

## MEMORANDUM

To: Mayor J.B. Lawrence and Blowing Rock Town Council

From: Kevin Rothrock, Planning Director

SUBJECT: Accessory Apts in R-15 and R-MH Zoning Districts

DATE: February 27, 2015

An accessory apartment is a residential use having the external appearance of a single-family residence, but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet. Accessory apartments are allowed in all residential zoning districts except R-15, single-family and R-MH (mobile home).

Accessory apartments are usually located above a garage and provide a place for guests to stay separated from the main house. There are several accessory apartments that are “grandfathered” in the Mayview area that were built as a guest house in the early 1900’s. The properties with accessory apartments in the R-15 zoning districts are considered nonconforming and the Land Use Code restricts either the main house or apartment from being expanded.

Based on requests from homeowners over the years to construct guest houses for family or to rent to a student or year-round tenant, staff would like Council to consider allowing accessory apartments be allowed in the R-15 and R-MH zoning districts. This consideration would be consistent with the 2014 Comprehensive Plan Update which recommends amending the Land Use Code allowing accessory apartments in additional zoning districts to expand housing choices.

As this item is considered, there could be some clarifying of the current definition to not limit accessory apartments from being attached to the primary residence as long as the size limitations are met and a separate access is provided. Such a modification of the definition could be amended as follows (see underlined):

***Residential, Single-Family with Accessory Apartment.*** A residential use having the external appearance of a single-family residence, but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet. An accessory apartment can be attached or detached from the principal structure, as long as separate ingress/egress access is available.

In addition to recommending approval of allowing accessory apartments in these zoning districts, Planning Board recommended amending the definition of a dwelling unit to clarify what constitutes a kitchen when applying the ordinance in various construction applications. It has been the planning staff’s policy that a kitchen is defined as having a stove or cooktop appliance.

Further clarifying the definition of a dwelling unit kitchen provides staff with much needed ordinance language for review and enforcement purposes. As recommended by the Planning Board, the definition of a dwelling unit could be modified as shown below (see underlined).

***Dwelling Unit.*** A building containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family. A kitchen, as defined herein, has a sink and a stove/cooktop appliance.

Attached to this report is a draft ordinance for Council's review and consideration. Underlined language has been added, while deleted text is struck through.

I can provide further clarification on the ordinance amendment during the meeting on March 10<sup>th</sup>, or questions can be directed to me at 295-5240 or [krothrock@townofblowingrock.com](mailto:krothrock@townofblowingrock.com).

**ORDINANCE NO. 2015-\_\_**

**AN ORDINANCE TO ALLOW ACCESSORY APARTMENTS IN THE R-15 AND R-MH ZONING DISTRICTS**

WHEREAS, the Blowing Rock Land Use Ordinance Table of Permissible Uses establishes allowable uses for each zoning district; and

WHEREAS, accessory apartments are allowed in all residential zoning districts except the R-15 and R-MH zoning districts; and

WHEREAS, the 2014 Comprehensive Plan Update recommends amending the Land Use Ordinance to allow accessory apartments in additional zoning districts to expand housing choices and options; and

WHEREAS, the Planning Board recommended amending the Land Use Ordinance to allow accessory apartments in R-15 and R-MH zoning districts, and to modify current definitions of accessory apartments and dwelling units for clarification and enforcement purposes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Chapter 16, Article 10 – The Table of Permissible Uses of the Blowing Rock Town Code is hereby amended as follows:

Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
<b>1.000 Residential</b>															
<b>1.100 Single-family residences</b>															
1.110 Other than mobile homes	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z		
1.120 Mobile homes								Z							
1.130 Single family residence with accessory apartment	Z	<u>Z</u>	Z	Z	Z	Z	Z	<u>Z</u>	C		C	C			

Section 2. Chapter 16, Article 2 – Basic Definitions of the Blowing Rock Town Code is hereby amended as follows:

**“Residential, Single-Family with Accessory Apartment.** A residential use having the external appearance of a single-family residence, but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross

floor area of the building nor more than a total of 750 square feet. An accessory apartment can be attached or detached from the principal structure, as long as separate ingress/egress access is available."

Section 3. Chapter 16, Article 2 – Basic Definitions of the Blowing Rock Town Code is hereby amended as follows:

***“Dwelling Unit.*** A building containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family. A kitchen, as defined herein, has a sink and a stove/cooktop appliance.”

Section 4. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Sharon H. Greene, Town Clerk