

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

July 22, 2014

4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

1. Tourism
2. Accessory Apartments

D. CLOSED SESSION

1. Consideration of personnel matter(s) involving performance pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. County Attorney

E. ADJOURNMENT – until Regular Meeting at 7 p.m.

072214bosws-age

MEMORANDUM

DATE: July 22, 2014

TO: The Board of Supervisors

FROM: Jennifer Van Dyke, Planner I
John Rogerson, Senior Zoning Officer

SUBJECT: Case No. ZO-0008-2013. Accessory Apartments

After a brief discussion on the proposed ordinance changes at the June 10 meeting, the Board requested that Case No. ZO-0008-2013, Accessory Apartments be placed on the next available Work Session Agenda for discussion. No changes have been made to the revised ordinance subsequent to the June 10, 2014, Board meeting. The ordinance has been included with this memorandum for reference; all other attachments listed are available on the online web agenda for June 10, 2014.

On January 8, 2014, the Planning Commission adopted an initiating resolution to consider ordinance changes relevant to accessory apartments.

Staff received feedback from the Policy Committee indicating an interest in considering revisions to allow for detached accessory apartments. The Policy Committee also indicated that staff should examine and provide recommendations for expanding allowances for accessory apartments within residential zoning districts.

In response to the direction provided by the Policy Committee, and taking into account input received as part of a citizen survey (copy attached), staff drafted proposed ordinance amendments following review and discussion by the Policy Committee.

The following items highlight the proposed changes to the Zoning Ordinance:

- A new definition has been created for detached accessory apartments. The proposed changes also include defining accessory apartments as either attached or detached with performance standards outlined for each.
- Under Special Regulations, additional language has been added to include new requirements for detached, accessory apartments. In the interest of preserving the character of the neighborhood, staff recommends including a cap of 400 square feet on the size of the accessory apartment. Further, the detached accessory apartment could not exceed 50 percent of the total size of the accessory structure. The proposed language would also require that detached accessory apartments meet all setback, yard, and height regulations of the zoning district in which they are located. In addition, compatibility in size and scale with surrounding structures would be required.
- Additional requirements for detached accessory apartments under Special Regulations would require that the property owner, or an immediate family member, occupy either the single-family dwelling or the accessory apartment.
- Any application proposing a detached, accessory apartment would be required to obtain approval from the Health Department for those properties that have individual well and/or sewer disposal systems in Zoning districts which are located outside the Primary Service Area (PSA) or are not otherwise required to connect to public utilities.

Case No. ZO-0008-2013. Accessory Apartments

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- Off-street parking is currently required for all accessory apartments in accordance with Section 24-54 of the Ordinance. This would be maintained as a requirement for both attached and detached accessory apartments.

Currently, accessory apartments are allowed as a permitted use on properties that are zoned A-1, General Agricultural, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-8, Rural Residential, MU, Mixed Use, and PUD-R, Planned Unit Development, are allowed as a specially permitted use on land that is zoned R-1, Limited Residential District, and R-6, Low-Density Residential District. The following changes are recommended as part of the ordinance revisions:

- Attached, accessory apartment in accordance with section 24-32 – permitted use in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, MU, and PUD.
If approved, the revisions would permit attached, accessory apartments in each residential district, except for R-5, the Multifamily Residential District. The R-5 district is intended for moderate to high-density residential development; therefore, is not a suitable fit for accessory apartments.
- Accessory apartment, detached, in accordance with Section 24-32 – specially permitted in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, and PUD.
If approved, the revisions would specially permit detached, accessory apartments in each residential district, except for MU, Mixed Use, and R-5, the Multifamily Residential District.

By allowing detached accessory apartments upon issuance of a Special Use Permit (SUP) from the Board of Supervisors, discretionary measures are built into the approval process, surrounding property owners may offer comment on proposed apartments, and each application will be reviewed on a case-by-case basis.


Recommendation

Staff recommends approval of the attached zoning ordinances. On April 14, 2014, the Policy Committee recommended approval of the revised ordinances to the Planning Commission. On May 7, 2014, the Planning Commission recommended the revised ordinance to the Board of Supervisors, by a vote of 6-0 (Mr. Drummond being absent).

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Jennifer Van Dyke



John Rogerson

CONCUR:



Allen J. Murphy, Jr.

JVD/JR/nb
ZO-08-13AccessApts-mem2

Attachments

1. Ordinance –all combined
 - a) Article I, In General, Definitions
 - b) Article II, Special Regulations
 - c) Ordinance - General Agricultural District, A-1
 - d) Limited Residential District, R-1
 - e) General Residential District, R-2
 - f) Residential Redevelopment District, R-3
 - g) Residential Planned Community, R-4
 - h) Low-Density Residential District, R-6
 - i) Rural Residential District, R-8
 - j) Planned Unit Development District, PUD-R
 - k) Mixed Use, MU

Available on the June 10, 2014 Web Agenda

2. Unapproved minutes from the May 7, 2014 Planning Commission meeting
3. Accessory Apartments in Residential Areas Survey
4. Survey Results Spreadsheet
5. Survey Responses to open ended questions, sorted by question number

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 24-2, DEFINITIONS; ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-32, SPECIAL REQUIREMENTS FOR ACCESSORY APARTMENTS; AND BY AMENDING ARTICLE V. DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES, SECTION 24-213 USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES, SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, PERMITTED USES, SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, by amending Section 24-2, Definitions; Article II, Special Regulations, Division 1, In General, Section 24-32, Special Requirements for Accessory Apartments; and by amending Article V. Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses, Section 24-213 Uses permitted by special use permit only; Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-

273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 7, Low Density Residential District, R-6, Section 24-328, Permitted uses, Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, R-8, Section 24-348, Permitted uses, Section 24-349, Uses permitted by special use permit only; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24. Zoning

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

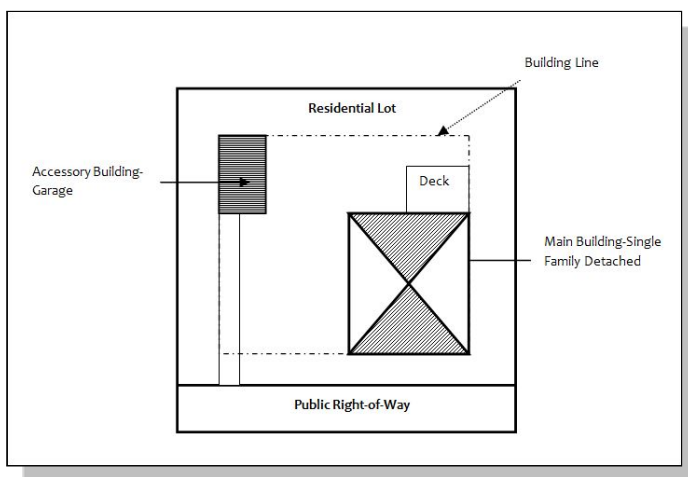
A

Accessory apartment, attached. A separate, complete housekeeping unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling. The accessory apartment may not occupy more than 35 percent of the floor area of the dwelling.

Accessory apartment, detached. A separate, complete housekeeping unit that is incidental to and located on the same lot occupied by a single-family dwelling. The detached accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure.

Accessory building or structure. A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building. *With the exception of detached accessory apartments, as may be approved by a special use permit,* No such accessory building or structure shall

be used for housekeeping purposes. Garages or other accessory structures such as carports, porches, decks and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located ten feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards. (Refer to the definition of “structure.”)



D

Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen. *For purposes of this chapter, attached and detached accessory apartments shall not be considered dwelling units.*

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-32. Special requirements for accessory apartments.

a. ~~Attached~~ Accessory apartments shall comply with the following requirements:

- (1) Only one accessory apartment shall be created within a single-family dwelling.
- (2) The accessory apartment shall be designed so that the appearance of the building remains that of a ~~one-family~~ *single-family* residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.
- (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard and height regulations applicable to main structures in the zoning district in which it is located.
- (4) Off-street parking shall be required in accordance with section 24-54 of this chapter.

b. *Detached, accessory apartments, where approved, shall comply with the following requirements:*

- (1) *Only one accessory apartment shall be created per lot.*
- (2) *The accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.*
- (3) *The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.*

- (4) *The property owner or an immediate family member as defined in section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.*
- (5) *Approval from the health department shall be required where the property is served by an individual well and/or sewer disposal system.*
- (6) *The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.*
- (7) *Off-street parking shall be required in accordance with section 24-54 of this chapter.*

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-212. Permitted uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Sec. 24-213. Uses permitted by special use permit only.

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

Sec. 24-232. Use list.

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32	<i>P</i>	SUP
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

ARTICLE V. DISTRICTS

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-252. Use list.

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> ● in accordance with section 24-253(a), or ● contained within residential cluster development in accordance with article VI, division 1 of this chapter 	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> ● in accordance with section 24-253(b), or ● contained within residential cluster development in accordance with article VI, division 1 of this chapter 		SUP

ARTICLE V. DISTRICTS

DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

Sec. 24-273.2. Use list.

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32</i>		<i>SUP</i>
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings up to and including four units	P	
	Multifamily dwellings greater than four units	P	
Single-family dwellings	P		

ARTICLE V. DISTRICTS

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan</i>		<i>SUP</i>

	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	

ARTICLE V. DISTRICTS

DIVISION 7. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

Sec. 24-328. Permitted uses.

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, attached, in accordance with section 24-32.

Sec. 24-329. Uses permitted by special use permit only.

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

~~*Accessory apartments in accord with section 24-32.*~~

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-348. Permitted uses.

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Sec. 24-349. Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Accessory apartment, detached, in accordance with section 24-32.

ARTICLE V. DISTRICTS

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

Sec. 24-493. Use list.

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated for detached, single-family units</i>		SUP
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwellings	P	
	Multi-family dwellings more than four dwellings	P	
	Single-family dwellings	P	

ARTICLE V. DISTRICTS

DIVISION 15. MIXED USE, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory structures, as defined in section 24-2	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
Single-family dwellings	P		

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Doug Powell
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	___	___
JONES	___	___	___
MCGLENNON	___	___	___
ONIZUK	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2014.

ZO-08-13AccessApts-ord