

**AMENDMENT TO SECTION 120-501
RE: ACCESSORY APARTMENT**

§ 120-501 Accessory apartment.

[Added 10-23-2012 by Order 12-149; amended 3-28-2017 by Order 17-052]

The following standards shall apply to accessory apartments created after November 23, 2012:

- A. The accessory apartment shall be attached to a principal dwelling unit or contained within an accessory building to a single-family detached dwelling.
- B. The owner(s) of the principal dwelling must reside in the principal structure or the accessory apartment.
- C. The accessory apartment shall have a maximum cumulative floor area of ~~600~~ 800 square feet.
- D. The accessory apartment shall have its own entrance.
- E. ~~The maximum number of occupants of the accessory apartment is three. The accessory apartment shall not have more than two bedrooms.~~
- F. All necessary building or certificates of occupancy shall be obtained from the Code Enforcement Officer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (1) Compliance with all building codes applicable to the construction of an accessory apartment is required.
 - ~~(2) The permit shall be issued to the property owner and not run with the land. The transfer or sale of the property to a new owner shall require the issuance of a new permit for the current property owner. If the accessory apartment does not meet the performance standards of this chapter at the time of transfer, the new owner shall have 30 days to bring the accessory apartment into compliance. If the accessory apartment is not brought into compliance with the standards of this chapter, the Code Enforcement Officer shall cause the use of the accessory apartment to be discontinued. The accessory apartment owner may at any time rectify the deficiencies identified by the Code Enforcement Office and reapply for use of said apartment. All permits shall be recorded at the Cumberland County Registry of Deeds.~~
- G. Only one accessory apartment shall be permitted per lot.
- H. Accessory apartments shall not count towards the zoning district's maximum residential density standard.
- I. A property on which an accessory apartment is located shall require the installation

Commented [AL1]: This is small and is a common complaint. In 2012, original ordinance draft proposed by LUOC was 500 sq ft. Planning Board recommended 800 sq ft.

Commented [AL2]: This is difficult to enforce.

Commented [AL3]: This is inconsistent with most other land use permitting and difficult to enforce.

Commented [AL4]: Have been told that prior adoption of this section, in-law apartments were allowed to be 900 sf, but have not located supporting ordinance. If it was true, deleting this section would just mean that an accessory apartment that may have been permitted before November 23, 2012 would be legally non-conforming if can continue to exist.

Commented [AL5]: This seems overly burdensome to housing production, a greater standard than required for other dwellings and difficult to administer.

and use of a septic system that is approved to accommodate the wastewater volume from two dwelling units. All applications for an accessory apartment shall include an HHE-200 form that documents the capacity of the existing or proposed system. ~~Following review and approval by the Code Enforcement Officer, the HHE-200 form shall be recorded at the Cumberland County Registry of Deeds.~~

J. ~~In no event shall the parking requirement for t~~The accessory apartment ~~shall meet be greater than the~~ parking requirements in § **120-542**, Parking and loading, and § **120-812C**, Parking and loading requirements ~~of the single-family detached dwelling on the lot where the accessory apartment is located.~~

Commented [AL6]: This seems overly burdensome to the housing production, a greater standard than required for other dwellings and difficult to administer. Recording an HHE is only otherwise required as an intent to install when required by the subsurface rules.

Commented [AL7]: This is the only LD 2003 specific change required. The other are recommended to improve administration and remove barriers to housing production.

AMENDMENT TO SECTION 120-406(F)(4)
RE: TWO-FAMILY DWELLING PERMITTED IN FARM (F) DISTRICT

§ 120-406 **Farm District (F).**

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Farm District:

- (4) Dwelling, ~~two-family and dwelling,~~ multifamily. ~~These~~ ~~This~~ uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (a) No more than three dwelling units may be created per lot.
 - (b) All dwelling units shall have a minimum area of 500 square feet.

**AMENDMENT TO SECTION 120-407(F)(5)
RE: TWO-FAMILY DWELLING PERMITTED IN FARM-RESIDENTIAL (FR) DISTRICT**

§ 120-407 Farm-Residential District (FR).

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Farm-Residential District:

(5) Dwelling, ~~two-family and dwelling,~~ multifamily. ~~These~~ ~~This~~ uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:

- (a) No more than three dwelling units may be created per lot.
- (b) All dwelling units shall have a minimum area of 500 square feet.

**AMENDMENT TO SECTION 120-408(F)(2)
RE: TWO-FAMILY DWELLING PERMITTED IN LIGHT-DENSITY RESIDENTIAL (RL)
DISTRICT**

§ 120-408 Light-Density Residential District (RL).

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Light-Density Residential District:

(2) Dwelling, ~~two-family and dwelling,~~ multifamily. ~~These~~ This uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:

- (a) No more than three dwelling units may be created per lot.
- (b) All dwelling units shall have a minimum area of 500 square feet.

**AMENDMENT TO SECTION 120-412(F)(4)
RE: TWO-FAMILY DWELLING PERMITTED IN COMMERCIAL III (C-3) DISTRICT**

§ 120-412 **Commercial District III (C-3).**

F. District standards. In addition to Article 5, Performance Standards, these standards shall apply to the following uses in the Commercial District III:

- (4) Dwelling, ~~two-family and dwelling,~~ multifamily. ~~These~~ ~~This~~ uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
 - (a) No more than three dwelling units may be created per lot.
 - (b) All dwelling units shall have a minimum area of 500 square feet.