

**Petition 173TCH-99 PB—Legislative Matter No. 990715
Land Development Code Changes
February 28, 2000**

City Plan Board recommendation shown in strike-through or underline. Minor changes proposed by Staff subsequent to Plan Board hearing are shown in gray shading.

Sec. 30-55. Residential high density districts (RH-1 and RH-2)

(e) *Dimensional requirements for multiple-family and accessory structures.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

TABLE 4. DIMENSIONAL REQUIREMENTS FOR MULTIPLE-FAMILY PRINCIPAL AND ACCESSORY STRUCTURES IN RH-1 AND RH-2 DISTRICTS

Principal Structures (residential)

	<u>RH-1</u>	<u>RH-2</u>
Allowable density	8-43 du/a	8-100 du/a
Maximum density by right	20 du/a	80 du/a
Allowable density with bonus points	per requirements of Sec. 30-55 (d)	per requirements of Sec. 30-55 (d)
Maximum FAR	per requirements of Sec. 30-55 (d)	per requirements of Sec. 30-55 (d)
Minimum lot area:	7,500 <u>5,000</u> sq. ft.	7,500 <u>5,000</u> sq. ft.
Minimum lot width:	75 <u>50</u> ft.	75 <u>50</u> ft.
Minimum lot depth:	90 ft.	90 ft.
Minimum yard setbacks:		
Front	5 ft. <u>The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.</u>	5 ft. <u>The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.</u>
Side (interior)	10 <u>7.5</u> ft.	10 <u>7.5</u> ft.
Side (street)	5 ft.	5 ft.
Rear	20 ft.	20 ft.
Maximum lot coverage	N/A	N/A

Accessory Structures

	RH-1	RH-2
<u>Minimum distance from rear of primary structure:</u>	<u>10 ft.</u>	<u>10 ft.</u>
All accessory structures, excluding fences and walls, shall not be closer to any property line than the required lot setbacks for the principal structure. Minimum setbacks (excluding fences and walls):		
Front	<u>N/A 5 ft. Same requirement as for principal structures.</u>	<u>N/A 5 ft. Same requirement as for principal structures.</u>
side (interior)	<u>10 5 ft.</u>	<u>10 5 ft.</u>
side (street)	<u>5 ft.</u>	<u>5 ft.</u>
Rear	<u>20 5 ft.</u>	<u>20 5 ft.</u>
Maximum building height:	<u>25 ft.</u>	<u>25 ft.</u>
Transmitter towers ¹	<u>80 ft.¹</u>	<u>80 ft.¹</u>

¹ Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

~~(1) Principal structures (residential).~~

- ~~a. Minimum lot area: 7,500 square feet.~~
- ~~b. Minimum lot width at minimum front yard setback: 75 feet.~~
- ~~c. Minimum lot depth: 90 feet.~~
- ~~d. Minimum yard setbacks:~~
 - ~~1. Front: 5 feet.~~
 - ~~2. Side, interior: 10 feet~~
 - ~~3. Side, street: 5 feet~~
 - ~~4. Rear: 20 feet~~

~~(2) Accessory structures.~~

- ~~a. All accessory structures, excluding fences and walls, shall not be closer to any property line than the required lot setbacks for the principal structure.~~
- ~~b. Maximum building height: 25 feet. Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.~~

(f) Dimensional requirements for single-family and accessory structures. All single-family principal and accessory structures shall be located and constructed in accordance with the following requirements in Table 4.5.

TABLE-4 5. DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY PRINCIPAL AND ACCESSORY STRUCTURES IN RH-1 AND RH-2 DISTRICTS

Principal Structures

Minimum lot area: Single-family dwelling unit	3,000 sq. ft.
Minimum lot width at minimum front yard setback: Single-family dwelling unit	35 ft.
Minimum lot depth	N/A
Minimum yard setbacks:	
Front	The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.
Side (interior)	5'
Side (street)	5'
Rear	20'
Maximum building height	35'
Maximum lot coverage	50%

Accessory Structures (*)

<u>(*: Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot. A maximum of one accessory residential unit is allowed.</u>	
Minimum distance from rear of primary structure:	<u>10 ft.</u>
Minimum setbacks (excluding fences and walls):	
front	<u>N/A The average of the distance (up to a maximum of 20') between street right of way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'. Same requirement as for the principal structure.</u>
side (interior)	5 ft.
side (street)	5 ft.
rear	5 ft. ¹
Maximum building height:	25 ft.
Transmitter towers ²	80 ft ² .

Accessory structures

Minimum front and side yard setbacks	Same requirements as for the principal structure, excluding fences and walls
Minimum yard setback, rear	5' ¹
Maximum building height	25'
Transmitter towers ²	80'

¹ One pre-engineered and pre-manufactured structure of 100 square feet or less may be erected in the rear or side yards as long as the structure has a minimum yard setback of three feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall that is at least 75 percent opaque.

² Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

RH:DM

Item No. 1

TO: City Plan Board **Date:** January 20, 2000
FROM: Planning Division Staff
SUBJECT: Petition 173TCH-99 PB. City Plan Board. Amend Sec. 30-55 of the Land Development Code with respect to dimensional requirements for principal and accessory structures in the residential high-density districts (RH-1 and RH-2).

Recommendation

Planning Division staff recommends approval of Petition 173TCH-99 PB.

Explanation

The need for additional revisions to the Land Development Code was discussed at the September 27, 1999 adoption hearing on text changes to the residential high (RH-1 and RH-2) and residential medium (RMF-6, RMF-7 and RMF-8) density districts. The adopted ordinance lowered the minimum density requirements in those districts, provided for minimum density exemption for parcels 0.5 acres or smaller existing on November 15, 1991, established single-family as a use by right in RH-1 and RH-2, and provided dimensional requirements for single-family principal and accessory structures in the RH-1 and RH-2 districts. The currently proposed revisions are limited to the RH-1 and RH-2 districts.

The proposed revisions modify some of the dimensional requirements for multiple-family and single-family principal structures and accessory structures, and establish that accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts.

The considerable gap between the 3,000 square-foot minimum lot size and 35-foot minimum width requirement for single-family structures, and between the minimum 7,500 square-foot lot size and 75-foot lot width requirements for multiple-family structures prompted the proposed revisions to these requirements. There are many lots in the residential high-density districts that under the current requirements are limited to single-family development. Of the 398 total lots (excluding condominiums and split-zoned lots) in RH-1 and RH-2, there are 94 lots (i.e., approximately 25% of total) that meet the proposed 5,000 square-foot minimum lot size and 50-foot minimum lot width requirements for multi-family development (but do not meet the current size and width requirements). Of the 94 lots, 8 are unimproved, 34 are in single-family use, 50 are in multi-family use (presently on non-conforming lots), and 2 are in other use categories.

The proposed changes to lot size and lot width requirements will make it possible to put an additional residential structure on lots where a single-family structure exists or is contemplated. These changes will also make it possible to expand an existing multiple-family structure, do a multi-family development where none presently exists, or put an additional residential structure on lots where a multiple-family structure exists or is contemplated. By removing the prohibition on multi-family development for the 94 lots (13.5 acres of the total 287.41 acres of RH-1 and RH-2 that are neither in condominium use nor are split-zoned), additional residential units can be allowed in these high-density residential districts. All other dimensional requirements would of course have to be met. These changes are supportive of the City's long-term commitment to redevelopment.

The proposed reduction of the side interior setback for multiple-family structures from 10 to 7.5 feet will make this setback requirement more consistent with the required 5-foot front and side street setbacks. The proposed 7.5-foot interior side setback is closer both to the corresponding 5-foot setback proposed by Dover-Kohl in the draft University Heights Special Area Plan (SAP), and to Dover-Kohl's proposed side setbacks (8 feet for an apartment next door to a house, 5-10 feet for apartments, townhouses and houses) in the College Park SAP. It is important to remember that the RH-1 and RH-2 districts are high-density residential districts, and that they are intrinsically more urban than suburban. The proposed 7.5-foot interior setback requirement is a modest and benign reduction that is supportive of infill and redevelopment efforts of the City.

The proposed reductions in setback requirements for accessory structures related to multiple-family structures are to match those for single-family structures in the RH-1 and RH-2 districts. The front setback requirement in both cases is recommended for deletion because it is simply not needed. An accessory structure is by definition subordinate to the principal structure, and invariably will be placed behind the principal structure. The proposed requirement that accessory structures be no closer than 10 feet from the rear of the primary structure eliminates the unlikely situation of an accessory structure being in front of a principal structure and thus in need of a front setback requirement.

No changes with respect to density, FAR (floor area ratio) or maximum lot coverage are proposed. Current density, FAR and maximum lot coverage criteria have been put in proposed Table 4 in order to make the table more comprehensive and useful than it would otherwise be.

Sec. 30-55. Residential high density districts (RH-1 and RH-2)

(e) *Dimensional requirements for multiple-family and accessory structures.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

TABLE 4. DIMENSIONAL REQUIREMENTS FOR MULTIPLE-FAMILY PRINCIPAL AND ACCESSORY STRUCTURES IN RH-1 AND RH-2 DISTRICTS

Principal Structures (residential)

	<u>RH-1</u>	<u>RH-2</u>
<u>Allowable density</u>	8-43 du/a	8-100 du/a
<u>Maximum density by right</u>	20 du/a	80 du/a
<u>Allowable density with bonus points</u>	per requirements of Sec. 30-55 (d)	per requirements of Sec. 30-55 (d)
<u>Maximum FAR</u>	per requirements of Sec. 30-55 (d)	per requirements of Sec. 30-55 (d)
<u>Minimum lot area:</u>	7,500 5,000 sq. ft.	7,500 5,000 sq. ft.
<u>Minimum lot width:</u>	75 50 ft.	75 50 ft.
<u>Minimum lot depth:</u>	90 ft.	90 ft.
<u>Minimum yard setbacks:</u>		
<u>front</u>	5 ft.	5 ft.
<u>side (interior)</u>	10 7.5 ft.	10 7.5 ft.
<u>side (street)</u>	5 ft.	5 ft.
<u>rear</u>	20 ft.	20 ft.
<u>Maximum lot coverage</u>	N/A	N/A

Accessory Structures (*)

<u>(*: Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot, and shall have fewer residential units than the principal structure.</u>	<u>RH-1</u>	<u>RH-2</u>
<u>Minimum distance from rear of primary structure:</u>	10 ft.	10 ft.
<u>Minimum setbacks (excluding fences and walls):</u>		
<u>front</u>	N/A 5 ft.	N/A 5 ft.
<u>side (interior)</u>	10 5 ft.	10 5 ft.
<u>side (street)</u>	5 ft.	5 ft.
<u>rear</u>	20 5 ft.	20 5 ft.
<u>Maximum building height:</u>	25 ft.	25 ft.
<u>Transmitter towers¹</u>	80 ft. ¹	80 ft. ¹

¹ Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

~~(1) — Principal structures (residential).~~

- ~~a. Minimum lot area: 7,500 square feet.~~
- ~~b. Minimum lot width at minimum front yard setback: 75 feet.~~
- ~~c. Minimum lot depth: 90 feet.~~
- ~~d. Minimum yard setbacks:~~
 - ~~1. Front: 5 feet.~~
 - ~~2. Side, interior: 10 feet~~
 - ~~3. Side, street: 5 feet~~
 - ~~4. Rear: 20 feet~~

~~(2) Accessory structures.~~

- ~~a. All accessory structures, excluding fences and walls, shall not be closer to any property line than the required lot setbacks for the principal structure.~~
- ~~b. Maximum building height: 25 feet. Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.~~

- (f) *Dimensional requirements for single-family and accessory structures.* All single-family principal and accessory structures shall be located and constructed in accordance with the requirements in Table 4. 5

**TABLE 4-5. DIMENSIONAL
 REQUIREMENTS FOR SINGLE-FAMILY
 PRINCIPAL AND ACCESSORY
 STRUCTURES IN RH-1 AND RH-2
 DISTRICTS**

Principal Structures

Minimum lot area: Single-family dwelling unit	3,000 sq. ft.
Minimum lot width at minimum front yard setback: Single-family dwelling unit	35 ft.
Minimum lot depth	N/A
Minimum yard setbacks:	
Front	The average of the distance (up to a maximum of 20') between street right- of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.
Side (interior)	5'
Side (street)	5'
Rear	20'
Maximum building height	35'
Maximum lot coverage	50%

Accessory Structures (*)

(*: Accessory structures can be used as residential dwellings in the RH-1 and RH-2 districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot. A maximum of one accessory residential unit is allowed.		
Minimum distance from rear of primary structure:	10 ft.	10 ft.
Minimum setbacks (excluding fences and walls):		
front	N/A The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.	N/A The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20'.
side (interior)	5 ft.	5 ft.
side (street)	5 ft.	5 ft.
rear	5 ft. ¹	5 ft. ¹
Maximum building height:	25 ft.	25 ft.
Transmitter towers ²	80 ft. ²	80 ft. ²

Accessory structures

Minimum front and side yard setbacks	Same requirements as for the principal structure, excluding fences and walls
Minimum yard setback, rear	5' ¹
Maximum building height	25' ²
Transmitter towers ³	80' ²

¹ One pre-engineered and pre-manufactured structure of 100 square feet or less may be erected in the rear or side yards as long as the structure has a minimum yard setback of three feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall that is at least 75 percent opaque.

² Transmitter towers may reach a height of 80 feet in accordance with the requirements and conditions of Article VI.

Consistency with the Goals, Objectives and Policies of the Comprehensive Plan

The proposed revisions to the Code are consistent with:

Future Land Use Policy 2.1.1

Residential High Density (8 -100 units per acre)

This category shall allow multi-family development at densities from 8 to 100 dwelling units per acre. Lots that existed on November 13, 1991 and are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as residential high density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed more than 20% of the residential floor area. Land Development Regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Single-family shall be an allowable use. Land Development Regulations shall specify the criteria for the siting of high intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land development regulations shall allow Home Occupations within certain limitations.

Future Land Use Element Objective 2.4:

Redevelopment shall be encouraged to promote urban infill, improve the condition of blighted areas, to reduce urban sprawl and foster compact development patterns.

City Plan Board
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January 20, 2000

Impact on Affordable Housing

This petition will potentially have a positive impact on the provision of affordable housing in that it will allow for additional residential units on some lots in the residential high-density districts.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RW:DM

V. OLD BUSINESS

1. **Petition 173TCH-99 PB** City Plan Board. Amend Sec. 30-55 of the City of Gainesville Land Development Code with respect to dimensional requirements for principal and accessory structures in the residential high density districts (RH-1 and RH-2).

Mr. Dean Mimms was recognized. Mr. Mimms explained that the petition involved dimensional changes in the RH-1 and RH-2 Residential Zoning Districts. He noted that the petition clarified the language allowing accessory structures to be used as residential dwellings in those zoning districts. He discussed the issues of minimum lot sizes and reductions in side and front yard setbacks in detail. He noted that only 94 lots in the City would be affected by the change. Mr. Mimms indicated that the proposed changes would allow additional residential structures to be placed on lots that currently only allow a single-family use. He explained that it would also allow the construction of new, or expansion of existing, multi-family structures on lots that are presently non-conforming. He noted that the change had a positive affect on the expansion of affordable housing units. Mr. Mimms concluded his presentation and offered to answer any questions from the board.

Dr. Fried asked if there were other zoning districts in the City that allowed accessory structures in the manner of the proposed amendment.

Mr. Mimms stated that accessory structures were allowed in the Mixed Use Districts. He noted that some provisions for accessory dwelling units may come forward in special area plans.

Dr. Fried suggested that the change would allow rental dwellings to be built in unused backyards.

Mr. Carter asked if an accessory structure would be included in the fifty-percent total lot coverage regulation.

Mr. Mimms stated that it would.

Mr. Carter suggested that the provision for fifty percent lot coverage would limit the construction of an accessory structure on a lot with an existing single-family home.

Mr. McGill requested that the RH-1 and RH-2 Zoning Districts be pointed out on a map.

Mr. Mimms did so and indicated that the two districts under consideration consisted of approximately 300 acres.

Mr. McGill requested clarification of the uses of the RH-1 and RH-2 Zoning Districts.

Mr. Mimms explained that allowed uses consisted of single-family and multi-family dwellings.

Mr. McGill indicated he did not understand the distinction between an accessory structure and a duplex.

Mr. Mimms explained that the accessory dwelling would be subservient to the main dwelling. He noted that it would also be constructed at least ten feet behind the main dwelling. He pointed out that with multi-family, more than one building could be placed on a lot. He explained that the text change was intended to address the smaller lot situation found in the zoning districts.

Mr. McGill suggested that the proposed amendment addressed existing structures. He pointed out that multiple buildings could be constructed on a lot.

Mr. Mimms discussed the minimum lot size and coverage, and how it applied to single and multi-family construction.

Chair Guy indicated that he saw a conflict in the number of units that could be constructed on a lot. He discussed the setbacks and how they function.

Mr. McGill noted that the proposed text change required that an accessory structure be smaller and have fewer residential units than the primary structure. He pointed out that the petition would allow a 2,400 square foot house and a 2,399 square foot accessory unit.

Mr. Mimms agreed that it was possible if a single-family lot was large enough.

Mr. McGill stated that the change would allow a multi-family primary structure with four units, and a three unit accessory structure.

Mr. Mimms agreed.

Chair Guy opened the floor to public comment.

Mr. Robert Pearce was recognized. Mr. Pearce pointed out that the Code made no distinction between a two-unit building on a lot and a lot with two separate units. He stated both were multi-family. Regarding the proposed minimum five-foot setback, he noted that the amendment did not take into consideration the width of the right-of-way. He pointed out that a minimum five-foot right-of-way allowed buildings, even multi-family, to be so close to the street there would not be room for a sidewalk or street trees. He recommended that the proposed minimum front setback be modified to make it the same or similar to the setback of single-family principal structures. He noted that the same problem existed on the side street setback and he recommended that it be changed too. Mr. Pearce pointed out that the proposed minimum distance the rear of primary structures to accessory structures is ten feet. He suggested that the building separation requirement was the result of an antiquated fire safety regulation established when kitchens were accessory structures. He indicated that the staff report assertion that an accessory structure would always be placed behind a primary structure was not necessarily true, nor was it always desirable. He pointed out that, occasionally, an accessory structure would be appropriate at the side of a principle structure, depending on the lot. He requested that the language be changed to allow accessory structures at the side of primary structures. Mr. Pearce suggested that the language be changed to state that, "accessory structures shall not be forward of the principal structure." He stated that there was a need for a maximum lot coverage limit of some kind for multiple-family structures in the RH-1 and RH-2 Zoning District. He pointed out that the RMF-6, 7, and 8 Zoning Districts had a maximum lot coverage limit of 35 percent for multiple-family buildings. Mr. Pearce

noted that the language of the proposed amendment stated that an accessory structure" shall have fewer units than the principal structure." He pointed out that, if a lot contained only one residential unit, fewer would be zero.

Ms. Nina Postlewaith-Saive was recognized. Ms. Postlewaith-Saive requested that staff provide information on why the proposed changes were needed.

Mr. Mimms explained that a number of lots in the subject zoning districts were constrained by the present regulations. He explained that there were situations where modest expansions were prohibited.

Mr. Hilliard explained that many of the recommended changes were brought about as a result of information from the design consultant Dover/Kohl recommendations for the College Park and University Heights areas. He pointed out that the University Heights Special Area Plan had proposals similar to those before the Plan Board. He noted that the proposed changes in text would apply to a very limited area because the Special Area Plan District overlay.

Chair Guy closed the public portion of the hearing.

Mr. Carter, referring to the minimum front setback, suggested that most lots had a ten to twelve-foot right of way.

Mr. Mimms indicated that Mr. Carter's comments were true in most, but not all, neighborhoods.

Mr. McGill asked if it was possible to draft language that allowed the setback to be a function of the available right-of-way space.

Mr. Hilliard agreed that Mr. McGill's suggestion was possible, but would be difficult since there were many types of rights-of-way in the District. He indicated that he agreed with Mr. Pearce's suggestion that the front setback of multi-family dwelling be the same as single-family dwellings.

Dr. Fried suggested that the language regarding accessory structures on Page 3 read "shall have no more than" rather than "shall have fewer than."

Mr. McGill agreed with the suggestion. He cited a concern about the entire accessory dwelling unit issue. He pointed out that, if multi-family was allowed in the RH-1 and RH-2 districts, there was no need to specify additional residences as accessory dwelling units. He indicated that he was uneasy about the attention being placed on accessory structures. He pointed out that, in the future, there might be requests to allow accessory dwelling units in single-family neighborhoods.

Mr. Mimms explained that accessory structures were already permitted in multi-family districts. He noted, however, that the language did not specify whether those accessory structures were residential or not. He indicated that the proposed change was to clear up that issue. He explained that staff believed it would be helpful to state implicitly that accessory structures could have a residential use.

Mr. McGill suggested that the issue was density. He indicated that density was the only distinction between single and multi-family use in RH-1 and RH-2. He asked if the owner of single-family structure would be required to obtain a landlord license for an accessory dwelling unit.

Mr. Hilliard explained that the RH-1 and RH-2 Zoning Districts were multi-family districts and did not fall under the landlord licensing requirements. He pointed out that, originally, single-family uses were not allowed in the RH-1 and RH-2 Zoning Districts. He agreed with Mr. McGill that there was no need to specify accessory structures as residential dwellings because there was a multi-family use. He explained that since single-family use was added to the district it needed to be specified that more than one unit was allowed on a lot. He pointed out that the proposed text changes allowed for greater density on a lot.

Mr. McGill noted that the language indicated that only two dwelling units were permitted on a lot of 3,500 square feet or less. He agreed that multiple units in the RH-1 and RH-2 Zoning Districts was appropriate for reasonable use of the property, however, he had a concern about the accessory dwelling unit language. He suggested that it could set a precedence for accessory dwelling units in other, lower density residential developments.

Mr. Hilliard indicated that the petition would not set any type of precedent for the single-family use.

Ms. Myers agreed with Mr. McGill and also requested that the units not be described as "accessory dwelling units." She suggested that they be referred to as a second or third building. She cited a discomfort with accessory units being allowed, even in a high density district.

Mr. Hilliard indicated that the board could make changes in the text.

Mr. McGill suggested it would simplify the issue.

Mr. Carter indicated that he believed the RH-1 and RH-2 was an appropriate district for accessory units. He pointed out that such accessory units existed at the present time. He stated that he could support the petition with the modifications discussed.

Mr. Myers reiterated her suggestion that the units be referred to as second buildings.

Chair Guy pointed out that the 50 percent lot coverage requirement did place restrictions on some of the issues.

Mr. Polshek suggested that the issues of the petition were more substantive than the language.

Mr. McGill pointed out that, in the past, petitions had been presented to the board with the rationale that there was a precedent in other zoning districts. He reiterated that the number of structures on a lot should be based upon density and the size of a lot.

There was discussion of the language to be used in the motion.

<p><u>Motion By:</u> Mr. Carter</p>	<p><u>Seconded By:</u> Dr. Fried</p>
<p><u>Moved to:</u> Approve Petition 173TCH-99 PB, with modifications. 1. Change the requirements for front yard setbacks of multi-family structures to match those of single-family structures. <i>(The average of the distance (up to a maximum of 20') between street right-of-way and principal structures on the two adjacent lots. For this calculation, any vacant adjacent lot shall be assigned a distance of 20')</i></p> <p>2. Delete the language in the multi-family table regarding the use of accessory structures as dwellings in the RH-1 and RH-2 districts. <i>(Accessory structures can be used as residential dwellings in the RH-1 and RH-2 Zoning Districts. Accessory structures shall have a smaller total floor area than the principal structure on the lot, and shall have fewer residential units than the principal structure.</i></p>	<p><u>Upon Vote:</u> Motion Carried 4-2 Yeas: Carter, Fried, Polshek, Guy Nays: Myers, McGill</p>

