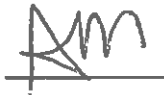


TO: Planning Commission

FROM: Anne McClung, Planning and Building Director 

RE: Zoning Ordinance Amendment #32/Ordinance #1816
Accessory Apartment Permit Program

DATE: March 3, 2017

Background

At the work session on February 7, 2017, the Planning Commission reviewed the changes to the text of this Zoning Ordinance Amendment #32 based on the January 21, 2017 work session. On February 7, 2017, the Planning Commission opted to continue the public hearing to consider further changes to the ordinance. At the work session on February 21, 2017 the Planning Commission directed the following changes to the ordinance. The changes are summarized below and should be referenced in any motion on the Zoning Ordinance Amendment.

Proposed Changes

- Limit the zoning districts eligible for an accessory apartment to the RR-1, RR-2 and R-4 districts.

§ 1271(a)

- (a) *Accessory apartments are permitted only in the RR-1, RR-2 and R-4 zoning districts.*

- Do not require the homeowner to live in the main house. The property must still be owner occupied.

§1271(c)

- (c) *The primary dwelling unit or accessory apartment must be owner occupied. ~~The only exception shall be if the property owner lives in the accessory apartment and a family member lives in the primary dwelling unit. The owner may only receive rent for only one of the units.~~*

- Clarify that the underlying district standards for height, lot coverage, floor area ratio and setbacks all include the accessory apartment.

- Limit the location of the accessory apartment to the existing structure or an addition to the existing structure. Accessory apartments would not be allowed in a freestanding structure. This would include garage apartments, whether existing or newly constructed, if the garage is freestanding.

- No parking will be required for the accessory unit. If parking is provided it must be of a pervious surface.

Use and Design Standards

Sec. 4201 Accessory Apartment.

- (a) *All accessory apartments subject to these Use and Design Standards shall be registered through the accessory apartment permit program pursuant to Zoning Ordinance § 1270.*
- (b) *General standards:*
 - (1) *The accessory apartment shall be clearly secondary and accessory to primary dwelling unit and shall not change its character as a detached single family residence.*
 - (2) *The accessory apartment must be within the primary structure. The accessory apartment shall not be located in a separate freestanding structure.*
 - (3) *The maximum size of an accessory apartment shall be 800 square feet.*
 - (4) *The accessory apartment shall have working smoke detectors in each room of the apartment. Carbon monoxide detectors are required with the use of gas heating or appliances.*
 - (5) *The accessory apartment shall have an egress window in any sleeping area.*
 - (6) *No commencement of use of an accessory apartment shall occur until the property owner has an approved accessory apartment permit from the Town of Blacksburg and any building permits have been issued for construction related to the accessory apartment and the work completed and approved by the Town.*
 - (7) *The underlying zoning district development standards for lot coverage, height, setbacks and floor area ratio that apply to the primary dwelling shall also include the accessory apartment in the calculations of these standards.*
 - (8) *Off-street parking is not required for the accessory apartment. If any parking is proposed, the parking shall be of a pervious surface such as pervious pavers, pervious concrete or other pervious material as approved by the Zoning Administrator.*
 - (9) *Occupancy standards are set forth in the underlying zoning district regulations.*
 - (10) *Incorporation of universal design standards.*

To promote aging-in-place and housing for differently-abled individuals, universal design features are required in accessory apartments based on the chart below. Any appeals to the applicability of these requirements shall be submitted to the Planning and Building Department with the accessory apartment permit application and will be reviewed and acted upon by the Planning Commission.

<i>Design Feature Required</i>	<i>Use of existing finished space</i>	<i>Conversion of unfinished to finished space</i>	<i>New Construction</i>
<i>Universal design door handles</i>	X	X	X
<i>Zero step entry+</i>		X	X
<i>36" wide entry doorway+</i>			X
<i>36" wide hallways+</i>			X
<i>No step or low step shower+</i>		X	X
<i>Sleeping area, full bathroom and kitchen on same level+</i>		X	X

+ Excludes ~~apartments over garages and basement apartments~~ where steps are needed to access the apartment

