

Accessory Dwelling Unit (ADU) and/or Tiny House

OVERLAY DISTRICT by Elizabeth Roberts, Esq.

Sec. 1.0 Applicability of Regulations

The requirements of the ADU/Tiny House Overlay District apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts. In the event of a conflict between the provisions of the ADU/Tiny House Overlay District and the underlying primary zoning district, the provisions of the ADU/Tiny House Overlay District shall apply.

Sec. 2.0 Statement of Purpose and Intent

The ADU/Tiny House Overlay District is created to enable the establishment of accessory dwelling units within all residential districts. Accessory dwelling units give neighborhoods the opportunity to provide affordable housing opportunities, to provide housing opportunities for elderly or other family members, and to utilize their land base more efficiently.

The district is also intended to:

- Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, landscaping and similar design features.
- Protect the private environment of rear yards and maintain neighborhood character.

Sec. 3.0 District Boundaries

The boundaries of the ADU/Tiny House Overlay District shall be established by the official zoning maps.

Sec. 4.0 Principal Uses and Principal Structures

The principal uses of land and structures that are allowed in the ADU/Tiny House Overlay District are as provided by the applicable underlying zoning district subject to the limitations and standards contained within this division.

Sec. 5.0 Accessory Uses and ADU/Tiny House Structures

The accessory uses of land and structures that are allowed in the ADU/Tiny House Overlay District are required to follow these Occupancy Requirements:

1. The principal dwelling or the accessory dwelling unit must be owner-occupied (temporary absences may be allowed);
2. The principal dwelling must be a single-family detached dwelling;
3. The number of occupants of the accessory dwelling unit shall not exceed two (2) unrelated individuals;
4. The accessory dwelling unit shall not be sold separately from the principal dwelling

Sec. 6.0 Architectural Regulations

The regulations outlined below shall only apply to land where an existing single family dwelling is and nothing contained in these regulations shall or is intended to restrict the right of property owners to make improvements, additions, or modifications to existing structures. The following architectural regulations shall only apply to an ADU/Tiny House within the ADU/Tiny House Overlay District:

1. Maximum height of a detached ADU/Tiny House, including one built above a garage: 25 feet (as typically measured to mid-point of pitched roof);
2. Maximum unit size: 700 square feet and less than 40% of the principal dwelling's floor area, whichever is less;
3. Setback requirements: standards for principal or accessory buildings in the underlying primary district;

4. Usable open space: allow usable open space to be shared between units (i.e., no additional open space required);
5. On corner lots, primary entrances to an ADU/Tiny House shall be placed on the façade parallel to the side street;
6. ADU/Tiny House entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway;
7. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling;
8. For ADUs/Tiny Houses within a principal building, additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations;
9. Exterior finish materials. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit;
10. Roof pitch. The roof pitch must match the predominant roof pitch of the principal dwelling unit;
11. Detailing. Trim must match the trim used on the principal dwelling unit. Projecting eaves must match those of the principal dwelling unit;
12. Windows. Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

Sec. 7.0 Severability

Each of the provisions included in Section 6.0 above is separate, distinct and severable from the other and remaining provisions of this Regulation, and that the invalidity or unenforceability of any provision shall not affect the validity or enforceability of any other provision or provisions of this Regulation.

Sec. 0.8 Sunset Provision

In the event that County-wide ADU/Tiny House legislation, which is as definitive or more definitive than the regulations set forth in Section 6.0 above, becomes fully implemented and effective, including withstanding any administrative or court challenges, then the ADU/Tiny House Overlay District shall become null and void and the provisions hereof shall be of no further force and effect.