



Planning Commission  
App. No. 089-2015-TA

## Zoning Text Amendment Wadsworth Township

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**Meeting:** October 7, 2015  
**Applicant:** Wadsworth Township Zoning Commission (WTZC)  
**Hearing:** October 12, 2014 (Zoning Commission)  
**Amendment:** Delete all of Section 307 Accessory Apartments  
**Reviewer:** Rob Henwood

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**Proposal:** The WTZC has submitted the above listed text change. Deleted text is shown as ~~strikeout~~ text.

### ARTICLE III

#### ~~SEC. 307~~ — ACCESSORY APARTMENTS

##### ~~SEC. 307-1~~ — INTENT AND PURPOSE.

~~The purpose of this regulation is to address the identified need of providing and preserving affordable and secure housing for the elderly and handicapped residents of Wadsworth Township, while preserving the appearance and character of the Townships neighborhoods; by permitting, as an accessory use, the creation of a separate self-contained living unit within, incidental, and subordinate to an existing single family residence.~~

##### ~~SEC. 307-2~~ — DEFINITIONS.

- ~~1. For the purposes of this regulation, the term "accessory apartment" shall be defined as a separate, self-contained living unit within and subordinate to, an existing single family, residence.~~
- ~~2. For purposes of this regulation, the term "primary dwelling" shall be defined as the unconverted portion of an existing single family residence.~~
- ~~3. For purposes of this regulation, the term "principal owner" shall be defined as the owner of not less than a fifty (50) percent interest in the residence.~~

##### ~~SEC. 307-3~~ — SPECIFIED REQUIREMENTS.

~~A one family residence located within lawful setbacks and situated in a R-1, R-2 and R-3 Zones may be converted into a one family dwelling with a single accessory apartment subject to the following conditions and requirements:~~

- ~~1. A principal owner of the residence must reside in either the primary dwelling or the accessory apartment throughout the duration of the permit as referred to in Sect. 307.4.1.~~
- ~~2. The accessory apartment shall contain not less than 480 square feet and not more than forty (40) percent of the floor area of the originally existing residence.~~
- ~~3. Any exterior alterations to the originally existing residence shall be made on the existing foundation, with the exception that alterations made solely for the purpose of providing access and egress need not be made on the existing foundation. No separate access to the accessory apartment from the outside shall be provided.~~

- ~~4. The number of off street parking spaces for the accessory apartment shall not be less than one.~~
- ~~5. The occupancy of the accessory apartment shall be limited to not more than two persons.~~
- ~~6. If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire, and health code requirements.~~

**Comments:**

1. If the township does in fact delete Section (§) 307, the references to § 307 in all three residential districts allowing accessory apartments as permitted uses must also be deleted; the §s to be deleted are 401-2(4), 402-2(3), and 403-2(4).
2. A clear rationale why the accessory apartment text is proposed to be deleted was not articulated to staff. Generally speaking, community concerns about accessory apartments focus on the fear that permitting such apartments will lead to those units being utilized as a rental unit; effectively making the single-family home a duplex. Wadsworth Township's desire to remove accessory apartments seems questionable as duplex or two-family residential dwellings are permitted uses. Staff wonders if two-family residential dwellings are a permitted residential building type then why are accessory apartments of concern?
3. Deleting the accessory apartment text will not afford the township the opportunity to prohibit the renovation or alteration of single-family homes to add an additional dwelling unit. Two-family structures are currently permitted uses in all three residential districts.  
  
According to Article II Definition, Section 201 a two-family dwelling is defined as "a detached building designed for or converted or occupied by two families, living independently of each other, with cooking and toilet facilities in each dwelling unit." Should the township go forward and remove the accessory apartments language this would not prevent the modification of single-family homes to include an additional dwelling unit. Under the current two-family dwelling definition, a single-family home could be "converted" to contain a second dwelling unit and such use would be permitted by right as a two-family dwelling.
4. Deleting the accessory apartment text would afford the township less control over the addition of a dwelling unit in a single-family structure than available with the current zoning text. The current text allows the township the opportunity to regulate this use to:
  - a. Ensure that the property owner is one of the individuals living in the structure.
  - b. Control the minimum size of the apartment and its maximum size in relation to the overall size of the structure.
  - c. Limit the alteration of the exterior of the structure to ensure that the structure continues to look like a single-family home.
  - d. Preclude the accessory apartment from having its own separate access.
  - e. Ensure adequate off-street parking.
  - f. Limit the occupancy of the accessory apartment to two persons.

5. The purpose statement indicates that permitting accessory apartments provides and preserves affordable and secure housing for the elderly and handicapped residents of Wadsworth Township and provides a mechanism to ensure the protection of neighborhood character. It is not clear that anything in the community has changed to render this purpose invalid.
6. Accessory apartments can provide beneficial housing options for a variety of situations consistent with the existing purpose statement. Providing access to accessory apartments can provide an affordable housing option for elderly or disabled residents.<sup>1</sup>
7. Permitting accessory apartments can provide benefits for communities as follows:
  - By providing a housing option that meets the needs of multiple community populations (elderly, disabled, and young adults), thus helping stabilize a community's resident population.
  - Units can be created with little or no impact on the character or appearance of a neighborhood.
  - Increases a community's affordable housing supply by converting excess space in a single-family home into another dwelling unit.
  - Reduces development on additional land by using existing housing to create additional residential dwelling units.<sup>2</sup>

**Recommendation:** Staff recommends **DISAPPROVAL** for Section 307 Accessory Apartments for the following reason:

1. Deleting the accessory apartment text will not afford the township the opportunity to prohibit the renovation or alteration of single-family homes to add an additional dwelling unit.
2. Deleting the accessory apartment text would afford the township less control over the addition of dwelling units in a single structure than is currently available with the effective zoning text.
3. Provisions in local zoning permitting accessory apartments can provide benefits to elderly and disabled residents consistent with the purpose statement contained in the existing zoning language. Absent any clear rationale for removing the language, it seems that deleting the language may cause more harm than good.

In the event the township decides to keep the existing accessory apartment text, staff recommends that the township re-evaluate the prohibition on separate accesses for accessory units. Zoning text permitting accessory apartments allows the opportunity for elderly and disabled individuals to maintain as much of their independence and self-sufficiency as is practical.

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<sup>1</sup> Pollak, Patricia Baron (2010 and updated August 1, 2012) "Accessory Apartments (secondary dwelling unit)." Page 1. *Livable New York: Sustainable Communities for All Ages*. Division of Policy, Research, and Legislative Affairs, New York State Office of the Aging. Retrieved from <http://www.aging.ny.gov/livableny/ResourceManual/Housing/III1i.pdf>.

<sup>2</sup> Ibid, page 3.