

## MEMORANDUM

**TO:** Mayor Kyriacou and Members of City Council  
of the City of Beacon

**FROM:** Keane & Beane, P.C.

**RE:** Accessory Apartment Special Use Permit Requirements

**DATE:** February 26, 2020

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In the City of Beacon, accessory apartments are permitted on single-family properties in all residential zoning districts by special use permits approved by the City Council. The term “accessory apartment” is not defined in the City Code. An accessory apartment is commonly defined as “a separate housekeeping unit, usually with its own kitchen and bathroom, either within or adjacent to an existing one-family house.”

The City Council may grant a special use permit to allow an accessory apartment in the City of Beacon if it finds that all of the conditions and standards set forth in City Code §§ 223-18.B and 223-24.1 are satisfied.

### **General Special Use Permit Standards (§ 223-18.B)**

The City Council may authorize the issuance of a special use permit, provided that it shall find that all of the following conditions and standards have been met:

- The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
- Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a Special Permit.

- Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The City Council must review the above standards for all special use permit applications. Prior to approving a special use permit, the City Council may adopt such conditions and safeguards to the special use permit as are necessary to assure continual conformance with all applicable standards and requirements. City Code § 223-18.E. The conditions must relate to the conditions and standards set forth in City Code § 223-18.B.

### **Special Use Permit Standards for Accessory Apartments (§ 223-24.1)**

It is the purpose and intent of the City Code to allow accessory apartments on single-family properties in all residence districts in order to provide an opportunity and encourage the development of small, rental housing units designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income and relatives of families presently living in Beacon. It is the further purpose and intent of the City Code to allow for the more efficient use of the City's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to otherwise help to protect and preserve property values. *See* City Code § 223-24.1.A.

Accessory apartments in the City of Beacon must meet the following requirements:

- The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.
- An accessory apartment may be located either in a detached single-family dwelling or in an accessory building on such a single-family lot.
- The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall also be 300 square feet, and the maximum shall be 600 square feet, except that the City Council may permit a smaller or larger accessory apartment where appropriate in an existing accessory building constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot

area required in the district in which the lot is located for each accessory apartment in excess of the first one.

- If an accessory apartment is located in a detached single-family dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain that of a single family residence.
- A minimum of two off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.
- Each accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with this section. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.

**Additional Requirements for Accessory Apartments in the Historic District Landmark Overlay Zone**

If the proposed accessory apartment is located in the Historic District Landmark Overlay Zone, the City Council will need to consider the criteria set forth in City Code § 134-7. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council shall give consideration to:

- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.
- (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
- (3) The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.

In applying the principle of compatibility, the City Council must review the standards set forth in City Code § 134-7.B for new structures, additions, or alterations in the HDLO. These standards are attached hereto.