

# Proposed ZTA

May 3, 2012

Accessory Apartments:  
Standards & Requirements

## **BENEFITS TO ACCESSORY APARTMENTS:**

- Increase housing affordability
- Provide a greater range of housing options
- Combat sprawl and allow growth in built out areas
- Facilitating seniors' ability to age in place through added income or space for caregivers.
- Increasing affordable home ownership opportunities. A homeowner could qualify for as much as a 25% higher mortgage with an income producing accessory apartment.
- Expanding the supply of affordable rental housing without the use of County subsidies. Most accessory apartments, whether rented to relatives or non-relatives, have below market rents. In addition, accessory apartments would have a broader geographic distribution and provide affordable housing well integrated in the community.
- Fostering investment in the existing housing stock.

## Facts

- An accessory apartment can only be granted through approval of a special exception by the Board of Appeals
- Approval process is designed to address concerns pertaining to maintaining neighborhood quality through exterior appearance, providing adequate parking and protecting against the overconcentration of accessory units in any one area
- Current regulations can be expensive and/or time-consuming
- An average of ten accessory apartments are approved annually
- Almost all applications are approved
- The few that are not approved are turned down because of issues unrelated to the accessory apartment application

## THE PROPOSAL-GENERALLY

- The ZTA proposes to provide opportunities to permit accessory apartments by right in certain zones based on the size of the unit and/or whether the unit is attached or detached from the principle one-family detached house.
- The ZTA establishes certain standards and requirements drafted from existing, objective standards by which a special exception use is granted for an accessory apartment.
- The maximum number of occupants is restricted for both the small and large accessory units.
- A spacing requirement to limit the number of accessory units, regardless of size, that can be constructed within a neighborhood.
- ZTA attempts to address community impact concerns while in some cases reducing the process time and expense required to provide one particular type of affordable dwelling unit in the County.

## Accessory Apartments

Existing Zoning	Proposed ZTA <i>(denotes change from existing code)</i>
<p><b>Definition of Accessory Apartment:</b> A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate existing accessory structure on the same lot as the main dwelling, with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling unit is subordinate to the main dwelling.</p>	<p><b>Definition of Accessory Apartment:</b> A second dwelling unit in a detached house building type (or in a detached accessory structure) and provides for cooking, eating, sanitation and sleeping, must be subordinate to the principal dwelling and requires a separate entrance.</p>
<p><b>Size restriction:</b> Attached <math>\leq 1,200</math>sf Detached <math>\leq 2,500</math>sf</p>	<p><b>Size restriction:</b> Attached: (<math>\leq 800</math>sf), (801 - 1,200sf) Detached: (<math>\leq 800</math>sf), (801 - 1,200sf)</p>
<p><b>Lot size requirements:</b> Attached accessory apt - on a lot of one acre or less apartment must have one party wall in common. Detached accessory apt - on a lot of more than 1 acre created through conversion of separate accessory structure existing on lot prior to 12/2/1983. Or, detached accessory apartment in an accessory structure built after 12/2/1983 requires 2 acres and will house either a care-giver or relative.</p>	<p><b>Lot size requirements:</b> Minimum lot size required in the zone</p>
<p><b>No by right use</b></p>	<p><b>By right use in the following zones:</b> Attached, (<math>\leq 800</math>sf): RE-2C, RE-2, RE-1, RMH-200, R-200, R-150, R-90, R-60, Rural, RC, LDRC, RDT and RNC Attached, (801 - 1,200sf): RE-2C, RE-2, RE-1, RMH-200, R-200 and R-150 Rural, RC, LDRC, and RDT Detached (up to 1,200 sf): RE-2C, RE-2, and RE-1</p>
<p><b>Special Exception use in the following zones:</b> Attached and Detached: Rural, RC, LRDC, RDT, RNC, RNC/TDR, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-60, RMH200</p>	<p><b>Special Exception Use in the following zones:</b> Attached, (801 - 1,200sf): R-60, R-90 and RNC Detached, (<math>\leq 800</math>sf): RMH-200, R-200, R-150, R-90, R-60, Rural, RC, LDRC, RDT and RNC Detached, (801 - 1,200sf): Rural, RC, LDRC, RDT</p>

Standards for Special Exception approval:	Standards for by right use approval:
1. Principal dwelling unit must be detached house	1. Principal dwelling unit must be detached house
2. Only one accessory apartment per lot; must be subordinate to principal dwelling	2. Only one accessory apartment per lot; must be subordinate to principal dwelling
3. Owner of lot must occupy either principal dwelling or apartment	3. Owner of lot must occupy either principal dwelling or apartment
4. Must not be located on a lot occupied by a family of unrelated persons	4. Occupancy limited to maximum of 3
5. Must have separate entrance to preserve appearance of the building type	5. Separate entrance must not be located along the front building line
6. Apartment must have same address as principal dwelling	6. Apartment must have same address as principal dwelling
7. 2 parking spaces required unless Board finds that there is adequate on-street parking	7. 1 parking space required
8. Principal dwelling must be at least 5 years old	8. N/A
9. No excessive concentration	<p>9. Spacing requirement:</p> <p>In the R-90, R-60 and RNC zones an accessory apartment must not be located:</p> <p>1) within 300 feet of another accessory apartment measured in a straight line from side property line to side property line along the same block face; and</p> <p>2) on a lot abutting the rear lot line of any property with an accessory apartment</p> <p>In the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones an accessory apartment must not be located</p> <p>1) within 500 feet of another accessory apartment measured in a straight line from side property line to side property line along the same block face; and</p> <p>2) on a lot abutting the rear lot line of any property with an accessory apartment</p>
10. External modifications must be compatible with main house and surrounding property	10. N/A, However for a detached accessory apartment: Any structure built after (THE EFFECTIVE DATE OF THE ZTA) to be occupied as an accessory apartment must have the same minimum side yard setback requirement as the principal dwelling and a minimum rear yard setback requirement of 12 feet unless more restrictive accessory building or structure yard setback standards are required under Section 59-C-1.326.
11. General Special Exceptions standards	11. Same as current General Special Exception standards

	<b>Standards for Special Exception use approval:</b>
	1. All by right use standards
	2. General Special Exception standards

|

4 §9-A-2.1. Definitions.

5 \* \* \*

6 **[Accessory apartment:** A second dwelling unit that is part of an existing one-  
7 family detached dwelling, or is located in a separate existing accessory structure on  
8 the same lot as the main dwelling, with provision within the accessory apartment  
9 for cooking, eating, sanitation and sleeping. Such a dwelling unit is subordinate to  
10 the main dwelling.]

11 Accessory apartment, attached: A second dwelling unit that is part of a one-  
12 family detached dwelling and provides for cooking, eating, sanitation and sleeping.  
13 An attached accessory apartment has a separate entrance and is subordinate to the  
14 principal dwelling.

15 Accessory apartment, detached: A second dwelling unit that is located in a  
16 separate accessory structure on the same lot as a one-family detached dwelling and  
17 provides for cooking, eating, sanitation and sleeping. A detached accessory  
18 apartment is subordinate to the principal dwelling.

19 \* \* \*



**Dwelling and dwelling units:**


**Dwelling:** A building or portion thereof arranged or designed to contain one or more dwelling units.

**Dwelling, one-family:** A dwelling containing not more than one dwelling unit. An accessory apartment [, if approved by special exception,] or a registered living unit may also be part of a one-family dwelling. A one-family dwelling with either of these subordinate uses is not a two-family dwelling, as defined in this section.

\* \* \*

**Dwelling unit:** A building or portion thereof providing complete living facilities for not more than one family, including, at a minimum, facilities for cooking, sanitation and sleeping.

**Dwelling unit, one-family detached:** A dwelling unit that is separated and detached from any other dwelling unit on all sides, except where the dwelling is modified to include an accessory apartment [, approved by special exception,] or a registered living unit.

 **Sec. 26-3. Applicability; exemptions.**

(a) *Residential.* An owner and any occupant of a dwelling, individual living unit, or rooming unit must comply with all applicable provisions of this Chapter. An owner must not occupy, or initially let to any other occupant, any vacant dwelling, individual living unit, or rooming unit unless it complies with all applicable provisions of law.

(b) *Exemptions.* This Chapter does not apply to any sanitarium, hospital, nursing home, care home, child day care center, or similar institutional facility which is operated under a license issued by a state or County agency.

(c) *Nonresidential.* Each owner of a nonresidential property must comply with all applicable provisions of this Chapter

*Dwelling:* Any building which is wholly or partly used or intended to be used for residing, lodging, or sleeping by human occupants. *Dwelling* includes a mobile home or personal living quarters building. *Dwelling* does not include temporary housing or a fallout or emergency shelter.

*Dwelling unit:* Any room or group of rooms located in a dwelling which forms a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating. *Dwelling unit* includes a rooming unit.