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MEMORANDUM

To: Planning and Zoning Commission
From:  David C. Gertsch, AICP, Planning Director
Date: November 1, 2023
Re: Accessory Dwelling Standards – Public Hearing

Amendments to the Albany County Zoning Resolution creating standards for the use of accessory dwellings have been published and a public hearing has been set for November 8th. These amendments provide standards for accessory dwellings that will allow property owners to have one accessory dwelling on a property if the standards are met. These standards seek to protect the character of the existing neighborhood.

The Planning and Zoning Commission can hear comments from the public and make a decision on these amendments, if desired. Planning staff recommend that these amendments be approved.

Attached: Amendments to the Zoning Resolution – Accessory Dwellings

September 13, 2023 - PZC Approved for Public Hearing

Amendment Number: ZA-01-23
Requested By: Planning Department/Planning and Zoning Commission
Staff Contact: David Gertsch, Planning Director

Summary: This amendment to the Albany County Zoning Resolution would allow accessory dwellings in residential zoning districts which meet certain standards.

Amend the Albany County Zoning Resolution as follows:

ADD TO CHAPTER 2, SECTION 3.

Dwelling, Accessory – A dwelling that is a smaller independent living facility secondary to the principal dwelling (single family home) on the same property. These dwellings may be attached (within the structure of the principal dwelling) or detached (a separate structure surrounded by open space). Detached accessory dwellings may include guest houses, in-law suites, carriage houses, or dwellings within an outbuilding. Attached accessory dwellings may include basement apartments, garage apartments, or a loft within the principal dwelling. Dwellings that meet this definition and associated standards are not considered multi-family dwellings for the purposes of these regulations.

Dwelling, Principal – A dwelling that is the principal building or structure on a legally conveyable property (parcel, tract, or lot) where the main or predominant use of the property occurs. A principal dwelling would typically be used by the property owner as their main residence on the property.

AMEND CHAPTER 3, SECTION 2.

A. Agricultural

2. Density: One (1) principal dwelling unit per thirty-five (35.0) acres.

B. Rural Residential

2. Density: One (1) principal dwelling unit per five (5.0) acres.

C. Small Lot Residential

2. Density: One (1) principal dwelling unit per two (2.0) acres.

D. Urban Residential

2. Density: One (1) principal dwelling unit per ten thousand (10,000) square feet.

ADD TO CHAPTER 4, LAND USE TABLE 4.1

Uses	A	RR	SLR	UR	C	NB	I	Special Use Standards/Permit
Dwelling, Accessory	A	AE	EA	EA	P	P	P	Chapter 6, Section 8

ADD TO CHAPTER 6.

Section 8. Accessory Dwelling Standards

- a) Purpose. Provide an opportunity to develop smaller secondary dwellings on property for additional housing while protecting the character of the neighborhood (similar type of use and impacts to the surrounding area). Additionally, these regulations are intended to ensure that the accessory dwelling remains subordinate to the principal structure.
- b) Zoning District. Accessory dwellings are allowed in zoning districts specified in the Land Use Table.
- c) Number of Accessory Dwellings. One Accessory Dwelling will be allowed per property.
- d) Setbacks. Zoning district setbacks shall be met.
- e) Minimum parcel, tract, or lot size. The minimum parcel, tract, or lot size for an additional dwelling shall be determined by zoning district and are as follows:
 - i) Agricultural: 35 acres
 - ii) Rural Residential: 10 acres
 - iii) Small Lot Residential: 4 acres
 - iv) Urban Residential
 - (1) If centralized water system and an on-site wastewater system will be utilized: 2 acres
 - (2) If on-site wells and a centralized sewage system will be utilized: 30,000 square feet
 - (3) If both a centralized sewage system and a centralized water system are utilized: 20,000 square feet
- f) Size.
 - i) A detached accessory dwelling shall not exceed the lessor of 1,200 square feet or 75% of the total square footage of the principal dwelling.
 - ii) An attached accessory dwelling shall not exceed 40% of the total square footage of the principal dwelling.
- g) Prohibitions. Accessory dwellings are prohibited in the Aquifer Protection Overlay Zone.
- h) Small Wastewater System. If not connected to a centralized sewer system, the small wastewater system shall meet County wastewater standards. Small wastewater systems serving an accessory dwelling shall be approved by the Albany County Planning Department prior to approval of a Zoning Certificate for the accessory dwelling. If the accessory dwelling is being connected to an existing small wastewater system, the system must be capable of handling the additional discharge of sewerage. If it was not designed to handle the additional discharge, a new system or modification of the existing small wastewater system must be permitted prior to the issuance of a permit or use of an accessory dwelling on the property.
- i) Zoning Certificate Documentation. Proper documentation, as determined by the Planning Department, must be provided with the Zoning Certificate application confirming each of the above standards is met.

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- j) Approval of an accessory dwelling does not constitute a subdivision of land. Subdivision of land shall only occur when a subdivision permit is approved by the Board of County Commissioners, or a State exemption allows for the division of land.