



Accessory Apartments

What is an Accessory Apartment?

An accessory apartment is a second dwelling unit that is subordinate to the principal structure (a detached house) and has a separate entrance.



Attached Accessory Apartment
Image from Ontario Real Estate Source

Accessory Apartments in the Rewrite

The proposed zoning code makes a clear distinction between form (attached vs. detached) and size (small vs. large), creating objective standards to minimize impact.

A **small** accessory apartment is one that is up to 800 square feet; a **large** accessory apartment is one that is 801 to 1,200 square feet. **Small attached** accessory apartments are proposed to be a limited* use in most zones. **Large attached** accessory apartments, as well as small and large **detached** accessory apartments have the potential for greater impact, and are therefore proposed as conditional* uses in most agricultural, rural, and residential zones.



Detached Accessory Apartment
Image from Grow Smart Maine

Use or USE GROUP	DEFINITIONS / STANDARDS	AGRICULTURAL and RURAL				RESIDENTIAL											COMMERCIAL RESIDENTIAL			EMPLOYMENT			INDUSTRIAL		
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH	
ACCESSORY HOUSEHOLD LIVING	Sec. 33.2																								
Attached Accessory Apartment, Small (up to 800 SF)	Sec. 33.2.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Attached Accessory Apartment, Large (801 to 1,200 SF)	Sec. 33.2.A	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L	L	
Detached Accessory Apartment, Small (up to 800 SF)	Sec. 33.2.B	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L	L	
Detached Accessory Apartment, Large (801 to 1,200 SF)	Sec. 33.2.B	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L	L	

All accessory apartments, regardless of size or form must meet certain use standards:

- Only one accessory apartment per lot
- The owner of the lot must occupy one of the units
- The accessory apartment must have the same street address as the principal dwelling
- One off-street parking space is required for the accessory apartment
- Floor area of the accessory apartment must not exceed 50% of the principal dwelling or the maximum square footage allowed by the use, whichever is less
- A spacing requirement for each zone prevents a proliferation of accessory apartments in an area
- Maximum of three occupants in the small accessory apartment; maximum of five occupants in the large accessory apartment

How is this Different from the Current Code?

The current zoning code includes three different types of accessory dwelling units (accessory dwelling, registered living unit, accessory apartment) that all function like accessory apartments, but have different restrictions placed on who can live in the accessory unit and where and how they can occur. Further, accessory apartments have different restrictions and requirements based on whether they are attached or detached, but there is no distinction illustrated in the use table and no clear delineation in the use standards. The current code places no maximum occupancy restrictions on the accessory apartment, does not have a specific spacing requirement, and requires two off-street parking spaces. In the current code, a detached accessory apartment can be as large as 2,500 square feet and an attached apartment can be as large as 1,200 square feet.

*"Limited" is a new term. It is a use that, while permitted by right in the zone, must meet specific and objective use standards in order to be allowed.
A "Conditional" use is equivalent to a Special Exception.

