

## **EXHIBIT A**

### **9. ADU – ACCESSORY DWELLING UNIT**

**9.1. DESCRIPTION:** The ADU – “Accessory Dwelling Unit” is established to provide alternative and affordable housing and productive economic use of lands within Fremont County. The purpose of the ADU is to allow ADU’s only when impacts to existing infrastructure, adjoining lands and uses, and neighborhoods are minimal and no life safety issues are created. The intent is to provide affordable housing, consistent with the Fremont County Zoning Resolution.

**9.2. DEFINITION:** ADU (Accessory Dwelling Unit): A small, secondary dwelling unit located on the same lot/parcel containing a larger, primary dwelling unit. An ADU contains independent living quarters with provisions for sleeping, cooking and sanitation.

#### **9.3. GENERAL PROVISIONS:**

**9.3.1.** ADU’s are allowed in the following zone districts: Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and High-Density Residence.

**9.3.2.** The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state and local laws and regulations.

**9.3.3.** ADU’s shall follow all development requirements of the zone district.

**9.3.4.** The ADU shall be a minimum of 250 sq. ft. and a maximum of 1,000 sq. ft., with no more than two bedrooms.

**9.3.5.** Construction of an ADU shall be with materials and finishes similar to those used for the primary dwelling. Modular construction shall comply with current building and sanitation codes.

**9.3.6.** ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1 acre). All lot sizes shall meet the requirements for the zone district.

**9.3.7.** ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.

**9.3.8.** No lot or parcel shall contain more than one ADU.

**9.3.9.** The property shall contain one parking space designated for the ADU.

**9.3.10.** Prior to issuance of a building permit for the ADU, the property owner shall execute and record a Declaration of Covenant and Restriction with the Fremont County Clerk and Recorder, which contains the legal description for the property, references the most current deed for the property and:

**9.3.10.1** Prohibits the sale of the ADU separate from the primary unit;

**9.3.10.2.** Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling;

**9.3.10.3.** Prohibits modification of the size of the ADU; without approval from the Department;

**9.3.10.4.** Requires the property/land owner to live in one of the dwelling units;

**9.3.10.5.** States that the covenant is binding on any successors, heirs, assigns;

**9.3.10.6.** Creates and grants a private cause of action for enforcement;

**9.3.11.** Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.

**9.3.12.** A property owner may apply to the Department for "lawful status" designation for any ADU constructed or placed on the property prior to the date of adoption of the accessory use. Any pre-existing ADU shall conform to all applicable building and zoning codes, and applicable federal, state and local laws and regulations. The Board of Zoning Adjustment, upon a showing of good cause, may waive regulatory requirements for any ADU in existence prior to the adoption of these regulations and for any proposed ADU.

**9.3.13.** ADU shall have lawfully connected utility services (water, sanitation, electric, gas). The property owner shall provide written documentation from an entity with appropriate jurisdiction, that the potable water and sanitation/septic systems are adequate for all uses on the parcel.

**9.3.14.** The ADU shall be used for residential purposes only.

**9.3.15.** The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling.

**9.4. APPLICATION REQUIREMENTS:**

**9.4.1.** An application form as provided by the Department with the required application fee.

**9.4.2.** A copy of the deed showing ownership of the parcel.

**9.4.2.1.** A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.

**9.4.2.2.** Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.

**9.4.2.3.** The Applicant shall notify adjoining property or lot owners of the intent to establish an ADU. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the ADU, the ADU application will be referred to the Board of County Commissioners for review at a public meeting.

**9.4.2.4.** A plot plan showing:

**9.4.2.4.1.** All structures proposed or existing with dimensions to property lines.

**9.4.2.4.2.** All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.

**9.4.2.4.3.** All parking areas.

**9.4.2.4.4.** All exterior access points.

**9.4.2.5.** Floor plan of the ADU.

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**9.4.2.S.** Floor plan of the ADU.