

Planning Commission Recommended Draft Ordinance Revisions
(April 21, 2015)

ARTICLE 8.00**SUPPLEMENTARY PROVISIONS****Section 8.27 Accessory Dwelling Unit**

Intent To address the identified need of providing and preserving affordable and secure housing for all the population of the Township, while preserving the appearance and character of the Township's residential areas; by permitting, as an accessory use, the creation of a separate self-contained dwelling unit within, incidental and subordinate to, an existing single-family residence. The creation of such accessory dwelling units will promote the general welfare of the Township, without increasing the number of residential buildings, by allowing all the population to continue to live in the Township, either in their present home or in the accessory dwelling units permitted hereunder.

8.27.1 The following regulations shall apply to all accessory dwelling units whether on conforming or non-conforming lots:

- A. The principal dwelling or the accessory dwelling unit must be declared the main residence of the owner of the property.
- B. The accessory dwelling unit shall be a maximum of forty (40) percent of the gross floor area of the principle structure, not to exceed 1,000 square feet.
- C. The number of off-street parking spaces for the accessory dwelling unit shall be not less than one (1) and shall not block the required parking for the main residence.
- D. The accessory dwelling unit shall have a maximum of two bedrooms.
- E. The occupancy of the accessory dwelling unit shall be no more than two (2) persons.
- F. Accessory dwelling units and the principal structure must be connected to sewer if available.
- G. Access to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building;
- H. Detached accessory dwelling must be located closer to the principal residence on the subject site than the principal residence on an adjacent property.
- I. The principal residence and the accessory dwelling unit shall share the same vehicular access to the property.
- J. Accessory Dwelling Units shall not be permitted on lots within the Waterfront Residential and Natural Rivers Districts that abuts a watercourse or have access to a watercourse.
- K. All zoning district bulk and setback requirements shall apply to the site.
- L. Accessory dwelling units are allowed on conforming lots of record in the following circumstances (See Table 1):
 - 1. In the Single Family Low Density Residential (RAA), Single Family Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) zoning districts with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 2. Attached units in the Waterfront Residential (WRF) and Natural Rivers

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- (NR) districts with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 3. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots greater than two (2) acres with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 3. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots less than two (2) acres with review and approval by the Planning Commission under section 8.27.1 (N).
- M. Accessory dwelling are allowed on a non-conforming lots of record in the following circumstances (See Table 1):
- 1. In the Single Family Low Density Residential (RAA), Single Family Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) with Planning Commission review and approval under section 8.27.1 (M).
 - 2. In Waterfront (WFR) and Natural River (NR) with the following requirements:
 - a. Attached accessory units with Planning Commission review and approval under section 8.27.1 (N).
 - b. Detached units shall require Special use approval under section 3.5.
 - c. Accessory dwelling units are subject Section 9.8, Common Use (Keyhole) Ordinance.
 - d. The accessory dwelling unit must meet the requirements under section 8.27.1 (N).

Table 1: ADU Reviewing Body

ZA: Zoning Administrator
PC: Planning Commission
SUP: Special Use Permit

Zoning District	Conforming Lots	Non-conforming Lots
Country Estates (CE)	ZA	PC
Single Family Low Density Residential (RAA)	ZA	PC
Single Family Medium Density Residential (RA)	ZA	PC
Water Front Residential (WFR)	ZA/PC*	PC/SUP**
Natural Rivers (NR)	ZA/PC*	PC/SUP**
Village Center (VC)	ZA	PC
Village Residential (VR)	ZA	PC

*ZA approval for attached ADUs on conforming lots and detached ADUs on conforming lot greater than 2 acres

** PC approval of attached ADUs on Non-conforming lots and SUP approval of Detached ADUs on non-conforming lots.

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- N. Accessory dwelling units shall be reviewed to ensure compliance to the following standards:
1. Architectural design, style and appearance of the principal residential building must be maintained; In considering this factor the existing facade, roof pitch, building materials, colors and windows of an attached or detached accessory dwelling unit shall be consistent with the principal structure;
 2. The proposed development does not impair the existing views, block access to light and air, or infringe on the privacy of neighbors in a substantial fashion. In considering this factor, decision makers shall balance the importance of minimizing impacts on neighboring properties and the applicant's ability to develop the property.
 3. The proposed development is compatible with existing land uses in the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
- O. If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory dwelling unit shall be subject to the approval of the County Health Department. The accessory dwelling unit shall comply with all applicable housing, building, fire and health code requirements.
- P. The Zoning Administrator may defer a decision on an ADU application to the Planning Commission for any reason. A decision by the zoning administrator on an ADU application is appeals to the Planning Commission.
- Q. Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

8.27.2 Application Procedure

- A. The applicant shall submit the following information for review:
1. A plat plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas
 2. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
 3. Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 4. Any additional information deemed necessary by the township for review.

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- B. Prior to granting approval, the approving body must determine that a proposed accessory dwelling unit meets the standards in section 8.27.1 (M).

8.27.3 Duration and Revocation

- A. The approval of an accessory dwelling unit shall expire within one (1) year after the date of such approval, unless a Land Use Permit has been issued and construction has commenced.
- B. The permit and any other form of approval for an accessory dwelling unit issued shall be subject to revocation by the Township upon a finding by the Township or its lawfully authorized designee, that there is in fact noncompliance with the conditions and requirements contained in Section 8.27.