

Workshop Meeting



To: Town Council
From: Travis Morgan
Date: 3/27/2023
Re: **Community Meeting: Secondary Dwellings** (*Informational Item*)

On Street Parking:

Citizen concern and interest in secondary/accessory dwelling units otherwise known as “mother-in-law suites.”

We had discussed revising secondary dwelling regulation after the last general ordinance update. I strongly recommend clarifying and simplifying allowances for accessory dwellings. The demand for housing in our area seems to be ever increasing and I am concerned no action regarding accessory dwellings or similar options will lead to increase in the destabilization and destruction of existing neighborhoods.

Aside for homes with accessory dwellings units (ADU’s) being more valuable, ADU’s help preserve existing lots and existing homes making them less likely for large lots to subdivided, bulldozed, and redeveloped. Balancing parking needs and ADU size and lot size are also considerations.

EXISTING:

Dwelling, Secondary

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

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.

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.

PROPOSED:

Dwelling, Secondary

An accessory dwelling is a residence that is smaller and subordinate in nature to a larger existing primary dwelling. A secondary dwelling can be either attached or part of the principal residential use or separate in the form of a detached guest house or garage apartment provided that such dwelling meets all ordinance and permitting requirements. Secondary dwellings shall be inseparable from the principal residential use for the purposes of subdivision or sale.

6.5.35 Dwelling, Secondary

Secondary dwelling units or “in-law suites” within residential districts are permitted to meet housing needs following the requirements of building code, this section and Town ordinances.

- A) Not more than one (1) secondary dwelling unit is permitted per property.
- B) Certificate of occupancy required.
- C) Secondary dwelling must be located in the rear yard behind a primary residence or a minimum of twenty (20) feet behind the overall front elevation of the primary residence.
- D) Must be located a minimum of five (5) feet away from any property line or other structure including all eaves, porches, chimneys, and similar above ground structures, except steps.
- E) In no instance shall an accessory dwelling be complete with certificate of occupancy before the primary home has a certificate of occupancy.
- F) The secondary dwelling unit shall be a maximum of eight hundred (800) gross heated square feet
- G) Cannot exceed the height of the primary residence.
- H) There shall be a two (2) story height maximum.
- I) May be located above a garage
- J) If located above a garage; only the ground floor area shall be counted toward the total maximum accessory structures size. Garage must remain a garage, retain garage doors, not to be enclosed, or heated/cooled.
- K) At least one (1) additional parking space shall be provided.
- L) Secondary dwelling units shall be located, designed, constructed, and decorated in such a manner to match the appearance of the primary residence.
- M) 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.
- N) A primary residence must be in zoning and building code compliance before a secondary dwelling can be built.