



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent: N/A
Zoning Ordinance: Bostwick Zoning Ordinance Section 9.16 Accessory Dwellings

Summary

The City of Bostwick was approached in August 2020 with a request for a text amendment to add accessory dwellings to the Bostwick Zoning Ordinance. The language presented was denied by the Bostwick City Council, who instructed Staff to submit language that addressed accessory dwellings as an attached option.

Accessory dwellings are currently not included in the Bostwick Zoning Ordinance; therefore they are technically prohibited. There have been accessory dwellings constructed in Bostwick that have been attached to the principal dwelling, either directly or by a breezeway. Without a definition for accessory dwellings in the zoning ordinance, the Planning office had to rely on building code, which defines two structures connected by a roof as one structure. This permitted any accessory dwelling attached by a roof as a residential addition.

Proposed Language

See attached for proposed language.

Staff Comments

The proposed language is identical to that contained in the Morgan County Zoning Ordinance. The minimum acreage was left at 5 acres and the setbacks are the same, although there are limited properties in Bostwick that may qualify for these requirements. Staff feels that the setbacks are necessary to protect a cemetery from structure encroachment and to protect water quality.

Section 9.16 Accessory Dwellings

9.16.1 Purpose and Intent

It is the purpose of this chapter to regulate the establishment of accessory dwellings within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods in order to make it possible for adult children to provide care and support to a parent or other relatives in need of assistance. A maximum of one accessory dwelling shall be permitted as subordinate to a new or existing single-family dwelling if the accessory dwelling and lot meet the requirements of this chapter.

9.16.2 Permitted Accessory Dwellings

An accessory dwelling may be located within, or constructed as an addition to, a principal dwelling as a permitted use. Detached accessory dwellings or accessory dwellings located within accessory buildings are prohibited. If a separate dwelling is desired, the property must be split to allow for a second principal dwelling. An accessory dwelling shall be connected to the principal dwelling by conditioned space and cannot be attached by a breezeway or unconditioned space such as a garage.

9.16.3 Lot standards.

Accessory dwellings may be constructed on lots of any size where single-family homes are allowed provided that all other applicable zoning requirements are met. Compliance with all requirements of the county health department for on-site sewerage is required. An accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling. Accessory dwellings shall share an electrical meter and address with the principal dwelling.

9.16.4 Occupancy standards

All lots containing accessory dwellings shall be owner occupied. No lot shall be occupied by more than one family. This limitation shall be interpreted to accomplish its purpose, which is to ensure that the approval of an accessory dwelling or accessory building apartment shall not increase the overall density of a single-family residential neighborhood. "Owner-occupied" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and resides at the site more than six months of any given year, and at no time receives rent for the owner-occupied unit.

9.16.5 Architectural design

The addition of an accessory dwelling shall be allowed only if the single-family appearance and character of the lot and neighborhood are maintained. The design of the accessory dwelling shall be consistent with the design of the principal dwelling and shall maintain the style, appearance and character of the principal dwelling, and shall use matching materials, colors, window style, and comparable roof appearance.

9.16.6 Entrances and stairs

Only one entrance shall be allowed per fronting street. Exterior stairways shall not be constructed on the front of the principal dwelling.

9.16.7 Affidavit recording requirements

Prior to issuance of a building permit by the Planning and Development office, the applicant shall record the affidavit with the Morgan County Clerk of Court and provide a copy of the recorded affidavit. Said affidavit shall identify the address and legal description of the property and state the following: the property owner resides in either the principal dwelling for more than six months each year, that the owner will notify any prospective purchaser of the property of the limitations and requirements of this chapter, and that the permit will be revoked if the accessory dwelling unit at any time fails to meet the requirements of this chapter. The document shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries and heirs.

9.16.8 Enforcement

The City of Bostwick Code Enforcement Officer retains the right (with reasonable notice) to inspect the accessory dwelling or accessory building apartment for compliance with this chapter.

New definition

Accessory dwelling: An accessory dwelling is a habitable living unit added to, created within, or detached from a single-family dwelling that contains any of the following facilities: living, sleeping, eating, cooking and sanitation.