



1002 S 3<sup>rd</sup> Street  
Laramie, WY 82070

307-721-2568  
planning@co.albany.wy.us  
www.co.albany.wy.us/planning.aspx

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## MEMORANDUM

To: Planning and Zoning Commission  
From: David C. Gertsch, AICP, Planning Director  
Date: August 2, 2023  
Re: Accessory Dwelling Standards

Please review this iteration of the accessory dwelling standards. I have made a number of changes based on comments made at your May 10<sup>th</sup> meeting.

One item I would like to get further direction about is whether we would like to limit this use to specific areas in the County or whether you would like to allow accessory dwelling across the entire county. I have provided some draft language that would limit this option to the priority growth areas defined in the Albany County Comprehensive Plan.

### Next Steps

1. Continue the discussion;
2. Schedule a public hearing for the regulations as presented; OR
3. Schedule a public hearing for the regulations with amendments.

### Attachments:

1. Draft 1.21 of the Accessory Dwelling Standards
2. Draft of an applicability paragraph

Amendment Number: ZA-01-23  
 Requested By: Planning Department/Planning and Zoning Commission  
 Staff Contact: David Gertsch, Planning Department

Summary: This amendment would allow accessory dwellings in residential zoning districts which meet certain standards.

ADD TO CHAPTER 2, SECTION 3.

Dwelling, Accessory – A dwelling that is a smaller independent living facility secondary to the principal dwelling (single family home) on the same property. These dwellings may be attached (within the structure of the principal dwelling) or detached (a separate structure surrounded by open space). Detached accessory dwellings may include guest houses, in-law suites, carriage houses, or dwellings within an outbuilding. Attached accessory dwellings may include basement apartments, garage apartments, or a loft within the principal dwelling. Dwellings that meet this definition and associated standards are not considered multi-family dwellings for the purposes of these regulations.

Dwelling, Principal – A dwelling that is the principal building or structure on a legally conveyable property (parcel, tract, or lot).

AMEND CHAPTER 3, SECTION 2.

- A. Agricultural
  - 2. Density: One (1) principal dwelling unit per thirty-five (35.0) acres.
- B. Rural Residential
  - 2. Density: One (1) principal dwelling unit per five (5.0) acres.
- C. Small Lot Residential
  - 2. Density: One (1) principal dwelling unit per two (2.0) acres.
- D. Urban Residential
  - 2. Density: One (1) principal dwelling unit per ten thousand (10,000) square feet.

ADD TO CHAPTER 4, LAND USE TABLE 4.1

Uses	A	RR	SLR	UR	C	NB	I	Special Use Standards/Permit
Dwelling, Accessory	AC	C	C	C	P	P	P	Chapter 6, Section 8

ADD TO CHAPTER 6.

Section 8. Accessory Dwelling Standards

- a) Purpose. Provide an opportunity to develop smaller secondary dwellings on property for additional housing for a single household while protecting the character of the neighborhood (similar type of use and impacts to the surrounding area). ~~Additionally, these regulations are intended to ensure that the accessory dwelling remains subordinate to the principal structure.~~
- b) Zoning District. Accessory dwellings are allowed in zoning districts specified in the Land Use Table.
- ~~e) Principal dwellings. Accessory dwellings within a principal dwelling shall be considered multi-family dwellings and follow the standards for that designation as defined in this zoning resolution.~~
- ~~d)c) Number of Accessory Dwellings. One Accessory Dwelling will be allowed per property.~~
- ~~e)d) Setbacks. Zoning district setbacks shall be met.~~
- ~~f)e) Minimum parcel, tract, or lot size. The minimum parcel, tract, or lot size for an additional dwelling shall be as follows:
  - i) Property with on-site water and wastewater system: ~~4-10~~ acres
  - ii) Property with centralized water ~~system only or wastewater system~~: ~~2+~~ acres
  - ~~iii) Property with centralized wastewater system only: 1 acre~~
  - iv) Property with both centralized water and sewer: ~~20,000 square feet~~ 1 acre.
  - ~~iii)v)~~~~
- f) Size.
  - i) A ~~detached~~ accessory dwelling shall not exceed ~~the lessor of~~ 1,200 square feet ~~or 75% of the total square footage of the principal dwelling.~~
  - ~~g)ii) An attached accessory dwelling shall not exceed 40% of the total square footage of the principal dwelling.~~
- ~~h)g) Prohibitions. Accessory dwellings are prohibited in the Aquifer Protection Overlay Zone.~~
- ~~i)h) Small Wastewater System. If not connected to a centralized sewer system, the small wastewater system shall meet County wastewater standards. Small wastewater systems serving an accessory dwelling shall be approved by the Albany County Planning Department prior to approval of a Zoning Certificate for the accessory dwelling.~~
- i) Zoning Certificate Documentation. Proper documentation, as determined by the Planning Department, must be provided with the Zoning Certificate application confirming each of the above standards is met.
- ~~j) Approval of an accessory dwelling does not constitute a subdivision of land. Subdivision of land shall only occur when a subdivision permit is approved by the Board of County Commissioners, or a State exemption allows for the division of land.~~

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Applicability discussion. Here is some proposed language to consider if we would like to limit accessory dwellings to properties with Priority Growth Areas. We would need to adopt the PGA's in the Zoning Resolution, if this is the direction we would like to go.

Add to Chapter 6, proposed section 8:

Applicability. Accessory dwellings are allowed in zoning districts specified in the Land Use Table. Accessory dwellings proposed in the following zoning districts must also be in Priority Growth Areas 1, 2, or 3 (See Priority Growth Area maps in Appendix A): Rural Residential, Small Lot Residential, or Urban Residential.