



Legislation Text

File #: 22-4727, **Version:** 1

Ordinance - Public Hearing 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)

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission Held a public hearing on June 21, 2022 and voted -- to -- to recommend approval.

Staff Recommendation

Staff recommends approval.

Section 155.072(B) in the D, Downtown District currently sets out the definition of an accessory unit as: "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."

The current ordinance allows both the principal building and the accessory unit to be rented to different tenants. In this situation, the accessory unit ceases to be ancillary to the principal building and becomes a principal building in its own right. The proposed amendment ensures that the property is owner-occupied and only one of the buildings can be rented. An owner may 1) live in the principal building and rent the accessory unit; or 2) the owner may live in the accessory unit and rent out the principal building. The amendment also requires that an accessory unit has a separate entrance from the principal building. The amendment will revise the definition of an accessory unit to read as follows:

"ACCESSORY UNIT:

A type of residential unit not greater than 800 square feet sharing ownership and utility connections with a principal building with a separate entrance from the principal building; it may or may not be within an outbuilding. Accessory units may only be rented if the principal building is owner-occupied. Alternatively, a property owner may live in the accessory unit and rent the principal building (SYNONYM: ANCILLARY UNIT)."

The amendment to Section 155.072(J)(5)(c), setting out the habitable square footage of an accessory unit, is intended to further distinguish the differences between an accessory unit within a principal building and one in an outbuilding.

The current definition of an accessory unit establishes a maximum area of 800 square feet for an accessory unit. And Section 155.072(J)(5)(c) establishes a maximum area of 800 square feet of habitable area for the accessory unit. Habitable area only includes the heated and air conditioned

part of a residence. If an owner wishes to add non-heated/air conditioned space to an accessory unit, such as a 400 square foot garage, currently section 155.072(J)(5)(c) would allow it. This may result in an accessory unit that is the same size or larger than the principal building.

The proposed amendment would limit both the habitable and non-habitable space of an accessory unit in an outbuilding to 800 square feet. This will ensure that the outbuilding remains ancillary to and does not exceed the size or scale of the principal building. An accessory unit within a principal building may continue to have a maximum of 800 square feet of habitable space, as the principal building is being enlarged and the accessory unit remains an ancillary use to the principal building. The amendment will revise Section 155.072(J)(5)(c) to read as follows:

“(c) The habitable area for an accessory unit within a principal building shall not exceed 800 square feet. The habitable area for an accessory unit within an outbuilding, excluding garages, porches, and other similar components, shall not exceed 800 square feet. The habitable area for an accessory unit within an outbuilding shall not exceed the habitable area of a principal building.”

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