



City of Manassas, Virginia
Planning Commission Zoning Ordinance Review
Committee Meeting

AGENDA

**Planning Commission Subcommittee
Manassas City Hall
9027 Center Street
Manassas, VA 20110
1st Floor Community Conference Room
Wednesday, August 13, 2025**

1. **Call to Order - 5:30 p.m.**
2. **Roll Call and Determination of a Quorum**
3. **Approval of Meeting Minutes**
 - 3.1 **Approval of Meeting Minutes for March 6, 2024**
[Draft Meeting Minutes for March 6, 2024](#)
4. **New Business**
 - 4.1 **ZTA #2026-0001, 2026 Zoning Ordinance Annual Updates**
(Staff: Christian Samples, AICP, Planning Manager)
[Memorandum](#)
[Attachment 1. Draft Ordinance - Accessory Dwelling Units](#)
[Attachment 2. Potential ADU Maps](#)
[Attachment 3. Previous ADU Memorandums](#)
[Attachment 4. City of Fredericksburg ADU Ordinance](#)
[Attachment 5. City of Charlottesville ADU Guide](#)
[Attachment 6. City of Leesburg ADU Ordinance](#)
[Attachment 7. City of Alexandria ADU Ordinance](#)
[Attachment 8. City of Los Angeles ADU Guide](#)
5. **Adjournment**

**PLANNING COMMISSION
ZONING ORDINANCE REVIEW COMMITTEE (ZORC)
MARCH 6, 2024
MANASSAS MUSEUM – FAMILY HISTORY & EDUCATION CENTER
9101 PRINCE WILLIAM STREET, MANASSAS, VA 20110
5:30 P.M.**

In Attendance

Dheeraj Jagadev – Committee Member
Eric Brescia – Committee Member
Leah Sanders – Committee Member (*Arrived at 5:36 P.M.*)
Miguel Pires – Planning Commission
Elaine Trautwein – Planning Commission Chairperson
Robert Keller – Planning Commission
Jeremy Rood – Planning Commission (*Arrived at 5:50 P.M.*)

Staff

Christian Samples, Planning Manager
Audra Ovalle, Planner

1. Meeting convened at 5:39 P.M.

2. Approval of Meeting Minutes for February 7, 2024

Commissioner Brescia had a correction for under #4. ZTA #2022-0001 – Accessory Dwelling Units 2nd bullet should be changed to “Mr. Brescia and Mr. Jagadev commented that the unit maximum square footage is similar to other ordinances”.

Commissioner Brescia moved to **APPROVE** the February 7, 2024 minutes as amended. **Commissioner Sanders** seconded. **THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3. Public Comments – None

4. ZTA #2022-0001 – Accessory Dwelling Units

Mr. Samples provided an overview of the revisions to the proposed accessory dwelling ordinance. He indicated that the Virginia General Assembly was considering bills that address accessory dwelling units. He recommended deferring the proposed ordinance until March 2025 to see what direction the General Assembly takes.

The Committee requested information on what would happen if the City passed an ordinance ahead of a potential General Assembly passed law. Mr. Samples indicated that the City would likely have to amend its ordinance to meet the requirements of the new law.

Commissioner Brescia moved to **DEFER** the ADU draft until the March 2025 meeting. **Commissioner Sanders** seconded. **THE MOTION PASSED UNANIMOUSLY.**

5. Adjournment

Commissioner Sanders moved to **ADJOURN** the meeting. **Commissioner Brescia** seconded the motion. **THE MEETING WAS ADJOURNED AT 6:14 P.M.**



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: August 13, 2025
RE: ZTA #2026-0001, 2026 Zoning Ordinance Annual Updates

Background

The Zoning Code is amended as needed to implement the Comprehensive Plan, to address citizen concerns, and to make technical adjustments. The Zoning Ordinance Review Committee will meet August 13, 2025, August 27, 2025 and in September 2025 to review proposed amendments concerning accessory dwelling units (ADUs), data centers, and cannabis manufacturing and sales. The August 13, 2025 meeting will focus on ADUs. The August 27, 2025 meeting will focus on data centers. The September 2025 meeting will include the cannabis regulation discussion and a vote on the final draft to send the Planning Commission.

Please note this is the first of two zoning ordinance text amendments that will be coming before the Committee. The second zoning ordinance text amendment will be initiated separately in Spring of 2026.

Accessory Dwelling Units

Objective 4.5 of the Comprehensive Plan's Housing Chapter recommends the City "Foster a healthy balance of high quality and attractive housing types, including starter, work force, move-up, executive, and senior housing, to serve an increasingly diverse population". To implement this objective, Objective 4.5.4 recommends the City explore an accessory dwelling unit ordinance to provide an additional missing middle housing type and to provide new housing opportunities for "young or elderly family members who need assistance with housing affordability. Consideration should be given to address minimum lot sizes, parking, and traffic impacts to ensure neighborhood compatibility".

The Committee has previously reviewed proposed ADU amendments over nine meetings in 2022, 2023 and 2024. Review of the proposed ADU amendments was postponed in 2024 as the General Assembly was going to consider amendments during the 2025 session that would set minimum standards for ADUs. However, those amendments did not move forward.

The proposed ordinance is largely intact from the 2024 draft but with minor clarification of setbacks as this was not included. While the draft has not substantially changed, there were several discussion points that the Committee had not completely resolved. The draft's comments identify these issues in anticipation of more discussion at the meeting. In addition, the upcoming Manassas 2045 Comprehensive Plan's language for ADUs is proposed to change to recommend the rental of ADUs and may warrant additional discussion. Among these issues was whether a minimum lot size for an ADU was necessary. For the Committee's reference, a series of maps were created in 2023 and 2024 showing the number of eligible lots by those meeting the minimum lot size and by up to twice the minimum lot size (*Attachment 2*). The previous ZORC memorandums addressing ADUs are included (*Attachment 3*) along with previous example ordinances referenced in the 2022 – 2024 meetings (*Attachments 4-8*).

Attachment:

1. Draft Ordinance - Accessory Dwelling Units
2. Potential ADU Maps
3. Previous Memorandums
4. City of Fredericksburg ADU Ordinance
5. City of Charlottesville ADU Guide
6. City of Leesburg ADU Ordinance
7. City of Alexandria ADU Ordinance
8. City of Los Angeles ADU Guide

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

Accessory dwelling unit, detached means a secondary, independent dwelling unit that is detached from a single-family detached dwelling unit.

Accessory dwelling unit, attached means a secondary, independent dwelling unit located within or attached to a single-family detached dwelling unit.

ARTICLE III. GENERAL REGULATIONS

DIVISION 1. DEVELOPMENT STANDARDS

Sec. 130-68 Accessory dwelling units.

(a) General regulations:

- (1) A maximum of one accessory dwelling unit is permitted per property containing a single family detached dwelling unit.
- (2) Rental of an accessory dwelling unit shall meet the requirements of the use boardinghouse.
- (3) No more than three individuals shall reside in the accessory dwelling unit.
- (4) The unit shall contain a separate kitchen and a bathroom.
- (5) Parking shall meet the requirements of Article VI.
- (6) Both the single-family detached dwelling and the accessory dwelling unit shall remain under common ownership.
- (7) Accessory dwelling units shall not count against the maximum density of the zoning district or against the limitations of Sec. 130-57(a)(2).
- (8) The unit's architecture and materials shall be consistent with the design of the single-family detached dwelling.
- (9) The minimum lot size for an accessory dwelling unit is 1.25 times the minimum lot size of the property's zoning district.

(b) Accessory dwelling unit, detached:

- (1) The unit shall have a gross floor area not to exceed 800 sq. ft.
- (2) Height and setbacks. See §130-57.
- (3) New units and existing conforming accessory structures that are converted into a unit shall meet the location requirements of §130-57.
- (4) Units shall be located a minimum of 10 feet from any other structure, on site or off-site.
- (5) Nonconforming accessory structures may be converted into a unit, subject to the requirements of Sec. §130-163.

Commented [CS1]: 2045 Comp Plan, if adopted, would encourage rental of these units and not limited by the boardinghouse regulations.

Commented [CS2]: Building code can be a better enforcement mechanism for this as occupancy limits are set.

Commented [CS3]: This provision could discourage ADU development. Also, this would not apply to these units in the B3.5 and PMD zones as they have no minimum lot size.

Commented [CS4]: Added setbacks as the draft ordinance was not clear

(c) Accessory dwelling unit, attached.

(1) The height and setbacks of the unit shall meet the requirements of principal structures in the zoning district.

(2) The gross floor area of the unit, excluding basements, shall not exceed 30% of the gross floor area of the single-family detached dwelling.

(3) A unit located in a basement may occupy the entire basement floor.

(4) The entrance to the unit shall be provided by a separate exterior door.

(5) Nonconforming attached accessory structures may be converted into a unit, subject to the additional requirements of Sec. §130-163.

Commented [CS5]: Added setbacks to clarify as the draft ordinance was not clear

ARTICLE V. NONCONFORMING USES, LOTS, AND STRUCTURES

Sec. 130-163. Nonconforming structures and improvements.

(a) All structures and improvements except single-family detached dwellings, the conversion of nonconforming accessory structures into accessory dwelling units or manufactured homes:

(1) A nonconforming structure under §130-163(a) or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.

(2) A nonconforming structure or nonconforming improvement may be repaired only if:

a. Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or

b. Such repair constitutes minor alterations, cosmetic modifications, interior renovations and similar changes that do not increase the land area occupied, unless approved as provided in §130-163(4).

(3) A nonconforming structure may be changed to make it a conforming structure.

(4) A nonconforming structure under §130-163(a) may be enlarged or altered to an extent not to exceed 20 percent of its original footprint by administrative approval if the proposed enlargement or alteration will be constructed in a manner that conforms to all current yard dimensions and setbacks as required for new construction within the specified zoning district.

(5) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(b) All single-family detached dwellings:

- (1) A nonconforming single-family detached structure may continue as it existed when it became nonconforming. A nonconforming structure shall not be reconstructed, altered, or expanded in any manner, except as provided in this section.
- (2) A nonconforming single-family detached structure may be changed to make it a conforming structure.
- (3) A nonconforming single-family detached structure may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a nonconforming single-family detached structure be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

(c) Conversion of nonconforming accessory structures into accessory dwelling units:

- (1) A nonconforming accessory structure may be converted into an accessory dwelling unit in accordance with Sec. 130-68. Such conversion shall not change the nonconforming status of the structure.
- (2) A converted accessory dwelling unit may be changed into a conforming structure.
- (3) A converted accessory dwelling unit may be enlarged or altered by administrative approval if the proposed enlargement or alteration conforms to all currently required yard dimensions and setbacks as specified in the district in which it is located.
- (4) Should a proposed expansion of a converted accessory dwelling unit not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the Zoning Administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
- (5) Should a converted accessory dwelling unit be removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

~~(e)~~(d) The owner of any nonconforming structure damaged or destroyed by a natural disaster or other Act of God may repair, rebuild, or replace such structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such structure is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. Any work done to repair,

rebuild, or replace such structure shall comply with the requirements of the building code and City floodplain requirements. Unless such structure is repaired, rebuilt, or replaced within two years of the date of the natural disaster or other Act of God, such structure shall only be repaired, rebuilt, or replaced in accordance with the requirements of this chapter. However, if a nonconforming structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt, or replaced as otherwise provided in this paragraph.

- ~~(d)~~(e) Any building or structure which is nonconforming under paragraph (2) of the definition of nonconforming structure shall be brought into compliance with the Uniform Statewide Building Code, and doing so shall not affect the nonconforming status of such building or structure.
- ~~(e)~~(f) Any nonconforming improvement shall be maintained in good condition, reasonable wear and tear excepted, or replaced with a conforming improvement.
- ~~(f)~~(g) Access to sanitary sewer systems being available throughout the City, the owner of real property with existing on-site sewage system may not replace such system if it is damaged by natural disaster or other Act of God, and shall connect to the City’s sanitary sewer system.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-204. Off Street Parking Requirements.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS				
LAND USES DU = Dwelling Unit SF = Building’s Gross Square Feet	REQUIRED OFF-STREET PARKING	SPECIAL DISTRICTS		EXCEPTIONS/ COMMENTS/ ADDITIONAL REQUIREMENTS
		DOWNTOWN* *For B-3 Zoning See §130-204(b)	GODWIN TECHNOLOGY, MATHIS, SUDLEY MEDICAL	
ACCESSORY USES				No maximum parking required
<u>Accessory Dwelling Unit</u>	<u>1 plus single-family detached unit requirement</u>	<u>1 plus single-family detached unit requirement</u>	<u>1 plus single-family detached unit requirement</u>	<u>Sec. 130-68</u>

Editor’s Note: No other changes to §130-204 Table 1.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 1. PERMITTED USES

Sec. 130-241. Use tables.

- (a) Tables 1 and 2 list all use types and all zoning districts where the use type is permitted (“P”) or permitted with approval of a special use permit (“S”) in accordance with the requirements of Article IX of this chapter.
- (b) All uses defined in Sec. 130-42 and/or listed in Tables 1 and 2 that are not specifically permitted (“P”) or permitted with approval of a special use permit (“S”) are prohibited.
- (c) Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a special use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.
- (d) The “Additional Requirements” column in Tables 1 and 2 is for reference only and is not intended as an all-inclusive listing of all local, state, or federal requirements and regulations applicable to a use type.

§ 130-241 TABLE 1											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
RESIDENTIAL	Age-Restricted Housing								P	P	Sec. 130-268 Sec. 130-269
	Cottage Court							P	P	P	Sec. 130-66
	Duplex					P		P	P	P	
	Dwelling, Multifamily							P	P	P	
	Dwelling, Single-Family Attached					P			P	P	
	Dwelling, Single-Family Detached	P	P	P	P				P	P	
	Live/Work Unit							P		P	
	Manufactured Home	P					P				Sec. 130-98

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Manufactured Home Park						P				Sec. 130-98
	Private Community Recreational Use	P	P	P	P	P	P	P	P	P	
	Group Home	P	P	P	P	P	P	P	P	P	
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	S	S	S	S	S		S	S	S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S		S	S	S	
	Broadcasting or Telecommunication Tower	S	S	S	S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)										
	Business or Trade School (50 or more persons)										
	Cemetery	S	S	S	S	S		S	S	S	
ASSEMBLY & INSTITUTIONAL	Child Care Center	S	S	S	S					S	
	Children's Residential Facility									S	
	Congregate/Continuing Care, Assisted Living Facility								P	S	

§ 130-241 TABLE 1

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Cultural Facility	P	S	S	S	S	S	S	S	S	
	Day Care Center, Adult								P	S	
	Educational Facility, College or University										
	Educational Facility, Primary or Secondary	S	S	S	S	S	S	S		S	
	Hospital										
	Medical Care Facility										
	Nursing Home								P		
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall										Ch. 14
	Public Facility	P	S	S	S	S	S	S	S	S	
	Public Utility	P	P	P	P	P	P	P	P	P	
	Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)										Sec. 130-103
	Shelter, Residential										
COMMERCIAL	Agriculture and Silviculture	P									
	Airport or Aviation Facility										
	Antique Shop										
	Bed and Breakfast	S	S	S	S					S	Sec. 130-91
	Brewery or Distillery										

§ 130-241 TABLE 1

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		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
COMMERCIAL (CONT)	Business Support Service										
	Car Wash										
	Catering Facility										
	Construction Material Sales										
	Consumer Repair or Contractor/Tradesperson Services										
	Craft Shop										
	Crematory										
	Financial Institution										
	Garden Center										
	Fueling Station (8 or fewer fuel pumps)										
	Fueling Station (9 or more fuel pumps)										
	Heliport										
	Hotel										
	Kennel										Sec. 130-97
	Liquor Store										Sec. 130-94
	Mini-Warehouse or Self-Storage										
Motor Vehicle Service										Sec. 130-100	
Motor Vehicle Sales and Rental										Sec. 130-99	

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		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Office, General										
	Office, Medical										
	Parking Structure, Multilevel										
	Personal Improvement Service										
	Professional Personal Service										
COMMERCIAL (CONT)	Restaurant										
	Retail Sales										
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)										Sec. 130-103
	Short-Term Loan Establishment										Sec. 130-94
	Specialty Food Shop										
	Tattoo Parlor and/or Body Piercing Salon										
	Veterinary Hospital										
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	<u>Accessory Dwelling Unit</u>		P	P	P				P	P	<u>Sec. 130-68</u>
	Amateur Radio Tower	P	P	P	P					P	Sec. 130-57
	Caretaker Quarters										
	Family Day Home	P	P	P	P	P	P	P	P	P	Sec. 130-93

§ 130-241 TABLE 1											
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		RESIDENTIAL DISTRICTS									
		A-1	R-1	R-2	R-2-S	R-3	R-4	R-5	R-6	R-7	
	Family Health Care Structure, Temporary	P	P	P	P					P	Sec. 130-104
	Home Business	S	S	S	S					S	Sec. 130-95
	Home Occupation	P	P	P	P	P	P	P	P	P	Sec. 130-96
	Temporary Use (Outdoor Events)	P									Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)										Sec. 130-104
	Yard Sale, Residential	P	P	P	P	P	P	P	P	P	Sec. 130-101

§ 130-241 TABLE 2											
"P"= Permitted By-Right "S"= Special Use Permit is Required											
CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
RESIDENTIAL	Age-Restricted Housing			P	P						Sec. 130-308
	Cottage Court		P	P	P						Sec. 130-66
	Duplex		P	P	P						
	Dwelling, Multifamily		P	P	P						Sec. 130-303
	Dwelling, Single-Family			P	P						

¹ All uses subject to floor area limit of 10,000 square feet

² Refer to § 130-301 for list of uses subject to 25% gross floor area limit

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Attached										
	Dwelling, Single-Family Detached		P	P	P						
	Live/Work Unit		P	P	P						
	Manufactured Home										Sec. 130-98
	Manufactured Home Park										Sec. 130-98
	Private Community Recreational Use		P	P	P						
	Group Home		P	P	P						
ASSEMBLY & INSTITUTIONAL	Assembly, Place of (less than 50 persons)	P	P	P	P	P	P	S		S	
	Assembly, Place of (50 or more persons)	S	S	S	S	S	S	S		S	
	Broadcasting or Telecommunication Tower	S			S	S	S	S	S	S	
	Broadcasting or Telecommunication Tower, Administrative Review	P	P	P	P	P	P	P	P	P	Sec. 130-92
	Business or Trade School (less than 50 persons)	P	P	P	P	P	P	P		P	
	Business or Trade School (50 or more persons)	S	S	S	S	P	P	S		S	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
ASSEMBLY & INSTITUTIONAL (CONT)	Cemetery	S	S	S	S	S	S	S			
	Child Care Center	P	S	S	P	S	P	S		S	
	Children's Residential Facility			S	S						
	Congregate/Continuing Care, Assisted Living Facility			S	S						
	Cultural Facility	P	P	P	P		P			S	
	Day Care Center, Adult	P	S	S	P	S	P	S			
	Educational Facility, College or University		S	S	S	S	S	S		S	
	Educational Facility, Primary or Secondary		S	S	S	S	S	S		S	
	Hospital				S	S	S				
	Medical Care Facility	S	S	S	S	S	S				
	Nursing Home			S	S						
	Parks and Open Space	P	P	P	P	P	P	P	P	P	
	Public Dancehall						S	S			Ch. 14
	Public Facility	P	P	P	P	P	P	P	P	P	
	Public Utility	P	P	P	P	P	P	P	P	P	
Sexually Oriented Business (Adult Cabaret/Adult Motion Picture Theater)							P			Sec. 130-103	
Shelter, Residential						S	S				

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
COMMERCIAL	Agriculture and Silviculture										
	Airport or Aviation Facility							P		P	
	Antique Shop	P	P	P	P		P				
	Bed and Breakfast		P	S	S						Sec. 130-91
COMMERCIAL (CONT)	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	P	P	P	P		P				
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	S	S	S	P		P	P	P		
	Business Support Service	P	P	P	P	P	P	P	P	P	
	Car Wash	S			S		S	S			
	Catering Facility	P	P	P	P		P	P		P	
	Construction Material Sales						P	P			Sec. 130-61
	Consumer Repair or Contractor/Tradesperson Services	P	S	S	S		P	P	P		
	Craft Shop	P	P	P	P		P	P			Sec. 130-61
	Crematory	S	S	S	S	S	S	S	S		
	Financial Institution	P	P	P	P	P	P	P			
Garden Center						P	P			Sec. 130-61	

§ 130-241 TABLE 2

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CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Fueling Station (8 or fewer fuel pumps)	S			S		S	S	S	S	
	Fueling Station (9 or more fuel pumps)				S		S	S	S	S	
	Heliport				S		S	S		P	
	Hotel		P	P	P		P			S	
	Kennel				S		S	S			Sec. 130-97
	Liquor Store						P				Sec. 130-94
	Mini-Warehouse or Self-Storage							P	P		
	Motor Vehicle Parts/Supply Establishment						P	P	P		
	Motor Vehicle Service						S	S	P		Sec. 130-100
	Motor Vehicle Sales and Rental						S	S	P	S	Sec. 130-99
COMMERCIAL (CONT)	Office, General	P	P	P	P	P	P	P		P	
	Office, Medical	P	P	P	P	P	P				
	Parking Structure, Multilevel		P	P	P	P	P	P	P	P	
	Personal Improvement Service	P	P	P	P	P	P	P	P	P	
	Professional Personal Service	P	P	P	P	P	P			P	
	Restaurant	P	P	P	P		P			P	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS								ADDITIONAL REQUIREMENTS	
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2		I-A
	Retail Sales	P	P	P	P	P	P			P	
	Sexually Oriented Business (Adult Bookstore or Video Store/Seminude Model Studio/Sexual Device Shop)							P	P		Sec. 130-103
	Short-Term Loan Establishment						P				Sec. 130-94
	Specialty Food Shop	P	P	P	P	P	P	P		P	
	Tattoo Parlor and/or Body Piercing Salon						P				
	Veterinary Hospital	P	P	P	P		P	S			
	Heavy Equipment Sales and Rental							S	P		Sec. 130-99
	Laboratory					P		P	P	P	
	Laundry, Commercial							P	P		
	Manufacturing, Heavy								S		
	Manufacturing, Light							P	P	P	
	Motor Vehicle Repair							S	P		Sec. 130-100
	Research and Development					P		P	P	P	
	Storage Yard/Facility/Chemical Storage/Tank Farm (Hazardous Materials)							S	S	S	

§ 130-241 TABLE 2

"P"= Permitted By-Right "S"= Special Use Permit is Required

CATEGORY	USE TYPE	ZONING DISTRICTS									ADDITIONAL REQUIREMENTS
		NON-RESIDENTIAL & MIXED USE DISTRICTS									
		B-2 ¹	B-3	B-3.5	PMD	B-1 ²	B-4	I-1	I-2	I-A	
INDUSTRIAL (CONT)	Storage Yard/Facility/Chemical Storage/Tank Farm (Non-Hazardous Materials)								P		
	Truck Terminal								P		
	Warehousing and Distribution							P	P	P	
	Wholesale Trade							P	P	P	
ACCESSORY	Accessory Uses	P	P	P	P	P	P	P	P	P	Sec. 130-57
	<u>Accessory Dwelling Unit</u>		<u>P</u>	<u>P</u>	<u>P</u>						<u>Sec. 130-68</u>
	Amateur Radio Tower		P	P	P						Sec. 130-57
	Caretaker Quarters						P	P	P		
	Family Day Home		P	P	P						Sec. 130-93
	Family Health Care Structure, Temporary		P	P	P						Sec. 130-104
	Home Business		S	S	S						Sec. 130-95
	Home Occupation		P	P	P						Sec. 130-96
	Temporary Use (Outdoor Events)	P	P	P	P	P	P	P	P	P	Sec. 130-104 Ch. 14
	Temporary Use (Outdoor Sales)	P	P	P	P	P	P	P	P	P	Sec. 130-104
Yard Sale, Residential		P	P	P						Sec. 130-101	

Potential Accessory Dwelling Unit Locations R1, R2, R2S Properties - Meets Min Lot Size Regulation

Legend

Meets Min Lot Size Reg

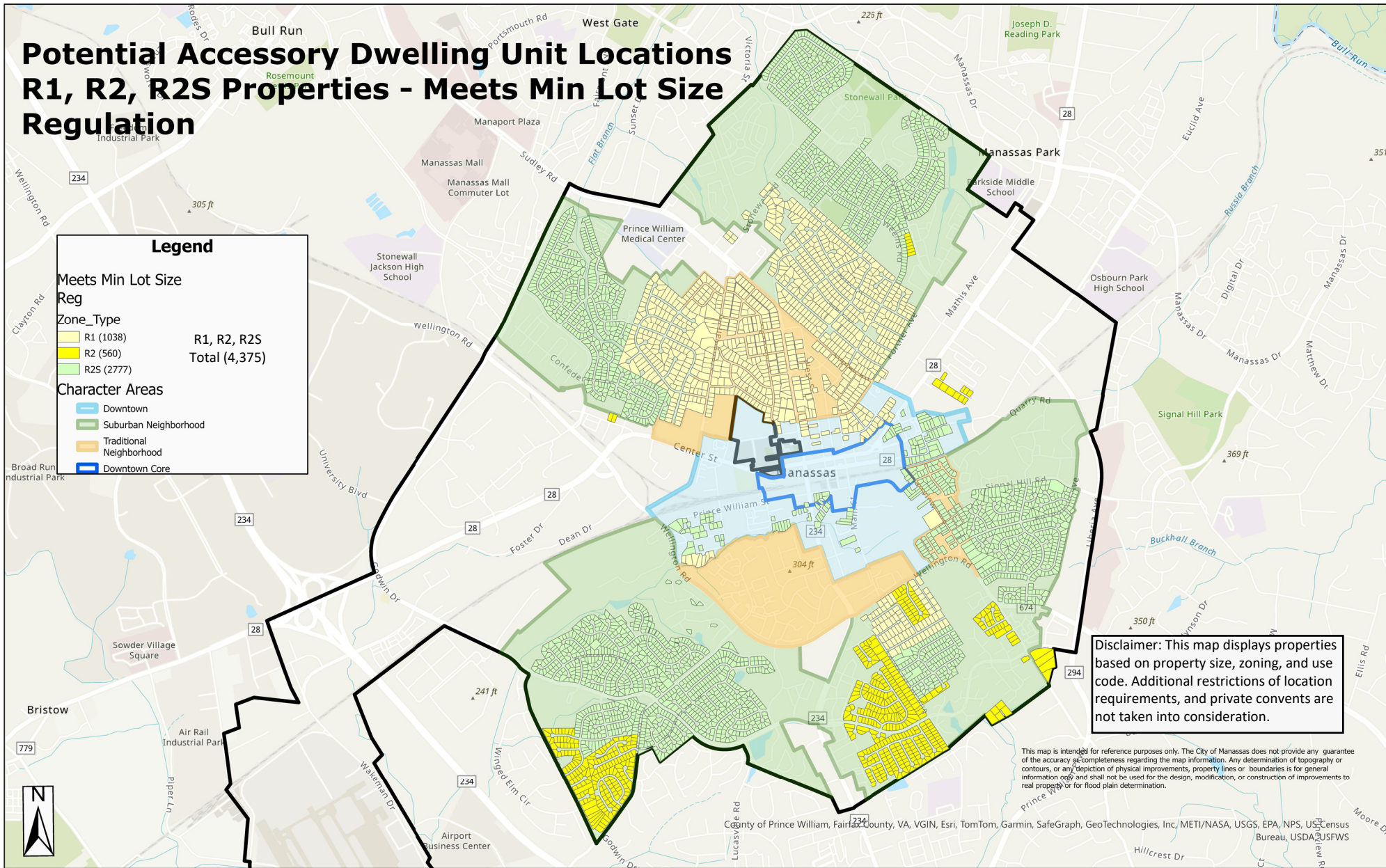
Zone_Type

- R1 (1038)
- R2 (560)
- R2S (2777)

R1, R2, R2S
Total (4,375)

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

This map is intended for reference purposes only. The City of Manassas does not provide any guarantee of the accuracy or completeness regarding the map information. Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

County of Prince William, Fairfax County, VA, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Potential Accessory Dwelling Unit Locations 1.25x Min Lot Size - R1, R2, R2S Properties

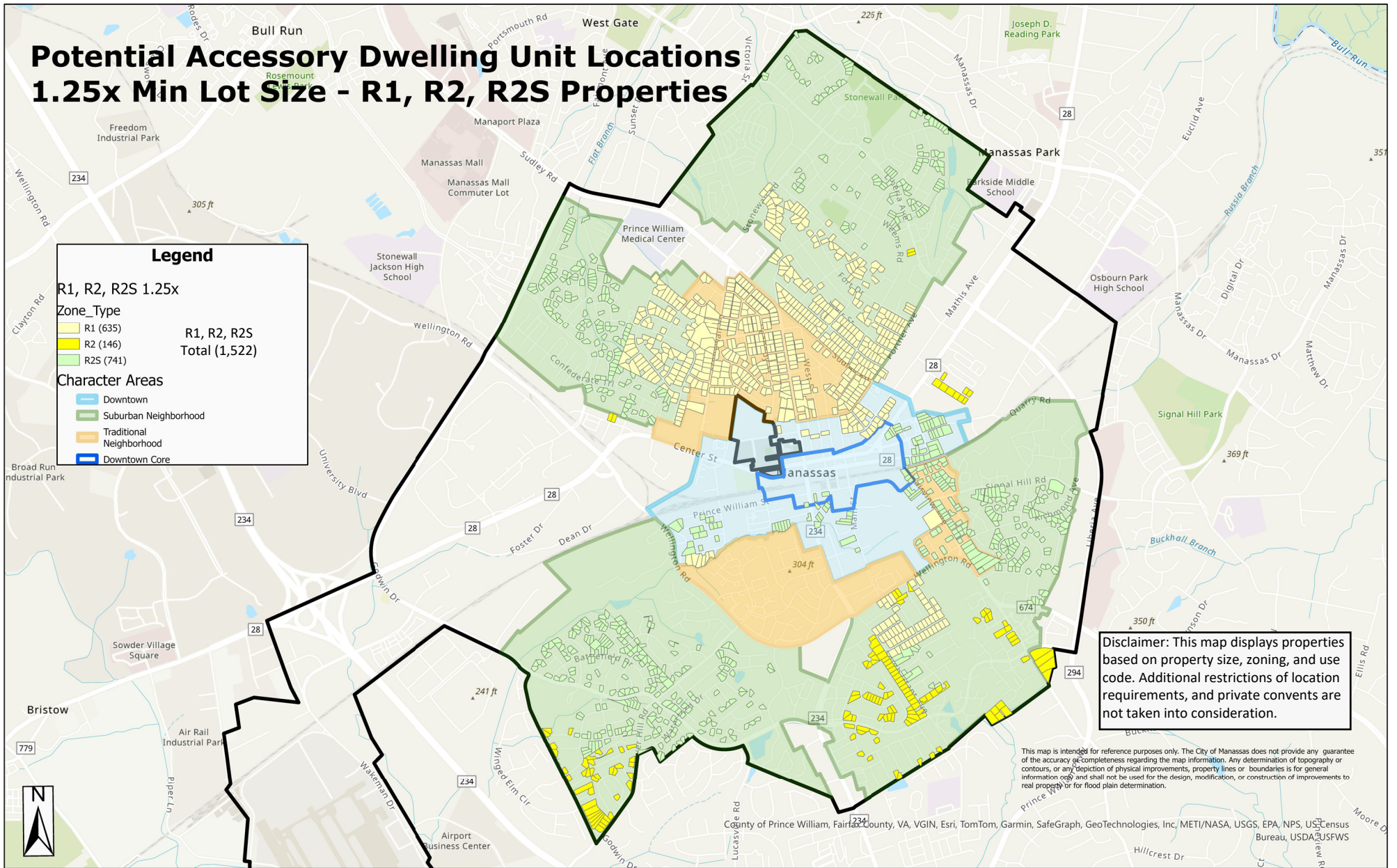
Legend

R1, R2, R2S 1.25x

Zone_Type	R1, R2, R2S Total (1,522)
R1 (635)	
R2 (146)	
R2S (741)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



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Potential Accessory Dwelling Unit Locations 1.5x Min Lot Size - R1, R2, R2S Properties

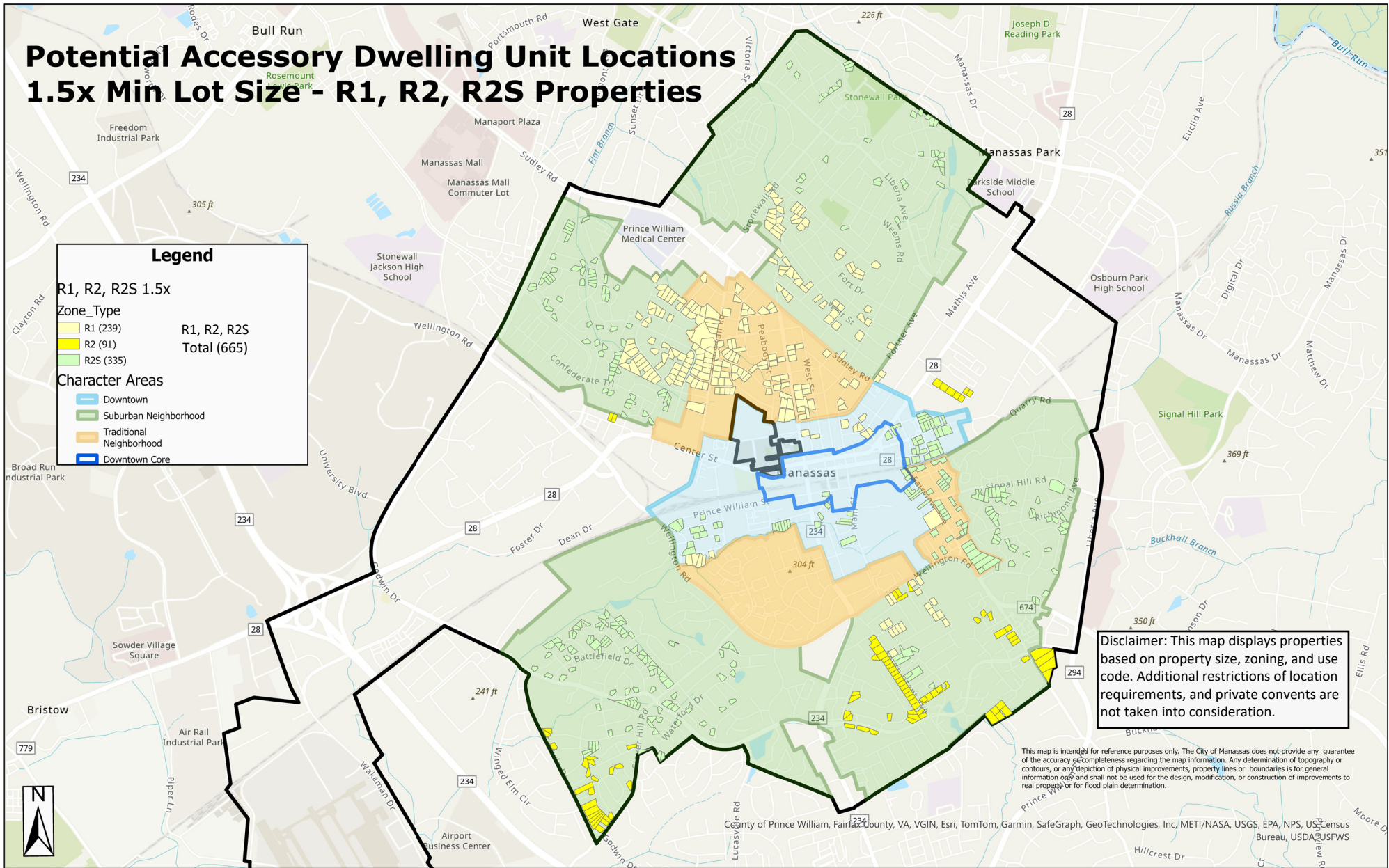
Legend

R1, R2, R2S 1.5x

Zone_Type	R1, R2, R2S Total (665)
R1 (239)	
R2 (91)	
R2S (335)	

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

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Potential Accessory Dwelling Unit Locations 1.75x Min Lot Size - R1, R2, R2S Properties

Legend

R1, R2, R2S 1.75x

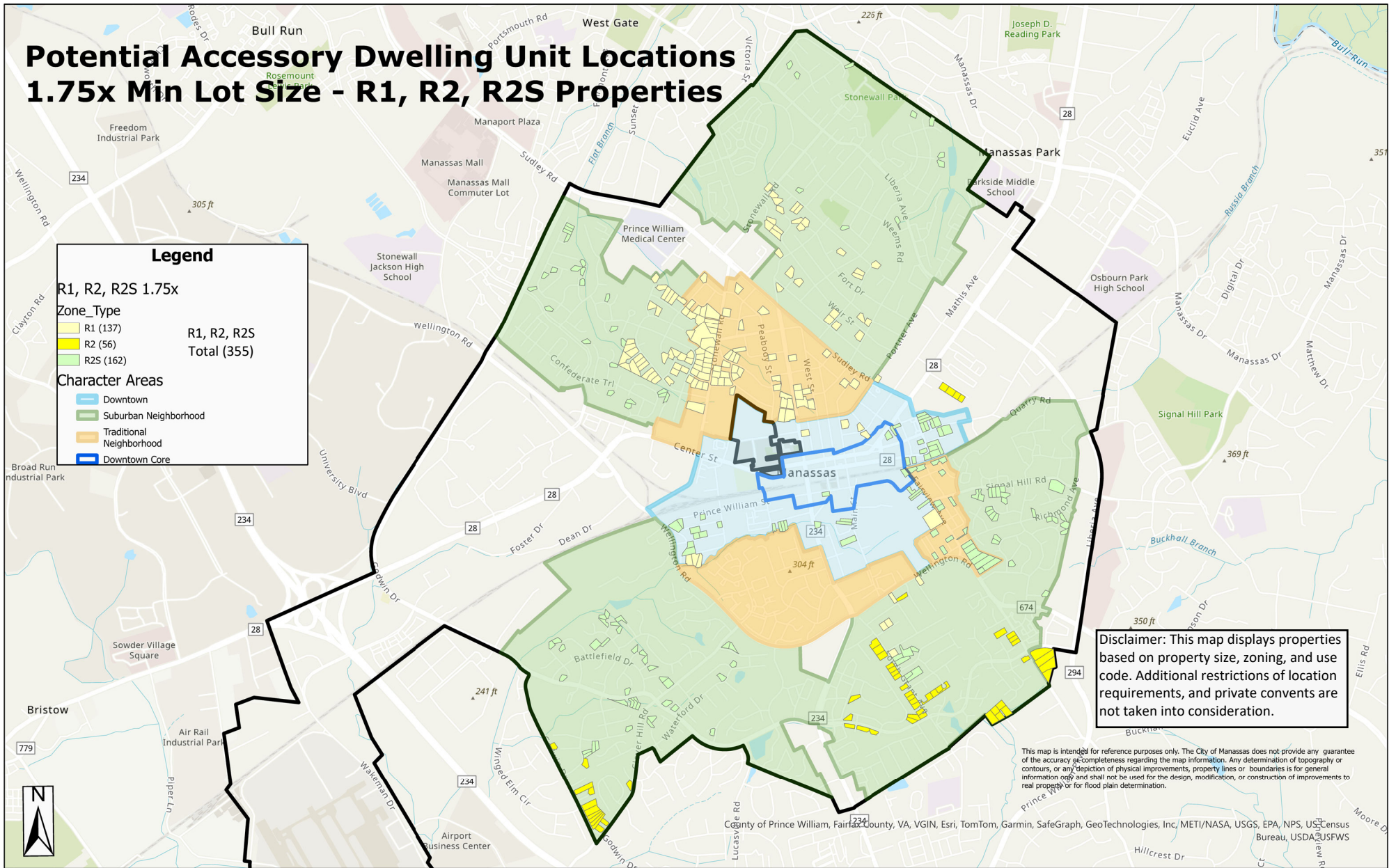
Zone_Type

- R1 (137)
- R2 (56)
- R2S (162)

R1, R2, R2S
Total (355)

Character Areas

- Downtown
- Suburban Neighborhood
- Traditional Neighborhood
- Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

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County of Prince William, Fairfax County, VA, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Potential Accessory Dwelling Unit Locations 2x Min Lot Size - R1, R2, R2S Properties

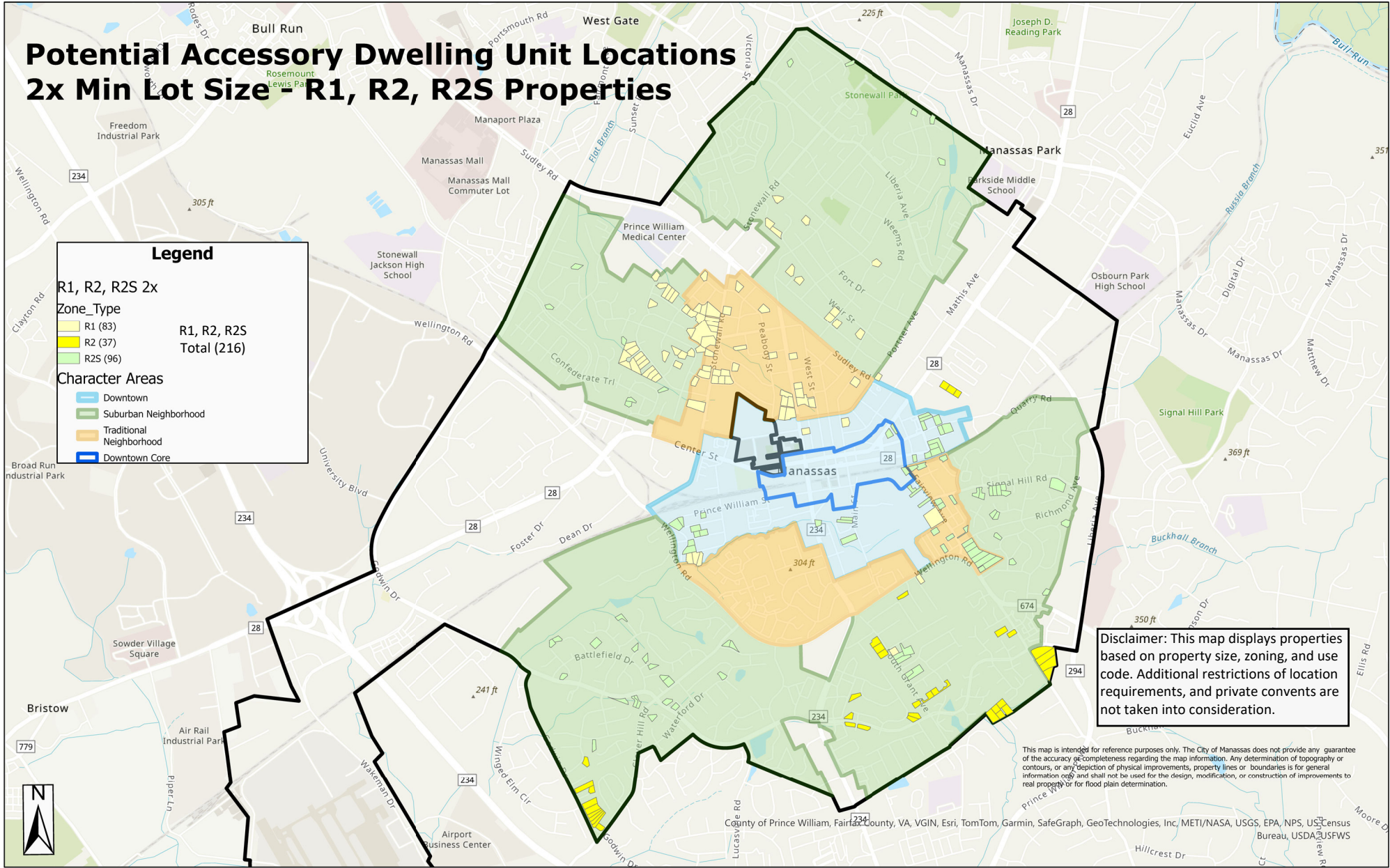
Legend

R1, R2, R2S 2x
Zone_Type

 R1 (83)	R1, R2, R2S Total (216)
 R2 (37)	
 R2S (96)	

Character Areas

 Downtown
 Suburban Neighborhood
 Traditional Neighborhood
 Downtown Core



Disclaimer: This map displays properties based on property size, zoning, and use code. Additional restrictions of location requirements, and private covenants are not taken into consideration.

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County of Prince William, Fairfax County, VA, VGIN, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: October 2, 2023
RE: ZTA #2022-0001 – Accessory Dwelling Units – Summary Memorandum

Background

Objective 4.5 of the Comprehensive Plan’s Housing Chapter recommends the City “Foster a healthy balance of high quality and attractive housing types, including starter, work force, move-up, executive, and senior housing, to serve an increasingly diverse population”. To implement this objective, Objective 4.5.4 recommends the City explore an accessory dwelling unit ordinance to provide an additional missing middle housing type and to provide new housing opportunities for “young or elderly family members who need assistance with housing affordability. Consideration should be given to address minimum lot sizes, parking, and traffic impacts to ensure neighborhood compatibility”. In accordance with the Plan’s recommendations and with the ongoing City Council resolution asking the Planning Commission to address housing affordability, an accessory dwelling unit ordinance has been drafted for the Committee’s consideration.

Accessory dwelling units (ADU) are secondary, independent dwelling units located on the same property as a single family detached home. ADU’s can enable elderly homeowners to age in place while another family member lives onsite. The units can also allow younger family members to remain at home while going to school or preparing to enter the workforce. ADU’s can also provide a source of rental income to a homeowner, enabling them to supplement their income.

ADU ordinances in Virginia vary in scope and scale, but are intended to enable additional housing units in established single family detached neighborhoods. For the Committee’s reference, ADU ordinances for Charlottesville, Fredericksburg, Leesburg and Alexandria are attached. To provide another perspective, the ADU guide for Los Angeles is attached, as the state of California has mandated approval of ADU’s in most residential zones.

Proposed Ordinance

The proposed ordinance is designed to implement the recommendations of Objective 4.5.4 by creating the ADU use and providing clear standards that both foster the creation of ADU's and addresses neighborhood compatibility. The proposed ordinance creates and defines two ADU classifications: accessory dwelling unit, detached and accessory dwelling unit, attached. Detached ADU's are intended to be located outside of the single family detached home while attached ADU's are located entirely inside or attached to the existing home. The proposal limits ADU's to the R-1, R-2, R-2S, B-3, B-3.5, and PMD zoning districts.

The ordinance provides minimum standards for all ADU's. Under this proposal, one ADU would be allowed per property and the ADU would not count toward the maximum density of the zone or against the accessory structure limits of the zoning ordinance. Occupancy would be limited to no more than two individuals and renting the unit would be limited to no more than 30 consecutive days or 104 days in a calendar year. ADU's would be required to be independent by having a separate kitchen, bathroom, and a bedroom. One parking space per unit would be required in addition to the parking for the single family detached home.

Detached ADU's have additional standards. The proposed ordinance would allow detached ADU's on appropriately zoned properties provided the property is 1.5 times the zone's minimum lot area. A map showing the eligible residential districts and the B-3 district is attached. Please note that B-3.5 and PMD minimum lot areas are set by the City Council at the time of rezoning.

Further, detached units would have a maximum gross floor area of 600 sq. ft. and the unit's exterior would have to be consistent with the single family detached home. Unit height is limited to what is allowed for accessory structures in the unit's respective zone. The unit is only authorized in the rear yard, with setbacks limited to what is allowed by the respective zoning district. A 10 foot setback between the ADU and other structures on the property is also proposed.

Interior ADU standards are designed to be fully integrated into the existing single family detached home and maintain the look and functionality of the home. The unit's square footage would not be able to exceed 30% of the single family detached home's gross floor area. A separate entrance is required for the unit and the ADU must meet the setback requirements for principal structures in the respective zoning district. The ADU must not change the exterior look of the single family detached home.

Attachments:

1. Draft Accessory Dwelling Unit Ordinance – Redline
2. Draft Accessory Dwelling Unit Ordinance – Clean
3. City of Fredericksburg ADU Ordinance
4. City of Charlottesville ADU Guide
5. City of Leesburg ADU Ordinance
6. City of Alexandria ADU Ordinance
7. City of Los Angeles ADU Guide
8. Potential ADU Map



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: November 15, 2023
RE: ZTA #2022-0001 – Accessory Dwelling Units – Summary Memorandum

Background

The Committee met on October 2, 2023 to discuss the proposed accessory dwelling unit (ADU) ordinance and provide staff guidance toward refining the ordinance. The revised draft contains many of the proposed revisions requested by the Committee. However, there are concerns some of these changes may conflict with the City Council’s priorities set out in their November 2021 Housing Ordinance initiation. The initiation requires the Commission to craft a recommendation that “shall be consistent with the Comprehensive Plan’s Character Area recommendations for appropriate land use, focus priorities, and design principles”.

Ordinance Revisions

The proposed 30-day rental period for ADUs conflicts with the rental period in the term boarding house. In addition to the 30-day period, a boarding house also limits rental to 104 days in a calendar year. Housing strategy 4.5.4 recommends an ADU ordinance for “young or elderly family members who need assistance with housing affordability”. The Comprehensive Plan does not recommend ADU housing for rental purposes.

The proposed ordinance does not contain a minimum ADU size, which defaults size regulation to the building code. The Committee had requested clarification concerning the building code’s minimum size for an ADU. The residential building code does not have a set minimum for an ADU, but sets minimum square footages for habitable rooms. The minimum size for a habitable room is 70 square feet while the minimum habitable room dimension is 7 feet. Ceiling height shall be a minimum of 6 feet 8 inches for bathrooms and laundry rooms and 7 feet for all other habitable space.

Removing the minimum lot size for ADUs will likely raise concerns about the proliferation of these units. It also may conflict with the Council’s initiation requirements concerning focus priorities, such as

preservation of residential scale architecture and neighborhood character in the Suburban Neighborhood character area. The minimum lot sizes were intended to enable ADU development while providing a check against unlimited development. Instead of removing these limits, adjusting them may provide a balance between neighborhood character and adequate development.

Conversion of front yard accessory structures conflicts with the City Council’s initiation, as most accessory structures are not in the front yard. The current zoning ordinance prohibits front yard accessory structures. However, many structures located directly adjacent to single family detached homes, such as detached garages, are located in the side yard. This fits within the Comprehensive Plan’s intent and would be allowed by the proposed draft ordinance.

Basement conversions into ADUs provide significant challenges to building code compliance. The current building code allows for multiple basement scenarios where an ADU could be multi-story, particularly when the basement is located on a sloped lot. The building code references a “story that is not a story above grade plane”. If the grade plane has a significant slope, a multistory basement can result. Discussion of basement ADUs should take this into account.

The illustration below provides clarification:

24 (see Section 1603.1.7). Buildings that are specifically designed to be dry floodproofed in accordance with ASCE 24 may have their lowest floors (including basements) below the design flood elevation. In terms of National Flood Insurance Program (NFIP) flood insurance, buildings with basements (below grade on all sides) are subject to higher premium rates.

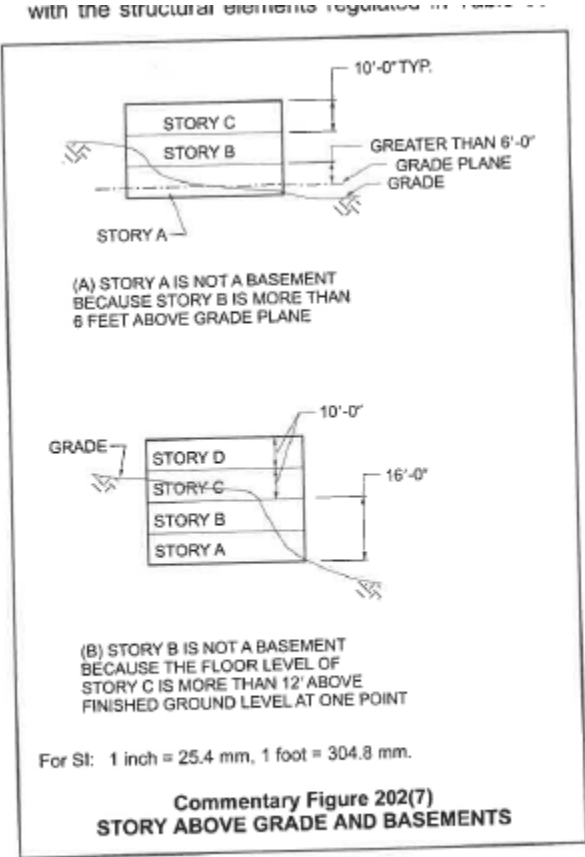
[BG] BASEMENT. A story that is not a story above grade plane (see “Story above grade plane”). This definition of “Basement” does not apply to the provisions of Section 1612 for flood loads.

- ❖ A basement is defined as a story that has its floor surface below the adjoining ground level and that does not qualify as a story above grade plane (see the commentary to the definition of “Story above grade plane”). Commentary Figure 202(7) illustrates the application of the definition of “Story above grade plane.” Since a basement is not a story above grade, it does not contribute to the height of the building for the purpose of applying the allowable building height in stories from Table 504.4. This definition of “Basement” applies to all sections of the code except for flood loads.

Basements in buildings that are located in flood hazard areas and subject to flood loads are defined differently than this general definition [see the definition of “Basement (for flood loads)”].

[BS] BEARING WALL STRUCTURE. A building or other structure in which vertical loads from floors and roofs are primarily supported by walls.

- ❖ This definition describes the structure types that are covered under Section 1616.3.



The proposed increase from two to three individuals in an ADU may raise parking concerns. The additional single space for the unit is intended to provide parking for up to two ADU residents. If occupancy is to be increased to three individuals, additional parking spaces is likely to be required. Additional parking spaces, especially on smaller lots, can provide a challenge to siting ADUs as well as create design issues inconsistent with the neighborhood character recommendations of the Comprehensive Plan.

Public Outreach

In responses to a request from ZORC members information on the public outreach campaign conducted in September and October of 2022 gathered public opinion on several housing types, including ADUs is attached. The survey found that 70% of respondents supported ADUs while 30% were against their development. Of those in support of ADUs, support was nearly evenly split between attached and detached ADUs. Additional public outreach, while beneficial, may not result in a significant change from the survey's findings.

Attachments:

1. Draft Accessory Dwelling Unit Ordinance – Redline
2. Draft Accessory Dwelling Unit Ordinance – Clean
3. City Council Resolution
4. Building Code – Basement Regulations
5. Potential ADU Map
6. September – October 2022 Housing Survey



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: February 7, 2024
RE: ZTA #2022-0001 – Accessory Dwelling Units – Summary Memorandum

The Committee met in November 2023 to discuss the proposed accessory dwelling unit (ADU) ordinance. Revisions were requested including addressing the rental period for an ADU, eliminating ADU's from the front setback, and removing the bedroom requirement.

The language limiting rentals is proposed to be eliminated, as the 30-consecutive day/104 days in a calendar year apply to Boardinghouses and not ADU's. The use Boardinghouse applies to guests in a dwelling unit and not tenants of a dwelling unit. Since ADU's are dwelling units separate from the primary dwelling unit, the Boardinghouse regulations would only apply to the guests of the ADU. Removing the 30/104 day limit enables ADU's to be rented and the ADU's tenants are not subject to the Boardinghouse regulations. For the Committee's reference, Boarding house is defined as:

- (1) A dwelling unit arranged or used for lodging for compensation, other than a hotel or bed and breakfast as defined by this chapter, with or without meals;*
- (2) Any dwelling unit which has any one residential guest for a period of more than 30 consecutive days; or*
- (3) Any dwelling unit which has one or more residential guests for a period of more than 104 calendar days in a single calendar year.*

The November meeting included a discussion of location standards and whether standards were necessary to regulate ADU location and amounts. The discussion focused on limiting ADU's by the number of permits issued annually and by location. The City is not able to legally limit the number of ADU permits in a calendar year, but is able to use location limits to regulate ADU distribution. The potential ADU map is attached for discussion purposes.

Attachments:

1. Draft Accessory Dwelling Unit Ordinance – Redline
2. Draft Accessory Dwelling Unit Ordinance – Clean
3. Potential ADU Map



MEMORANDUM

CITY OF MANASSAS

Department of Community Development

Phone: 703-257-8223 Fax: 703-257-5117

TO: Zoning Ordinance Review Committee
FROM: Christian Samples, AICP, Planning Manager
DATE: March 6, 2024
RE: ZTA #2022-0001 – Accessory Dwelling Units – Summary Memorandum

Background

At the February 7, 2024 meeting, the Committee requested additional information concerning regulating the number of ADU's by property lot size and clarification concerning the conversion of existing accessory structures into ADUs. In addition, the General Assembly is working on bills to address ADUs that will impact the proposed ordinance draft. These items are addressed below.

Minimum Lot Size

Comprehensive Plan Strategy HOU 4.5.4 recommends, when developing an ADU ordinance, the consideration of the minimum lot size to ensure neighborhood compatibility. This strategy is intended to allow enough property to develop an ADU and for ADU development to not affect the character of a neighborhood. Striking a balance between maintaining neighborhood compatibility and providing reasonable development opportunities for ADUs is important.

A series of maps have been created showing the number of eligible lots by those meeting the minimum lot size and by up to twice the minimum lot size. Based on these parameters, the following number of properties would be eligible for an ADU:

- Total R1, R2, and R2S zoned properties: 5,165
- Meets minimum lot size: 4,375 (84.7% of total properties)
- 1.25 times minimum lot size: 1,522 (29.4% of total properties)
- 1.5 times minimum lot size: 665 (12.8% of total properties)
- 1.75 times minimum lot size: 355 (6.8% of total properties)
- 2 times the minimum lot size: 216 (4.1% of total properties)

An excessive minimum lot size requirement, when combined with other factors such as the cost to develop an ADU and siting requirements, will likely result in very little to no ADU development. Having little to no minimum lot size requirement encourages ADU development, but could conflict with the Comprehensive Plan's recommendation. The 1.25 times minimum lot size requirement or nearly 30% of applicable properties strikes a balance between these issues and enables realistic ADU development.

Conversion of Existing Accessory Structures

Converting existing accessory structures, particularly older structures located within setbacks, can conflict with the City's nonconforming structure ordinance. Sec. 130-163 (Nonconforming structures and improvements) does not allow nonconforming structures, except for single-family detached dwellings and manufactured homes, to be reconstructed, altered, or expanded and only in a limited fashion. This section is proposed to be amended to exempt the conversion of nonconforming accessory structures from this restriction and instead have similar restrictions to nonconforming single-family detached dwellings. This change enables the conversion of nonconforming accessory structures.

In addition, the proposed ordinance is amended to separate new ADUs and the conversion of conforming accessory structures from the conversion of nonconforming accessory structures. This enables new ADUs and conforming accessory structure conversions to follow the setback requirements of Sec. 130-57 and for nonconforming accessory structure conversions to reference the nonconforming structure provisions Sec. 130-163.

General Assembly ADU Bills

The General Assembly is considering two bills (House Bill 900 (HB900) and Senate Bill 304 (SB304)) that would require jurisdictions to allow ADU's to be allowed in all residential zones. Both bills would prohibit a jurisdiction from requiring an affinity between the residents of the main home and the ADU. Setbacks under both bills cannot be greater than the main home's setbacks. While both bills are similar, there are some differences. HB900 would prohibit a jurisdiction from requiring parking for an ADU while SB304 does not contain this limit. HB900 caps zoning permit fees at \$100 per ADU while SB304 sets this limit at \$250.

HB900 was tabled by the house until the 2025 session. SB304 has passed the Senate and is to be debated by the house. Staff will continue to monitor the status of this bill and may recommend additional changes to the draft ADU ordinance should this or any other ADU legislation be enacted this legislative session. The Planning Commission may also wish to review and update Comprehensive Plan Strategy HOU 4.5.4 as part of the 2025 Comprehensive Plan update, prior to completing work on this draft ordinance.

Attachments:

1. Draft Accessory Dwelling Unit Ordinance – Redline
2. Draft Accessory Dwelling Unit Ordinance – Clean
3. Potential ADU Maps
4. HB900 Text
5. SB304 Text



August 8, 2023
Regular Meeting
Ordinance No. 23-15

MOTION:

SECOND:

RE: Amending the Unified Development Ordinance §72-84, Definitions, and Article 72-4, Use Standards, to Establish Regulations Governing the Use of Accessory Dwelling Units

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: July 11, 2023

SECOND READ: _____

Sec. I. Introduction.

The purpose of this ordinance is to establish a regulatory framework to govern the use of Accessory Dwelling Units (ADUs) within the City. Specifically, this amendment to the UDO will create new standards to permit ADUs in certain zoning districts, located within principal single-family dwellings. This amendment will offer flexibility to homeowners and promote home ownership, aging in place, and more inclusive housing options in the City, while providing appropriate regulatory safeguards to mitigate impacts to existing neighborhoods.

The City Council finds that requiring owner occupancy of the property will further the stated goals of this program, namely encouraging home ownership and aging in place as part of a strategy to promote the creation and preservation of affordable housing suitable to meet the current and future needs of the City. Therefore, Council finds that the owner occupancy requirement is a legitimate purpose of zoning consistent with Virginia Code §15.2-2283(x).

The City Council adopted a resolution to initiate this text amendment at its meeting on January 10, 2023. The Planning Commission held its public hearing on the amendment on February 8, February 11, February 22, March 8, March 15, March 22, April 12, April 19, and May 10, 2023, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on June 27, 2023 and August 8, 2023.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

Sec. II. City Code Amendment.

1. Section 72-84 of the Fredericksburg City Code, "Definitions," is hereby amended to add the underlined language as follows:

ACCESSORY DWELLING UNIT

A secondary independent dwelling unit established in conjunction with and clearly subordinate to a principal single-family detached dwelling unit, whether part of the same structure as the principal single-family detached dwelling unit, or as a detached structure on the same lot.

DWELLING

A building or portion thereof, ~~but not a mobile home,~~ designed ~~or~~ and used or intended for residential occupancy, which contains permanent provisions for living, sleeping, eating, cooking, and sanitation. The term shall not be construed to mean a mobile home, motel, rooming house, hospital, or other accommodation used for transient occupancy.

2. Section 72-42.5, "Table of Common Accessory Uses," is hereby amended to add the underlined language as follows:

TABLE 72-42.5: TABLE OF COMMON ACCESSORY USES																	
P = Allowed by right S = Special use permit required blank cell = prohibited																	
ACCESSORY USE	ZONING DISTRICT																
	R-2	R-4	R-8	R-12	R-16	R-30	C-T	C-M	C-D	C-SC	C-H	I-1	I-2	PD-R	PD-C	PD-MU	PD-MC
<u>Accessory Dwelling Unit</u>	P	P	P	.	.	.	P	P	P	P	.	P	P

- - - - -

3. Section 72-42.6, Specific Standards for Certain Accessory Uses, of the City Code is hereby amended to add a new subsection (L), Accessory Dwelling Units, as follows:

L. Accessory Dwelling Units.

- (1) An accessory dwelling unit is only permitted in association with a principal single-family detached dwelling unit.**
- (2) The accessory dwelling unit must be located within the principal structure.**
- (3) Only one accessory dwelling unit is permitted per lot.**
- (4) An accessory dwelling unit shall not be counted for the purpose of determining compliance with zoning requirements regarding maximum allowable density or numbers of residential units.**
- (5) Together, the occupancy of the principal single-family dwelling and the accessory dwelling unit shall not exceed the definition of a family, except that the occupants of the accessory dwelling and the occupants of the principal dwelling may function as separate housekeeping units.**
- (6) An accessory dwelling shall not exceed the greater of 600 square feet or 40% of the total gross floor area of the principal dwelling, including any additions.**
- (7) An exterior entrance to an accessory dwelling unit shall be permitted only on the side or rear of the principal dwelling.**
- (8) The owner of the property on which an accessory dwelling unit is located shall maintain the property as the owner's primary residence. The "owner" of the property, for purposes of this requirement, shall include the beneficiary in case of a trust, a member of a limited liability company, a stockholder of a closely-held corporation, or other natural person with a similar relationship to the non-natural entity holder of legal title.**
- (9) The accessory dwelling shall not be used as a short-term residential rental, as defined by § 72-41.3.F, Bed and Breakfast Inn or § 72-42.6.E, Homestay.**
- (10) Accessory Dwelling Unit Zoning Permit applications require written, website, and posted notice in accordance with § 72-21.9, Notice of certain administrative actions.**
- (11) The City's Addressing Policy shall apply to accessory dwelling units that are located in a principal dwelling that have direct access to the exterior.**
- (12) The applicant shall provide one off-street parking space for an accessory dwelling unit when, at the time of application for the zoning permit for the accessory use, the Zoning Administrator determines that more than 75% of the on-street parking on the block on which the dwelling is located is occupied after 6:00 p.m. The parking**

space shall be in addition to any existing off-street parking provided on the lot, up to a total of three spaces. Provision of this off-street parking space may not be accomplished through the creation of a new curb cut access unless it is from an alley.

Sec. III. Effective date.

This ordinance shall be effective on October 1, 2023.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 23-15 duly adopted at a meeting of the City Council meeting held August 8, 2023 at which a quorum was present and voted.

***Tonya B. Lacey, MMC
Clerk of Council***

ACCESSORY DWELLING UNITS

A GUIDE TO ACCESSORY APARTMENTS
IN CHARLOTTESVILLE, VA



NOVEMBER 2015

City of Charlottesville, Virginia

"A Great Place to Live for All of Our Citizens"

Department of Neighborhood Development Services



The City of Charlottesville is pleased to provide this guide to accessory apartments. Under our current zoning ordinance, we allow for both external and internal apartments in most zoning districts by provisional use permit; however, there are limited exceptions within our university areas and mobile home parks.

While these units serve to increase the City's overall housing inventory, they also add value to our housing stock and address a variety of housing needs for homeowners. Accessory apartments can be used to facilitate optional independent living arrangements as well as provide extra usable space for aging in place or family members. While the use will likely change over time based on homeowner need, the potential for income generation is a huge benefit of incorporating an accessory apartment into your home and can often be the difference in making your own mortgage affordable.

Also known as accessory dwelling units, ADUs, granny flats, in-law units, basement apartments, multi-generational homes, secondary dwelling units, etc... accessory apartments can add both utility and value to your home. We hope that this guide provides you with the information you need to make a decision about whether this is a good fit for your situation or not.

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INTRODUCTION 1

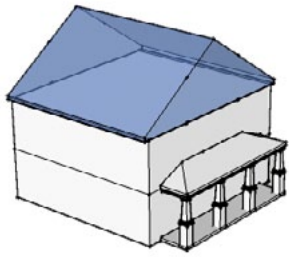
DEFINITION

WHO CAN HAVE ONE?

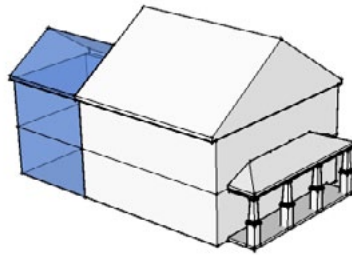
PLANNING CONSIDERATIONS

ADVANTAGES

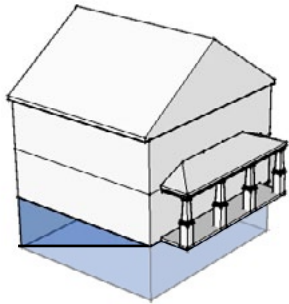
DEFINITION



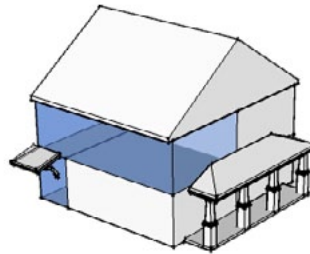
Interior ADU
Unit in finished attic



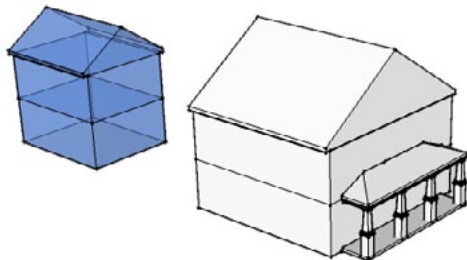
Interior ADU
Unit in addition



Interior ADU
Unit in finished basement



Interior ADU
Unit within primary residence



Exterior ADU
Unit is unattached to main residence

WHAT IS AN ACCESSORY APARTMENT?

The City's zoning ordinance defines an accessory apartment as "an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside." They are commonly referred to as accessory dwelling units (ADU's), "granny flats" or in-law suites, and can either be internal to the unit or a separate structure in the rear yard.

The City has two (2) classifications for accessory apartments:

Interior Accessory Apartment

When an accessory apartment is contained within the structure of a single family dwelling, the city considers the unit to be an "interior accessory apartment." It will share a common wall, ceiling or floor with the main house. Examples include basement apartments, attic units and apartments within an addition attached to the primary residence.

Exterior Accessory Apartment

All other apartments that do not share a common wall, ceiling or floor with the main house and are considered to be an exterior accessory apartment. Examples of this type of apartment include a smaller structure in the rear yard or a unit above a detached garage.

The City has specific requirements for each type of accessory apartment.

WHO CAN HAVE ONE?

Most residential property owners will find that they have the opportunity to have an accessory apartment provided:

1. The property owner will live on-site in either the primary house or the accessory apartment; **and**
2. An accessory apartment is permitted in your property's zoning district.

What is a zoning district?

To promote the health, safety and general welfare of the public, the City has established and adopted rules and regulations to direct the general development and use of land within the city. These rules and regulations collectively make up the zoning ordinance. Zoning divides the city into districts such as commercial, mixed-use, industrial and residential.

How can I find out which district my property is in?

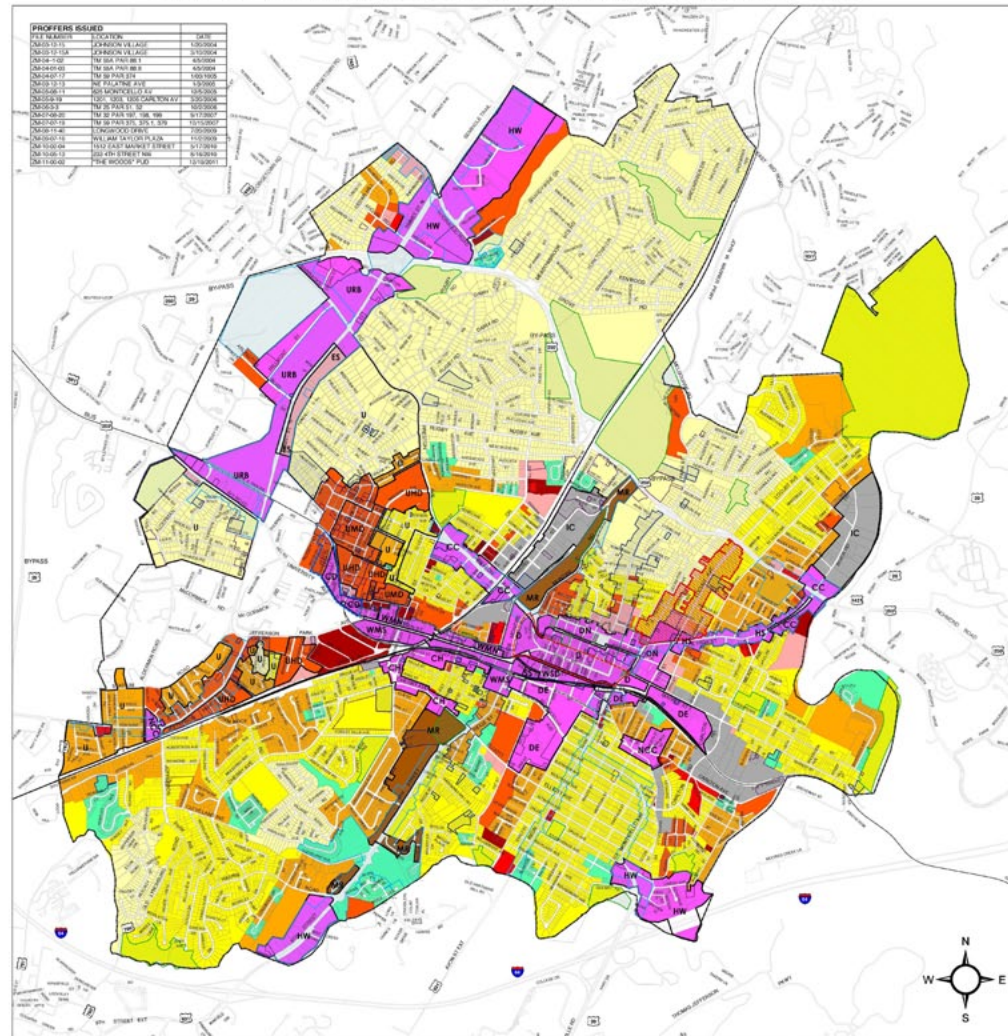
To determine which district your house is in, go to the City's Department of Neighborhood Development Services (NDS) website and review the latest zoning map, or contact NDS to speak to a neighborhood planner (434-970-3182). Information can also be found using the City's "GIS Viewer" by searching for your property, selecting the correct result, and clicking on the "Summary" tab under property details. The zoning district is noted in the "Zone" line item.

Which districts allow accessory apartments?

Most residential districts and some commercial and mixed-use districts will allow an accessory apartment with the approval of a provisional use permit (PUP)*.

* The PUP process provides a means for the city to approve a specific use with certain restrictions or conditions as needed to minimize its impact on neighboring properties. Refer to Article 1, Division 9 of the zoning ordinance for additional information on PUP's.

CITY OF CHARLOTTESVILLE ZONING DISTRICT MAP



Neighborhood Development Services
Approved April 6, 2009

<p>RESIDENTIAL</p> <ul style="list-style-type: none"> R-1 R-2 R-3 R-4 R-5 R-6 R-7 R-8 R-9 R-10 R-11 R-12 R-13 R-14 R-15 R-16 R-17 R-18 R-19 R-20 R-21 R-22 R-23 R-24 R-25 R-26 R-27 R-28 R-29 R-30 R-31 R-32 R-33 R-34 R-35 R-36 R-37 R-38 R-39 R-40 R-41 R-42 R-43 R-44 R-45 R-46 R-47 R-48 R-49 R-50 R-51 R-52 R-53 R-54 R-55 R-56 R-57 R-58 R-59 R-60 R-61 R-62 R-63 R-64 R-65 R-66 R-67 R-68 R-69 R-70 R-71 R-72 R-73 R-74 R-75 R-76 R-77 R-78 R-79 R-80 R-81 R-82 R-83 R-84 R-85 R-86 R-87 R-88 R-89 R-90 R-91 R-92 R-93 R-94 R-95 R-96 R-97 R-98 R-99 R-100 	<p>COMMERCIAL</p> <ul style="list-style-type: none"> C-1 C-2 C-3 C-4 C-5 C-6 C-7 C-8 C-9 C-10 C-11 C-12 C-13 C-14 C-15 C-16 C-17 C-18 C-19 C-20 C-21 C-22 C-23 C-24 C-25 C-26 C-27 C-28 C-29 C-30 C-31 C-32 C-33 C-34 C-35 C-36 C-37 C-38 C-39 C-40 C-41 C-42 C-43 C-44 C-45 C-46 C-47 C-48 C-49 C-50 C-51 C-52 C-53 C-54 C-55 C-56 C-57 C-58 C-59 C-60 C-61 C-62 C-63 C-64 C-65 C-66 C-67 C-68 C-69 C-70 C-71 C-72 C-73 C-74 C-75 C-76 C-77 C-78 C-79 C-80 C-81 C-82 C-83 C-84 C-85 C-86 C-87 C-88 C-89 C-90 C-91 C-92 C-93 C-94 C-95 C-96 C-97 C-98 C-99 C-100 	<p>MIXED USE</p> <ul style="list-style-type: none"> M-1 M-2 M-3 M-4 M-5 M-6 M-7 M-8 M-9 M-10 M-11 M-12 M-13 M-14 M-15 M-16 M-17 M-18 M-19 M-20 M-21 M-22 M-23 M-24 M-25 M-26 M-27 M-28 M-29 M-30 M-31 M-32 M-33 M-34 M-35 M-36 M-37 M-38 M-39 M-40 M-41 M-42 M-43 M-44 M-45 M-46 M-47 M-48 M-49 M-50 M-51 M-52 M-53 M-54 M-55 M-56 M-57 M-58 M-59 M-60 M-61 M-62 M-63 M-64 M-65 M-66 M-67 M-68 M-69 M-70 M-71 M-72 M-73 M-74 M-75 M-76 M-77 M-78 M-79 M-80 M-81 M-82 M-83 M-84 M-85 M-86 M-87 M-88 M-89 M-90 M-91 M-92 M-93 M-94 M-95 M-96 M-97 M-98 M-99 M-100 	<p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 I-2 I-3 I-4 I-5 I-6 I-7 I-8 I-9 I-10 I-11 I-12 I-13 I-14 I-15 I-16 I-17 I-18 I-19 I-20 I-21 I-22 I-23 I-24 I-25 I-26 I-27 I-28 I-29 I-30 I-31 I-32 I-33 I-34 I-35 I-36 I-37 I-38 I-39 I-40 I-41 I-42 I-43 I-44 I-45 I-46 I-47 I-48 I-49 I-50 I-51 I-52 I-53 I-54 I-55 I-56 I-57 I-58 I-59 I-60 I-61 I-62 I-63 I-64 I-65 I-66 I-67 I-68 I-69 I-70 I-71 I-72 I-73 I-74 I-75 I-76 I-77 I-78 I-79 I-80 I-81 I-82 I-83 I-84 I-85 I-86 I-87 I-88 I-89 I-90 I-91 I-92 I-93 I-94 I-95 I-96 I-97 I-98 I-99 I-100
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Example of Charlottesville Zoning Map
Current map can be found online at:
<http://www.charlottesville.org/home/showdocument?id=27267>

PLANNING CONSIDERATIONS

Once you determine that an accessory apartment is allowed in your zoning district, you need to consider the following:

How big can it be?

Interior accessory apartment: The size of an internal unit can not exceed forty (40) percent of the gross floor area of the primary residence. See "Floor area, gross (GFA)" in Chapter 5 - Definitions for the definition of gross floor area and how it is calculated.

Example:

*If a primary structure is a two-story residence with 1,000 gross square feet per floor, the maximum **area** allowed is:
 $(1,000 \text{ gsf/story} \times 2 \text{ stories}) \times 40\% = 800 \text{ gsf}.$*

Exterior accessory apartment: The size of an exterior unit must meet the following criteria:

1. It can not exceed forty (40) percent of the footprint of the primary residence; **and**
2. The total of the areas of the footprints of the apartment and all other accessory structures (e.g. sheds, detached garage, pool house, pool, etc.) in the rear yard can not exceed thirty (30) percent of the area of the rear yard.

Example:

*If a primary structure is a two-story residence with 1,000 gross square feet per floor, the maximum **footprint** allowed is:*

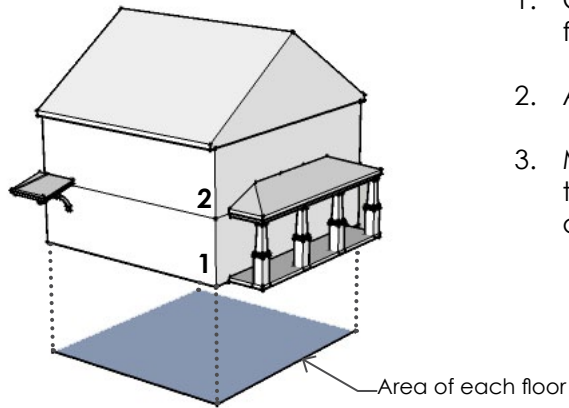
$1,000 \text{ gsf} \times 40\% = 400 \text{ gsf}.$

If the rear yard is 40 ft x 50 ft, the maximum rear yard coverage is:

$2,000 \text{ sf} \times 30\% = 600 \text{ gsf}.$

The total footprint area of the apartment and any other structures can not exceed 600 gsf.

See "Footprint, building" in Chapter 5 - Definitions for the definition of building footprint and how it is calculated.

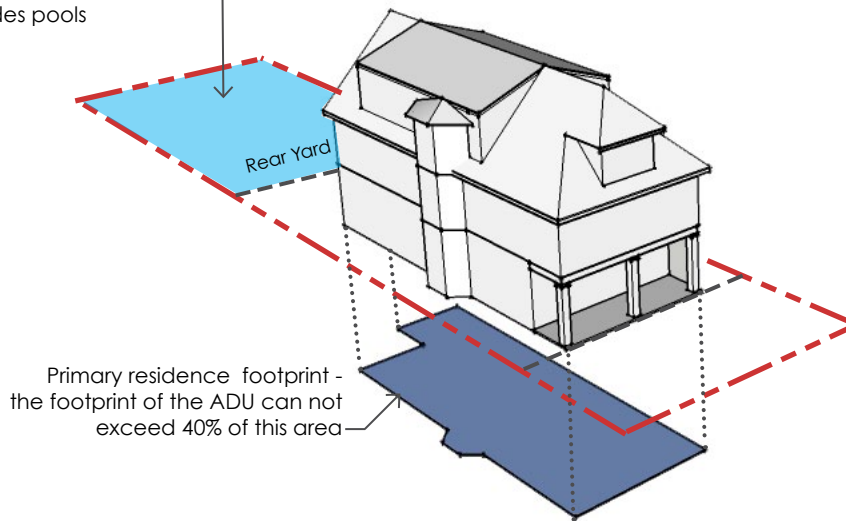


1. Calculate area of each floor.
2. Add the areas together.
3. Multiply the sum by 40% to find the total allowable area for an interior ADU

Interior ADU Maximum size

Total footprint area of all accessory structures* can not exceed 30% of the rear yard area

* includes pools



Primary residence footprint - the footprint of the ADU can not exceed 40% of this area

Exterior- ADU Maximum size

PLANNING CONSIDERATIONS

How tall can it be?

Because an interior accessory apartment must be contained entirely within the primary structure, the maximum height is set by the requirements for the primary residence.

The maximum height permitted for an exterior accessory apartment is the **lesser** of:

1. Twenty-five (25) feet; **OR**
2. The height of the primary residence (measured to the highest point of its roof).

Where can one be built?

External (detached) accessory apartments can be built within the rear yard* of a property.

*The rear yard is defined as the area from the rear face of the primary residence to the rear property line and extending on both sides to the side boundaries.

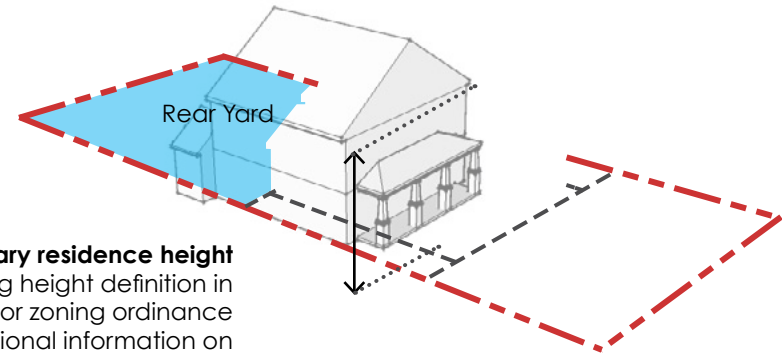
Who can live there?

There are two (2) principal requirements regarding who can live in an accessory apartment.

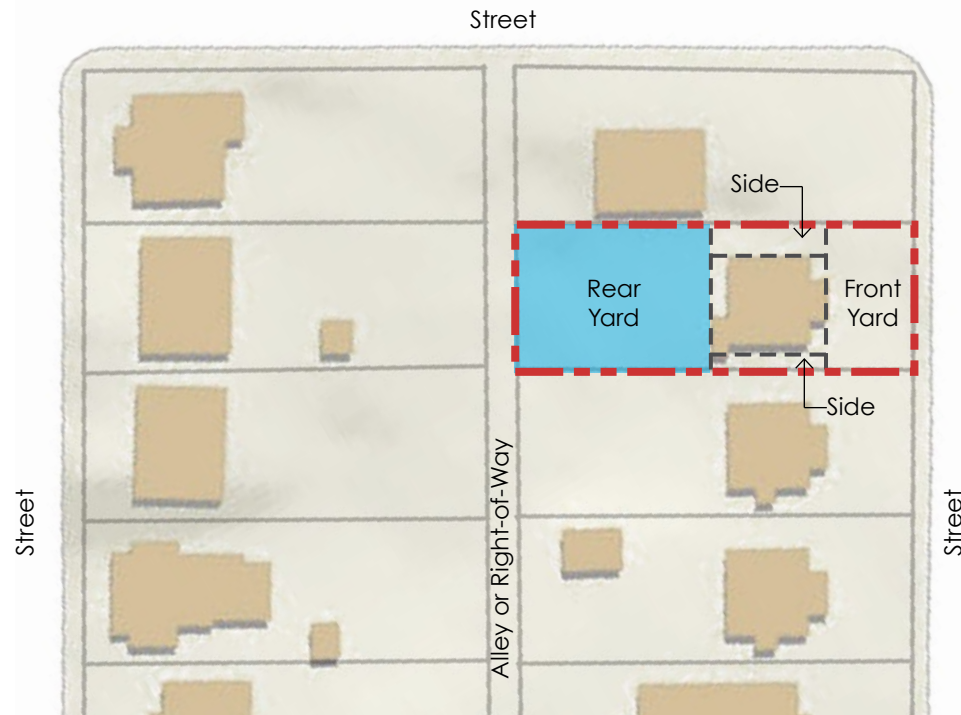
1. The property owner must live on-site in either the primary residence or the accessory apartment; and
2. No more than two (2) people are permitted to live within an accessory apartment.

Historic District Regulations and Review

If your property is in one of the City's Architectural Design Control Districts (ADCD), design review is required for a new structure, changes to the exterior of an existing structure, or demolition of an existing structure. To find out if your property is in an ADCD, refer to the link on the City's Board of Architectural Review (BAR) web page.



Primary residence height
(See building height definition in appendix or zoning ordinance for additional information on how building height is measured)



ADVANTAGES

Extra Income Source

One of the primary benefits of an accessory apartment is that it can be rented as an individual dwelling, providing the homeowner with additional income. The homeowner would have the option of leasing either the primary house or the ADU, giving him the greatest flexibility for additional income. Accessory apartments can be rented on a short term basis compliant with the City's homestay ordinance or it may be rented in a more traditional landlord/tenant arrangement.

Aging-In-Place

Accessory apartments may include universal design features such as wider doors, zero step entries, thoughtful bathroom arrangements, and open layouts that facilitate the ability of people to remain in their residences longer. Income gained from renting out either the apartment or the main house also provides a supplemental revenue source which may make it possible for those on fixed incomes to remain independent longer.

Extended Family Housing

Both internal and external accessory apartments, commonly referred to as "in-law suites" or "granny flats," often provide families with the means to care for extended family members — both young and old — enabling them to maintain their independence and avoid costly housing alternatives.

Neighborhood Benefits

Accessory apartments can also benefit the larger community by contributing to the diversification of housing types and sizes, thereby increasing the supply of affordable housing.



Source: accessorydwellings.org
Kristy Lakin ADU
photo credit: Portland Photos



Image source:
accessorydwellings.org

GETTING STARTED 2

KNOW YOUR NEEDS

KNOW YOUR SITE

KNOW THE RULES

KNOW YOUR FINANCING OPTIONS



Source: accessorydwellings.org
Bassett - Klepinger ADU
photo credit Michael Klepinger

KNOW YOUR NEEDS

What are my reasons for creating an accessory apartment?

Assess whether you are considering an ADU to provide an additional income source, to support extended family members or to provide greater flexibility to meet your needs in the various seasons of life.

Who will live there?

Consider if the resident(s) of the ADU will be members of your own family or someone outside the family. Also, think about any special needs the intended occupant has or may have that should be addressed in the design. Common needs include mobility impairments, the ability to age-in-place, and the need for oversight by others while remaining independent.

How much interaction is desired between the primary residence and the ADU?

Your design will influence the level of interaction between the resident(s) of the primary house and the ADU. A shared entry will encourage more interaction; a detached unit with its own entrance and yard area will create more privacy between the two dwellings.

KNOW YOUR SITE

Determine the zoning designation for your lot.

You can find the zoning of your property with Charlottesville's online GIS Viewer ([link](#)) or by contacting the Department of Neighborhood Development Services (434-970-3182). Once you know the zoning classification of your property, review the City's zoning code to determine if an accessory apartment is allowed within your zoning. This information can be found in the ordinance's residential use matrix [Zoning Article III, Division 7 of the ordinance online]. A "B" in the matrix indicates the apartment is a by-right use – meaning that the apartment is an allowed use. A "P" indicates the apartment is a provisional use – meaning the apartment may be allowed, subject to review by the City. If your zoning requires a provisional use permit (PUP) for an ADU, you will need to submit a PUP application to the City's zoning department. Note: there are separate applications for an Interior Accessory Apartment and an Exterior Accessory Apartment. The forms can be found on the City's "Other Permits & Forms" web page.

Decide where you will place it in your rear yard.

If you are planning an external ADU, consider whether you want to have a shared rear yard between the primary house and the accessory apartment, or whether you would like each to have its own outdoor space. Are there any natural features and views you would like to maintain?

Determine how the apartment will be accessed.

The entrance to the ADU should be easy for a visitor to find without being mistaken for the entrance to the main house. Access to parking should also be considered in your design. One parking space will be required for the apartment.

Use Types	ZONING DISTRICTS											
	R-1	R-1U	R-1S	R-1SU	R-2	R-2U	R-3	R-UMD	R-UHD	MR	MHP	Requirements
RESIDENTIAL AND RELATED USES												34-xxxx
Accessory apartment, internal	P		P		P		B	P	P	P	P	1105; 1171
Accessory apartment, external	P		P		P		P	P	P	P		1105; 1171

Example of Charlottesville's Residential Use Matrix

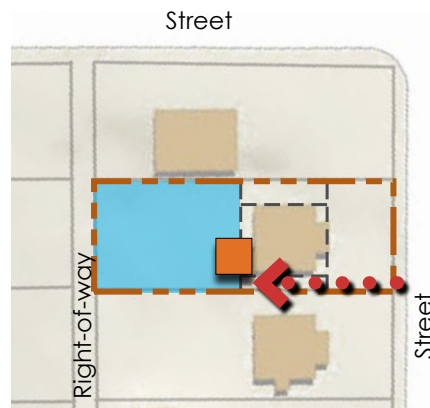
Current use matrix can be found in the city's "Online CODE of ORDINANCES"



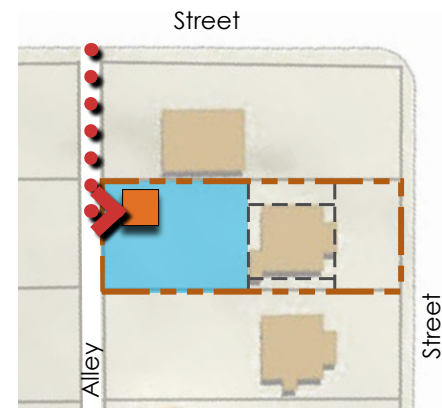
Example: Rear Addition



Example: Detached

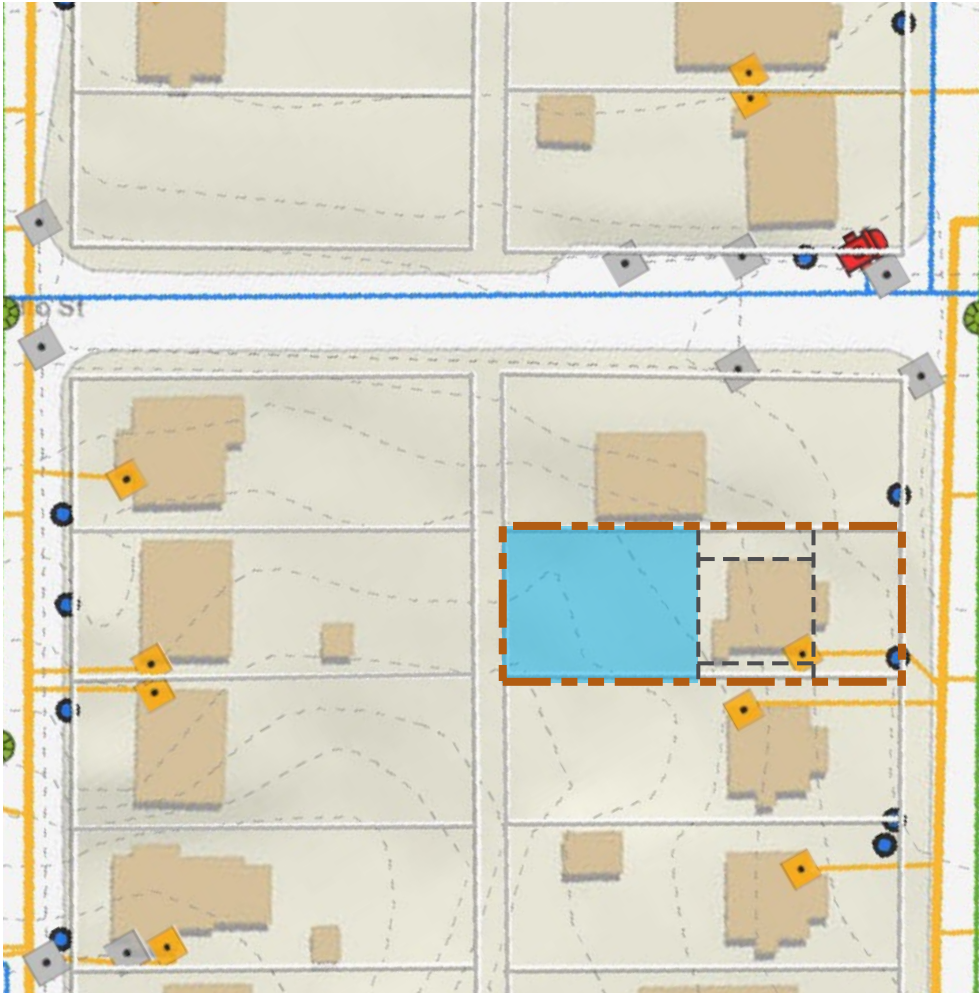


Example: Accessed from Street



Example: Accessed from Alley

KNOW YOUR SITE



Legend

- Parcels
- Sanitary Manhole
- Sanitary Line
- Storm Structure
- - Storm Line
- Water Hydrant
- Water Line
- Water Meter
- Gas Meter
- Gas Main
- Gas Service
- - Elevation Contour Lines - 2ft (2006)

Understand your utilities. Most of the utility hookups for the apartment can be made off of the primary house meter if there is adequate capacity. If there is not enough capacity with your existing services, your utilities may need to be upgraded. A qualified contractor can help you with this assessment. Building codes will also require that you maintain access to utility shut-offs and breaker panels for residents of both the main house and the apartment. Building codes stipulate that the heating and cooling systems cannot discharge air from one of the units into the other. Therefore, modifications to your existing system or a separate system for the ADU may be necessary.

Determine if you need a survey. Depending on the location of your ADU, you may need to have a surveyor stake out the apartment to ensure that your unit is on your property and complies with all setback requirements. The distance you need to maintain from your property line is called a setback. The depth of the setback for your zoning classification can be found in the zoning ordinance.

If you don't have a survey with field measured distances, general information for existing houses can be found on the City's website :

<http://gisweb.charlottesville.org/GISViewer/>

Follow these steps: view in map/tools/measure/distance to obtain dimensions.

NOTE: Information found on the GIS website may not be complete or accurate; it is provided as general information only. The City will require an as-built survey for newly constructed additions or detached ADUs before the Certificate of Occupancy is issued.

Sample view of Site Information available on the Charlottesville GIS Viewer

KNOW THE RULES

Basic Rules

The following rules apply to all accessory apartments - both interior and exterior:

1. Height is limited to 25 feet **OR** the highest point of the roof on the primary residence.
2. Building must comply with the latest edition of the Virginia Residential Code ([link](#)).
3. The property owner must live on-site in either the accessory apartment or the primary residence.
4. Not more than two (2) unrelated persons can live in the accessory apartment.

Historic District Regulations

If your property falls within one of the City's Architectural Design Control (ADC) Districts or is one of the City's Individually Protected Properties, additional regulations apply to assure that new structures, additions, landscaping and related elements are compatible with the character of the historic district and property. Information on these regulations can be found in the City's Board of Architectural Review (BAR) "ADC Guidelines" web page.



photo credit:
Design Develop LLC



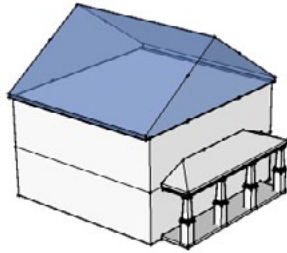
Source: www.modern-shed.com



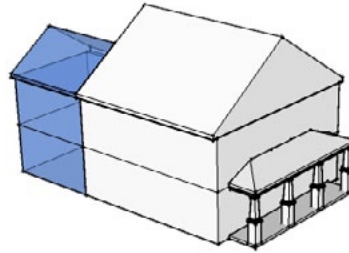
photo credit:
Design Develop LLC

KNOW THE RULES

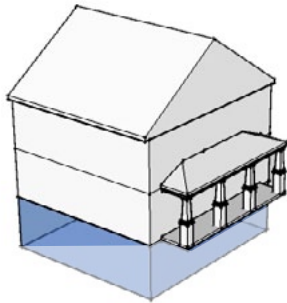
Interior Apartment



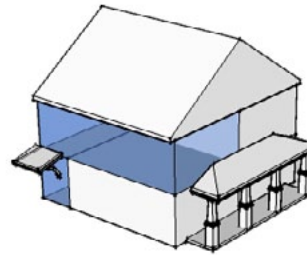
Unit in finished attic



Unit in addition



Unit in finished basement



Unit within primary residence

Interior Accessory Apartment: one that is contained within the structure of a single family dwelling. It will share a common wall, ceiling or floor with the main house. Examples include basement apartments, attic units and apartments within an addition attached to the primary residence.

In addition to the basic rules for accessory apartments, the following requirements also apply to interior apartments :

1. The interior apartment can not have its own separate entrance on the front facade of the primary residence.
2. The apartment must be contained entirely within the primary structure. An addition to the rear is considered as meeting this criteria.
3. The gross floor area* of the apartment can not be more than forty (40) percent of the gross floor area* of the principal residence in which it is contained.



* See appendix for definition.

KNOW THE RULES

Interior Apartment Example

Step-by-step guide to planning your own interior ADU.

For the following example, we will assume the following:

- An existing house that is 30 ft x 50 ft.
- The house has 2 stories and a full basement.
- The attic area has areas with structural head room of 6'-6" or greater. For this example, assume this area is 10 ft x 50 ft.

Step 1: Measure each floor of the existing house.

Calculate the total area of each floor.

Example:

An existing house has a footprint of 30 ft. x 50 ft. or 1,500 sf.

The house has 2 stories and a full basement.

The attic area is not inhabited but the center portion of the attic has headroom that is 6'-6" or greater.

Step 2: Add up the area of all of the floors.

This total is the gross floor area (GFA) of your principal residence.

Example:

Existing house – Basement: $30 \text{ ft} \times 50 \text{ ft} = 1,500 \text{ sf}$

Existing house – 1st Floor: $30 \text{ ft} \times 50 \text{ ft} = 1,500 \text{ sf}$

Existing house – 2nd Floor: $30 \text{ ft} \times 50 \text{ ft} = 1,500 \text{ sf}$

Existing house – Attic: $= 500 \text{ sf}$

Total GFA $= 5,000 \text{ sf}$

For more information on the definition of "gross floor area" and how it is calculated, see "Floor area, gross (GFA)" in Chapter 5 - Definitions.

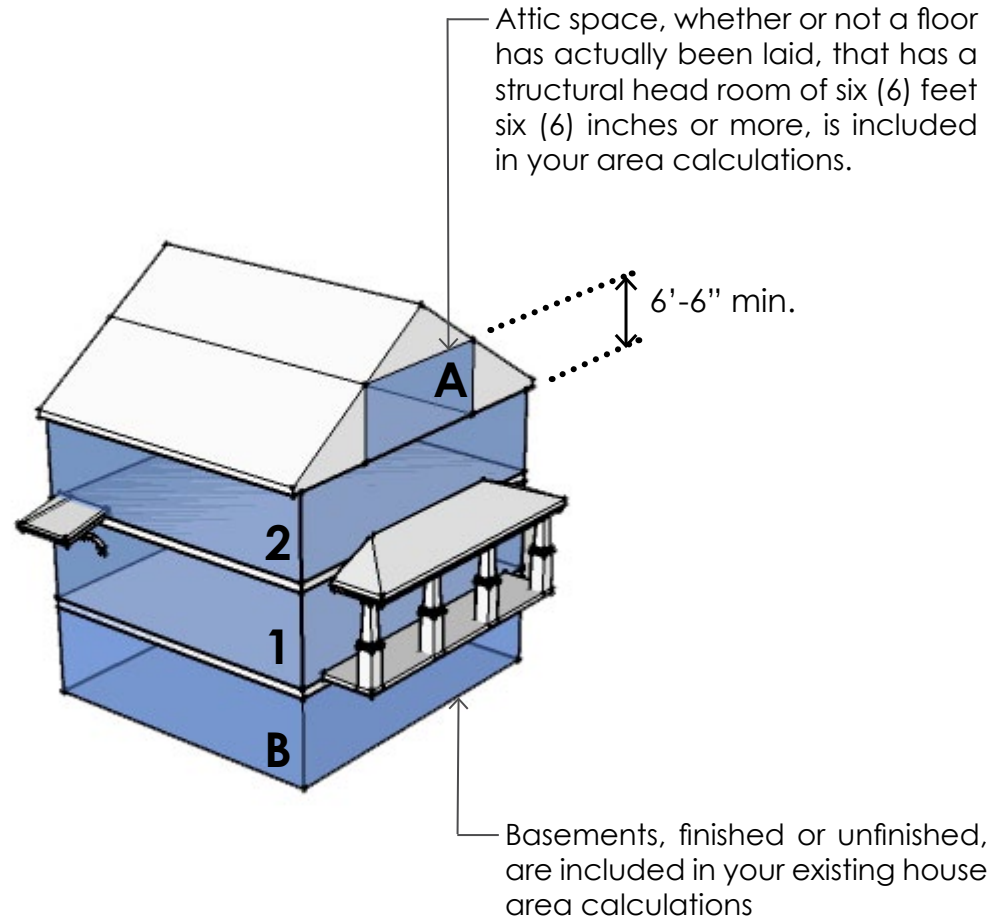
Step 3: Multiply the total GFA you calculated by 0.40 (or forty percent).

The product is the maximum gross floor area allowed for your interior ADU.

Example:

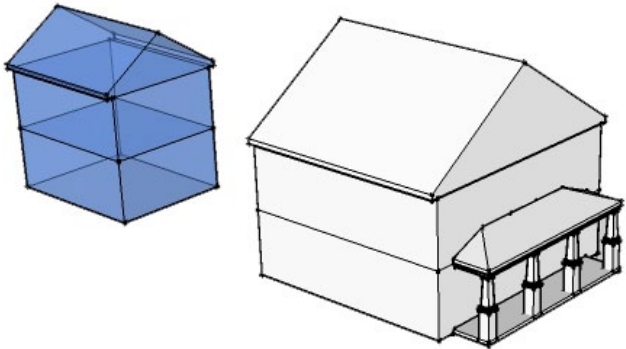
$5,000 \text{ sf} \times 0.40 = 2,000 \text{ sf}$

Therefore, the primary unit must be at least 3,000 sf. and the interior ADU cannot be greater than 2,000 sf.



KNOW THE RULES

Exterior Apartment



Exterior ADU



Exterior ADU over detached garage

Exterior Accessory Apartment: Includes all apartments other than interior apartments that do not share a common wall, ceiling or floor with the main house. Examples include a smaller structure in the rear yard or a unit above a detached garage.

In addition to the basic rules for accessory apartments, the following requirements also apply to exterior apartments :

1. The footprint* of the exterior accessory apartment can not be greater than forty (40) percent of the footprint* of the primary residence on the property.
2. The apartment structure must comply with the zoning regulations for accessory structures.
 - A. It must be located in the rear or side yard.
 - B. The total footprint of all accessory structures* (including sheds, detached garages, pools, etc.) shall not exceed thirty (30) percent of the rear yard area.
 - C. It must be at least five (5) feet from the property line. If the apartment structure is both a garage and apartment, and the garage is entered off an alley, then the garage has to be at least ten (10) feet from the property line at the alley.
 - D. It must be at least eight (8) feet from any other structure on site.

* See appendix for definition.

KNOW THE RULES

Exterior Apartment Example

Step-by-step guide to planning your own exterior ADU.

For the following example, we will assume the following:

- An existing house that is 30 ft x 50 ft.
- The house has 2 stories and a full basement.
- The attic area is not habitable.
- The house sits on a lot that is 130 ft. x 50 ft.
- There is a small 8 ft x 12 ft. garden shed in the rear yard.

Step 1: Determine the area of the footprint of your existing house.

Measure each floor of the existing house. Calculate the footprint.

Example:

The footprint of the house is 30 ft x 50 ft. or 1,500 sf.

Step 2: Multiply the total footprint area you calculated by 0.40 (or forty percent).

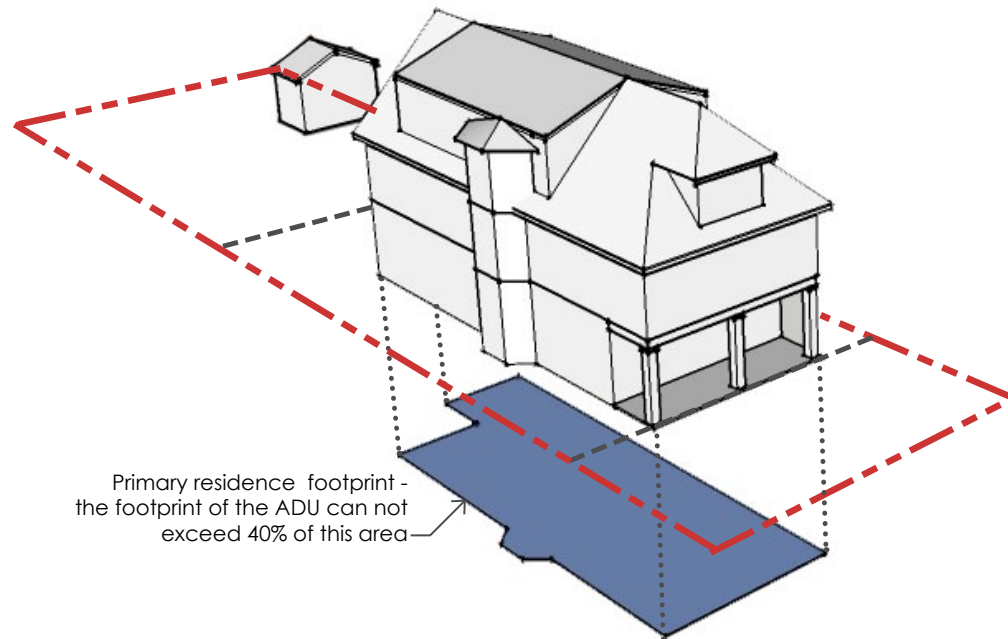
The result is the maximum area of the footprint of your exterior ADU.

Example:

1,500 sf x 0.40 = 600 sf

Therefore the footprint of the ADU can not exceed 600 sf.

(Note: The height and total area of the ADU will be determined in subsequent steps.)

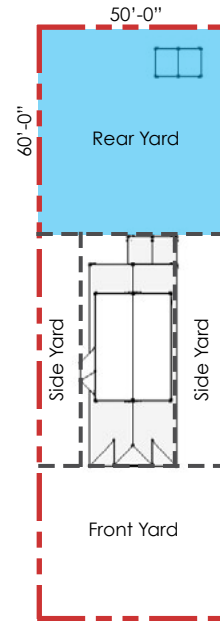


To determine the area of the existing house footprint, include all areas within the surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

KNOW THE RULES

Exterior Apartment Example

To determine the area of the rear yard, measure from the furthest projection of the house to the rear lot line and from side lot line to the opposite side lot line.



Step 3: Calculate the area of your rear yard. Determine the distance from the back of your house to your rear property line and the distance between your side property lines. The space within these lines is your rear yard. Calculate the area of this space.

Example:

Measure the distance from the back of your house to your rear property line. For our example, we will use 60 ft.

Now calculate the area of your rear yard.

$$60 \text{ ft} \times 50 \text{ ft} = 3,000 \text{ sf}$$

The total area of the rear yard is 3,000 sf.

Step 4: Multiply area of the rear yard by 0.30 (or thirty percent).

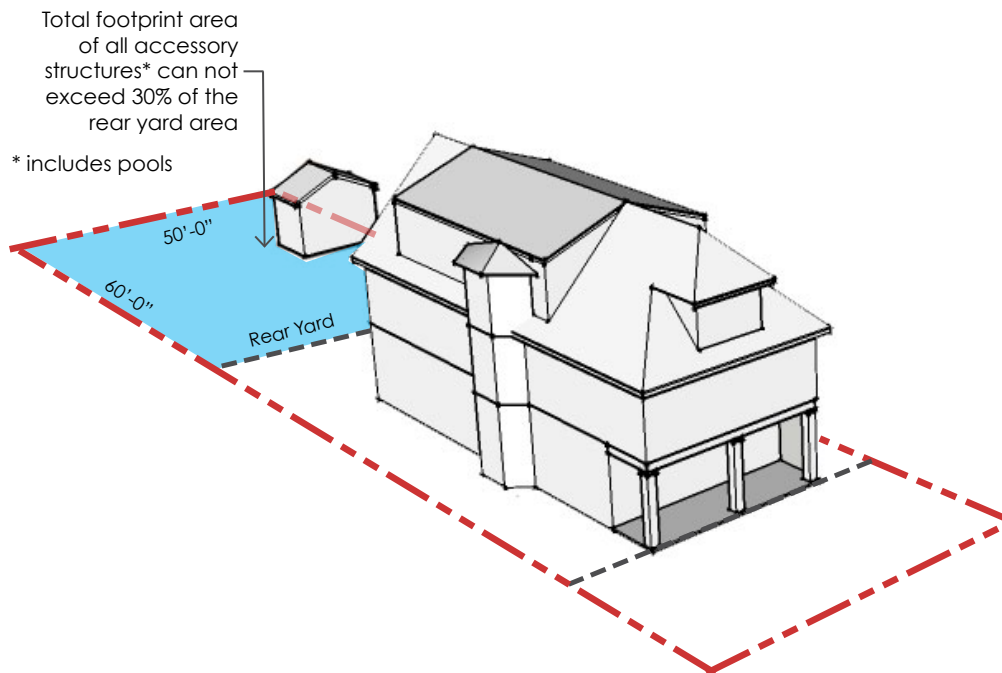
The product is the maximum area of all accessory structures.

Example:

$$3,000 \text{ sf} \times 0.30 = 900 \text{ sf}$$

*Therefore the total footprint area of **ALL** accessory structures can not exceed 900 sf.*

Since there is an existing garden shed that is 8 ft x 12 ft, or 96 sf, the ADU cannot have a footprint greater than 804 sf. to comply with this requirement.



KNOW THE RULES

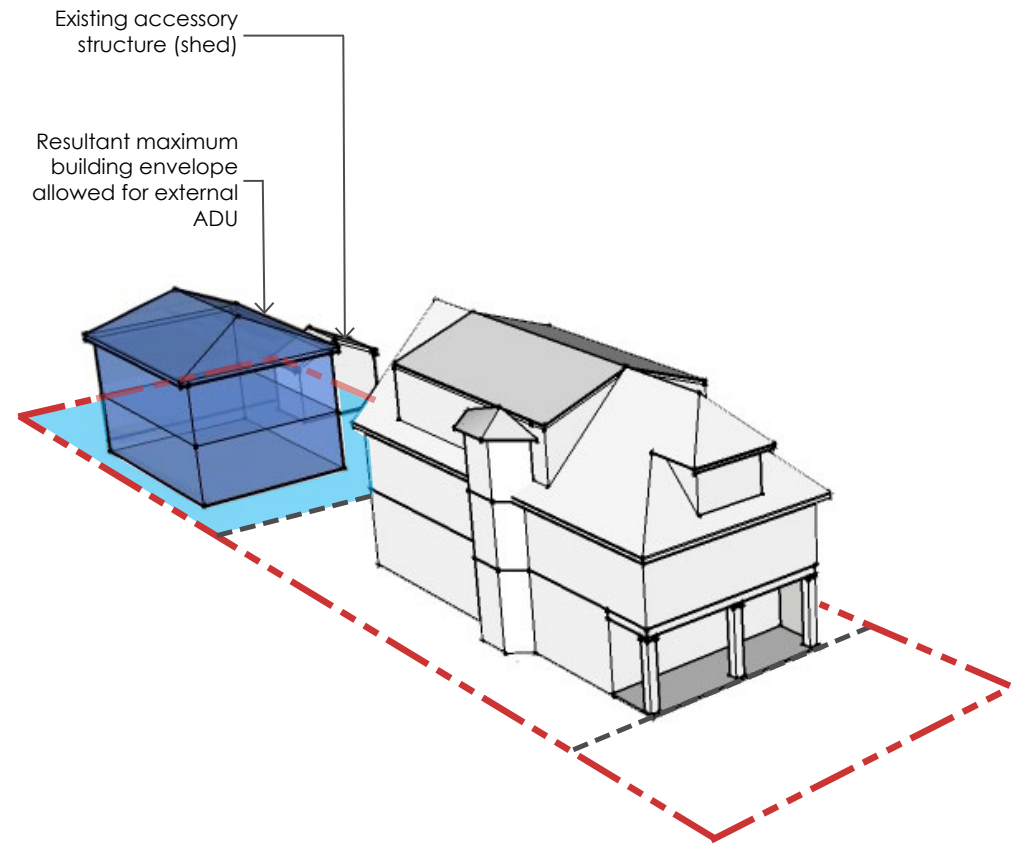
Exterior Apartment Example

Step 5: Compare the values calculated in steps 2 and 4. The smaller value of the two is the largest footprint that you can have for your ADU.

Example:

600 sf (from Step 2) and 804 sf (from Step 4).

The maximum footprint for the exterior apartment is 600 sf.



KNOW YOUR FINANCING OPTIONS

As you decide how you will finance your ADU – whether by cash-on-hand or with a loan – there are several factors to consider:



1. Your accessory apartment may qualify for the City of Charlottesville Tax Abatement Program. If approved, the tax exemption will run for a period up to seven years. Information regarding eligibility and program requirements can be found on the City Assessor's "Tax Exemptions for Housing Improvements" web page. It is important to note that the application for the program must be **approved by the City PRIOR to the start of any work.**
2. Units that comply with the City's "Design for Life Cville" program qualify for partial refunds of city fees upon certification. More information can be found on the City's "Design for Life Cville" web page.
3. If your ADU incorporates certain accessibility and universal design features, it may qualify for Virginia's "Livable Homes Tax Credit" program. More information about this program can be found on the Virginia Department of Housing and Community Development's "Livable Homes Tax Credit (LHTC)" web page.
4. To encourage increased energy efficiency the City has created an "Energy Efficient Building Special Tax Rate" program that provides a one-time 50% tax reduction for qualifying buildings. More information on can be found on the City's "Special Tax Rate for Certain Energy-Efficient Buildings" web page.
5. If financing is provided through a bank, discuss your plans with your bank as the loan terms and requirements may be different from that of your primary house.

DESIGNING THE ADU 3

SITE CONSIDERATIONS
UNIT CONSIDERATIONS
SPECIAL CONSIDERATIONS
DRAWING YOUR DESIGN
ESTIMATING THE COST

SITE CONSIDERATIONS



Fit into your neighborhood

The design and placement of your ADU should follow the larger patterns of your neighborhood. Consider the depth of rear and side yards and maintain a consistent pattern. Review the scale and relationship of other accessory structures in your neighborhood. If you have an alley that serves the rear of your property, study how it is being used and the opportunities it may provide.

Parking

City zoning requires that one parking space be provided per dwelling unit, or at least one for the primary residence and one for the ADU. Each parking space shall be at least 9 feet by 18 feet. There are several City requirements for locating the parking on your site:

- The parking may be located within any yard.
- No driveway shall be located within three (3) feet from the line of an adjacent property.
- The portion of the driveway and the parking space located in the front yard (i.e. the area between the right-of-way and the building setback line) shall not exceed twenty-five (25) percent of the front yard area.
- All driveway entrances are to be at least twenty (20) feet wide but no more than thirty (30) feet.
- No driveway entrance or exit shall intersect with a street at a location closer than fifteen (15) feet to any street intersection.

Refer to the zoning ordinance for additional information (Sec. 34-972. - Location, yard areas, and driveways).

Entrance to the unit

Consider where the entrance to the unit will be placed, how it will be distinguished as a separate unit, and how it will be accessed. City regulations do not allow the entrance to an ADU to be on the front facade of the primary residence. It must be to the side or rear.

UNIT CONSIDERATIONS

Privacy

Maintaining privacy between the main residence and ADU is an important consideration. If you are considering an interior ADU, the location of the entrance, the sound proofing of common walls and floors, and access to utility shut-offs are important. For exterior ADUs, window and door placement, access to the entrance, yard configurations (e.g. shared or individual yard space), and landscaping affect the sense of privacy.

Storage

Having adequate storage is important to the livability of any residence. Therefore, thought should be given to the storage needs of the resident of the accessory apartment. If possible, space should be provided for larger items such as bicycles and seasonal items. Within the unit, an efficient layout and the use of leftover spaces, such as the area under stairs, provide additional storage opportunities and can make the unit feel larger than it is.

Blend in with your primary residence

Your new ADU, whether an addition to the existing house or a separate detached unit, should be secondary to the main house - both in scale and overall size. It should not compete or overwhelm the primary residence. Utilizing the same or complementary design elements (such as materials, colors, and roof pitch) as used on the main house are also desirable.



Delineation of space

Bassett - Klepinger ADU
Credit Michael Klepinger



Compatibility with primary residence



Charlottesville Internal ADU
Credit: Design Develop LLC



Image source:
www.accessorydwellings.org

SPECIAL CONSIDERATIONS

Flexibility & Growth Options

An ADU can help you meet the changing needs of your family. At first, you might lease it for an additional income source. As your family grows, you may find the space is needed to accommodate your own family. As children move out, you then have the flexibility to revert it back to a leased unit, keep it for your own use, or even use it to house an elderly family member or friend.

Aging-in-Place & Universal Design

So that a larger segment of the population can live and/or visit the ADU, you may consider incorporating universal design features in your unit.

What is an universal design feature? The Center for Universal Design at North Carolina State University defines it as "any component of a house that can be used by everyone regardless of their level of ability or disability." Such features include:

- Stepless entries
- Wider doors (34" doors or larger)
- Open plans
- Space to turn around on both sides of the entrance door.
- Transitions at doors and flooring materials that are 1/2" or less.
- A usable bathroom
- A usable kitchen
- Laundry facilities (if provided) on the main level

Energy Efficiency and Sustainability

To make your apartment more energy efficient, locate and orient your ADU to take advantage of the sun, and place windows to allow for natural ventilation. Including high performance windows, increased insulation, and energy efficient appliances / fixtures will also have a positive effect.

DRAWING YOUR DESIGN

Concept plan

To start, begin to list your desires and goals and sketch out any ideas that you have. Many times it is advisable to discuss your plans with your neighbors in case there are any concerns that you need to consider and to keep them informed.

Who can draw it

While it is not required that a licensed architect prepare the plans, it is highly recommended. An architect is trained to help you create your vision. They are also knowledgeable in building codes and construction.

Meet with NDS to review your concept

After you have a conceptual plan of your accessory apartment, review it with your neighborhood City planner to ensure that your design complies with the City's ordinances. Make any necessary refinements and review your plan with the building official to assure you have complied with all applicable building code requirements.

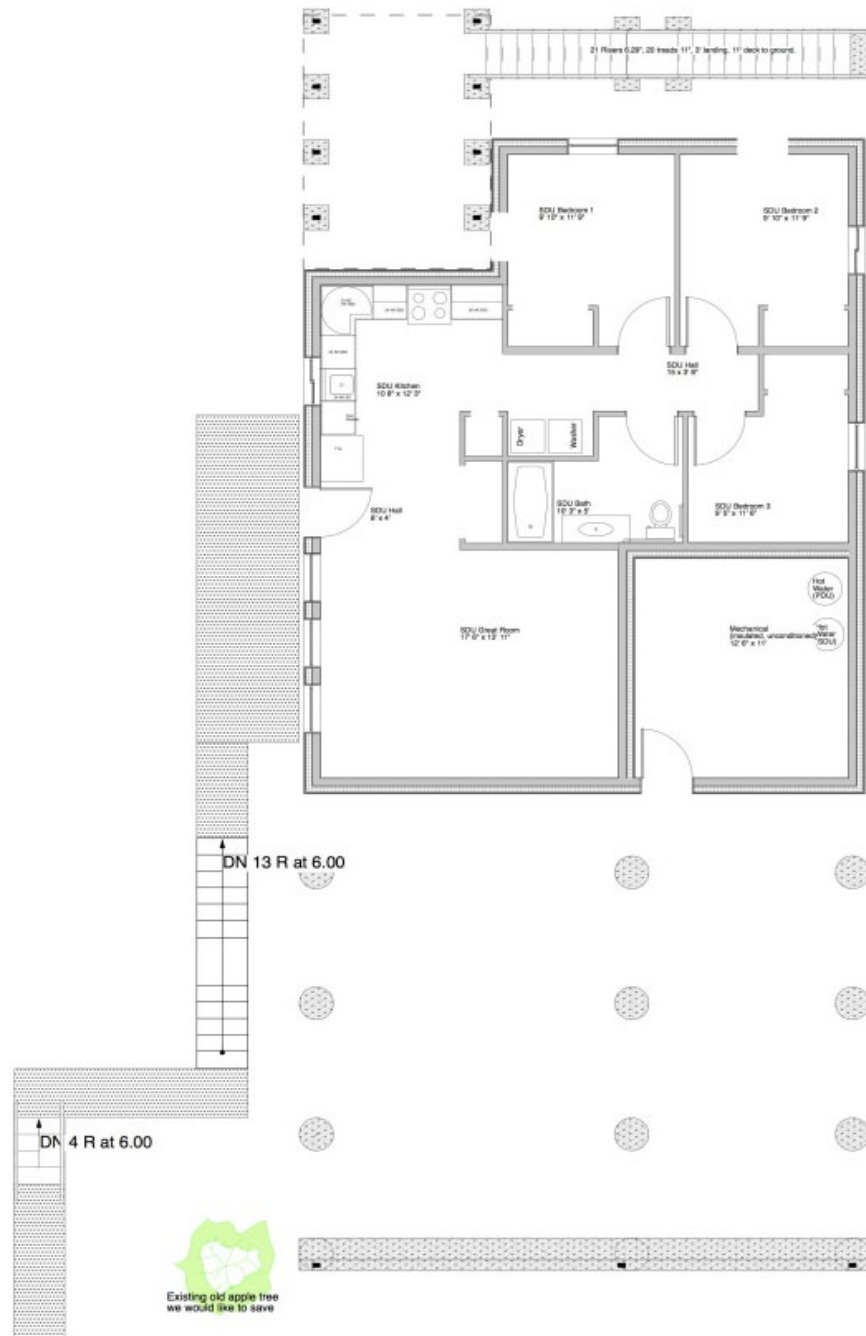
If your project is within one of the city's historic Architectural Design Control districts and is subject to review by the Board of Architectural Review (BAR), you should also review your plans with the City's Preservation Planner.

Refine your design

Having received the input from planning staff and the building official, you can now refine your design and its details. If possible, create a 3D model of your new apartment. This will allow you to virtually walk through the apartment, giving you a better understanding of the space.

Develop permit drawings

Permit drawings have the construction details and information required for the building permit. There are different drawing requirements for an interior ADU and an exterior one. Review these requirements with the building official.



Source: www.accessorydwellings.org
Albano ADU
Credit: Robert Albano

ESTIMATING THE COST



Involving a contractor before the permit drawings are finalized can help you monitor construction costs and keep the project within budget.

Get a list of contractors to consider

Talk to your architect and friends to develop a list of recommended contractors to consider for your project. Interview each company, follow up with their references, and understand how each would approach the construction of your accessory apartment. Ask each one to review a draft of your plans and offer feedback on estimated costs, schedule and construction. Identify as much of the work, equipment and finishes as possible to improve the reliability of the estimate. See also *"Hiring & Working with a Contractor"* in Chapter 4.

Talk to your preferred contractor

Once you have selected a contractor for your project, review the plans and scope of work to get his/her feedback on potential cost savings and other alternates that he/she may recommend to help you stay within budget.

Get a sense of the cost

Review the suggestions with your architect and incorporate the suggestions that you wish to take into your design. Update and coordinate the permit drawings to reflect the changes. Ask the contractor to provide a price to construct your ADU. You should include in your budget a contingency line item which can be used to cover unforeseen expenses that inevitably come up.

BUILDING YOUR ADU 4

BEFORE YOU BEGIN
HIRING & WORKING WITH A CONTRACTOR
PERMITS & INSPECTIONS
BEFORE YOU MOVE IN

Call MISS UTILITY

Before you begin digging, you must first call MISS UTILITY to mark the locations of existing underground utilities. MISS UTILITY, or Virginia 811, is a one-call center that notifies the utility companies in your area and requests they locate and mark their services on your property. This helps to prevent possible damage to underground utilities, personal injury, property damage and disruption in services. It's not just a good idea – it's the law!



Get your survey (if needed)

Depending on the location of your ADU and extent of work, you may need a surveyor to stake out and document the location of your new apartment to document that it complies with all zoning requirements.

Review the requirements for one- and two-family dwellings.

Information on the general residential requirements for new construction and for conversion of a single-family residence to a two-family dwelling can be found on the City's "Residential Req's & Checklist" web page. Here you will find information on the applicable building codes and a link to those codes, minimum fire ratings, and requirements for the building and mechanical (HVAC), electrical and plumbing systems.

Be familiar with unique state requirements regarding accessibility.

To promote the number of housing units that are usable by a larger cross section of people, the state has additional requirements to consider. If your ADU has both a kitchen and a living area on the first floor then:

1. An interior circulation route (or pathway) shall be provided from the exit door to:
 - a. The kitchen and
 - b. The living or entertainment area, and
 - c. To at least one bedroom, and
 - d. At least one full bathroom where such rooms are provided on the same level.
2. Any doors or cased opening along this interior route shall comply with the following:
 - a. Cased opening shall provide a minimum clear width of 34 inches.
 - b. Door shall be, at a minimum, nominal 34-inch doors.

Additional information, including exceptions to these requirements can be found in "Chapter 5 - Additional Resources" under Virginia Residential Building Code Amendment.

HIRING & WORKING WITH A CONTRACTOR

Hiring a contractor.

It is recommended that you hire a licensed contractor to construct your ADU. Interview several candidates to assess the quality of their work, their professional qualifications and the satisfaction of previous clients. Contact their references to learn about their performance on past projects. You will want to find one with whom it is easy to communicate and you feel you can trust. Part of the contractor's job will be to help you monitor project costs during construction. Before he gives you a proposal for the work, the contractor should review the site to become familiar with the existing conditions and the proposed changes. A proposed schedule for the work should also be included in the proposal.

Working with a contractor.

To help things run smoothly during your construction project, you can take several proactive steps:

- Keep clear written communications of decisions made, the project schedule, and project costs.
- Pay only for completed work.
- Monitor the project's progress. If you have any questions about the work in place, promptly bring it to the contractor's attention.
- Make timely decisions and selections. This will help the contractor in the scheduling and execution of his/her work.

Permitting Process:

If applicable, complete and submit an application for Board of Architectural Review (BAR) Certificate of Appropriateness. If your property is within one of the City's Architectural Design Control Districts and you are making any changes to the exterior of any existing structure, demolishing an existing structure, and/or adding a new structure, you will need to first obtain approval from the City's Board of Architectural Review. A submission containing a completed BAR application as well as all required supporting documentation and application fee is required for this review. Submissions must be made at least three weeks prior to the BAR meeting, according to the City's preset schedule. A copy of the City's Development Filing Deadlines can be found on the City's "Other Permit and Forms" webpage. BAR approval should be obtained as soon as possible and is valid for eighteen months from approval.

Obtain your Accessory Apartment Provisional Use Permit. Before a building permit can be approved, you must have an approved provisional use permit for your ADU. The City has separate application forms for interior and exterior accessory apartments under "4) Administrative Requests" on the "Other Permits and Forms" web page.

Review the Residential Plans Pre-Application Checklist: Look over the pre-application to confirm that you have all of the required information and correct number of copies to submit with the application. Following this checklist will facilitate the process.

Complete the building and site plans. Having reviewed the pre-application checklist, you can prepare the building and site plans with all of the required information and notations.

Complete the Building Permit Application.

The building permit application must be completed by a licensed contractor, or in some instances, the home owner. A copy of the permit application can be found on the "Forms and Applications" page of the City's website.

Complete Electrical, Mechanical, and Plumbing Permit Applications.

A separate application for the electrical, mechanical and plumbing work is required.

Calculate the Permit Fees.

A list of the current permit fees can be found on the City's "Building Permits" web page. Payment of this fee is due with the permit application. It is recommended that you verify the permit amount with the City prior to finalizing any payments. The City accepts cash, checks, and MasterCard, Visa and Discover credit cards. American Express is not accepted.

Submit all Permit applications.

Additional information regarding permits and fees can be found on the City's "Building Permits & Inspections" page of the website. You should allow adequate time in your schedule for the City's review and approval process.

PERMITS & INSPECTIONS

Once you have the building permit, you will need to post it near the building's address and protect it from the weather. A copy of the approved building plans with the City's approval stamp is also required to remain on-site during construction

Required Inspections.

As you proceed with your construction project, the City will require the work to be inspected at certain project milestones. The following are the minimum inspections that may apply:

1. Footing (including deck footings): before placing concrete.
2. Water, Sewer and Sprinkler laterals (underground piping from building to City utilities). NOTE: the Public Works Department requires an additional inspection for each connection to the City Utilities
3. Concrete Slabs (before placing concrete): ensure that vapor barrier is installed, rebar or welded wire if applicable.
4. Foundation & Foundation Drainage (before backfilling, and with foundation drainage, waterproofing or damp proofing installation).
5. Framing: before concealment with insulation or drywall.
6. Rough-in (includes Electrical, Plumbing, Mechanical, gas piping & sprinkler piping).
7. Insulation
8. Finals: when all work is complete

Scheduling Inspections.

1. 24-hour notice required for inspection requests.
2. Have all pertinent permit numbers, address of the job and type of inspections being requested when you call.
3. All inspections will be scheduled through the main office, at 434-970-3182 (not the inspector).
4. All framing and rough-ins will be done at the same time. No framing inspections will be inspected until all rough-ins are ready.
5. All final inspections will be performed at the same time.

BEFORE YOU MOVE IN



Source: www.accessorydwellings.org
Johnson & Creel ADU

Obtain the Certificate of Occupancy

Before you move in to your new accessory apartment, the City must issue a Certificate of Occupancy (CO). This entails the following:

- Building Final Inspections are completed and approved.
- An As-Built Survey (if required) documenting any additions and other physical improvements made on the property.
- Satisfaction of any engineering requirements.
- Compliance with the City's off-street parking requirement (i.e. a minimum of one off-street parking space).
- All exposed soil must have sod laid, a full covering of seed and straw, or must be stabilized with vegetation.
- Required setbacks have been kept clear of all structures, including HVAC units.

More information can be found on the City's "Certificate of Occupancy" webpage.

ADDITIONAL RESOURCES 5

DEFINITIONS

RESIDENTIAL BUILDING CODE AMENDMENT

CREDITS

Accessory apartment: an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single family dwelling, such apartment constitutes an "interior accessory apartment." Also referred to as an **ADU**.

Accessory building, structure or use: a building, structure or use located upon the same lot as the principal use, building, or structure, the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures.

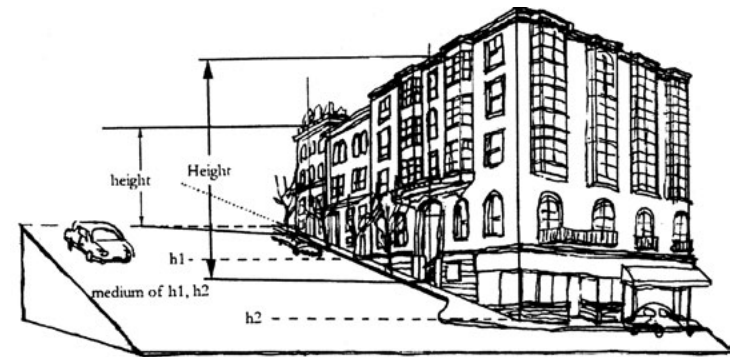
Accessory Dwelling Unit (ADU): another name for accessory apartment. See definition of accessory apartment.

Addition (to an existing building): any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Alley: a thoroughfare, whether dedicated to public use or privately owned, that provides access for persons and vehicles to the rear and/or side lot lines of properties from abutting public streets or private roads.

Bed and breakfast (Homestay): a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than three (3) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests only.

Building height: the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.



Building, principal: a building in which is conducted the principal use of the lot on which it is located. Where a lot contains residential uses, the principal building on the lot shall mean the largest building that contains any dwelling unit.

Building setback line: a line establishing the minimum required distance between the wall of a building and the nearest adjacent lot line.

Certificate of occupancy: the approval required under the Uniform Statewide Building Code prior to the use or occupancy of certain buildings and structures. This permit is obtained from the City's building code official.

Driveway: a form of private vehicular access from a public street, private road or alley to the interior of a lot or parcel of land.

DEFINITIONS

Dwelling unit: a building, or any portion thereof, containing a complete set of living accommodations suitable for occupancy by one (1) or more persons, consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and having either direct access from the outside of the building or through a common hall to the outside of the building.

Floor area, gross (GFA): the sum of all the horizontal areas of the several floors of a building, measured from the interior faces of exterior walls. GFA shall include:

- (i) basements, elevator shafts and stairwells at each story,
- (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more,
- (iii) penthouses,
- (iv) attic space, whether or not a floor has actually been laid, having a structural head room of six (6) feet six (6) inches or more,
- (v) interior balconies, and
- (vi) mezzanines.

GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures.

Footprint, building: For the purposes accessory apartment calculations, the footprint is the area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

GFA: See "floor area, gross."

Lot: a parcel of land that is either shown on a recorded subdivision plat or described by metes and bounds or other legal description.

Lot, corner: a lot abutting upon two (2) or more street rights-of-way at their intersection.

Lot, depth: the mean horizontal distance between the front and rear lot line.

Lot, double frontage: a lot having a frontage on two (2) non-intersecting street rights-of-way as distinguished from a corner lot.

Lot frontage: a portion or portions of a lot abutting street right-of-way.

Lot, interior: a lot with frontage on but one (1) street right-of-way.

Setback: See "yard".

Structure: anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc.

Visitable, when used in reference to a residential dwelling: such dwelling is wheelchair-friendly, to the extent that:

- (i) One (1) exterior entrance is constructed at-grade, or is served by a ramp, and
- (ii) On the same floor as is served by the wheelchair-accessible entrance, there is at least one (1) bathroom with sufficient space in which a wheelchair may maneuver, i.e., a minimum of thirty (30) inches by forty-eight (48) inches (exclusive of the space over which the door swings) of unobstructed floor area.

DEFINITIONS

Yard: the distance between the exterior facade of a building or any projection thereof (other than steps, unenclosed balconies and uncovered unenclosed porches) and an adjacent property line. The term "required yard," where used within this zoning ordinance, refers to the minimum distance required by the regulations of a particular zoning district to be unobstructed by any building, structure, or projection thereof (other than steps), extending the full length of the adjacent property line. Also commonly referred to as "setback," "required setback," and "building setback line."

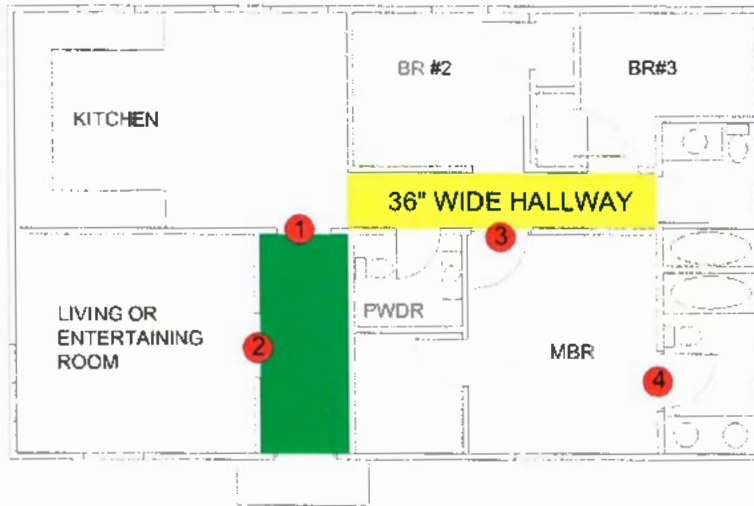
Yard, front: a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street right-of-way line and the main building or any projection thereof other than steps. On corner lots, the front yard shall be considered as being adjacent to the street on which the lot has its least dimension.

Yard, rear: a yard extending across the rear of a lot between side lot lines and being the minimum horizontal distance between the rear lot lines and the rear of the main building or any projection other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

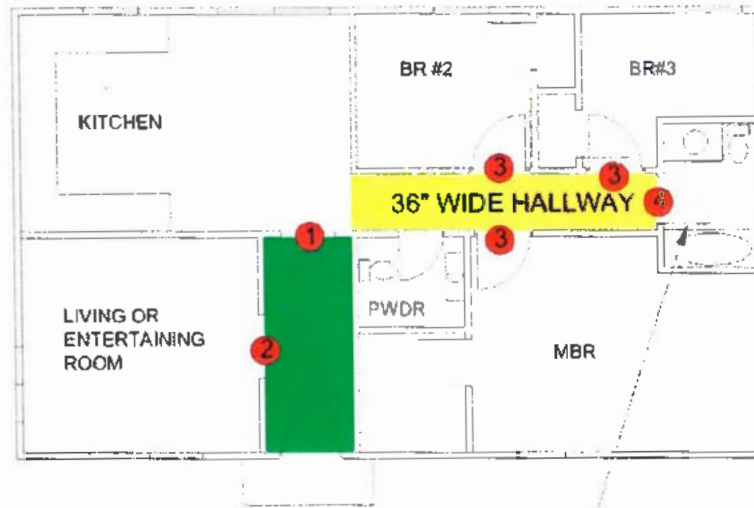
Yard, side: a yard between the building and the side line of the lot and extending from the front lot line to the rear yard line and being the minimum horizontal distance between a side line and the side of the main building or any projections thereof other than steps.

Zoning administrator: an employee in the department of Neighborhood Development Services designated by the Director of Neighborhood Development Services to administer and enforce the provisions of this (zoning) chapter.

VIRGINIA RESIDENTIAL BUILDING CODE AMENDMENT



EXAMPLE 1



EXAMPLE 2:

R311.2.1 Interior passage. Where a dwelling unit has both a kitchen and a living or entertainment area on the same level as the egress door required by Section R311.2, an interior passage route shall be provided from such egress door to:

1. the kitchen and
2. the living or entertainment area and
3. to at least one bedroom and
4. at least one bathroom containing a water closet, lavatory and bathtub or shower, where such rooms are provided on that same level.

Any doors or cased openings along such interior passage route providing access to the areas identified above shall comply with the following.

1. Cased openings shall provide a minimum 34-inch clear width.
2. Doors shall be, at a minimum, nominal 34-inch doors.

Exceptions:

1. Where a door or cased opening, and its associated molding or trim, is at the end and facing the length of a hallway and the width of the hallway is not wide enough to accommodate such doors or cased openings.
2. Closet doors or cased openings.
3. Pantry door or cased openings.
4. Bathrooms accessed directly from a bedroom that is not required to comply with this section.

CREDITS

This document has been prepared for the City of Charlottesville, Virginia, Department of Neighborhood Development Services.

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18.1.191 Town.....	18-34
18.1.192 <i>Town Plan</i>	18-34
18.1.192.1 Trade Contractor	18-35
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Sec. 18.1 Terms Defined

18.1.1 Abattoir

A facility where animals are killed for food, slaughterhouse.

18.1.2 Abut

Same as “contiguous.”

18.1.3 Accessory Building

A subordinate building of no more than 1,200 square feet, the non-residential use of which is associated with and customarily subordinate to the principal building, and which is located upon the same lot as the principal building.

18.1.4 Accessory Use

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

18.1.5 Accessory Dwelling

A dwelling or apartment within or detached from the principal dwelling of no more than 900 square feet, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

(6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening or treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.

Sec. 9.4 Accessory Uses

9.4.1 Accessory Dwellings

An Accessory Dwelling Unit shall be permitted by right when all the following regulations are met.

- A. Description.** An Accessory Dwelling is an accessory and subordinate living space to a Single Family Detached Principal Dwelling. Accessory Dwellings are not permitted in conjunction with Multifamily and Single Family Attached units. An Accessory Dwelling may be used as a Homestay use provided the requirements of Sec. 9.3.11.3 are met.
- B. Density.** Allowable density shall not be affected by the development of an Accessory Dwelling.
- C. Permits Required.** Pursuant to Sec. 3.7.1 [When Permits Required], the approval of an Accessory Dwelling is subject to the review and approval of a one-time Zoning Permit. The owner shall also be responsible for securing applicable Building, Electrical, Gas, Mechanical, and Plumbing permits from the County of Loudoun.
- D. Lapse of Approval.** When the Accessory Dwelling is no longer used as an accessory and subordinate living space, the Principal and Accessory Dwellings may not be occupied by more than one (1) family as defined in Sec. 18.1.61 [Family].
- E. Number.** No more than one (1) Accessory Dwelling shall be permitted on a lot or parcel.
- F. Residency.** The owner of the property shall maintain their permanent residency in either the Principal or Accessory Dwelling. For the purposes of this section, a permanent resident is a person who occupies a dwelling for a minimum of 185 days out of the calendar year as their primary residence. The property may not be subdivided, nor shall any condominium be created for the purpose of establishing separate ownership of the Accessory Dwelling.
- G. Occupancy.** The Accessory Dwelling shall be occupied by persons in accordance with Section 18.1.61 Family. An Accessory Dwelling shall contain no more than two (2) bedrooms.
- H. Location.** An Accessory Dwelling may be located within the footprint of the Principal Dwelling or within a detached accessory structure subject to the following yard requirements or setbacks.

1. **Front Yard.** Accessory Dwellings are not permitted in the front yard area forward of the Principal Dwelling or the required front yard setback.
 2. **Side Yard.**
 - a. An accessory structure used as an Accessory Dwelling may encroach into a required side yard but shall be no closer than ten feet (10') to a side property line.
 - b. An Accessory Dwelling attached or located within the Principal Dwelling shall comply with the underlying zoning district dimensional standards.
 3. **Rear Yard.**
 - a. An accessory structure used as an Accessory Dwelling may encroach into a required rear yard but shall be no closer than ten feet (10') to a rear property line.
 - b. An Accessory Dwelling attached or located within the Principal Dwelling shall comply with the underlying zoning district dimensional standards.
 4. **Decks.** An uncovered deck attached to an Accessory Dwelling may extend into a required side or rear yard but no closer than ten feet (10') to any side or rear property line.
 5. **Other.** Accessory Dwellings shall not encroach into any recorded public easements.
- I. **Height.** An accessory structure used as an Accessory Dwelling may have a building height of no more than twenty-four feet (24') as measured per Sec. 10.4.6.B [Measurement of Height].
- J. **Maximum Floor Area.**
1. **Detached Accessory Structure:**
 - a. **One Story:** The maximum gross floor area of a one-story Accessory Dwelling shall be limited to sixty percent (60%) of the Principal Dwelling's footprint, or nine hundred (900) square feet, whichever is less.
 - b. **Two-Story:** The maximum gross floor area of a two-story Accessory Dwelling that incorporates at least one (1) enclosed parking space into the floor plan shall be limited to sixty percent (60%) of the Principal Dwelling's footprint or one thousand two hundred (1,200) square feet, whichever is less.
 2. **Addition to a Principal Dwelling:** The maximum square footage of an addition to a Principal Dwelling to be used as an Accessory Dwelling shall be less than forty percent (40%) of the total footprint of the structure and shall not exceed a gross floor area of nine hundred (900) square feet.
 3. **Basement.**
 - a. There are no area limitations for basements used as Accessory Dwellings.
 4. **Minimum Lot Size.** The minimum lot size of an Accessory Dwelling on a single-family detached lot shall be 10,000 square feet.

K. Mobile Home (“Tiny Home”). A mobile home or “Tiny Home”, which is a dwelling purposely affixed to a permanent vehicle chassis, may only be used as an Accessory Dwelling if:

1. The gross floor area of the mobile home is less than six hundred (600) square feet.
2. The chassis is immobilized by placement upon a foundation wall constructed pursuant to a Building Permit issued and inspected by Loudoun County.

L. Separate Facilities. The Principal and Accessory Dwellings shall each have separate living, cooking, and sanitary facilities.

M. Separate Meters. The Accessory Dwelling shall not be separately metered from the Principal Dwelling for Town water service.

N. Parking. Parking for Accessory Dwellings shall not displace any required parking for the Principal Dwelling on the property. At least one off-street parking space dedicated for the Accessory Dwelling shall be required on the property. Access to required on-site parking shall be shared with the Principal Dwelling. A separate driveway for the Accessory Dwelling is expressly prohibited. A residential parking permit program approved by the Town may qualify for the required parking for an Accessory Dwelling in the H-1, (Overlay), Old and Historic District.

O. Appearance.

1. **Generally:** The Accessory Dwelling shall incorporate architectural features that match the style and form of the Principal Dwelling. The materials of the Accessory Dwelling shall match the materials of the Principal Dwelling.
2. **Entrance:** An Accessory Dwelling that is part of the Principal Dwelling shall have its own separate entrance. The entrance shall be located on a side or rear façade to maintain the appearance of a single-family detached dwelling.

P. Certificates of Appropriateness. For only those properties located in the Old and Historic District (H-1), a Certificate of Appropriateness shall be reviewed and approved by Board of Architectural Review (BAR) pursuant to Sec. 7.5 of this Ordinance. The BAR may make minor modifications to the location, size, and height of the Accessory Dwelling to maintain compatibility with historic resources on the property.

Q. Code Compliance. The Accessory Dwelling shall comply with the Virginia Uniform Statewide Building Code for residential units.

R. Revocation. The zoning permit for an Accessory Dwelling may be revoked by the Zoning Administrator in the following instances.

1. After written notice of a zoning violation by the Zoning Administrator, no abatement of the violation, and after expiration of the thirty (30) day appeal period, pursuant to Sec. 3.14 [Appeals of Administrative Decisions].
2. More than two (2) zoning violations issued in a calendar year.

7-203 Accessory dwellings.

- (A) No accessory dwelling unit shall be permitted unless a permit for the same has been issued by the director. An application for the permit shall be submitted to the director on such forms as the director may prescribe and shall include information that demonstrates compliance with this section 7-203. The applicant shall submit the fee prescribed by section 11-104.
- (B) *Use limitations.*
- (1) An accessory dwelling shall be permitted as an accessory use to a single-family, two-family or townhouse dwelling only.
 - (2) Only one accessory dwelling shall be permitted on any recorded lot including properties subject to section 7-103(D).
 - (3) The gross floor area of an accessory dwelling within a principal dwelling shall not exceed one-third of the principal dwelling's gross floor area.
 - (4) No more than three persons shall reside in the accessory dwelling.
 - (5) The accessory and principal dwelling shall remain under common ownership.
 - (6) The owner of the property shall maintain the property as their primary residence at the time the permit required by section 7-203(A), above, is issued.
 - (7) The accessory dwelling shall not be a short-term residential rental, as defined by City Code section 3-2-152(a)(2), for a period exceeding 120 days per calendar year.
- (C) Bulk and setback requirements for a detached accessory building. Regardless of other regulations in this zoning ordinance, an accessory building containing an accessory dwelling unit shall be permitted in accordance with the regulations in this section 7-203.
- (1) *Size.* The maximum floor area of the accessory building's first floor shall not exceed the greater of:
 - (a) One-third of the floor area of the principal dwelling's first floor; or
 - (b) Three hundred fifty square feet for lots 2,500 square feet or less and 500 square feet for lots larger than 2,500 square feet.

For the purposes of this section, floor area shall include space otherwise excluded pursuant to sections 2-145(A)(12) and 2-145(B)(14).
 - (2) *Height.* The maximum height of the accessory building shall not exceed the lesser of the following:
 - (a) The height of the principal dwelling; or
 - (b) Twenty feet.

For purposes of this section, the maximum height shall include all rooftop appurtenances listed in section 6-403(B).
 - (3) *Side and rear yards.* The accessory building shall be permitted in required side and rear yards subject to the following requirements:
 - (a) Unless a lesser setback is required by the zone in which the property is located, the accessory building shall provide at least a one-foot setback, including architectural features, from side and rear lot lines; and

-
- (b) If the accessory building has walls with windows or doorways that face the nearest side or rear lot line, the setback shall be three feet unless a greater setback is required by subsections (c) or (d) [below];
 - (c) Portions of an accessory building that exceed 13.5 feet in height and are 16 feet in height or less shall provide a setback of at least 2.5 feet;
 - (d) Portions of accessory buildings more than 16 feet in height shall provide a setback of at least five feet.
 - (e) Reserved.
- (D) *Off-street parking.* An accessory dwelling shall be exempt from providing off-street parking.
- (E) *Access.*Section 7-2501(B)(3) shall govern access to a detached accessory dwelling that contains off-street parking in a private garage.

(Ord. No. 3606, § 10, 12-12-92; Ord. No. 3697, § 4, 1-22-94; Ord. No. 3822, § 3, 9-16-95; Ord. No. 3923, § 6, 4-12-97; Ord. No. 4483, § 2, 5-12-07; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4910, § 4, 11-15-14; Ord. No. 5049, § 1, 1-28-17; Ord. No. 5122, § 5, 3-17-18; Ord. No. 5127, § 2, 4-14-18; Ord. No. 5151, § 8, 6-23-18; Ord. No. 5208, § 6, 3-16-19; Ord. No. 5247, § 7, 10-19-19; Ord. No. 5254, § 5, 11-16-19; Ord. No. 5300, § 10, 10-17-20; Ord. No. 5328, §§ 6, 7, 3-13-21; Ord. No. 5374 , §§ 19, 20, 10-16-21)

BUILDING AN ADU

GUIDEBOOK TO ACCESSORY DWELLING UNITS
IN THE CITY OF LOS ANGELES



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OVERVIEW

In January of 2017, a new California state law took effect that encourages homeowners to build “granny flats.” These housing units go by many names (backyard homes, secondary units, garage apartments, and the one we use here: accessory dwelling units or ADUs). Most homeowners can imagine many ways to use a rental unit on their property—for an elderly relative, extra income, a caregiver, or a grown child living at home. But many homeowners do not know that the City of Los Angeles has made it easier than ever to add a legal rental unit to a single-family home. Even still, the planning and building process is complicated. This handbook serves as a guide so homeowners can decide if it is possible to build an ADU on their property. It provides preliminary answers to key questions and shows the steps the City will require, and what the design and construction of an ADU will entail.

This guidebook helps you to get started and to prepare the basic information you will need to give the City (at the Dept. of City Planning and the Dept. of Building and Safety), your lender, your designer, and your contractor. When you have taken photographs, measured your backyard, and sketched your idea for an ADU, as this guidebook illustrates, you will be well on your way.

There are architects, builders, and planners ready to help you at every stage. This guidebook does not replace their services, but it does provide helpful advice, websites, phone numbers, and office locations where your more specific questions can be answered. Because ADU rules can change, check the date of the guidebook in your hands (at the bottom of the page). More up-to-date information will be available from the City Departments of Planning and Building and Safety.

Good luck designing and building your ADU!

NOTE: Since every ADU project will be unique, there are important questions that we cannot answer, for instance: How much will it cost? How long will it take to build? In addition, this guidebook does not substitute for required review by City agencies. All questions should be directed to the Dept. of City Planning and the Dept. of Building and Safety. *Please see page 19 for contact information.*

INTRODUCTION

WHAT IS AN ADU?

An Accessory Dwelling Unit (ADU) is a residential unit that can be added to a lot with an existing single family home. ADUs can be detached (a separate building in a backyard), attached to or part of the primary residence, or a garage conversion. ADUs are independent rental units that have their own kitchens, bathrooms, living areas, and entrances.

WHY BUILD AN ADU?

ADUs can provide additional space for caregivers, grown children, elderly parents, or renters. Because ADUs are rental units, they produce additional household income. “Empty nesters” can stay in their neighborhoods by moving into a smaller ADU and renting their larger existing home to pay the mortgage. An ADU can be built to house a relative or caregiver. There are many reasons for building an ADU on your lot.

WHAT IS THE LAW FOR ADUs IN THE CITY OF LOS ANGELES?

The new state law (AB 2299, effective January 2017) applies to LA and makes it easier to build an ADU on a single family lot. The state law encourages the construction of accessory units because the City needs more housing. You can read the entire law at the California Legislative Information website by searching *California AB 2299*. Please be aware that the City may pass new laws that will affect ADU construction.

HOW TO USE THIS HANDBOOK

This handbook provides general guidelines for property owners who want to add an ADU to a lot that already contains an existing home. It describes the various physical forms that ADUs can take, like garage conversions or backyard homes. Please be aware that other city ordinances apply that could impact your process. Consult the Dept. of City Planning and the Dept. of Building and Safety for site feasibility. See the Appendix for contact information.



THIS HANDBOOK ANSWERS THE FOLLOWING QUESTIONS

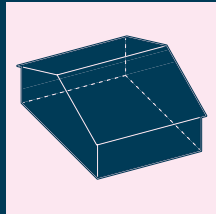
- Can I add a unit to my lot?
- What could my unit look like?
- Can I convert my garage?
- What are the necessary steps to build an ADU?

The “**FAQ**” **SECTION** contains additional information to help understand issues at play and answer common questions. This handbook is a first step to understand how an existing property might accommodate a new unit. However, it is not a replacement for hiring a professional to help plan your project.

CAN I ADD A UNIT TO MY HOME?

CHECK ALL THAT APPLY

1. I OWN A SINGLE FAMILY HOME



2. MY HOME HAS...

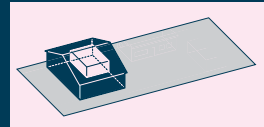
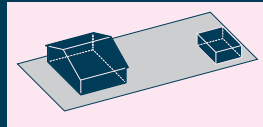
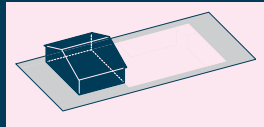
EXTRA SPACE IN MY BACKYARD

OR

A GARAGE IN MY BACKYARD

OR

ROOM THAT CAN BE CONVERTED INTO A UNIT WITH ITS OWN ENTRANCE



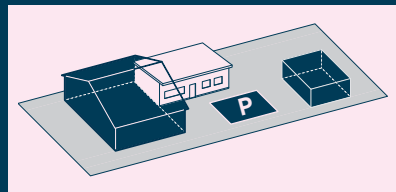
3. MY HOME ...

IS LOCATED WITHIN 1/2 MILE FROM PUBLIC TRANSIT?

OR

HAS ROOM AND ACCESS FOR AN ADDITIONAL PARKING SPACE

SEE PARKING REGULATIONS P. 12



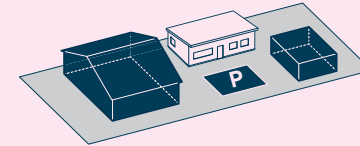
IF YOU CHECKED ALL THE BOXES YOU MAY BE ABLE TO BUILD AN ADU!

TYPES OF ADUs

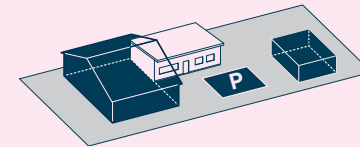
I WANT TO...

IT MAY LOOK LIKE...

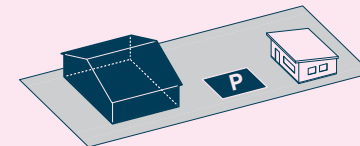
ADD A DETACHED UNIT ON MY LOT (SEE PAGE 6)



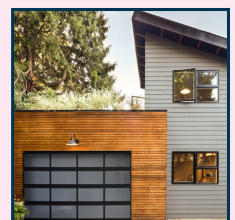
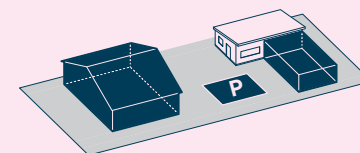
ADD AN ATTACHED UNIT TO MY HOME (SEE PAGE 7)



CONVERT MY BACKYARD GARAGE (SEE PAGE 8)

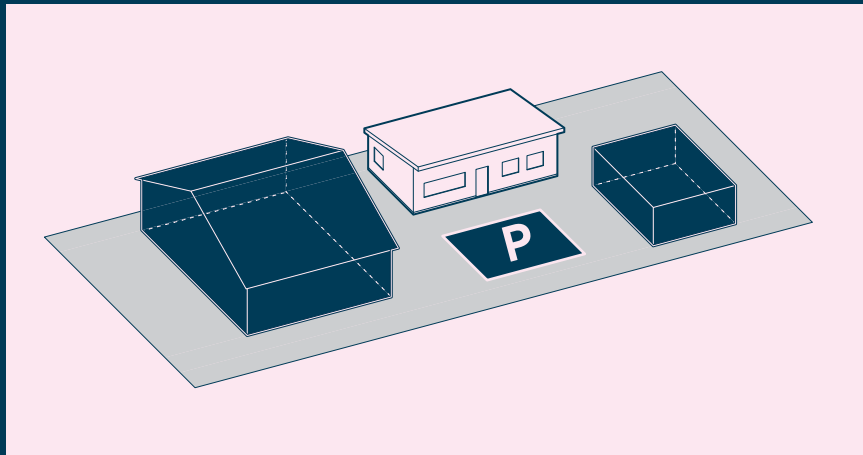


ADD AN ATTACHED UNIT TO MY BACKYARD GARAGE (SEE PAGE 9)



NOTE: Parking restrictions apply, please see pg.12 for more information.

DETACHED UNIT WITH EXISTING GARAGE



ADU REQUIREMENTS



Max. of 1200 sq ft
See also FAQ 8 p.18

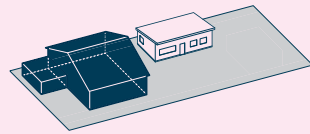


5 ft min. from side and rear property lines
10 ft min. between main house and ADU



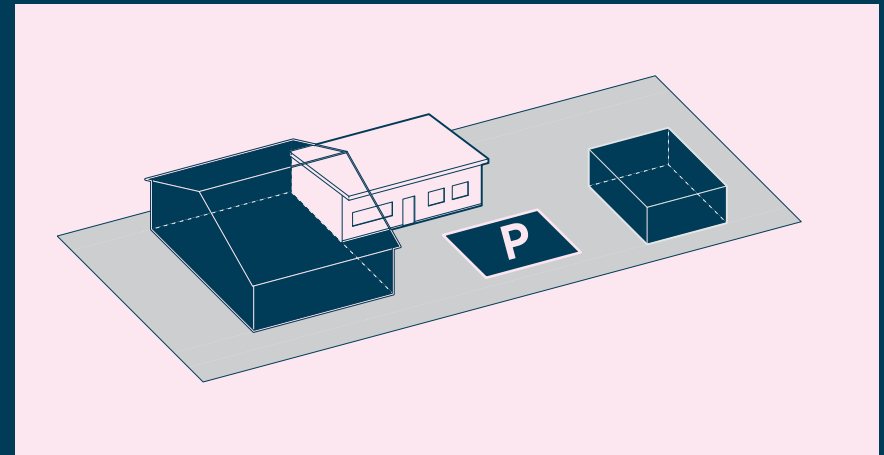
See parking p.12

DETACHED UNIT VARIATION W/ EXISTING FRONT GARAGE



Must meet parking exemption
See also FAQ 6 p.18

ATTACHED UNIT AS ADDITION TO HOUSE



ADU REQUIREMENTS



No more than 50% of existing house and max of 1200 sq ft
See also FAQ 8 p. 18

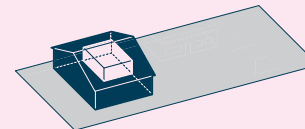


Side and rear setbacks as required by zoning



See parking p. 12

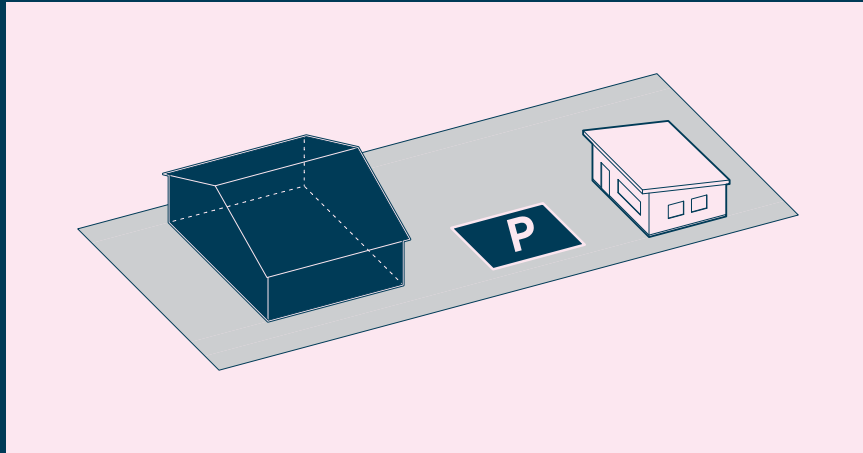
ATTACHED UNIT VARIATION WITHIN HOUSE



Size cannot exceed 50% of existing house; no other maximum size requirement applies to this variation



BACKYARD GARAGE CONVERSION



ADU REQUIREMENTS



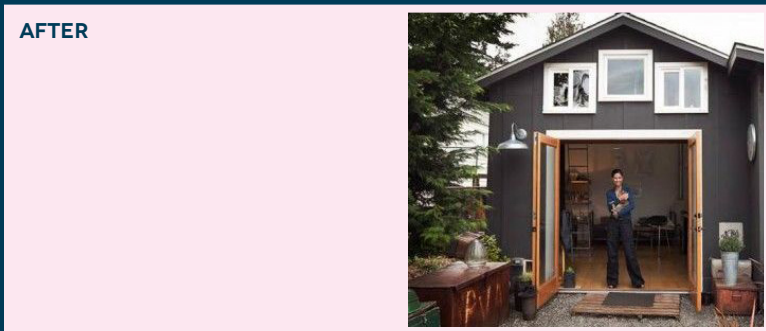
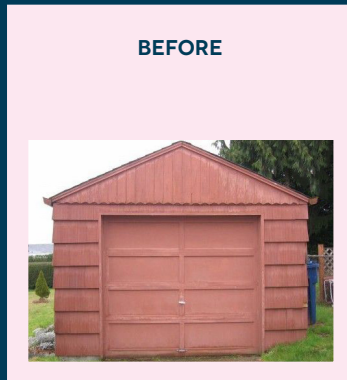
Max. of 1200 sq ft
See also FAQ 8 p. 18



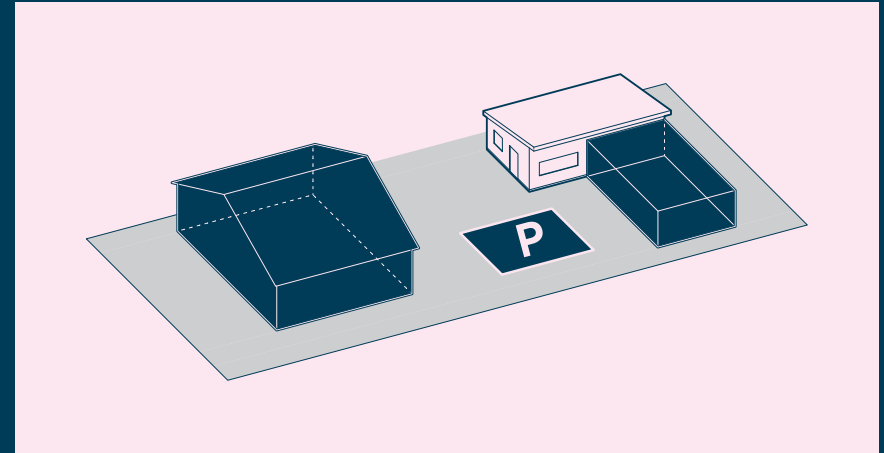
No change to existing setbacks



See parking p. 12
If replacement parking is required, it may be uncovered.

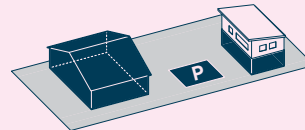


BACKYARD GARAGE ATTACHED UNIT



ADU REQUIREMENTS

ATTACHED UNIT VARIATION ABOVE GARAGE



Max. of 1200 sq ft
See also FAQ 8 p. 18

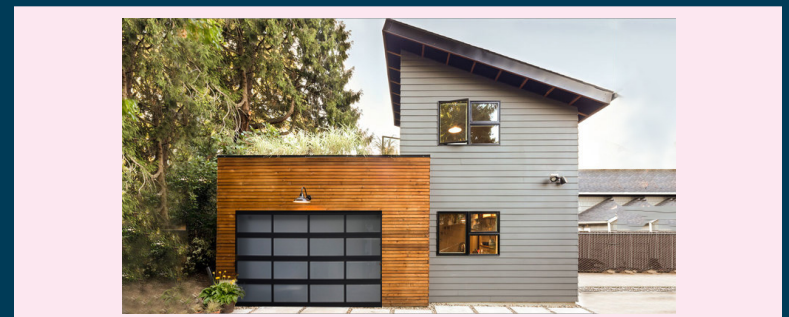


5 ft min. from side and rear property lines (required only for the ADU, not the garage itself)

10 ft min. between main house and ADU



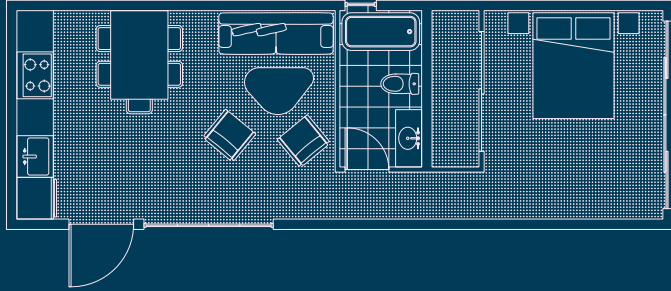
See parking p. 12



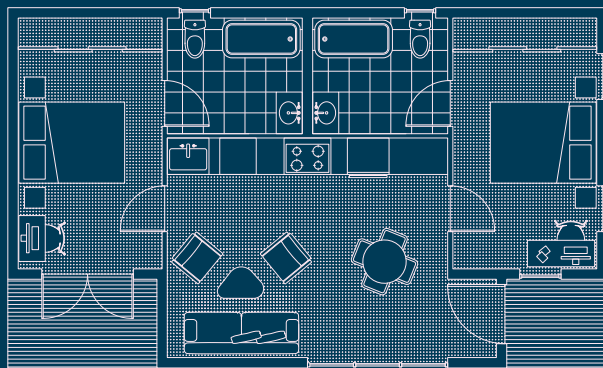
EXAMPLES OF ADU FLOOR PLANS

NOTE: The following are sketches showing possible room arrangements, but not plans for construction.

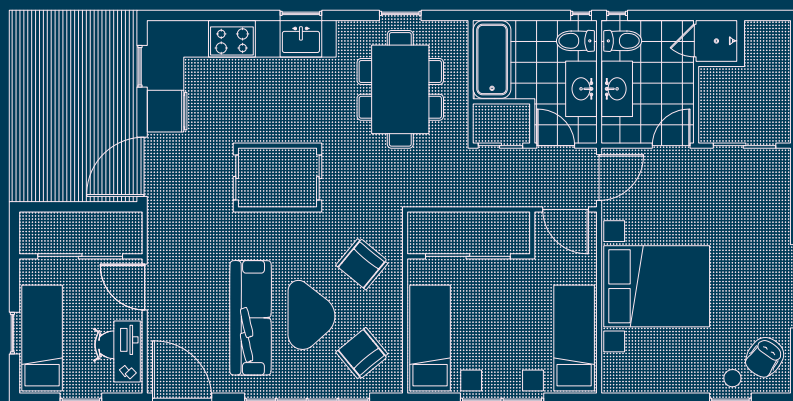
450 SQ FT – 1 BEDROOM, 1 BATHROOM



700 SQ FT – 2 BEDROOMS, 2 BATHROOMS



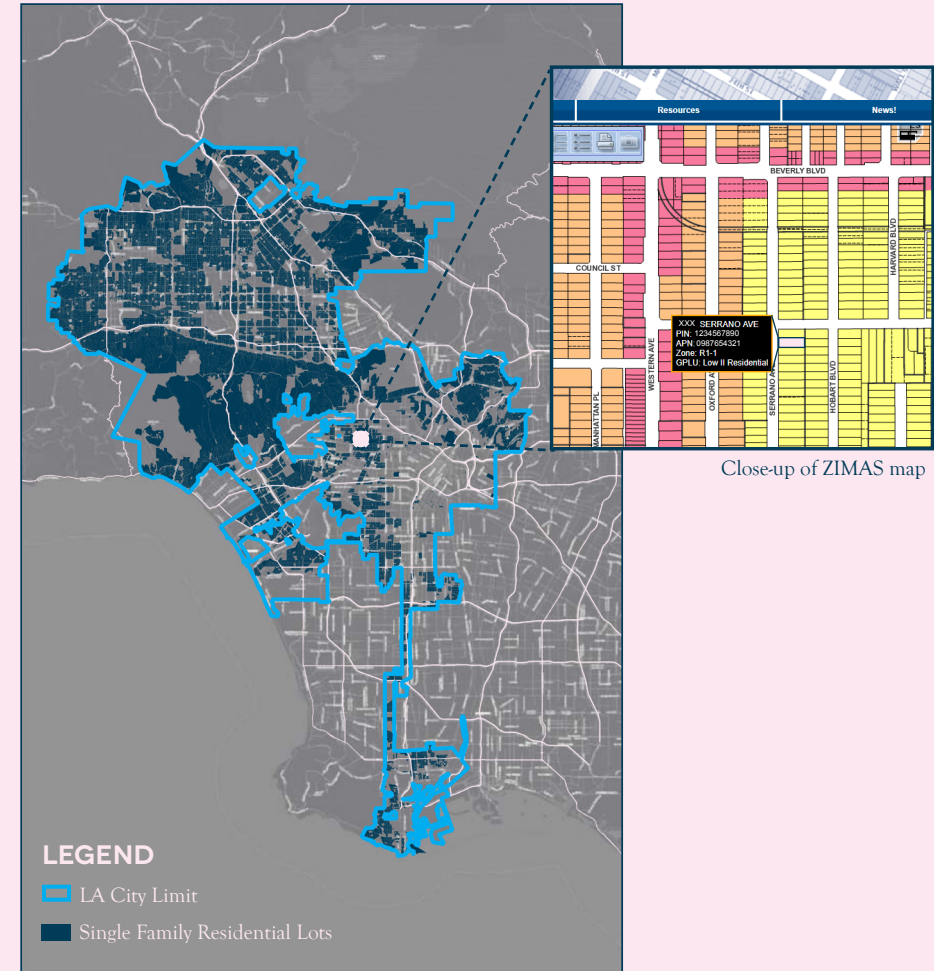
1200 SQ FT – 3 BEDROOMS, 2 BATHROOMS



CHECKING FOR ELIGIBILITY

FIND YOUR LOT ON THE LA RESIDENTIAL ZONING MAP (ZIMAS)

Every neighborhood in Los Angeles falls under specific zones. To build an ADU, your current house must be located in a residential zone, and most likely in a single-family residential zone. ADUs are permitted in all single-family zones. Any lot in these zones, regardless of its size, can add an ADU if it will fit. Your lot must have an existing house, only one ADU per lot is permitted, and the ADU cannot be sold separately from the house. An ADU must meet additional site requirements as well as building construction requirements as described in this booklet.



Close-up of ZIMAS map

The above map of LA shows the location of all single-family parcels in the City and gives you an idea of whether your home is located in a single-family zone. Most standard lots are 3,500 sq ft or more, and may comfortably fit an ADU. Lots under 3,500 sq ft may face feasibility issues. Visit ZIMAS zimas.lacity.org and enter your address to check lot eligibility.

PARKING

HOW MUCH SPACE WILL I NEED FOR PARKING?

Many lots already accommodate two parking spaces in a garage or carport. When you add an ADU, you may need to fit one extra parking space on your lot. If an additional space is required, the space may be covered or uncovered.

YOU MAY NOT NEED ADDITIONAL PARKING IF:

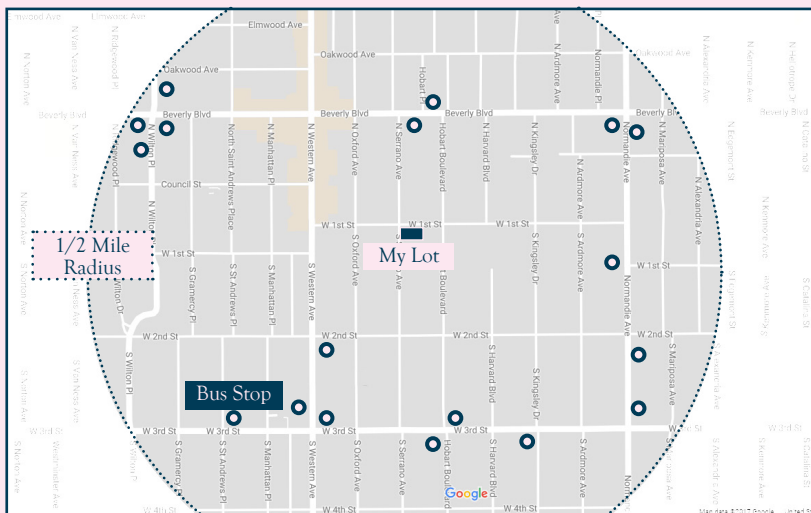
1. ADU is located within one-half mile of public transit.
2. ADU is located within an architecturally and historically significant district.
3. ADU is part of the existing primary residence or an existing accessory structure.
4. on-street parking permits are required, but not offered to occupant of the ADU.
5. there is a car-share vehicle located within one block of the ADU.

These are the five current parking exemptions as of July 2017, but parking requirements may change. Check with the Dept. of City Planning for current requirements.

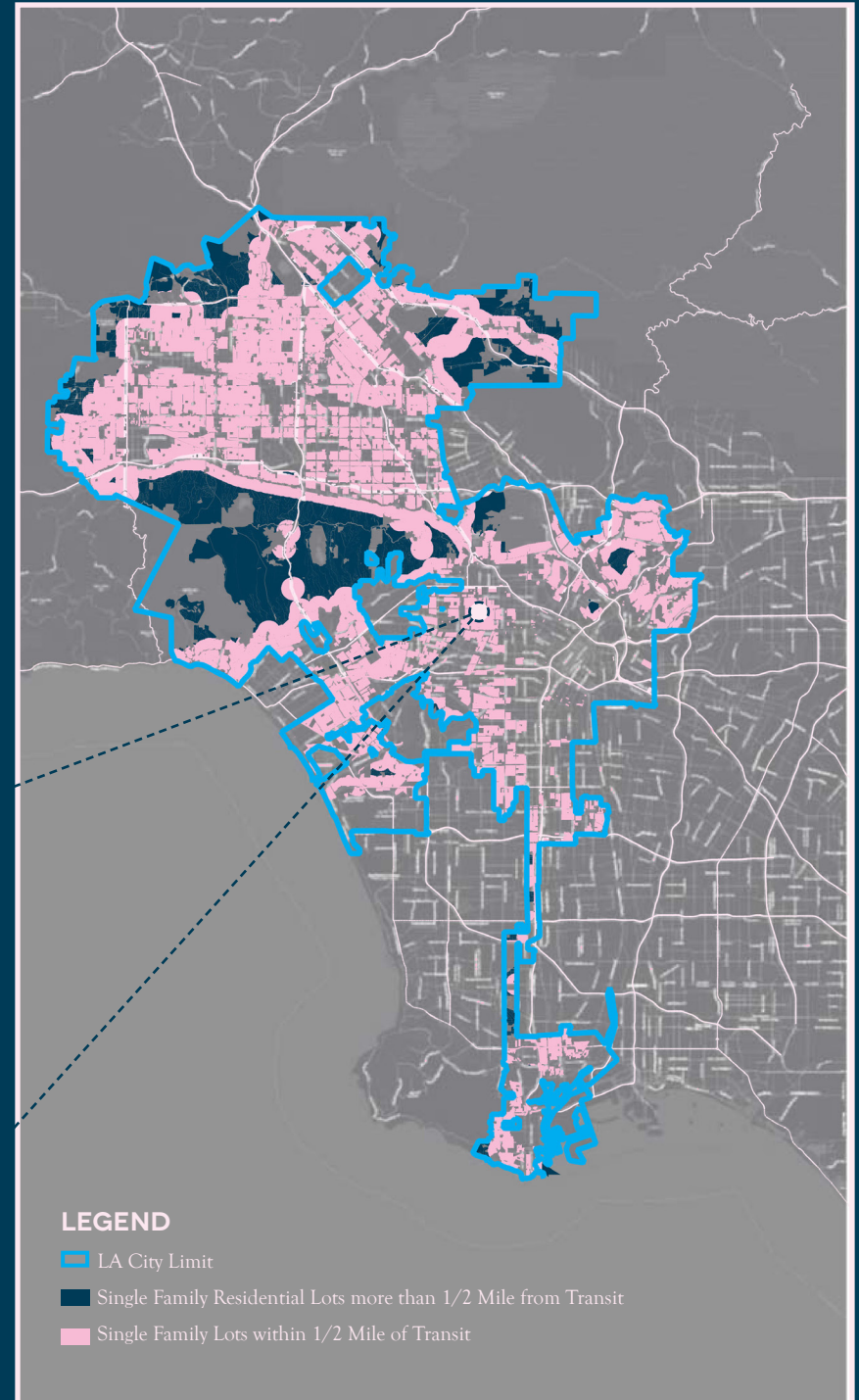
IS YOUR LOT NEAR TRANSIT?

Your lot may not need additional parking for your ADU, leaving room for open space, a patio, a bigger ADU, etc. If your lot is located within one-half mile of transit (defined as one-half mile from any bus stop or rail station), it should meet the parking exemption. Map II (p. 13) shows that many lots (coded in pink) meet the transit exemption. Verify your specific lot status with the Dept. of City Planning or the Dept. of Building and Safety, particularly since bus stops can move.

Not located near transit? Read about additional parking exemptions in the FAQ section on p. 18.



Google Maps show transit stops. Bring a map like this to the Planning Dept.



LEGEND

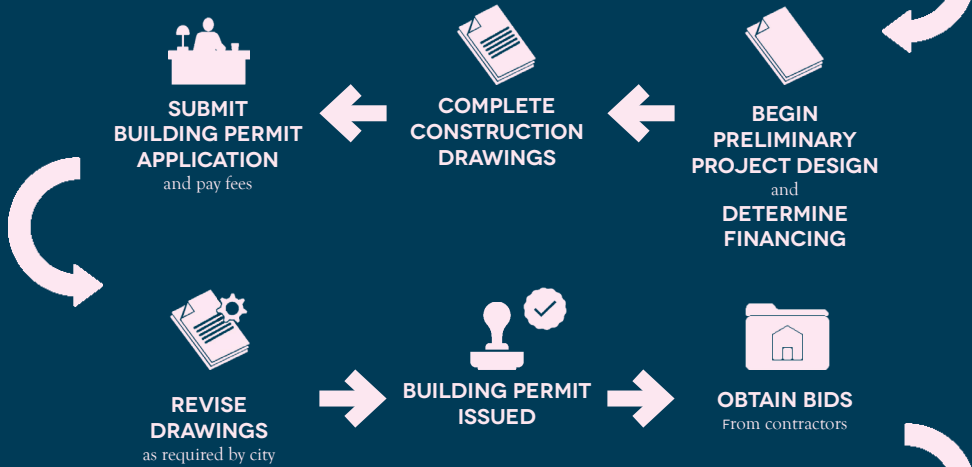
- LA City Limit
- Single Family Residential Lots more than 1/2 Mile from Transit
- Single Family Lots within 1/2 Mile of Transit

LOOKS LIKE I CAN ADD A UNIT TO MY LOT! WHAT'S NEXT?

1. COLLECT INITIAL INFORMATION



2. DESIGN + PERMITTING



3. CONSTRUCTION



TIPS FOR DRAWING YOUR EXISTING LOT

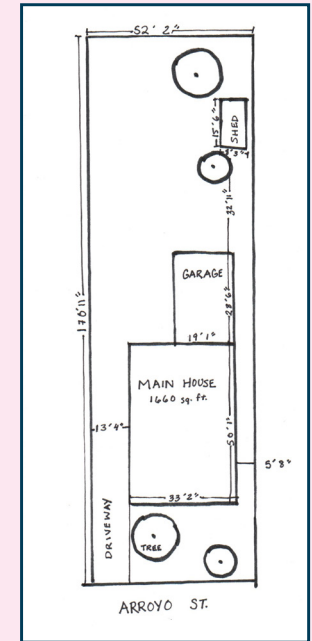
Measure and draw the shape of your lot.

Make notes of measurements on the sketch in terms of feet and inches.

As precisely as you can, draw the outline of your current house with measurements.

Measure and draw other permanent structures where they exist on your lot, such as a garage.

Mark the location of the driveway, major trees, and all structures (even if they will be demolished).



SKETCHING AN ADU ON YOUR EXISTING LOT

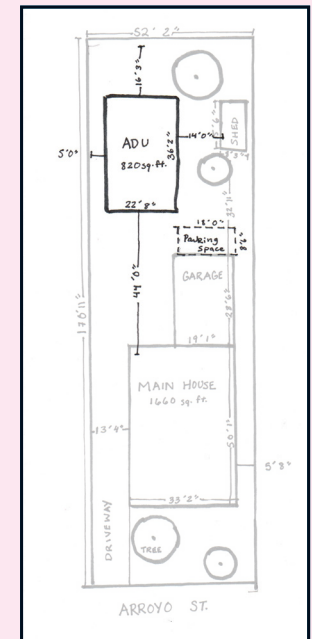
Make a copy of the drawing of your existing lot and sketch a floor plan of the ADU you want to build.

Show where you would park a car(s).
Tip: a typical parking space is 8ft 6in x 18 ft

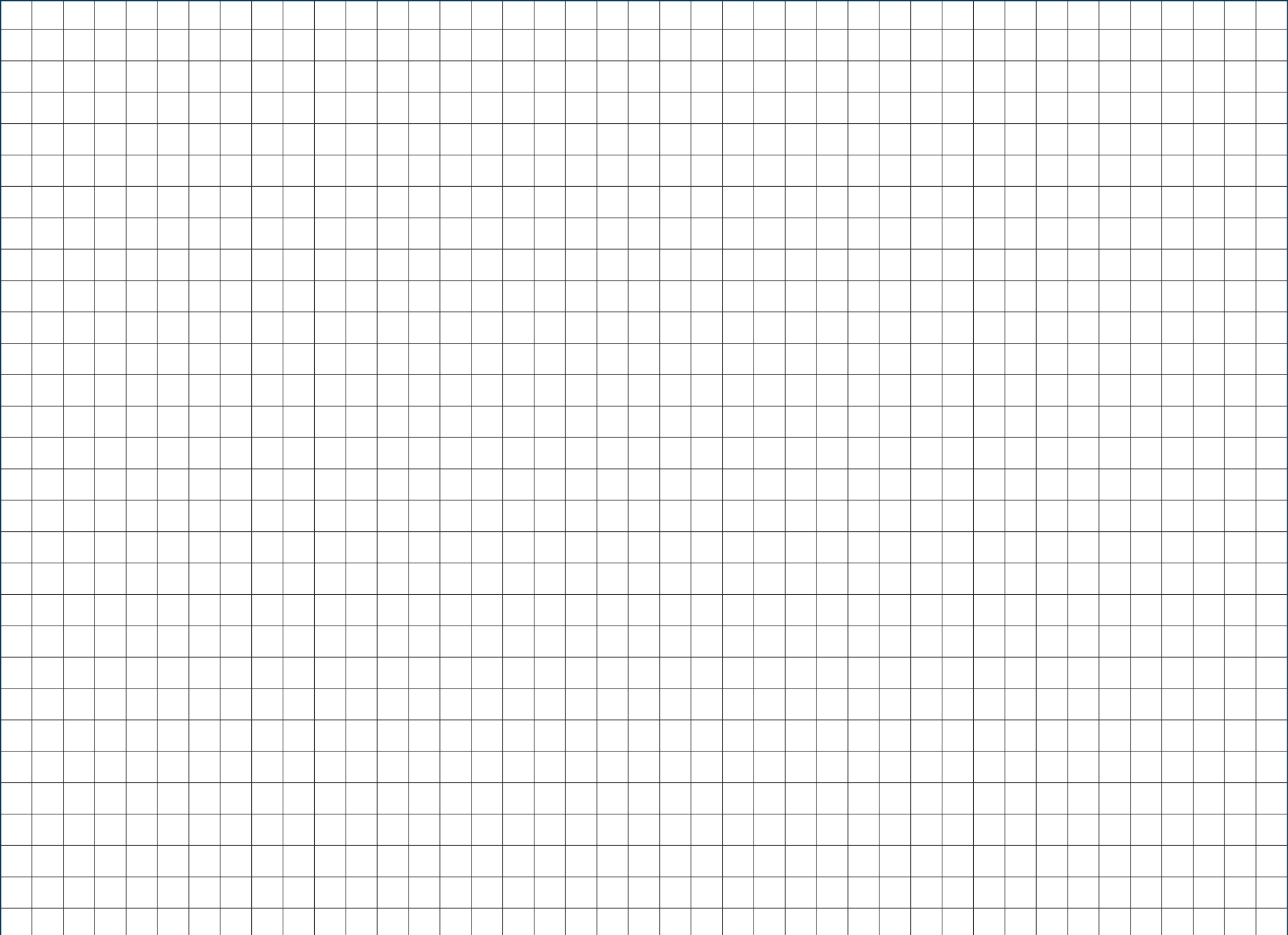
Show any streets and alleys adjoining your lot.

Measure and block out 5 feet from each property line (for the setbacks).

Remember to leave at least 10 feet between the main house and your ADU, and avoid placing any structure(s) in the side and rear setbacks.



TRY IT!



FREQUENTLY ASKED QUESTIONS

1. HOW MUCH WILL MY ADU COST?

Since the size and construction of each ADU will differ, it is impossible to estimate the cost of your ADU. The cost per-square-foot of an ADU is likely to be the same as any other new residential construction; builders and architects can give you rough estimates.

2. HOW DO I PAY FOR MY ADU?

There are a number of ways to pay for the construction of an ADU. A common way is to borrow from a home equity line of credit if you have equity in your existing house. Other ways can be more complicated: 1. You could refinance your existing mortgage to take out a larger loan to provide cash for ADU construction (this will require equity in the home); 2. You may be able to obtain a private construction loan to build the ADU and refinance the loan with a new mortgage when construction is complete. You should start by talking to the bank that holds your current mortgage.

3. HOW DO I TELL IF I'M NEAR TRANSIT?

Many lots in LA are within a half-mile of transit, so that ADU parking will not be required. The City publishes a transit map at media.metro.net/riding_metro/maps/images/system_map.pdf. First, see if your lot appears to be within a half-mile radius of a bus stop, rail station, or a dedicated space where a shared-vehicle is parked. Second, call the Dept. of Building and Safety to give your property address. They can confirm whether you need to provide parking for your ADU.

4. CAN I SELL MY ADU?

No, you can only sell your house and ADU together. ADUs can be rental units or occupied by the homeowner or family members.

5. MUST THE HOMEOWNER LIVE ON THE PROPERTY?

No, both the existing house and the ADU can be rental units.

6. WHAT IF MY CURRENT GARAGE IS IN THE FRONT OF MY LOT?

If your existing garage is at the front of your house, in most cases you cannot convert it into an ADU. You may be able to build an ADU

elsewhere on your property. You should check with the Dept. of City Planning.

7. CAN I LEGALIZE AN UNPERMITTED ADU ON MY LOT?

Although this guidebook focuses on new construction, you may be able to get permits that will legalize an existing rental unit on your property. You can contact the Dept. of Building and Safety for more information.

8. HOW BIG CAN I MAKE MY ADU?

There are some limits on the size of an ADU, based on the size of your lot and existing house. First, an attached ADU cannot be bigger than 50% of the existing house. For example, if your existing house is 2,000 sq. ft., the attached ADU cannot exceed 1,000 sq. ft. in size. Second, there is a “mansionization ordinance” that usually restricts the total square footage of all structures on a lot to 45% of total lot size. For example, if your lot is 10,000 sq. ft., the total built area (existing house, ADU, garage, etc.) cannot exceed 4,500 sq. ft. In addition, most ADUs cannot exceed 1200 sq. ft. The Dept. of City Planning will need to verify the specifics related to your project.

9. MY LOT SEEMS TOO SMALL OR UNUSUAL. CAN I STILL BUILD AN ADU?

Almost every lot in LA is unique, so this guidebook addresses the most common conditions. There are various types of ADU that work on different lots. For example, if a detached ADU will not fit in your backyard, you might attach a new unit to your current house. If the garage behind your house is inconveniently located, you could demolish and rebuild it with an ADU above. Sketch your ideas as suggested in the guidebook, and talk them over with the Dept. of Building and Safety.

10. IS AN ADU SUBJECT TO THE RENT STABILIZATION ORDINANCE?

If you add an ADU to your home, you can rent one or both of the units. If your home was built before 1979, one or both of the units may become subject to the City's Rent Stabilization Ordinance (RSO). To determine if an ADU triggers the RSO on your property, call (866)-557-7368. For more information about the RSO, visit homeforrenters.org.

RESOURCES

PROPOSED ADU ORDINANCE

As of July 2017, only state law regulates ADUs in the City of LA. The City may propose some modifications to the law in the future. <https://planning.lacity.org/ordinances/docs/ADU/InformationSheet.pdf>

AB 2299 FULL TEXT

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2299

SB 1069 FULL TEXT

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1069

LA DEPT. OF CITY PLANNING

<https://planning.lacity.org/>
Due to the complex nature of planning and building regulations, web-based information may be difficult to navigate and interpret. Questions may be addressed to Matthew Glesne at matthew.glesne@lacity.org or 213-978-2666.

LA DEPT. OF BUILDING AND SAFETY

<http://www.ladbs.org/>
Call 311 within the City limits
From outside Los Angeles call (213) 473-3231.

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LADCP / LABBS MEMO PERTAINING TO ADUS, DECEMBER 2016

<https://planning.lacity.org/documents/Citywide/MemoAB2299.pdf>

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FURTHER READING

Accessory Dwelling Units
www.accessorydwellings.org

Backyard Homes LA - a pamphlet that describes the logics, design, and implementation of Backyard Homes as a response to current housing conditions in LA.
https://static1.squarespace.com/static/58e4e9705016e194dd5dc43/t/58fb37f83a041197bb7b1cd6/1492858885878/2010_Backyard_Homes.pdf

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<https://citylab.ucla.edu/backyard-bihome-1>

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