

# **Accessory Dwelling Regulations Update**

**Request to Advertise  
October 21, 2017**

# Presentation overview

---

## Background

- Affordable housing master plan recommendations
- Demographics
- Accessory dwelling definition
- Accessory dwelling locations

## Public engagement and community discussion

- Community process and outreach
- Other jurisdictions practices for accessory dwellings
- Costs
- Building Code

## Proposed amendments

## Staff recommendation

# ***Affordable Housing Master Plan***

---

- Identified ADs as an existing tool to:
  - Provide an adequate supply of housing
  - Help older adults age in place
  - Provide a typically lower-priced housing alternative
  - Enable homeowners to receive additional income
- Recommended review of ordinance to encourage greater use
- Board directive during adoption was to look into adjustments over the next two years

# Demographics

- Older adult households are expected to grow three times faster than other households
- Many older adults want to remain in Arlington but worry about rising housing costs
- Average age of homeowner creating an AD in Arlington is 55
- Sharp decline in the number of market affordable housing units
- Affordable housing gap of 7,000 units
- Average rent charged for an AD in Arlington is \$1,000

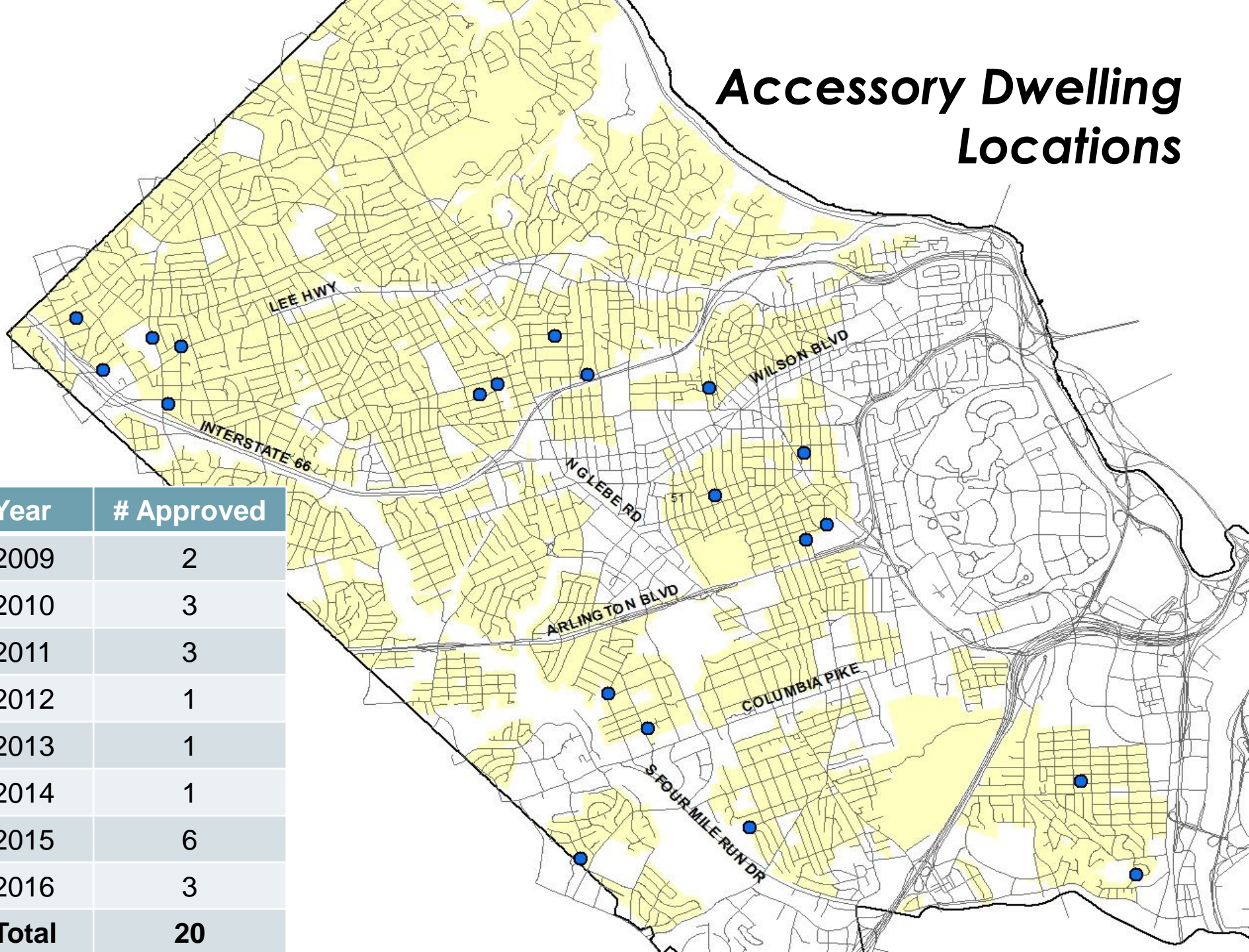
# ***What is an accessory dwelling?***

---

- In Arlington, an accessory dwelling (AD) is an independent dwelling unit that:
  - Has its own kitchen and bath
  - Is within a single family detached house
  - Is designed, arranged, used or intended for occupancy by not more than two persons
  - Has a separate entrance
- AD must meet building code requirements for a separate unit:
  - fire separation, fire egress, separate heating and air handling

# Accessory Dwelling Locations

Year	# Approved
2009	2
2010	3
2011	3
2012	1
2013	1
2014	1
2015	6
2016	3
<b>Total</b>	<b>20</b>





# ***Public engagement***

---

Working group: Staff, Housing Commission, Commission on Aging, Civic Federation and Alliance for Housing Solutions (Feb-May 2017):

- Reviewed best practices
- Spoke with accessory dwelling applicants to identify barriers
- Reviewed current regulations and effectiveness
- Examined ordinance provisions that may limit usage
- Identified preliminary ideas for community discussion

## Community engagement (2016-2017)

- Missing Middle Design Gallery (Fall 2016)
- Affordable Housing Month materials (Fall 2016)
- Arlington Home Show and Expo (April 2017)
- Accessory Dwelling Community Forum (May 2017)
- Community Survey (July 2017)

## Advisory groups and Commission review (2017)

- Neighborhood Conservation Advisory Committee (September 14)
- Urban Forestry Commission (September 28)
- Housing Commission (October 12)
- Commission on Aging (October 16)
- Disability Advisory Commission (October 17)

## ***Other jurisdictions***

---

- Many communities across the country have ADs, with names like “granny flat” and “in-law suites”
- Many jurisdictions are reviewing or amending existing regulations for greater flexibility:
  - Allowing for larger accessory dwellings
  - Allowing for greater occupancy
  - Allowing both attached and detached accessory dwellings
- Some jurisdictions do not currently allow ADs, such as the City of Alexandria



# Building Code

- Concerns that complying with the Building Code made the cost of creating an accessory dwelling prohibitive
- Arlington's Building Official submitted a proposal which would have lessened the requirements
- Proposal was not approved by the Virginia Board of Housing and Community Development
- Additional requirements for detached accessory dwellings:
  - Less than 3'-0" from property line: wall must be fire rated and no openings are permitted
  - 3'-0" to less than 5'-0": wall must be fire rated and limited openings (maximum of 25% of the wall area).

# Cost

- Attached accessory dwelling typically range from \$20,000 to \$100,000
- Most accessory dwellings are major construction projects
- The average calculated cost of creating an AD in Arlington is \$85,000
- Detached ADs tend to cost \$45,000 more than an attached AD

## ***Goals for revised zoning***

- Add flexibility to accessory dwelling regulations to facilitate additional opportunities to add accessory dwellings
- Ensure revisions to regulations are compatible with maintaining single-family neighborhood character in areas where accessory dwellings are allowed

# ***Proposed amendments - overview***

- Bulk, size and placement requirements
  - Lot area and width
  - Maximum size
  - Detached accessory dwellings
- Owner requirements
  - Owner-occupancy and maximum occupancy
  - Compliance and deed covenant
- Other standards
  - Design requirements
  - Allowed home occupations
  - Parking
  - Annual limit
- Family/caregiver suite regulations

# Bulk, size and placement requirements

Proposed revision: Remove restriction on nonconforming lots

## Summary: Lot Area/Width Requirements

Current	Proposed
Lot must meet minimum area requirements of district	Any lot in an R-district containing a one-family dwelling
50-foot minimum lot width required	

- Placement requirements on all R-district lots (whether undersized or standard-sized) include:
  - Front, side and rear setbacks
  - Distance between main and accessory buildings
- These provisions ensure adequate spacing between lots and buildings on both standard and nonconforming lots



# Bulk, size and placement requirements

Proposed revision: Increase maximum size of accessory dwellings wholly within a basement

## Summary: maximum size and dwelling type requirements

Current	Proposed
1/3 of combined GFA up to maximum of 750 square feet	<ul style="list-style-type: none"><li>35% of GFA, up to maximum of 1,000 sf (wholly within basement)</li><li>35% of GFA, up to maximum of 750 sf for all other accessory dwellings (attached and detached)</li></ul>

- Maintains reasonable maximum size for accessory dwelling appropriate for intended maximum occupancy
- Allows additional flexibility for use of entire basement
- While maintaining accessory nature of use



# Bulk, size and placement requirements

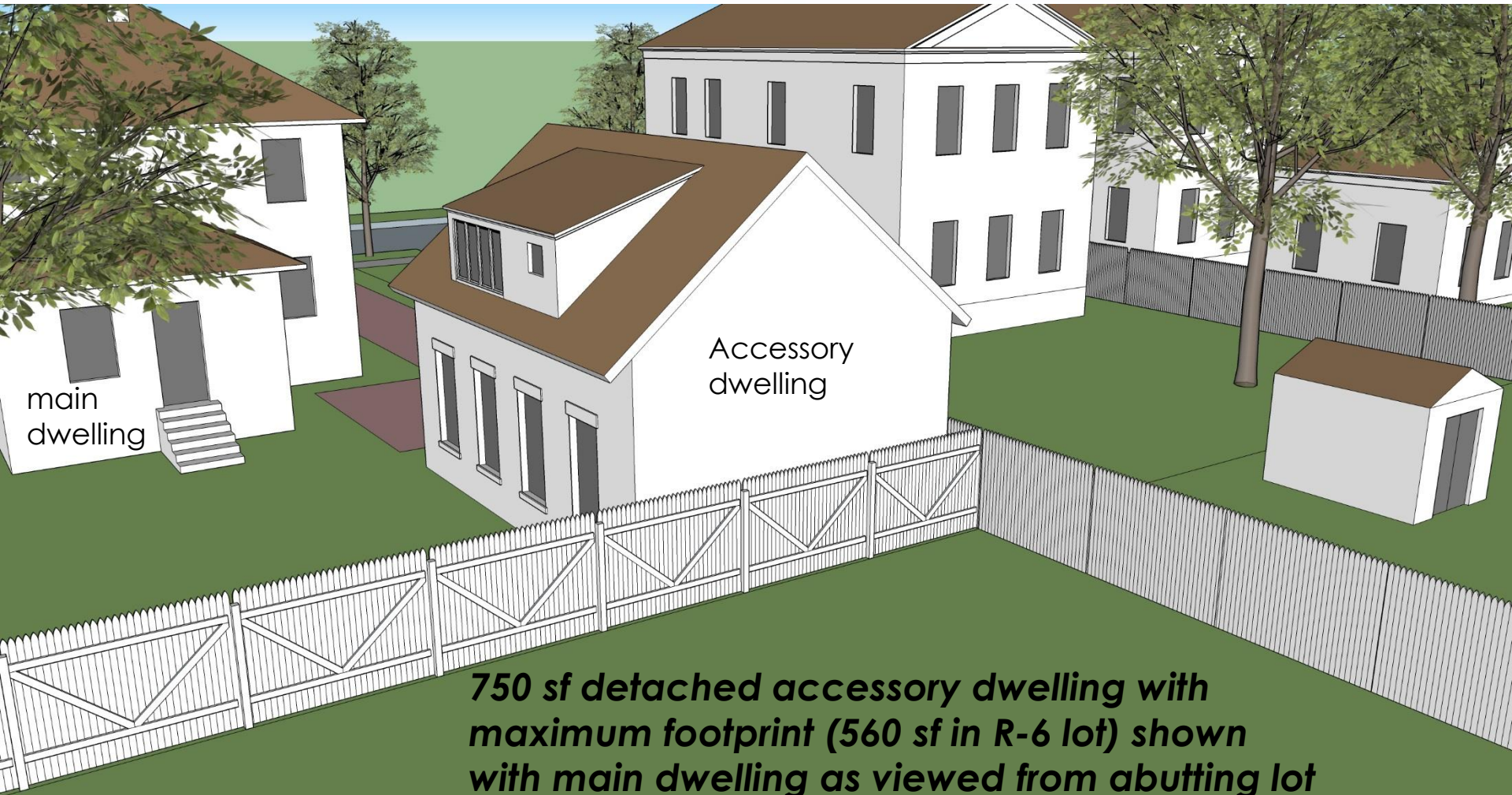
Proposed revision: Allow detached accessory dwellings up to 750 sf or 35% of combined area, and 25 ft or 1½ stories

- In accessory buildings meeting adopted height, footprint and placement requirements for detached accessory buildings placed in required setbacks
- Height limit and footprint is proposed to be applied in all locations
  - Enforces accessory nature of use

## Adopted accessory building bulk, height and placement requirements

	When <b>MEETING ALL SETBACKS</b> <ul style="list-style-type: none"><li>▪ At least 10' from any wall of main dwelling</li></ul>	When placed <b>WITHIN REQUIRED SETBACKS</b> , and no closer than: <ul style="list-style-type: none"><li>▪ At least 8' from any wall of main dwelling</li><li>▪ 1' from side/rear lot line on interior lot</li><li>▪ 1' from side/10' from rear lot lines and 25' from street on corner lots</li></ul>
Maximum height	Same as main dwelling (35 ft)	Smaller of: 1½ stories and 25 ft
Maximum footprint size	No limitation	<ul style="list-style-type: none"><li>▪ R-5 and R-6 districts: 560 sf</li><li>▪ All other R districts: 650 sf</li></ul>

# ***Bulk, size and placement requirements***



# Owner requirements

Proposed revisions: Increase maximum occupancy and remove prior occupancy requirement

	Occupancy Requirements	
	Current	Proposed
Maximum occupancy	2 persons	3 persons
Owner-occupancy	Owner must occupy either main or accessory dwelling as his/her primary residence	
Prior occupancy	Owner must live in house for one year before AD approval	No minimum time required prior to creating an AD

- Increasing maximum occupancy:
  - Accommodates larger household size while maintaining accessory nature of use
- Retaining owner-occupancy requirement
  - Discourages use of one-family lots for two-family investment properties
  - Furthers the goal of enabling homeowners to receive additional income to facilitate affordability of homeownership and aging-in-place

# Owner requirements

Proposed revisions: Only minor revisions only to compliance and recordation requirements

Compliance Requirements	
Current	Proposed
AD must be recorded on deed covenant	

- Deed covenant
  - Ensures a new owner is aware of requirements for accessory dwelling
  - Requires new owner to proactively agree to abide by the requirements of the ordinance
  - Several lenders have indicated deed covenant does not drive financing decisions

# Owner requirements

Proposed revisions: **Only minor revisions only to compliance and recordation requirements**

Compliance Requirements	
Current	Proposed
Affidavit of compliance is required at initial occupancy, whenever new tenant(s) move in, and when structural changes are made to the AD	Affidavit of compliance required at initial occupancy only, for each new owner or when structural changes are made to the AD
Owner agrees to cooperate with Code Enforcement staff for annual inspections and for complaints	

# Other standards – design requirements

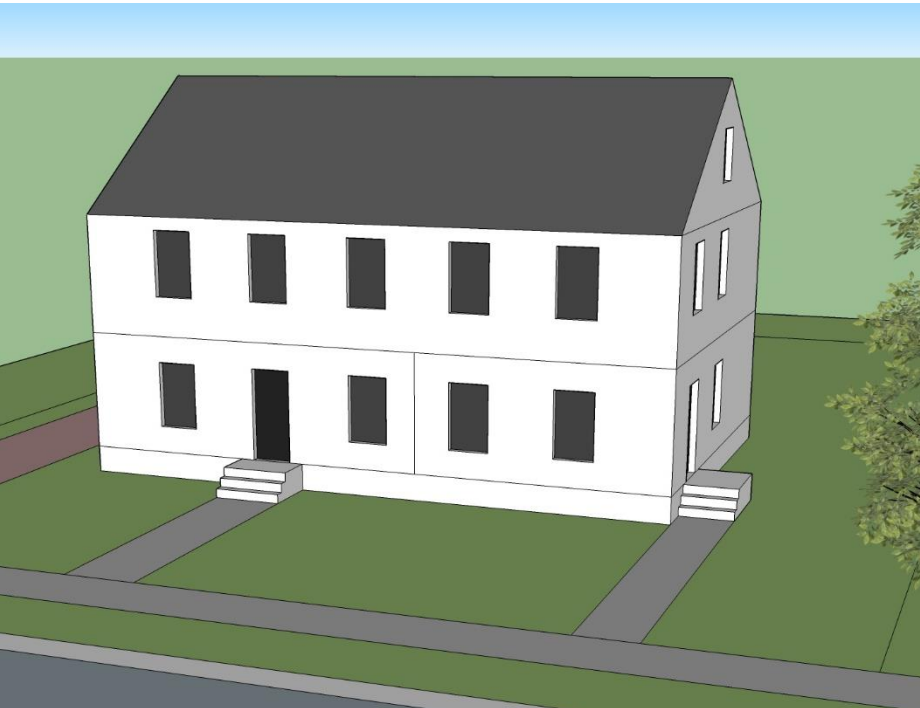
Proposed revisions: Increase flexibility in design

Design Requirements	
Current	Proposed
AD on a corner lot cannot have entrance visible from street	Remove requirement
Exterior stairs to a second story AD may not be visible from a street	Exterior stairs to a second story AD may not be on side of house facing a street
Entrance to AD may not be on same side of house as main entrance to main dwelling	Main entrance and AD entrance may be on same side of house, as long as not facing same direction

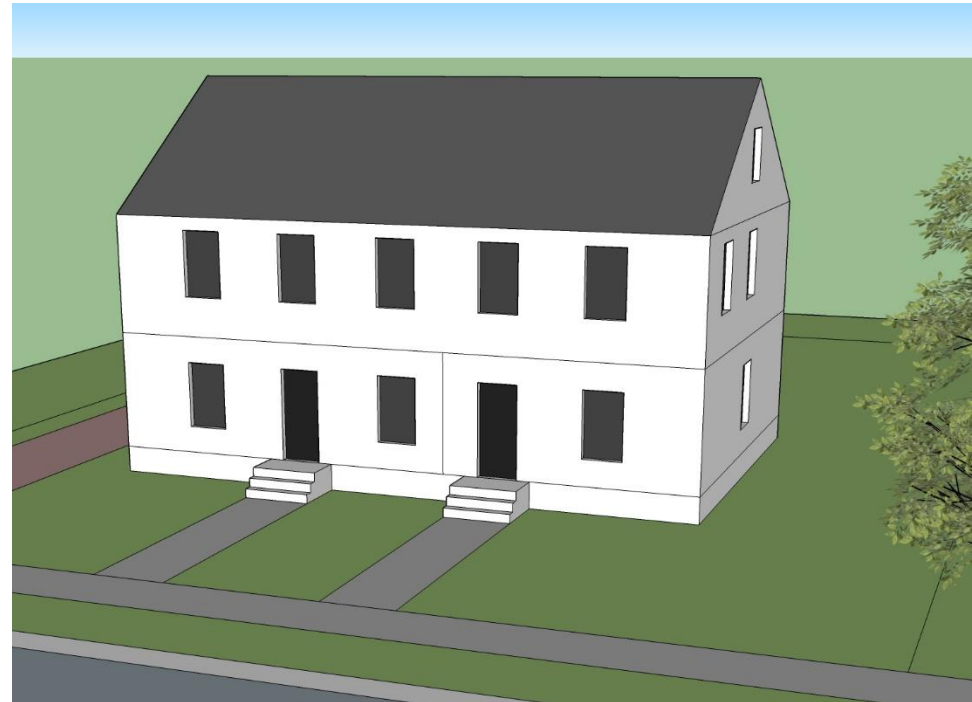


# *Illustration of Design Requirements*

Location of front Door allowed



Location of front door NOT allowed

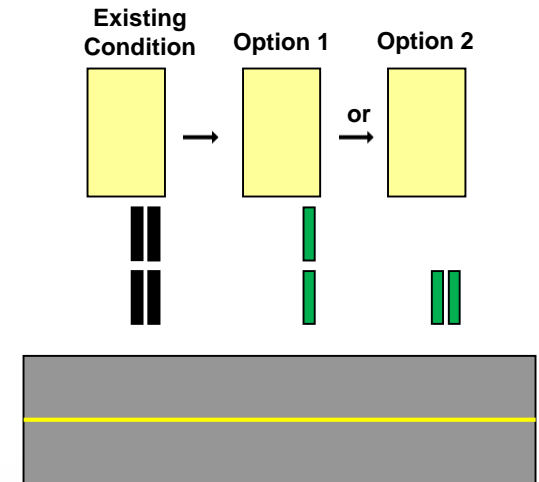


Maintains look of a one-family dwelling as opposed to a two-family (duplex or semi-detached)

# Other standards

Proposed revisions: **Minor revisions to parking, home occupation limitations, and accessory homestay, annual**

	Other Standards	
	Current	Proposed
Accessory homestay	Allowed in attached accessory dwelling	
	Not allowed in a detached accessory buildings	Allow in a detached accessory building only when it is approved as an accessory dwelling
Parking	<ul style="list-style-type: none"> <li>Up to 2 spaces must be maintained if already existing (minor revision: allow 2 spaces to be tandem – see illustration at right)</li> <li>If no spaces existing, 1 must be created unless a parking survey indicates block is &lt;65% parked</li> </ul>	
Home occupation	Contractor business not allowed	Allow all home occupations allowed in main dwelling
Annual limit	28 per year	No limit



# Family/caregiver suite

Proposed revisions: Increase allowed size

	Family/Caregiver Requirements	
	Current	Proposed
<b>Maximum size</b>	500 sf	750 sf
<b>Layout</b>	<ul style="list-style-type: none"><li>▪ Not more than two rooms plus a bathroom and efficiency kitchen</li><li>▪ Must have interior access to the rest of the dwelling</li></ul>	
<b>Maximum Occupancy</b>	<ul style="list-style-type: none"><li>▪ Up to 2 persons</li><li>▪ Occupants must be related to main dwelling occupants by blood, marriage, adoption or foster care or must be providing on-site care for main dwelling occupants</li></ul>	

- Increasing size of family/caregiver suite
  - Allows for larger family/caregiver suite
  - May create issues in the future if family/caregiver suite is to be converted into an accessory dwelling, as accessory dwelling is proportional to main dwelling

# Next Steps

- Planning Commission final consideration (November 6)
- Housing Commission final consideration (November 9)
- County Board action (November 18)

# ***Planning Commission recommendation***

- Planning Commission held a public hearing on the proposed Request to Advertise at its October 10, 2017 meeting, and recommended the County Board advertise the proposed amendments with the following additional changes:
  - Consideration of attached accessory dwellings wholly within a basement without limitation as to square footage;
  - Include an alternative to a deed covenant;
  - Consider alternative language to read "the owner of the main dwelling must occupy either the main dwelling or the accessory dwelling as his or her primary residence except when residing elsewhere on a bona fide time limited work assignment;"
  - Consider increasing the maximum size for a detached accessory dwelling from 750 sq. ft. to 1,000 sq. ft.

# ***Staff recommendation***

- Staff recommends that the County Board authorize advertisement of the amendments as proposed by staff, for consideration by:
  - Planning Commission on November 6, 2017; and
  - County Board on November 18, 2017



