

# Workshop Meeting



**To:** Town Council

**From:** Travis Morgan

**Date:** 1/27/2025

**Re:** **Stumpf Text Amendment for Accessory Dwelling Units** (*Information Item*)

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## **REQUEST:**

Michael Stumpf requests your consideration for a text amendment to revise the Zoning Ordinance owner occupied restrictions for secondary dwelling units (otherwise called mother-in-law suites or accessory dwelling units)

## **PLANNING BOARD RECOMMENDATION:**

We are working of wording of the recommendation. Planning Board recommended the Accessory Dwelling Unit name change text amendment and recommended the revision of the owner occupant definition and section (F) of the below ordinance to “The property owner(s) shall occupy at least one (1) of the dwelling units on the premises unless the property owner has resided on the property for a period of not less than twenty-four (24) consecutive months.” Planning Board expressed concern over having both primary home and accessory dwelling being for rent and recommended Town Council also discuss with legal counsel about what possible options and legal compliance were available. No other text changes such as dwelling size, location, or existing ordinance wording related to the ordinance were recommended.

## **STAFF COMMENT:**

The request began as a complaint received and code enforcement item at 1005 Cone Avenue. There is primary home and secondary garage dwelling conversion on the property. Housing and rentals have been a perpetual item of interest and concern in the community. I support accessory dwellings as a neighborhood stability tool that allows for more housing options that keep existing homes rather than demolitions and subdivisions for smaller homes on bigger lots for instance.

I’ve read some background from the school of government on the matter. Digging deeper into zoning case law for North Carolina I have asked the Towns Legal Council to review what the options are with the Ordinance. It may be that the owner live on the property requirement may not be an enforceable criteria. I will update with legal feedback as soon as it is available but we will need feedback and text amendment recommendation either way to update the Ordinance. I recommend changing the terminology to accessory dwelling unit as that is the most common industry standard language now.

We can take this opportunity to review the ordinance for accessory dwelling maximum sizes, applicability implications on smaller lots vs. larger lots, and similar.

## **SUMMARY:**

Zoning ordinance section 3.3 and 6.5.35

Existing Text:

P. 60 Definitions

**Dwelling, ~~Secondary~~Accessory Dwelling Unit**

An accessory dwelling either attached or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling meets this ordinance and provided that no accessory building containing such use is constructed on a lot until the construction of the main building has commenced. Secondary dwellings shall be inseparable from the principal residential use for the purposes of subdivision or sale. ~~The principal dwelling on the lot containing the private residential quarters shall be owner-occupied.~~

**6.5.35 Dwelling, ~~Secondary~~Accessory Dwelling Unit**

Secondary dwelling units or "in-law suites" within residential districts are permitted to meet housing needs following the requirements of this section and within this ordinance.

- A) Any secondary dwelling unit shall be located in the rear yard or above a garage of a single-family residential lot or single-family residential use and be subordinate in height and size to the primary dwelling.
- B) Secondary dwelling units may be created behind or as a second story within detached garages provided that the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot. Not more than one (1) secondary dwelling unit is permitted. There shall be a two (2) story height maximum.
- C) The secondary dwelling unit may not be larger than fifty (50) percent of the gross heated floor area of the principal structure or eight hundred (800) square feet, whichever is less.
- D) At least one (1) additional parking space shall be provided.
- E) Secondary dwelling units shall be located, designed, constructed, landscaped and decorated in such a manner to match the appearance of the principal building.
- ~~F) The property owner(s) on which the secondary dwelling unit is to be located shall occupy at least one (1) of the dwelling units on the premises.~~

**PROCEDURE:**

This is a workshop meeting to hear the initial applicant's request and to offer feedback. This follows regular legislative process. A public hearing is needed before any vote.