

Proposed Text Amendment

Accessory Dwelling Units

Attached, Internal and Detached

Article 2-Section 2.03 Definitions

ACCESSORY BUILDING, OR USE: A subordinate building, or use customarily incidental to and located upon the same lot occupied by the main building and use, including but not limited to detached garages, **detached accessory dwelling units**, sheds, gazebos, and other similar buildings. See Building, Accessory and Use. See also Article 6, Section 6.01 O.

ACCESSORY DWELLING UNIT (ADU): An independent room or rooms designed for or used exclusively for residence purposes located on a lot containing a single family dwelling. An accessory dwelling unit on a residentially-zoned lot may not be a primary structure.

Per the current Zoning Resolution:

DWELLING UNIT: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating.

DWELLING, SINGLE-FAMILY: A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.

Article 3-Residential Districts

3.01 R-LD, C. Conditionally Permitted Uses, **10. Accessory Dwelling Units**

3.02 R-MD, C. Conditionally Permitted Uses, **11. Accessory Dwelling Units**

3.03 R-S/MF Not Permitted (Zoning permits multifamily)

3.04 R-HD C. Conditionally Permitted Uses, **9. Accessory Dwelling Units**

3.05 R-OC, C. Conditionally Permitted Uses, **11. Accessory Dwelling Units**

3.06 R-CD Not Permitted (Zoning permits multifamily)

3.07 PRDD Not Permitted (Zoning permits multifamily)

Article 7-7.09 List of Conditional Uses and Where Permitted

BB. Accessory Dwelling Units-R-LD, R-MD, R-HD, R-OC

Article 7-7.10 Additional Criteria for Specified Conditional Uses, BB. Accessory Dwelling Units

Accessory dwelling units may be permitted as a Conditional Use when compliant with the following regulations and any other applicable sections of this resolution.

1. The use shall be interior to the principal dwelling or attached to the principal dwelling or detached from the principal dwelling.
2. Only one accessory dwelling unit may be permitted on any single lot.
3. The floor area for the accessory dwelling unit is limited as follows:
 - a. Interior-Maximum of 25 percent of the square footage of the principal dwelling. The interior dwelling unit must comply with setbacks as established for the district.
 - b. Attached- Maximum of 750 square feet or 25 percent of the square footage of the principal dwelling, whichever is less. The attached dwelling unit must comply with setbacks as established for the district.
4. Detached-A detached accessory dwelling unit is classified as an accessory building and may be constructed as one of the two permitted accessory buildings. The size of the accessory dwelling unit may not exceed 750 square feet.
 - a. Detached accessory dwelling units shall be located at least (15) feet to the rear of the primary dwelling unit
 - b. Minimum side yard setback shall be (5) five feet greater than the setback of the primary dwelling unit
 - c. Minimum rear yard setback shall follow the minimum rear yard setback for the district
 - d. Existing accessory buildings which were constructed at least five years in advance of the Conditional Use request may be converted and are not subject to the setbacks provided for in this regulations Article 7, Section 7.10 4. a., b., c.
5. Accessory uses are not permitted to accompany accessory dwelling units.
6. Accessory dwelling units must share utilities with the principal dwelling unit.
7. The property owner must reside in either the principal dwelling unit or the accessory dwelling unit.
8. A principal dwelling unit may not be transferred, split or subdivided from an accessory dwelling unit.
9. The occupants of the principal dwelling and the accessory dwelling unit shall not exceed one single housekeeping unit in total. See also Article 2, 2.03 Family
10. The ADU shall share the same driveway/curbcut access as the primary structure.
11. The applicant shall execute a Declaration of Restrictions, in a form approved by the Township's Law Director, which contains a copy of the Conditional Use Certificate that shall be recorded in the applicant's chain of title by the Township with the Summit County Recorder and the applicant shall advance to the Township the cost of such recording fees.

This is our current definition of Family per the Zoning Resolution: FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling, sorority, or fraternity, provided that no family shall contain over five (5) persons not related by blood, marriage or adoption.