

Family/Caregiver Suite
Adopted July 19, 2008
Effective July 19, 2008

SECTION 1. DEFINITIONS

A. [Terms defined.]

Accessory building. Same as "Building, accessory."

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Family/caregiver suite. Not more than two (2) rooms plus a bathroom and "efficiency" kitchen in a dwelling that are designed, arranged, used or intended for occupancy by either not more than two (2) persons who are related by blood or marriage to the principal occupant of the dwelling or not more than two (2) persons who may be unrelated to the principal occupant of the dwelling, at least one (1) of whom provides care for one or more children of the principal occupant of the dwelling or care for or assistance to one (1) or more elder(s) or person(s) with disabilities who are occupant(s) of the main dwelling. The suite shall be designed so that it can function as an integral part of the dwelling although the occupants may live independently of each other. (Ord. No. 85-23, 7-13-85)

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SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS

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A. Uses Permitted.

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8. Accessory uses:
 - a. Accessory buildings, including a private garage, provided that a detached accessory building shall be located as required in Section 32.
 - b. Family/caregiver suites in all "R" Districts, not including "RA" Districts, subject to approval by the Zoning Administrator consistent with the following conditions:
 - (1) Not more than one (1) family/caregiver suite shall be permitted in a dwelling.
 - (2) The gross floor area of the suite shall not exceed five hundred (500) square feet.
 - (3) The suite shall have interior access to the rest of the dwelling.
 - (4) The suite shall not have separate utility service (i.e., electric meter and water meter).
 - (5) A floor plan of the suite that also identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
 - (6) The property owner shall record a covenant on the property which identifies the suite use and the restrictions imposed by this ordinance.
 - (7) The dwelling in which the suite is located shall have only one (1)

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main entrance and no new entrance shall be permitted on the same side of the structure as the existing main entrance of the dwelling.

- (8) There shall be only one (1) address for the property.
- (9) A family/caregiver suite shall not be permitted in a dwelling in which an accessory dwelling is located.
- (10) A written statement identifying the person who will provide the care and the kind of care that will be given must be filed in the office of the Zoning Administrator as to an unrelated resident of the family/caregiver suite.

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**Accessory Dwellings
Adopted July 19, 2008
Effective January 1, 2009**

SECTION 1. DEFINITIONS

B. [Terms defined.]

Accessory building. Same as "Building, accessory."

Accessory Dwelling. Same as "Dwelling, Accessory"

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Dwelling, Accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than two (2) persons for living purposes and meeting the standards of Subsection 31.A.18.

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SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS

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B. Uses Permitted.

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8. Accessory uses:
- a. Accessory buildings, including a private garage, provided that a detached accessory building shall be located as required in Section 32.

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- f. Accessory Dwellings as specified, and only (by reference) in zoning districts provided for in Section 31.A.18.

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SECTION 31. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions, except as permitted by site plan approval or otherwise specified in the district classifications:

A. Use.

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12. *Home Occupation*, as defined in Section 1, is permitted in dwelling units "R" and "RA" District regulations when such use is clearly subordinate or incidental to the principal use of the premises for dwelling purposes.

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- a. Home occupations which are conducted as limited by paragraph 12.c., below, and which have the general character of the following uses are permitted:

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- (3) Contractor or service business, provided that all requirements of this section are met as well as the following additional requirements:
- (a) Not more than one (1) commercial vehicle, as defined in Section 1, shall be parked on the property and then only in accordance with applicable regulations of Section 31, subsection A.3, of this ordinance.
 - (b) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.
 - (c) The dwelling is not an Accessory Dwelling.

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- c. Home occupation uses shall be subject to the following limitations. All limitations apply together. No limitation shall be interpreted as relaxing another limitation.

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- (6) Only one (1) person, at any time, who is not a bona fide resident of the dwelling, may be employed or perform work on the premises. In addition, a disabled resident may employ assistance from one (1) person at a time who is not a resident and whose assistance is limited to overcoming the effect of the disability. A written statement identifying the person who will give the assistance, the kind of assistance that will be given and the time the person will be in the dwelling must be filed in the office of the Zoning Administrator as to each person permitted to be employed as an assistant to a disabled person before that person may be employed in the dwelling. If the dwelling is an accessory dwelling, persons who are not bona fide residents of the dwelling may not be employed or perform work on the premises except one (1) non-resident employee may be employed or perform work on the premises providing assistance to a disabled resident, as above.

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18. Accessory Dwellings are allowed by permit within or attached to one-family dwellings provided they comply with the following:
- a. Accessory Dwellings are permitted on lots containing one-family dwellings in all "R" Districts, not including "RA" Districts, subject to issuance of a permit by the Zoning Administrator.
 - b. Accessory Dwellings are permitted only on lots that meet the following criteria:
 - (1) Subject to a minimum lot width of fifty (50) feet, the lot conforms to all zoning regulations for the zoning district in which the lot is located, including the minimum lot area for recordation of newly created lots in the district.
 - (2) On a lot containing a structure with legal nonconforming conditions, including side and rear yards, setbacks and coverage, any modifications to the structure to create the Accessory Dwelling shall conform to all zoning regulations for the district in which the lot is located.
 - (3) An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.
 - c. Not more than one (1) Accessory Dwelling shall be permitted on a lot.
 - d. The gross floor area of an Accessory Dwelling shall not exceed fifty (50) percent of the gross floor area of the main dwelling (or a third of the combined gross floor area), up to a maximum of seven hundred fifty (750) square feet; except, if the gross floor area of the main dwelling is one thousand (1000) square feet or less, the Accessory Dwelling shall not exceed eighty (80) percent of the gross floor area of the main dwelling up to a maximum of 500 square feet. For the purposes of this section, gross floor area shall be calculated to include all floor area within the inside perimeter of the exterior walls, including basement, corridors, stairways, closets and interior walls.
 - e. A valid Certificate of Occupancy shall have been issued for the Accessory Dwelling.
 - f. Before approval of a building permit, the Owner shall record a covenant on the property in a form acceptable to the Zoning Administrator, which identifies the Accessory Dwelling use and that it is subject to the restrictions imposed by the zoning ordinance.
 - g. The following shall be filed with the Zoning Administrator with the application for an Accessory Dwelling permit:
 - (1) A floor plan of the Accessory Dwelling that also identifies its relationship to the rest of the dwelling and that provides such further details as may be required by the Zoning Administrator.
 - (a) No Accessory Dwelling shall have a separate entrance on the same side of the main dwelling as the main entrance of the main dwelling.
 - (b) On a corner lot, no Accessory Dwelling shall have its entrance visible from the street.

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- (c) No Accessory Dwelling with an entrance above the first floor shall have exterior stairs to that entrance visible from the street.
- (2) A certified plat of the lot.
- h. If a parking survey conducted by the County determines that the block on which the main dwelling is located is more than sixty-five (65) percent parked and there is on-site, existing before issuance of the Accessory dwelling permit:
 - (1) Exactly one (1) standard-size space, then such a space shall be maintained; or
 - (2) Two (2) or more standard-size spaces that are not tandem, then at least two (2) such spaces shall be maintained; or
 - (3) No standard-sized parking spaces, then at least one (1) on-site parking space shall be provided. The Owner shall be responsible for providing evidence of creation of the additional parking space to the Zoning Administrator. All new parking spaces shall be constructed to meet all applicable requirements in Section 32 and Section 33 (including coverage); and
 - (4) In any other case, at least two (2) standard-sized parking spaces shall be maintained, at least one (1) of which must provide direct vehicular access.

For the purposes of this section, a standard-sized space shall be as defined in Section 33.A.3 and shall be exclusive of sidewalk area.

- i. Conditions for Accessory Dwellings:
 - (1) No more than two (2) persons shall occupy the Accessory Dwelling.
 - (2) The Owner shall occupy one of the dwelling units and for approval of an initial accessory dwelling, shall have occupied one of the dwelling units for a minimum of one (1) year immediately prior to approval of the Accessory Dwelling permit.
 - (3) Before a Certificate of Occupancy is issued for the Accessory Dwelling, the Owner shall file an affidavit of compliance with the Zoning Administrator in a form acceptable to the Zoning Administrator attesting to compliance with the conditions of this section, and shall do so annually thereafter, as well as when a new occupant(s) occupies the Accessory Dwelling and when any structural modifications are made to the Accessory Dwelling.
 - (4) The Owner shall permit annual inspections of the Accessory Dwelling by the Zoning Administrator or his designee upon reasonable notice to ensure compliance with the conditions of this section.
 - (5) The Owner shall cooperate with the Zoning Administrator and his designee in ensuring compliance with conditions of this section and in the investigation of complaints of violations of this section.
 - (6) The Owner shall advise all tenants of the Accessory Dwelling of the annual inspection requirement and obligation to cooperate with the Zoning Administrator in ensuring compliance with the conditions of this section.

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- (7) Accessory uses shall not be permitted in the Accessory Dwelling except Home Occupations as permitted and regulated in Section 31.A.12.
- j. Failure to comply with the conditions in Subsection 31.A.18 will result in revocation of an Accessory Dwelling permit and of the Certificate of Occupancy for the Accessory Dwelling by the Zoning Administrator. Revocation of the Accessory Dwelling permit and revocation of the Certificate of Occupancy shall be effective after:
 - (1) A finding by the Zoning Administrator of violation;
 - (2) Notice with thirty (30) day opportunity to correct the violation; and
 - (3) A finding by the Zoning Administrator after thirty (30) days that the violation has not been corrected.
- k. Notwithstanding subsection 31.A.18.j, if more than three (3) violations of the provisions of subsection 31.A.18 are found to exist by the Zoning Administrator within a (1) one-year period, the permit may be revoked.
- l. The Zoning Administrator may approve not more than twenty-eight (28) permits for accessory dwellings in any one calendar year, excluding accessory dwelling permits approved under the provisions of this section to conform existing units created prior to January 1, 2009 to the requirements of this section.

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