



Planning Commission

AGENDA ITEM REPORT

Meeting Date: September 16, 2021

TO: Orange County Planning Commission

FROM: Joshua C. Gillespie, AICP, Planning and Development Services Director 

DATE: September 10, 2021

SUBJECT: Zoning Text Amendment – Adding Accessory Dwelling Units to Permitted Uses

Background

At meetings on July 13 and July 27, 2021, the Board of Supervisors discussed the code definition of accessory apartments. Staff researched recognized standards for accessory dwelling units, from sources including the American Planning Association, the National Association of Home Builders and the National Association of Realtors, as well as other advocacy groups and governing units. Staff recommends the American Planning Association's (APA) Knowledge Center for further reading - <https://www.planning.org/knowledgebase/accessorydwellings/>.

This graphic illustration from the APA Knowledge Center shows various types of accessory dwellings, including internal, attached and detached locations. These would all meet the Orange County definition of Accessory Apartment.



Currently “accessory apartment” is a permitted use in the Agricultural (A), Limited Residential (R-1), General Residential (R-2), Planned Residential (R-3), Multifamily Residential (R-4), and Planned Residential Traditional Design (R-5) districts. Sec. 70-1 defines accessory apartment and establishes the following provisions for their development and use:

Accessory Apartment means a completely independent, standalone dwelling unit located on the same lot as the single-family dwelling to which it is accessory, and which is subject to the following:

- 1) The gross square footage of the accessory apartment shall not exceed 800 (excluding unconditioned basements and other unconditioned, attached exterior spaces);*
- 2) The accessory apartment shall not exceed the gross square footage of the primary dwelling to which it is accessory;*
- 3) The accessory apartment shall not contain more than two (2) bedrooms; and*
- 4) No lot shall contain more than one (1) accessory apartment.*

The Board directed drafting of the following text amendment:

Accessory Apartment means a ~~completely independent, standalone~~ dwelling unit located on the same lot as the single-family dwelling to which it is accessory, and which is subject to the following:

~~1) The gross square footage of the accessory apartment shall not exceed 800 (excluding unconditioned basements and other unconditioned, attached exterior spaces);~~

~~2) The accessory apartment shall not exceed the gross square footage of the primary dwelling to which it is accessory;~~

~~3) The accessory apartment shall not contain more than two (2) bedrooms; and~~

~~4) No lot shall contain more than one (1) accessory apartment.;~~ and

2) An accessory apartment shall be considered accessory to a single-family dwelling for all purposes (including Sec. 70-261), except that an accessory apartment shall be deemed a principal structure for purposes of setback requirements.

Discussion

Accessory buildings are a customary aspect of agricultural and rural residential areas (A district) and of residential development with traditional design (R-5 district). The current code prohibits the development of any detached, independent accessory dwelling units containing more than 800 square feet. Subsequent to the discussion at Board work sessions, the definition was proposed to be amended as stated in the above section.

The Zoning Ordinance established smaller setbacks for accessory structures than for principal structures—presumably, operating under the assumption that accessory structures are smaller.

	Principal Structure	Accessory Structure	Code § Number
Agricultural:	20 feet	10 feet	§ 70-35(e)
Side yard			
Rear Yard	35 feet	10 feet	§ 70-35(f)
Limited Residential:			
Side yard	20 feet	10 feet	§ 70-336(d)
Rear yard	35 feet	10 feet	§ 70-336(e)
General Residential			
Rear yard	25 feet	10 feet	§ 70-366(4)

Staff considers this amendment consistent with the future land use map and other components of the adopted Comprehensive Plan. Additional dwellings on properties may increase the actual density

Financial Impact

It is likely to permit additional land uses of benefit to property owners and diversity housing choices, facilitating business and employment development in Orange County. Increased development of family dwellings may lead to increased school enrollment that varies from historical projections based on “one parcel, one house.”

Recommended Action

Forward recommendation of approval for the proposed amended definition of accessory apartment.