



## Legislation Text

---

File #: 22-4870, Version: 1

---

OA#22-007: Public Hearing to consider proposed amendments to Chapter 155, "Zoning" to revise the definition of an accessory dwelling in Section 155.012; to repeal Section 155.082(E)(7) in its entirety; and to revise regulations related to accessory dwellings in Section 155.099(B)(35).

The City Council's Housing Market Growth Strategy Sub-Committee has been reviewing and developing strategies to expand housing choices in Mansfield, including encouraging the construction of accessory dwelling units on single-family lots. In accordance with the Sub-Committee's direction and guidance related to accessory dwelling units, Staff proposes to amend Sections 155.012 (Definitions), 155.082(E)(7) (Special Exception) and Section 155.099(B)(35) (Special Conditions) to enable and to encourage their construction and use. The proposed amendments will redefine accessory dwelling units, allow them as a matter of right and establish new building height, area, design, and setback requirements.

### Current Regulations

Under the current provisions of Chapter 155, Zoning, the following regulations apply to accessory dwellings:

1. Section 155.012 (Definitions) defines an accessory dwelling as:

**"DWELLING, ACCESSORY.** A dwelling unit accessory to and located on the same lot with the main residential building and used as living quarters by domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises."

2. Section 155.082(E)(7) (Special Exception) allows attached or detached accessory dwellings by special exception as may be considered and approved by the Zoning Board of Adjustments. Accessory dwellings may only be used by family members, domestic servants or temporary guests pursuant to the definition in Section 155.012. Accessory dwellings cannot be rented or used as a separate residence, and only one accessory dwelling is allowed per lot. The current regulations also establish area, height, and setback requirements for accessory dwellings.
3. Section 155.099(B)(35) contains special conditions that allow an attached accessory dwelling by right if the unit is constructed at the same time as the main residence.

### Proposed Amendments

Among other things, the proposed amendments redefine accessory dwellings as accessory dwelling units (ADU), allow them by right, and allow ADUs to be rented. The specific revisions include the following:

1. The proposed amendment to Section 155.012 provides a new definition for accessory dwelling units and contains the rental provision.

**“DWELLING UNIT, ACCESSORY.** A type of dwelling unit that is subservient to a principal residential dwelling in size, location, and design, and is often located above garages or within an accessory building that is located towards the rear of the property. An accessory dwelling unit may also be for rent.”

2. The proposed amendment also repeals Section 155.082(E)(7), the Special Exception regulations, entirely.
3. The following are the principal revisions to Section 155.099(B)(35), the Special Conditions regulations for ADUs:
  - ADUs are permitted in the A, PR, SF, and D Districts and in PD Districts by right.
  - An ADU may either be attached to the principal residence, above a free-standing garage or in a free-standing outbuilding.
  - The maximum habitable floor area of an attached ADU is 1,000 square feet. A detached ADU may have a floor area of 75% of the habitable floor area of the principal residence.
  - An ADU and a principal residence cannot exceed the maximum lot coverage permitted by the property’s zoning.
  - The maximum height of an ADU is two (2) stories.
  - Only one (1) attached accessory dwelling unit and one (1) detached accessory unit are allowed on a lot or parcel of land. Summarily, there may be a maximum of two (2) ADUs on a single property.
  - ADUs are not counted in the calculations of the minimum or maximum densities in any zoning district.
  - The side and rear setbacks for an attached one-story ADU is 5 feet. For an attached two-story ADU, the minimum side setback is 7.5 feet and the rear setback is 10 feet.
  - The side and rear setbacks for all detached ADUs is 5 feet.
  - ADUs must match the wall, color, and material of the principal residence on the same lot, with special roof requirements for detached or attached ADUs.
  - The entrance into an attached ADU must face away from the main entrance into the principal residence.
  - Where visible from the public right-of-way or any required open space or civic space, all openings for doors and windows shall match the proportions and orientations for the same on the principal building façade.

- ADUs must have a separate entry from the principal residence.
- An ADU may not be platted or sold separately from the principal residence.
- Examples of ADUs are shown.

Staff recommends approval.

**Attachment**

Draft Ordinance