

Amended 9/10/12

**Amended MCCF position on Accessory Apartments legislation**

*On 5/14/12, MCCF delegates adopted the following position on the proposed Accessory Apartment Zoning Text Amendment which, at that time, was only being considered by the Planning Board (points 1 through 7b). After Council introduction of ZTA 12-11, on 9/10/12 the Federation delegates amended their position by adding points 8 and 9.*

1) The Federation reconfirms its position of record strongly urging all accessory apartments continue to require Board of Appeals approval. This allows an opportunity for neighbors to weigh in on possible negative impacts from undue concentration of units, compatibility with character of a neighborhood, and impact on on-street parking in the area.

2) The Federation urges retention of the existing requirements for detached accessory apartments (allowed on lot of more than 1 acre through conversion of a separate accessory structure existing 12/2/1983, or in an accessory structure built after 12/2/1983 if lot is at least 2 acres and unit will house a care-giver).

3) The MCCF supports the proposed reduction in maximum size of accessory apartments from the current 2500 square foot limit to 1200 square feet.

4) The MCCF supports retaining the current requirement for 2 off-street parking spaces, regardless of the size of the accessory unit.

5) The Federation urges the legislation define "carriage houses" (in County Code Sec.59-A-2.1.) as accessory apartments.

6) The Federation suggests the Board be required, as part of their approval process, to establish the maximum occupancy of each accessory apartment by applying existing "minimum habitable space per person" standards (in County Code Sec.26-5.), so long as that number is no greater than the number of persons allowed under this legislation (i.e.; maximum of 3 persons in any accessory apartment);

7a) The Federation strongly urges that accompanying legislation be introduced in County Council to add a new "environmental standards" section to the Housing Code (in County Code, Sec.26-8.?) requiring all dwelling units in the county be free of mold, radon gas, and exposed lead paint; and that...

7b) language be added to this ZTA requiring the Board or the Hearing Examiner, as part of their process for considering an application for a new accessory unit, insure these environmental standards are being met by means of an inspection occurring prior to Board action on the application.

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8) MCCF support not permitting detached accessory units in the R-60 and R-90 "small lot" zones; and;

9) The Federation urges retention of the existing requirement that a one family detached dwelling in which an accessory apartment is to be created, or to which it is to be added, be at least 5 years old on the date of application for special exception.