

ADU AMENDMENT BY SUBSTITUTION:

Amendment by substitution for section 4.22 of our zoning ordinance

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located with and under the same ownership as the primary dwelling per Section 4.22.1 and designated for the residential occupancy.

4.22.1 In all districts the Board of Zoning Appeal may grant a special permit for alteration of any single-family, two-family, or an accessory structure in existence as of Feb 1, 2019 to provide one accessory apartment if the following conditions are met:

1. Prior to alteration the dwelling contains at least one thousand eight hundred (1,800) square feet of gross floor area.
2. An Accessory Apartment shall not occupy more than nine hundred (900) square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less.
3. Any existing two-family home may be converted to a single-family home with accessory unit by right, without need for a Special Permit.

In granting a special permit the Board may impose such conditions, including limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.22.12 Accessory Structure Apartment. An accessory structure apartment is accessory apartment built within an existing accessory structure on the same lot as a single- or two-family home. The Special Permit Granting Authority must make a determination that the exterior appearance of the accessory structure apartment is compatible with the principle dwelling on the same lot and with dwellings and accessory structures on adjoining lots. An Accessory Structure Apartment may not exceed nine hundred (900) square feet.

4.22.2 Additional Regulations for Accessory and Accessory Structure Apartments

- 1) The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, two-family, or accessory structure in all districts.
- 2) The lot per dwelling unit calculation does not apply to accessory apartments or accessory structure apartments.
- 3) Accessory apartments are exempt from FAR calculations to determine allowable gross floor area of a lot.
- 4) Any Accessory Apartment or basement egress or stairwell may extend beyond the minimum yard regulations within the meaning of Section **5.24.2** in all districts.

Line by Line Comparison of New and Existing Language with Explanations for Each Change

<u>EXISTING LANGUAGE</u>	<u>NEW LANGUAGE</u>	<u>EXPLANATION</u>
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