

# Accessory Dwellings (AD) – Preliminary Ideas for Discussion

## May 13, 2017 | Community Forum



**Table #1: Size / Occupancy**

Element	Current Ordinance	Preliminary Ideas for Discussion	Additional Notes for Consideration
Size (Interior)	Maximum of 750 sq. ft. or 1/3 the size of the house and AD combined, whichever is less	<ul style="list-style-type: none"> <li>Up to 35% of combined GFA, up to a maximum of 1,000 square feet (basement)</li> <li>Up 35% of combined GFA, up to a maximum of 750 square feet (floors other than basement)</li> </ul>	<ul style="list-style-type: none"> <li>Larger size enables greater flexibility to use entire footprint of house</li> <li>Smaller size reinforces accessory nature of the use</li> </ul>
Maximum Occupancy	Maximum of 2 occupants	Maximum of 3 occupants	<ul style="list-style-type: none"> <li>Limiting to two occupants does not allow for a couple with a child</li> <li>Limiting to two occupants can reinforce accessory nature of the use</li> </ul>
Owner Occupancy Requirement	Owner occupancy is required; no waivers allowed	Owner occupancy is required (no change)	
Requirement that Owner lives in dwelling one year prior to creation of AD	Owner must live in home at least one year prior to creation of AD	No minimum time of occupancy prior to creation of AD	<ul style="list-style-type: none"> <li>Requirement may present challenges for new construction or new homebuyer wanting to renovate before moving in</li> <li>One year waiting period could help discourage redevelopment of entire house</li> </ul>
Home Occupations	Home occupations are allowed with permit, consistent with home occupation regulations for all dwellings, except contractor and service businesses are not allowed in an accessory dwelling	All allowed home occupations are allowed with permit	Requirement is inconsistent with home occupation requirements for all other dwellings, in which all allowed home occupations are allowed with permit

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**Table #2: Design**

Element	Current Ordinance	Preliminary Ideas for Discussion	Additional Notes for Consideration
Design Guidelines	<ul style="list-style-type: none"> <li>Entrance to AD cannot be located on the same side of the house as the main entrance to the main dwelling</li> <li>AD on corner lot cannot have its entrance visible from street</li> <li>Exterior stairs to 2<sup>nd</sup> floor dwelling cannot be visible from the street</li> </ul>	<ul style="list-style-type: none"> <li>No interior accessory dwelling can have a separate entrance on the same side of the main dwelling as the main entrance of the main dwelling.</li> <li>AD on corner lot may have entrance visible from street</li> <li>Exterior stairs to 2<sup>nd</sup> floor dwelling may be visible from the street but may not be located on the front of the property</li> <li>Exterior stairs to 2<sup>nd</sup> floor dwelling on a corner lot cannot be on the same side of the house that faces a street</li> </ul>	<ul style="list-style-type: none"> <li>Requirements limit flexibility for configuring an AD on the sides of the main house</li> <li>Limitations on location of door and stairs help ensure that single-family dwellings continue to look like single-family dwellings, and put requirements in place that maintain single-family character</li> </ul>
Lot Area & Width	<ul style="list-style-type: none"> <li>Minimum lot width of 50' required for all lots with accessory dwellings; and</li> <li>Lot must conform to all other regulations of its zoning district.</li> </ul>	<ul style="list-style-type: none"> <li>No minimum lot width requirement</li> <li>Lot is not required to conform to all regulations of its zoning district</li> </ul>	<ul style="list-style-type: none"> <li>Minimum width requirement precludes entire blocks of some older neighborhoods which have lots narrower than is currently required</li> <li>Precluding nonconforming lots, eliminates lots that are nonconforming from creating an AD</li> <li>Removing limitation would allow ADs on smaller, narrower lots, and closer to neighbors</li> </ul>

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**Table #3: Compliance / Parking**

Element	Current Ordinance	Preliminary Ideas for Discussion	Additional Notes for Consideration
Owner provision of access for code enforcement staff	Owner agrees to cooperate with Code Enforcement staff for annual inspections and for complaints.	No change	<ul style="list-style-type: none"> <li>Enables the County to monitor ADs for compliance with structure and occupancy requirements</li> </ul>
Deed Covenant	Deed covenant is required to ensure owners comply with property restrictions	<ul style="list-style-type: none"> <li>Deed covenant is required to ensure owners comply with property restrictions.</li> <li>Explore rewording covenant to state explicitly that this is an accessory use in a single-family dwelling</li> </ul>	<ul style="list-style-type: none"> <li>Anecdotally, staff has heard that banks may charge commercial rates rather than the residential rates to single family owners, reflecting the property as an investment property</li> </ul>
Affidavit of Compliance	Affidavit of compliance is required at initial occupancy and whenever new tenant(s) move in	Affidavit of compliance is required at initial occupancy only	<ul style="list-style-type: none"> <li>Owner certifies compliance with zoning ordinance</li> <li>May not be necessary every time a tenant moves in, as owner has already certified compliance</li> </ul>
Parking Requirements	<p>Parking survey required; parking requirements if over 65% parked:</p> <ul style="list-style-type: none"> <li>If property has one on-site space, then such a space shall be maintained;</li> <li>If property has two or more on-site spaces that are not tandem, then at least two such spaces shall be maintained</li> <li>If property has no spaces, then at least one on-site parking space shall be provided</li> <li>In any other case, at least two spaces shall be maintained</li> </ul>	<ul style="list-style-type: none"> <li>If property has one on-site space, then one space shall be maintained</li> <li>If property has two parking spaces, then two spaces shall be maintained</li> <li>If property has no on-site parking spaces, then at least one on-site parking space shall be created, or a parking survey will need to be conducted. An accessory dwelling will be allowed if the survey determines that the block is less than 65% parked</li> <li>An accessory dwelling is allowed in permit parking zones; however, the owner will not receive any additional parking passes for the accessory dwelling (this would not be codified in the Zoning Ordinance)</li> </ul>	<ul style="list-style-type: none"> <li>Minor revisions would clarify intent of regulations that either on-site parking or a parking survey is required, but not both. If survey reveals available parking, an on-site space would not be required</li> </ul>
Annual Limit	There is an annual limit of 28 ADs countywide	There is no annual limit on number of ADs countywide	<ul style="list-style-type: none"> <li>Zoning/Code enforcement complaints have not been generated as a result of ADs created since 2009</li> <li>Production of ADs has been minimal</li> <li>Regulations with more flexibility and more options (e.g. attached and detached) may generate more ADs than were possible or feasible for some homeowners under the existing provisions</li> </ul>

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**Table #4: Detached ADs / Townhomes**

Element	Current Ordinance	Preliminary Ideas for Discussion	Additional Notes for Consideration
Type of House	ADs are allowed in one-family dwellings in all R districts (does not include RA districts)	<ul style="list-style-type: none"> <li>• Continue allowing in R-districts</li> <li>• Consider allowing ADs in townhouses countywide</li> </ul>	<ul style="list-style-type: none"> <li>• ADs are currently allowed in townhouses, only under the Columbia Pike Form Based Code, in full English basements (attached) or the buildable area in the rear of the yard (detached)</li> </ul>
Type of Unit	ADs are allowed in interiors of main house only (attached units).	<p>Allow detached accessory dwellings</p> <ul style="list-style-type: none"> <li>• Accessory dwelling can only be up to 1 ½ stories</li> <li>• Follow current requirements for 1 and 1 ½ story accessory buildings:                             <ul style="list-style-type: none"> <li>- Interior lot setbacks = 1' from rear and sides and 8' from principal dwelling</li> <li>- Corner lot setbacks = 25' from corner street, 10' from rear, 1' from interior lot line and 8' from principal dwelling</li> <li>- Footprint cap in R-5 and R-6 districts = 560 sq. ft. and 650 sq. ft. in all other districts</li> </ul> </li> <li>• Accessory dwelling can be up to 750 sq. ft.</li> <li>• Must follow all other requirements (occupancy limit, owner occupancy, etc.) for interior accessory dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Homeowners are unable to convert accessory buildings such as garages into ADs under the current provisions</li> <li>• Detached ADs provide additional options for creation of AD on some lots</li> <li>• Detached ADs would be closer to neighbors than attached ADs, as accessory buildings are allowed to be as close as one foot from the lot line</li> </ul>