect views along scenic areas and, where feasible shall restore and enhance the visual quality of visually degraded areas.

(i) Single-story ADUs shall not exceed 12 feet in height. One and one-half to two-story ADUs shall comply with the height restrictions of the underlying zoning. An attached ADU may occupy a first or second story of the principal unit if it is designed as an integral part of the principal unit and it meets the setbacks required for the principal unit. If the design of the principal unit has special roof features that should be matched on a detached ADU, the maximum building height of the ADU may be exceeded to include such similar special roof features subject to review and approval of the city.

(j) When an ADU is adjacent to an alley, every effort shall be made to orient the ADU toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a 24-foot back out which includes the alley. Fences shall not exceed three feet, six inches along the alley; however,
fencing up to six feet may be considered in unusual design circumstances, subject to review and approval of the city.

33.25.04 Deed restrictions. Before obtaining a building permit for an ADU, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

(a) The accessory unit shall not be sold separately.

(b) The unit is restricted to the approved size.

(c) The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.

(d) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.

(e) The deed restrictions shall lapse upon removal of the accessory unit.

(Ord. No. 2013-11, § 1, 8-5-13)