

Table 5-1. Principal Uses

See separate placement at the end of Chapter 5.

Table 5-2. Accessory Uses

See separate placement at the end of Chapter 5.

5.2. USE-SPECIFIC DEVELOPMENT STANDARDS

The use-specific development standards provided in this Section are those specific requirements that shall be met when establishing a use or conducting an activity within a particular zoning district. Specific uses may be subject to more than one set of standards.

5.2.05. Accessory Living Quarters**(A) Number of Accessory Living Quarters.**

Only one accessory living quarters is allowed per lot, parcel, or tract.

(B) Type of Structure.

Accessory living quarters may be attached to or detached from the principal structure, in a garage, or in an accessory structure, or as a tiny house meeting the use specific standards found in this Chapter.

(C) Affidavit Required.

In conjunction with an approval of the accessory living quarters, an affidavit signed by the owner is filed for recording with the Clerk and Recorder acknowledging that the accessory living quarters may not be leased or rented.

(D) Size.

The accessory living quarters shall be no larger than the total square footage of the primary residence, up to a maximum of 1500 square feet of finished habitable floor area, as measured to the outside of the walls. The Board of County Commissioners may modify the maximum size allowance by up to 20 percent as part of a special use approval. Any request to establish accessory living quarters with the total square footage exceeding 20 percent of the maximum size allowed shall constitute a second dwelling on the property, which would require variance of use approval unless otherwise allowed within the applicable zoning district.

(E) No Separate Meter for Utilities.

All electric, gas, central or municipal sewer and water services to the accessory living quarters shall be interconnected to and indistinguishable from that of the principal dwelling and shall not have separate meters, service lines or billings.

(F) Occupancy Limited.

Accessory living quarters shall only be utilized for temporary occupancy, non-paying guests or visitors, and may not be leased or rented, including short-term rental. A temporary occupant may not receive mail, enroll in K-12 school, or establish permanent residency at the accessory living quarters unless otherwise modified by the Sections below. This provision does not prohibit:

- An immediate family member or an employee who permanently occupies an attached accessory living quarters as set forth below.

- An immediate family member who permanently occupies the detached accessory living quarters, provided the appropriate special use approval is obtained as set forth below.

(G) Special Provisions for Attached Accessory Living Quarters for Permanent Occupancy.

Attached accessory living quarters may be utilized for permanent occupancy provided it conforms to all standards for accessory living quarters listed above and the following requirements:

- **Exterior Appearance Single-Family in Character.** The exterior appearance of the structure shall be that of an architecturally integrated single-family dwelling unit.
- **Interior Connection Required.** The living quarters shall include the ability to access the main dwelling unit through interior connections, which may include access through a garage attached to the principle dwelling.
- **Use Limited to Family Members or Employees.** The attached living quarters shall be used exclusively by family members of a person residing in the main dwelling unit, or by an employee employed onsite by a person residing in the main dwelling unit and shall not be otherwise rented or leased. A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

(H) Special Provisions for a Detached Accessory Living Quarters for Permanent Occupancy.

Detached accessory living quarters may be utilized for permanent occupancy by special use approval. The special use may be approved if the accessory living quarters requirements listed above are met as well as the following requirements:

- **Use Limited to Family Members.** A special use may be applied for and approved to:
 - Provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need; or,
 - Provide for temporary living arrangements to house immediate family providing for the needs of the residents of the primary residence on the property.

A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

- **Review Criteria.** Approval of the special use permit shall be based upon a finding that the following standards and conditions have been met:
 - There is a family hardship or need that justifies the request for the extended family housing.
 - The special use standards of Chapter 5 of the Land Development Code are complied with.
- **Expiration of Approval.** The detached accessory living quarters for permanent occupancy shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the special use approval, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.

(I) Other Applicable Standards.

Accessory living quarters shall meet all other applicable standards in this Code unless specifically modified by this Section. Any request for approval of accessory living quarters that does not comply with the provisions of this Section shall require special use approval by the Board of

County Commissioners, except with regard to any request to exceed the size limitations identified above which shall require approval of a variance of use application by the Board of County Commissioners. A habitable structure which is leased or rented shall not be considered an accessory living quarters and shall constitute a second dwelling requiring variance of use approval unless otherwise allowed within the applicable zoning district.

(Res. No. 19-421, Exh. A, 11-12-2019)

Editor's note—Res. No. 19-421, Exh. A, adopted November 12, 2019, enacted provisions intended for use as Section 5.2.1. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as Section 5.2.05.

5.2.1. Accessory Use and Structure Standards, General

(A) Accessory Use to Conform to Zoning District Standards.

Unless otherwise indicated within this Code, accessory structures or uses shall conform to the development standards specified in the zoning district in which the building or use is located. The area of the accessory structure shall be included in the lot coverage calculation.

(B) Accessory Uses Do Not Include Allowed or Special Uses.

Allowed uses or special use listed in any zoning district in Table 5-1 shall not be considered accessory uses, unless otherwise provided by this Code.

(C) Secondary Uses Now Considered Accessory Uses.

For purposes of administration of this Code, after the effective date of adoption, those uses previously classified as Secondary Uses are now classified as Accessory Uses.

(D) Accessory Use to Be Located on Same Lot, Parcel or Tract as Principal Use.

An accessory use or structure shall be located on the same lot, parcel or tract as the principal structure or use. The accessory use or structure may be located on a contiguous lot or parcel under the same ownership, upon the recording of a use or combination agreement that binds the use or structure to the lots, parcels, or tracts in common ownership.

(E) Building Permit Required.

Any accessory structure exceeding 200 square feet shall obtain a building permit and comply with the Building Code, unless an agricultural structure exemption from the Building Code is granted, or when the accessory structure is to be located within the A-35 zoning district.

(F) Principal Structure Required.

No building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in the A-35 zoning district.

(G) Accessory Uses and Structures to Meet Setbacks.

Accessory uses and structures shall meet the setbacks shown in Table 5-4 and Table 5-5, and shall not be located within any easement unless specifically allowed in accordance with this Code.

(H) Accessory Uses to Meet Development Standards.

Accessory uses shall meet all applicable development standards in Chapter 5 and Chapter 6.