

42 – ACCESSORY APARTMENTS

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42.1 Definition.

ACCESSORY APARTMENT: A portion of a single-family **dwelling** within which exists additional separate cooking facilities. Such apartment is not a separate and distinct dwelling and must have freely accessible interior access to the principal **dwelling** unit. An **accessory apartment** shall not have more than one (1) bedroom or a floor area of more than 550 square feet and shall not be occupied by persons not related by blood, marriage or adoption to the occupants of the main **dwelling**.

42.2 Use Controls.

Accessory Apartments are a use allowed by Special Use Exception as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the Use is located and the additional requirements below.

42.3 Conditions of Approval. After a public hearing and consideration of the impact of the request on the surrounding neighborhood an **Accessory Apartment** may be granted with the conditions listed below:

1. A Special Use Exception shall be permitted only when a property has an **average lot width** of at least fifty (50) feet.
2. Unobstructed interior access between the residential the non-residential **uses** of the premises must be fully maintained, and no change in the design or character of the **structure**, including the free access to and from all parts of the **dwelling**, shall be permitted.
3. No construction or alteration of the **building** shall be permitted that alters the normal residential character of the **building**.
4. No **illuminated signs** shall be permitted, and the area of any **business sign(s)** on the premises shall not be greater than four (4) square feet.
5. Nothing herein shall prevent the **Board** from establishing additional conditions or requirements stricter than these minimum standards.
6. The applicant shall furnish annually an affidavit on a form furnished by the Planning and Development Department that the approved **use** has been maintained and is in accordance with all conditions of approval imposed by the **Board**.
7. **Use** as an **accessory apartment** may continue following sale, but within thirty (30) days of the sale the new owner must furnish an affidavit on a form furnished by the Planning and Development Department that the uses has been maintained and is in accordance will conditions of approval imposed by the **Board**.