

ZAP DISCUSSION

Accessory Apartments Revisited
Administration & Procedures

Accessory Apartments – Existing Standards

- Special Exception in all Ag, Rural, & Single-Family Residential zones
- Definition
 - 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.

Accessory Apartments – Proposed L or C

Recommendation from Working Group on Special Exceptions

Definition: A second dwelling unit in a detached house building type, must be subordinate to the principal dwelling and requires a separate entrance.

- Attached, Small ($\leq 800\text{sf}$)
 - Limited Use in all zones (except industrial)
- Attached, Large (801-1,200sf)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in Res Estates, RLD-20 (1/2 acre lots), RHD (MF), C/R, and E
- Detached, Small ($\leq 800\text{sf}$) (current detached units require min. 1 acre lot and existing structure)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in Res Estates, RLD-20 (1/2 acre lots), RHD (MF), C/R, and E
- Detached, Large (801-1,200sf) (current detached units require min. 1 acre lot and existing structure)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in Res Estates, RLD-20 (1/2 acre lots), RHD (MF), C/R, and E

Accessory Apartments – Comparison

Proposed Draft

- **Limited Use**
 - One per lot
 - Owner-occupied
 - Same address
 - Subordinate to principal dwelling
 - Separate entrance on side/rear
 - 1 parking space
 - Spacing requirement (300ft or 500ft)
 - Small– up to 800sf; Large 801-1,200sf
 - N/A regarding age of dwelling
 - N/A regarding compatible appearance
 - Occupancy limits on accessory unit only (3 for small, 5 for large)
- **Conditional Use**
 - All limited criteria plus
 - General conditional use criteria

Current Code

- **Special Exception Use**
 - One per lot
 - Owner-occupied
 - Same address
 - Subordinate to main dwelling
 - Entrance must retain appearance of dwelling
 - 2 parking spaces unless adequate on-street
 - No excessive concentration
 - Up to 1,200sf if attached; Lesser of 2,500sf or 50% of main dwelling floor area if detached
 - Dwelling must be at least 5 years old
 - Modifications/improvements must be compatible with dwelling and context
 - Main dwelling cannot be occupied by 5 unrelated persons
 - N/A – no explicit regulation of accessory unit occupancy
 - General conditional use criteria

Review Authority Overview

| Approval Requested | Section Reference | Authority | | | | | | | |
|---------------------------------------|-------------------|-------------------|--|-----|------------------------------|----------------|------------------|------------------|------------------|
| | | Sign Review Board | Dep't of Permitting Services Director &/or Staff | DRC | Planning Director &/or Staff | Planning Board | Hearing Examiner | Board of Appeals | District Council |
| District Council Approvals | | | | | | | | | |
| Schematic Plan | | | | I | R | R | R | | D |
| Change or Mistake Map Amendment | | | | | R | R | R | | D |
| Minor Corrective Map Amendment | | | | | R | R | | | D |
| Major Corrective Map Amendment | | | | | R | R | R | | D |
| Sectional and District Map Amendment | | | | | R | R | | | D |
| Zoning Text Amendment | | | R | | R | R | | | D |
| Regulatory Approvals | | | | | | | | | |
| Conditional Use Plan | | | | I | I | I | R/D | D | |
| Conditional Use Plan Amendment | | | | I | I | I | R/D | D | |
| Variance | | | | | I | I | I | D | |
| Preliminary Subdivision Plan | Chap. 50 | | | R | R | D | | | |
| Sketch Plan | | | | R | R | D | | | |
| Site Plan | | | | R | R | D | | | |
| Consent and Major Site Plan Amendment | | | | I | R | D | | | |
| Administrative Site Plan Amendment | | | | I | D | A | | | |

Review Authority Overview

| Approval Requested | Section Reference | Authority | | | | | | | |
|--|-------------------|-------------------|-------------------------|-----|------------------------------|----------------|------------------|------------------|------------------|
| | | Sign Review Board | DPS Director &/or Staff | DRC | Planning Director &/or Staff | Planning Board | Hearing Examiner | Board of Appeals | District Council |
| Administrative Approvals | | | | | | | | | |
| Temporary Use Permit | | | D | | | | I | A | |
| Building Permit | | | D | | | | I | A | |
| Use & Occupancy Permit | | | D | | | | I | A | |
| Sign Permit | | | D | | | | I | A | |
| Sign Permit Variance | | R | D | | | | I | A | |
| Written Interpretation | | | D | | R | R | | | |
| Key | | | | | | | | | |
| A = appeal | | | | | | | | | |
| D = decision | | | | | | | | | |
| I = if requested by a reviewing, deciding, or appellate body | | | | | | | | | |
| R = review and recommendation | | | | | | | | | |

Approvals Required Overview

| Application | Section Reference | Applicability |
|-----------------------------------|-------------------|---|
| District Council Approvals | | |
| Schematic Plan | 8.3.2. | A local zoning change to apply a Floating Zone to a specific tract of land requires approval of a Schematic Plan. |
| Change Or Mistake Map Amendment | 8.3.3. | A local zoning change to apply a “Euclidean” zone to a specific tract of land based on a change in the character of a neighborhood or a mistake in a comprehensive rezoning through a Sectional or District Map Amendment requires approval of a Change or Mistake Map Amendment. |
| Minor Corrective Map Amendment | 8.3.4. | Correction of an administrative or technical error in the application of a Sectional or District Map Amendment requires approval of a Minor Corrective Map Amendment. |
| Major Corrective Map Amendment | 8.3.5. | Correction of an error in the findings of fact in the application of a Sectional or District map Amendment requires approval of a Major Corrective Map Amendment. |
| Sectional Map Amendment | 8.3.6. | A comprehensive rezoning of an area of the County implementing a Master or Sector Plan requires approval of a Sectional Map Amendment. |
| District Map Amendment | 8.3.7. | A comprehensive rezoning of an area, areas, or the entire County implementing a comprehensive report or Functional Master Plan requires approval of a District Map Amendment. |
| Zoning Text Amendment | 8.3.8. | A change in the text of this Ordinance requires approval of a Zoning Text Amendment. |

Approvals Required Overview

| Application | Section Reference | Applicability |
|------------------------------|-------------------|--|
| Regulatory Approvals | | |
| Conditional Use Plan | 8.3.9. | Use of any property for a conditional use, as designated by Article 59-3, requires approval of a Conditional Use Plan. |
| Variance | 8.3.10. | A modification from any development standard below a minimum required or above a maximum allowed in this Ordinance, not subject to a waiver by the applicable deciding body, requires approval of a Variance. |
| Preliminary Subdivision Plan | Chapter 50 | If a site plan is not required, the subdivision or re-subdivision of land, as defined and regulated by Chapter 50, requires approval of a Preliminary Subdivision Plan. If a site plan is required, the subdivision or re-subdivision of land, as defined and regulated by chapter 50, does not require a separate approval of a Preliminary Subdivision Plan. |
| Sketch Plan | 8.3.11. | Development under the optional method requires approval of a Sketch Plan. |
| Site Plan | 8.3.12. | Development under the optional method requires approval of a Site Plan after approval of a Sketch Plan; development under a Floating Zone requires approval of a Site Plan after approval of a Development Plan. Development under the standard method requires Site Plan approval as indicated in Section 6.3.12.A1. |

Review Bodies

Standard Format

- Review Body
 - Approval Authority
 - Review Authority
 - Appeal Authority
 - Additional Authority
 - Procedures
 - Enforcement
 - Delegation of Authority

District Council & Regulatory Approvals

Standard Format

- Application
 - Applicability
 - Application Requirements
 - Filing
 - Noticing
 - Submittals
 - Review & Recommendation
 - Intake
 - Timeframe
 - Steps
 - Extensions
 - Approval Criteria
 - Findings
- Decision
 - Hearing
 - Action
 - Appeals
- Subsequent Applications
 - Re-filing
 - Timing of next steps
 - Next steps
- Scope of Approval
- Recording Procedures
- Amendments

Site Plan Applicability

| Determining when a site plan is required: | | | | |
|---|--------------|--|---|-----------------------------|
| Subject Property's Zone | Proposed Use | Proposed Intensity (gross floor area, units, or building height) | Abutting or Confronting Property's Zone | Site Plan Required |
| Agricultural, Rural, or Residential Detached Unit | Any | Any | Any | No |
| Residential Townhouse or Multi-Family | Any | < 20 units or ≤ 40 feet | Any | No |
| | | ≥ 20 units or > 40 feet | Any | Yes |
| Commercial/Residential or Employment | Permitted | ≤ 10,000sf, ≤ 10 units, or ≤ 40 feet | Any | |
| | | > 10,000sf, > 10 units, or > 40 feet | Agricultural, Rural, Residential, or Floating | Yes |
| | Limited | Any | Com/Res, Employment, or Industrial | No |
| | | | Agricultural, Rural, Residential, or Floating | If required by Article 59-3 |
| Industrial | Any | Any | Com/Res, Employment, or Industrial | No |
| | | | Agricultural, Rural, Residential, or Floating | Yes |
| Overlay | Any | Any | Any | TBD |