

**ZOTA 2010-1: ALTERNATIVE TEXT
AS RECOMMENDED BY THE ZONING COMMITTEE ON 5/6/10**

(NOTE: Bold italicized text indicates a change from the text initiated by the Urban County Council).

BOARDING OR LODGING HOUSE - A residential building or part thereof for five (5) or more adults living together, not as a family or housekeeping unit. In identifying this use, **one or more of** the following factors shall be considered:

- (a) meals and/or food costs are typically not shared;
- (b) rent is established by leases to individuals or rents are based on charges assessed to each individual;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

DWELLING, SINGLE FAMILY - A building occupied exclusively for residential purposes by one family or one housekeeping unit. **Townhouses are included in this definition.**

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This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as a rental dwelling has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,
 - (2) unless approved by the BOA as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units commonly known as a duplex. Townhouses are not included in this definition.

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This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as rental dwellings has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,
 - (2) unless approved by the BOA as a conditional use after January 1, 2010.
- (d) the limitation on enlargement of the building set forth in (c) above shall not apply in the case of the addition of a second unit in a two-family (R-2) zone provided that both units thereafter conform to the limitation of four (4) unrelated persons per dwelling unit.