



## Legislation Text

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File #: 22-4729, Version: 2

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Ordinance - Public Hearing Continuation and First and Final Reading on an Ordinance to Amend Section 155.072(B) of the Mansfield Code of Ordinances Regarding Definitions for an Accessory Unit and Section 155.072(J)(5)(c) of the Mansfield Code of Ordinances Regarding the Habitable Area of an Accessory Unit (OA 22-005)

To consider the proposed ordinance amendment

### Planning and Zoning Commission Recommendation

The Planning and Zoning Commission held a public hearing on June 21, 2022 and voted 5 to 0 to recommend approval.

**Ayes:** 5 - Knight, Goodwin, Mainer, Gilmore, and Axen  
**Nays:** 0  
**Absent:** 2 - Groll and Weydeck

### Staff Recommendation

Staff recommends approval.

The City Council tabled this item at their Regular Meeting held on July 11, 2022 to allow for the Housing Market Growth Strategy Sub-Committee to meet and to discuss further.

The purpose for the Housing Market Growth Strategy Sub-Committee discussing further was to propose and present a unique set of regulations for accessory dwelling units that can be implemented across multiple zoning districts, including the D, Downtown District, to increase housing supply and expand housing options.

As presently defined under Section 155.072(B), Definitions, of the D, Downtown District, an accessory unit is "a dwelling unit not greater than 800 square feet, and sharing ownership and utility connections with a principal building; and the dwelling may or may not be within an principal building and it may or may not be for rent."

This definition is not compatible with the definition for accessory dwelling units as found in Section 155.012, Definitions, and it also creates incompatibility with the interpretation and the administration of applicable regulations for accessory dwelling units as found in Section 155.099, Special Conditions. Accordingly, amending the definition for accessory units will ensure ease of interpretation and compatibility across the community's various zoning districts where such dwellings are permitted.

The definition of an accessory unit --- as proposed to be amended --- will read as thusly:

***"Accessory Unit. A dwelling unit that is subservient to a principal building in size, location, and***

*design, often located above garages or in outbuildings located towards the rear of a lot. Accessory units may only be rented provided the property owner lives in the principal building. Alternatively, the property owner may live in the accessory unit and rent the principal building. Applicable regulations and restrictions as found in Section 155.099 shall apply (SYNONYM: ACCESSORY DWELLING UNIT)."*

Moreover, the proposed amendment to delete the provisions in Section 155.072(J)(5)(c) regarding habitable area is intended to remove potential conflicts with the provisions as found in Section 155.099(B)(35) concerning the same.

The amendments as proposed to Section 155.072(B) and Section 155.072(J)(5)(c) are consistent with the regulations existing in Section 155.099(B)(35) for accessory dwelling units as contemplated under Agenda Item 22-4885; they are also very much consistent with the community's vision for expanding housing options and housing supply, but not at the expense of disrupting the existing urban fabric and diminishing other quality of life metrics.

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