



FAQ's about Basement or Accessory Apartments and/or renting in Saratoga Springs

What is a basement or accessory apartment?

Section 19.02 of the Land Development Code has a specific definition:

“Dwelling, Accessory Unit” or “ACCESSORY DWELLING UNIT” means a residential unit that is located on the same lot as a single-family dwelling unit and is (a) internal to a single-family dwelling, (b) attached to a single-family unit (e.g., an addition), or (c) part of a detached garage or accessory building. An ADU cannot be a stand-alone structure and must be part of the main dwelling or part an accessory building or detached garage. An ADU must be a complete housing unit with a separate entrance, kitchen, sleeping area, closet space, bathroom facilities, utilities (electricity, gas, and culinary water), and dedicated off-street parking. A dwelling with an ADU shall be owner-occupied and shall be considered a “Dwelling, Single-family.”

Is a basement or accessory apartment allowed in Saratoga Springs?

There is only one zone, the Planned Community (PC) zone, where these may be allowed if they are approved as part of a Community Plan. So far, the Beacon Point Community Plan is the only Community Plan that allows them. If you are buying property in Beacon Point and would like to understand the rules for accessory apartments in this development please contact a City Planner or review the approved Community Plan here: <https://www.saratogaspringscity.com/898/Approved-Master-Development-Plans>.

Code Reference: 19.04.08 (blank boxes indicate that an accessory dwelling unit is not allowed)

	A	RA-5	RR	R1-40	R1-20	R1-10	R1-9	R2-8	R3-6	MF-10	MF-14	MF-18	MR ²
Dwelling, Accessory Unit ³													

³ Permitted if approved as part of a Community Plan in the Planned Community Zone.

Can I have a second kitchen?

A second kitchen in your home does not count as an “accessory dwelling unit”. If you add a second kitchen you’re not allowed to separate your house into two units and you can only have one “family” in the entire home. When you get a building permit for the second kitchen you’ll sign an acknowledgement stating that you agree not to turn part of your home into a separated apartment.

19.02 (100.) “Family” means:

- a. any number of individuals, related by blood, marriage, or adoption, and domestic servants for such family; or
- b. a group of not more than four persons who are not so related, living together.

Does the City regulate renting?

The City does not regulate whether or not you can rent out your property. However, there is a limit on how many people can live in your residence based upon the definition of family mentioned above. If you are renting all or part of your residence you have two options to choose from when it comes to how many people can live in the entire residence:

Option 1: Any number of individuals, related by blood, marriage, or adoption, and domestic servants for such family.

Option 2: No more than 4 total unrelated people in the whole house.

Examples:

- If you have a family of six you cannot rent out a room or part of the house to someone that is not related as that will equal 7 unrelated people.
- If you have a family of three you may rent out a room or part of the house to one person that is not related as that will equal a total of 4 unrelated people.
- If you are a married couple with no kids you may rent to two additional people.
- If none of you are related the maximum number of tenants is 4 people.

Why doesn't the City allow basement or accessory apartments?

This goes back to zoning. When the residents of each neighborhood bought their homes it was not allowed. The City does not want to change the zoning on home-owners after they have purchased their home because many people do not support having accessory apartments in their neighborhoods. However, as the City grows, some areas will be allowed to have them as long as it is clear before development begins, such as in the case of the Beacon Point Community Plan.

How is this enforced?

When City Code Enforcement is made aware of an illegal accessory dwelling unit a notice of violation is issued to the property owner. If the violation is not corrected fines will ensue.