

3.16 Accessory Apartments within Residential Dwellings (rev. 6-13-07)

Any request for single accessory apartment such as basement, attic, garage apartment within a residential dwelling, **or accessory building** must be reviewed and approved by the Planning and Zoning Commission. A single-family, owner occupied dwelling may have one single-family accessory apartment within the dwelling **or within an accessory building**. A single Accessory Apartment within a residential **dwelling or within an accessory building** is a permitted use in all zones, however, the following criteria must be established to the satisfaction of the planning and Zoning Commission prior to Zoning clearance issuance or the use shall become conditional, and a conditional use permit shall be required.

3.16.1 Size

The maximum size for a single accessory apartment shall be **1200** square feet. This amount shall be included in the total square footage calculations for the single-family owner occupied residential dwelling where it is to be located.

3.16.2 Ownership of the Residential Dwelling

The primary residential dwelling of any single-family home containing an accessory apartment **or property containing a dwelling within an accessory building** must be occupied by the owner of the home. If the primary dwelling has been rented, leased, or loaned to another single family, or other legally authorized tenant under this code, then the accessory apartment may not be independently rented or leased.

3.16.3 Parking

One on-site parking space shall be provided in addition to the underlying parking requirements for the zone.

3.16.4 Single Utility Meters

The main dwelling and the accessory apartment or accessory building shall be on the same utility meters.

3.16.5 Building and Fire Code

The structure and/or improvements must meet International Building Code regulations as well as any Fire Codes in effect.