

Accessory Apartment Ordinance Comparisons

	Locality	Owner Occupancy Required	Owner Occupancy Deed Restriction Required	Accessory Apartment Features Must be Removed if No Longer in Program	Off-Street Parking Required	Accessory Apartment Size	Restrictions on Accessory Apt Occupancy	Design Standards	Setbacks Required	Height Limitations Required	Other
1	Athens-Clarke, GA					50% or less than principal structure	one family		X		
2	Auburn, AL	X				30% of floor space in principal residence or 1,000 SF, whichever is less	Accessory apt "shall not be rented or used as income producing property"		X	X	
3	Berkeley, CA	X	x		X unless located close to transit	No less than 250 SF, and no greater than 750 SF or 75% of SF of primary residence.			X	X	No subdivision allowed to enable accessory apts. Can be denied based on unreasonable obstruction of sunlight, air, views or privacy impacts to neighbors.
4	Boone, NC	X			"adequate" parking must be provided. Front yard cannot be converted to parking.	Attached: no more than 50% of floor area of primary dwelling or 800 SF. Detached: No more than 50% of primary dwelling or 600 SF.	No more than 2 unrelated or 4 family members	X			Owner & tenants must comply with ordinance provisions (noise, occupancy). Owner must provide tenants with requirements.
5	Boulder, CO	X	X	X	X	300 SF min. No greater than 1/3 of principal structure	2 people/accessory apt	X	X		Limits on number of accessory apts per neighborhood.
6	Chapel Hill, NC				X	750 SF or floor area or 75% of principal unit, whichever is less	No more than 4 unrelated people between BOTH units			X	
7	Charlottesville, VA	X			X	Internal/Attached: 40% of gross floor area. Detached: 40% of gross floor area and total of all accessory structures in rear yard can't exceed 30% of the rear yard.	No more than 2 people in accessory apt		X	X	
8	Fairfax, VA	X	X		BZA determines if sufficient parking.	No more than 35% of principal unit; no more than 2 bdrms	One unit must be occupied by 55+ or disabled (see ord for details). Accessory apt: no more than 2 persons not necessarily related by blood or marriage.				
9	Grand Rapids, MI	X				No more than 25% of floor area of primary dwelling, nor less than 400 SF or greater than 850 SF.	Leasing or rental of accessory apt for less than 30 days or to more than 11 different parties in one year is prohibited	X			Owner must occupy main unit one year before permit allowed for accessory apt

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10 Iowa City, IO	X			X	a. For an accessory apartment located within a principal dwelling unit, the floor area of the accessory unit may not exceed thirty percent (30%) of the total floor area of the principal dwelling, excluding the area of an attached garage, or six hundred fifty (650) square feet, whichever is less. b. For an accessory apartment located within an accessory building, the floor area of the accessory apartment may not exceed fifty percent (50%) of the total floor area of the accessory building or six hundred fifty (650) square feet, whichever is less. c. The accessory apartment may contain no more than one bedroom.	On properties that contain an accessory dwelling unit, the total number of individuals that reside on the property (including both principal and accessory units) may not exceed the number allowed for one "household", as this term is defined in the zoning district in which the property is located.	X			
11 Ithaca, NY	X	X		X	Accessory apt within a principal unit shall not exceed 33 1/3 habitable area in which located.	1 family plus 1 unrelated occupant	X	X		Owner may not occupy accessory apt as primary residence and rent the main unit until: at least 1 owner occupant has owned and occupied the main unit after the development of the accessory apt for 5 yrs; or at least 1 owner occupant has owned and occupied the property for 5 yrs; or a combination of the above equals 5 years.
12 Knoxville, TN	X			X	No more than 40% of floor area, nor more than 1,000 SF, or less than 300 SF, nor more than 2 bdrms		X			
13 Lawrence, KS	X	X		X	The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.	Total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person.				Has language about entrances and placement under various scenarios
14 Madison, WI	X				75% of principal dwelling floor area, up to max of 700 SF	1 family or 2 unrelated individuals	X	X	X	

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15	Minneapolis, MN	X	X		no additional parking required	Min 300SF. Internal accessory apt limited to 800SF unless already in existence as of 1/1/15. In no case shall floor area of the internal accessory apt exceed the floor area of the first floor of the primary structure. Detached no more than 1,000 SF.		X		X	
16	Olympia, WA	X	X			No more than 800 SF and no more than 40% of floor area of primary dwelling & accessory apt combined, or 66 2/3 % of floor area of primary dwelling alone	No more than 1 family				A manufactured home can't be used as an accessory apt
17	Portland, OR			X	Additional parking not required. However, if parking is required for primary unit, that parking must be retained. If eliminated in creation of accessory it must be replaced	Max: 75% of living area or 800 SF, whichever is less.	Limited to total allowed for a household. Household+ 1 or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons.	X		X	
18	Santa Cruz, CA	X	X		X	500 SF for lots between 4,500-7,500. 640 SF for lots > 7,500. 800 SF for lots > 10,000 SF. In no case shall buildings take up more than 30% of required rear yard. No larger than 10% of lot size. 1 accessory apt per lot.		X	X	X	
19	Seattle, Washington	X	X	X	No parking required if it's within a designated urban village, village center or lowrise zone.	For attached accessory apt. In single family zones no larger than 1,000 SF (with some exceptions). In lowrise zones no larger than 650 SF & no more than 40% of the total floor area. For "backyard cottage" no larger than 800 SF.	total of 8 for both units unless all related				No more than 1 accessory apt per lot. If an accessory apt created without a permit, if not made legal tenants provided relocation assistance. Exterior stairs must be less than 4' unless it's a unit over a garage.
20	Smart Growth Model Ordinance	X	X		1 additional parking space; waiver if near transit.	No more than 900SF (although they ref as low as 500 SF and/or do a % of main dwelling with a min.) Can add language that an existing accessory apt can never be enlarged beyond 900 SF.		X			
21	State College, PA	X			X	one bedroom; no more than 25% of principal dwelling	"3 unrelated persons living as family unit" If accessory apt is to be rented, a residential rental permit is required.			X	"any lease in existence on either dwelling unit may continue, but in no case shall any lease continue beyond its current term after the landlord's absence"