



# Agenda Item #14

## LDCT-2023-19

### Housing LDC Text Amendment

County-initiated request to alleviate burdens on citizens to develop and use individual lots, reduce the levels of review for certain uses, and provide clarity for citizens and staff when applying existing LDC standards.

#### Amends:

Tables 2.1 & 2.2  
Section 206.B Security Residences  
Section 207.J MHs for Medical Hardships  
Section 209.G Size of Accessory Structures  
Section 303 Conditional Use Criteria  
Ronald Reagan SAP Use Table  
Chapter 10 Definitions

- Staff Recommends Approval
  - BoCC First Reading: 3/5/24
  - BoCC Adoption Hearing: 3/19/24

\*\*\*Based on input from the Development Review Committee, Customer Services, and Land Use Hearing Officer cases

- Adding **“Duplex, Two-Family Attached”** as a **“C3” Conditional Use** in **RL-1 & RL-2** districts.
- Reducing **“Mobile Home Park”** and **“Mobile Home Subdivision”** from **“C4”** to **“C3”** conditional uses.
- Renaming **“Security Residences”** to **“Secondary Residential Structures,”** to include other uses such as parsonages, and to lower the **level of review to a Level 1**.
- To move requests for such **Mobile Homes for Medical Hardship** from review by the Land Use Hearing Officer (LUHO) to staff review on properties exceeding one acre.
- Allowing **residential properties two acres and above** further allowances for accessory structures larger than the primary up to **150% of the size of the primary structure**.
- Reducing the Level of Review for **Individual Mobile Homes** from a **“C4”** to a **“C1”** in the Ronald Reagan Selected Area Plan.
- Adding definition for **Gross Density**.



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## Housing LDC Text Amendment

Tracts considered for residential infill development shall be limited to no greater than 80 ~~gross net~~ acres, less waterbodies and wetlands. Developments shall not be phased and/or incrementally expanded with the intent to circumvent the acreage limit.

### **The Goals of this Amendment:**

- *Lower the level of approval of the listed primary and accessory uses.*
- *Provide additional allowances for affordable housing.*
- *Provide consistency for residential uses throughout the County.*
- *Provide clarity to existing policy when reviewed by staff and customers.*

**DENSITY, GROSS:** Gross density is the total number of dwelling units located on the developable area of a residential property.

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## Housing LDC Text Amendment

### Duplexes

- Adds as “C3” conditional uses in RL-1 & RL-2
  - Consistent with multi-family approvals
- Creates distinction in Section 303 between an individual duplex structure and those within a subdivision.
- Density determined through Conditional Use Approval on individual lots.
  - Planned Development approval unwarranted.

An application to increase the density for a single duplex structure on an individual legal lot ineligible for infill shall be granted through a Conditional Use approval. Measurements for density shall include the lot area and include one-half of the right-of-way area for perimeter local streets and one-fourth of the right-of-way area for perimeter local street intersections.

Table 2.1 Use Table for Standard Land Use Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4
Duplex, Two-family Attached		C3	C3	<u>C3</u>	<u>C3</u>	C3	C3
Family Farm	C1		C1				
Fly-in Community	C3		C3				
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	C3	C3	C3				
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3
Farm Worker Dormitory, Apartment Style	C2	C2	C2				
Farm Worker Dormitory, Barrack Style	C3	C3	C3				
Mobile Home Park	C3	C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3
Mobile Home Subdivision	C3	C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3	<del>C4</del> C3
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1
Multi-family		C3		C3	C3	C3	C3





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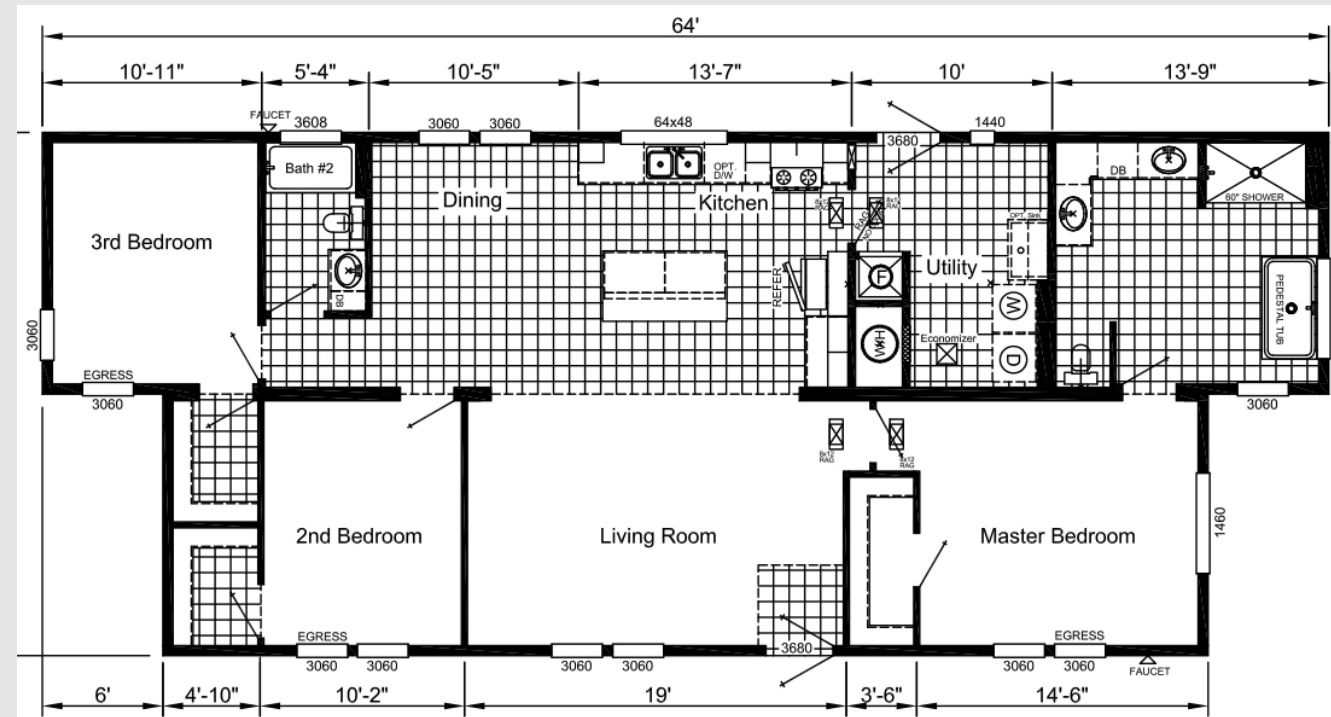
## Housing LDC Text Amendment

### Mobile Homes

- *Reduce Mobile Home Parks & Mobile Home Subdivisions from BoCC to PC approval in Residential Low*
  - *Consistent with Level of Review in other districts*
  - *Fewer than five requests in six years*
  - *Most are modifications*
  - *Still have an opportunity to appeal to the Board*
- *Reduce Individual MHs from Board approval in RL-4X in Ronald Reagan SAP.*
  - *Consistent with elsewhere in the County.*
  - *Two cases in two years.*

Table 2.1 Use Table for Standard Land Use Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH
Duplex, Two-family Attached		C3	C3	C3	C3	C3	C3	P	P
Family Farm	C1		C1						
Fly-in Community	C3		C3						
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	C3	C3	C3					C1	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2
Farm Worker Dormitory, Apartment Style	C2	C2	C2						
Farm Worker Dormitory, Barrack Style	C3	C3	C3						
Mobile Home Park	C3	C3	C4 C3	C4 C3	C4 C3	C4 C3	C4 C3	C3	C3
Mobile Home Subdivision	C3	C3	C4 C3	C4 C3	C4 C3	C4 C3	C4 C3	C3	C3
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1	C1
Multi-family		C3		C3	C3	C3	C3	P	P





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## Housing LDC Text Amendment

### **Section 206.B Security Residences**

- *Changing to “Secondary Residential Structures for Non-residential Uses.”*
- *Inclusive of parsonages and other onsite religious housing.*
- *Inclusive of onsite maintenance .*
- *Allows for Mobile Homes.*
- *Lowers from Level 2 to a Level 1 Review.*
- *Limited to one dwelling unit per non-residential use.*

#### B. ~~Security Residences~~ Secondary Residential Structures for Non-residential Uses

~~Security residences~~ Secondary Residential Structures may be permitted as an attached or detached accessory use in all non-residential districts for purposes of security, maintenance, monitoring, and protection of the principal non-residential use subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit or mobile home may be permitted as a ~~security residence~~ on the same lot or parcel as a non-residential use.
2. A ~~security residence~~ Secondary Residential Structure may be permitted as an accessory use pursuant to a ~~Level 2 Review~~ Level 1 Review.
3. A dwelling unit intended for the onsite habitation of clergy may be approved pursuant to the previous two conditions.



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## Housing LDC Text Amendment

### **Section 207.J Temporary Mobile Homes for Medical Hardship**

- *Currently, all requests require Land Use Hearing Officer approval*
- *Have had 15 TSE cases since 2018.*
  - *All approved.*
  - *Eleven have been on properties over an acre.*
- *Change would allow administrative approval for TSE requests on properties >1 acres.*
- *Annual renewal process.*
- *Mobile Home must be removed when hardship is over.*

Mobile homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Temporary mobile homes for medical hardships are subject to the applicable district regulations and the following requirements:

1. The mobile home may not be approved on a lot or parcel less than 12,500 square feet or 50 feet in width. For lots or parcels meeting or exceeding one acre, a mobile home for this purpose may be approved through a Level 1 Review, pursuant to the standards below. For lots or parcels below one acre, an application for a temporary mobile home for a medical hardship may only be approved by the Land Use Hearing Officer pursuant to procedures in Chapter 9.
2. The mobile home shall not be located in the front yard of the existing principal residence.
3. The mobile home shall meet all setbacks and building separation requirements pertaining to the principal residence.
4. The mobile home may be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.





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## Housing LDC Text Amendment

### **Section 209.G Accessory Structures Larger than Primary**

- *Currently must be approved by LUHO outside of A/RR.*
  - *Only allowed administratively in A/RR on lots 5 acres or more.*
  - *Only allowed then up to 150% of primary structure.*
- *Since 2020, 41 cases heard by LUHO, all have been approved.*
  - *19 have been for storage structures for mobile homes.*
  - *23 have been on properties two acres or more.*
  - *23 fell within the 150% threshold.*
- *Change will allow administrative approval on all residential properties under these conditions:*
  - *Property is minimum of two acres.*
  - *Up to 150% of the primary structure or 2,000 sq. ft., whichever is greater.*

#### *Size*

Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, an accessory structure may be permitted to be larger in square footage or in height than the principal structure on-site pursuant to ~~on~~ one of the following:

- ~~1. Accessory structures may be permitted up to 150 % of the principal structure square footage or height with a minimum lot size of five acres in the A/RR district (no variance required);~~
1. Accessory structures may be permitted up to 150% of the height of the principal structure and up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater, with a minimum lot size of two acres (no variance required);
2. With approval of a variance from the Land Use Hearing Officer pursuant to Sections 930 and 931; or,
3. Accessory structures utilized in conjunction with bona fide agricultural uses.

#### *Variance*

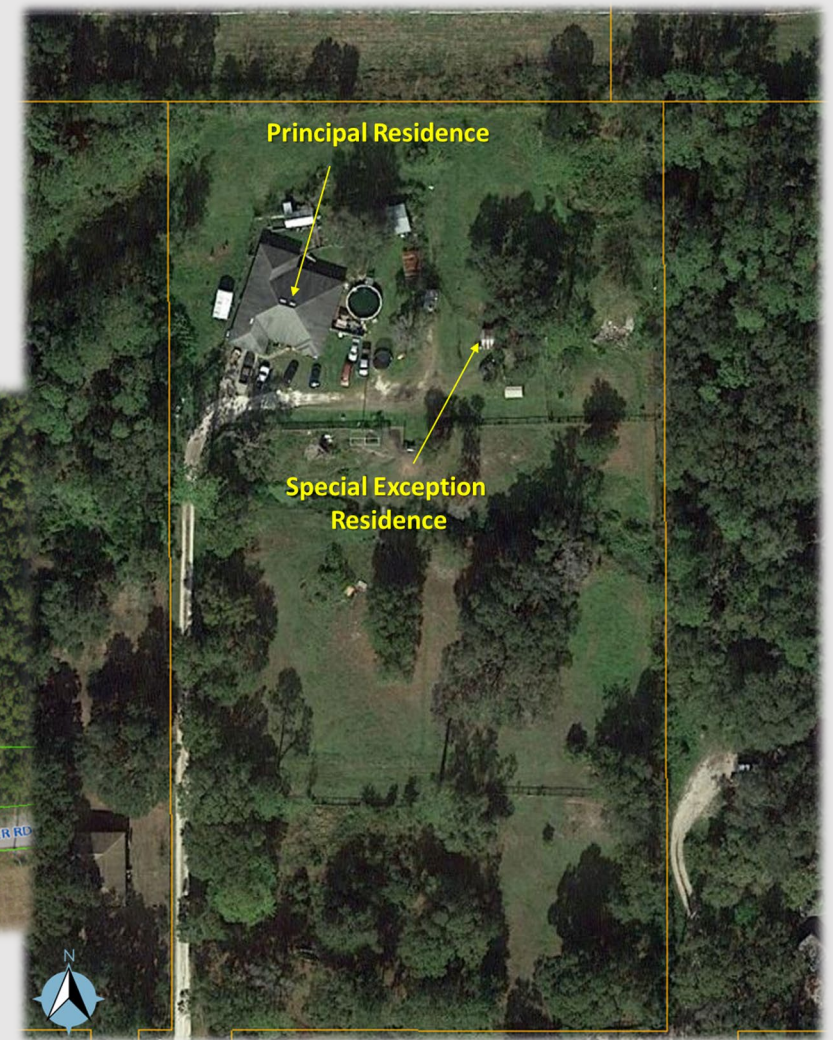
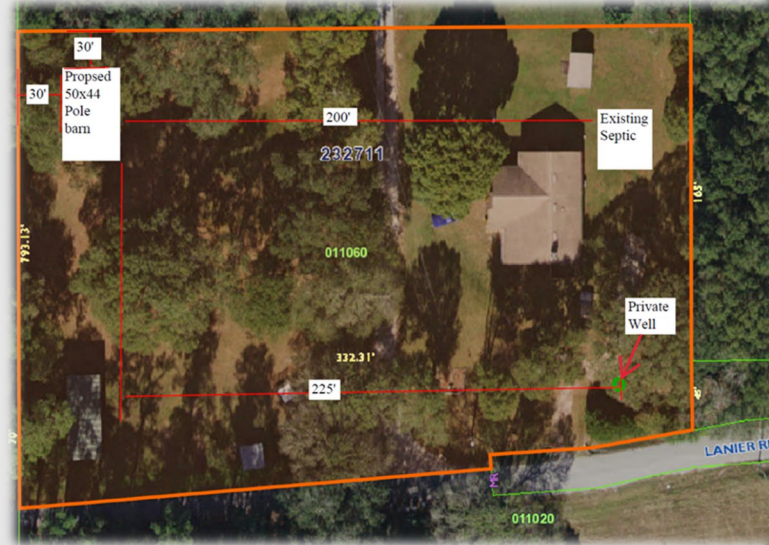
The Land Use Hearing Officer shall have the authority to grant variances from subsection G of this Section.

***\*\*\*This would have eliminated 18 (44%) of the LUHO cases since 2020.***



### **Staff Recommends Approval:**

- *Consistent with Comprehensive Plan and LDC.*
- *Lowers the level of approval of the listed primary and accessory uses.*
- *Provides additional allowances for affordable housing.*
- *Provides consistency for residential uses throughout the County.*
- *Provides clarity to existing policy when reviewed by staff and customers.*



### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. Essentially, this amendment is a policy change intended to alleviate the burdens of securing permits and permissions for uses for which current standards and levels of review are either too stringent for modern development or are routinely approved to the point an approval should be administrative.