Agenda # 6.11

Staff Report

TO: Honorable Mayor and City Council

FROM: Karl Schoettler, City Planner, Collins and Schoettler

THROUGH: John Jansons, City Manager JJ.

DATE: July 25, 2016

RE: Zoning Ordinance Amendment 2016-02 (Implementation of Farmersville Housing Element) and Introduction of Ordinance #476 to Implement Action Plans of the 2016 Housing Element.

RECOMMENDED ACTION:

It is respectfully recommended that the City Council:

1. Conduct a public hearing and consider Zoning Ordinance Amendment (ZOA) 2016-002,
2. Waive First Reading and Introduce by Title Only Ordinance #476

to amend the Farmersville Zoning Ordinance, thereby implementing several action plans of the 2016 Farmersville Housing Element.

BACKGROUND:

The City Council adopted the 2016-2023 Farmersville Housing Element earlier this year. The Housing Element includes several action plans that call for amendments to the Zoning Ordinance concerning housing issues. The Planning Commission conducted a public hearing on these amendments on June 16, 2016 and unanimously voted to recommend approval.

ANALYSIS:

The Housing Element is a part of the City's General Plan, and is required by State law. The Housing Element establishes goals, objectives and action plans for the City to meet its housing needs through the year 2023.

Several action plans in the Housing Element call for the City to complete amendments to the Zoning Ordinance, so that it is consistent with State housing laws. These amendments include:

- Adding "Transitional Housing" and "Supportive Housing" as permitted uses in the R-1 (Single Family Residential) zone.

- Adopting a minimum density of 20 units per acre for parcels that are zoned RM-2.5 (Multi Family Residential).

An overview of each amendment is as follows:

1. <u>Addition of special housing types as permitted uses in the Zoning Ordinance.</u>

The following special housing types need to be added as "permitted land uses" in the R-1 Zone.

<u>"Transitional Housing"</u>
Transitional Housing is a type of housing that is essentially a "step up" from an emergency (homeless) shelter and is defined in state law as *"buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months."*

The action is to add "Transitional Housing" as a permitted use in the R-1 zone. Essentially a transitional home would be similar to a "group home" which is already permitted by right in the R-1 zone. It is expected that any such facilities would have the appearance and characteristics of a typical single family home and must be licensed by the State. Up to six individuals per parcel could be accommodated.

<u>"Supportive Housing"</u>
Supportive Housing is again regarded as a step up from Transitional Housing, and is defined in State law as *having "no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 (of the State Housing Code) and that is linked to on site or off site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and when possible, work in the community."* Again, this use will also be added as a permitted use in the R-1 zone and will also be treated as any other single family home.

2. <u>Minimum Density Standard for the RM-2.5 zone</u>
Another action plan from the Housing Element requires the City to establish a minimum density standard of 20 units per acre for residential development occurring in the RM-2.5 zone. The RM-2.5 zone is Farmersville's "high density" residential zone – primarily intended for the development of multi-family developments (apartments).

State law now requires all cities to have at least one residential zone with standards that requires multi-family projects to achieve a density of at least 20 dwelling units per acre. The purpose of this law is to help facilitate the development of housing that is affordable to the community – on the assumption that more units per acre are more affordable than are fewer units.

The RM-2.5 zone was previously amended in 2011 to allow a <u>maximum</u> density of one dwelling unit per 1,700 square feet of lot area. This can theoretically allow up to 26 dwellings per acre, though the actual amount will usually be less once other requirements like setbacks, parking and lot coverage are factored into the design of a project.

Before the maximum density standard was amended in 2011 the highest density achieved by any project in Farmersville was 19.2 units per acre for the Farmersville Senior Apartments project on the west side of Farmersville Boulevard adjacent to the Public Works yard.

While Staff understands the State's intent, there are several factors that should be considered in the establishment of a minimum density standard for the RM-2.5 zone, including:

- As it relates to affordability, state housing law is only concerned with "larger" parcels – those that can accommodate at least 16 multi-family units. In the RM-2.5 zone it would take a parcel of at least 0.6 acre or larger to fit at least 16 units. Accordingly, the minimum density standard of at least 20 units per acre need not apply to smaller parcels (those zoned RM-2.5 and smaller than 0.6 acre (that cannot fit at least 16 units)). Therefore the proposed ordinance will apply only to larger parcels (at least 0.6 acre or more) that are zoned RM-2.5

- As noted above, other multi-family projects have been developed in Farmersville in the past and met State standards for affordability – even with densities less than 20 units per acre.

  These include Gateway Village, Park Creek Village, Farmersville Senior Housing and Villa Del Rey among the most recent. With this in mind, staff is recommending the standard (of 20 units per acre) include a provision that would allow densities less than 20 units per acre if the developer can demonstrate the project can meet State affordability requirements (units can be made affordable to lower income households). This provision will not force projects into a density of at least 20 units per acre if such density is not needed to achieve affordability goals.

  With the foregoing issues in mind the recommendation is to amend the RM-2.5 zone to stipulate a minimum density of 20 units per acre on lots larger than 0.6 acre, unless the applicant can demonstrate that affordability goals can be met with a lesser density. This is listed in Section 1 of the proposed ordinance.

Proposed Ordinance

The proposed ordinance is contained within the attached resolution. Key sections include:

Section 1 (on page 1) amends the development standards section of the RM-2.5 zone to specify that development on lots over 0.6 acre must achieve a minimum density of 20 units per acre (unless the applicant can demonstrate that a lesser density can achieve affordability standards specified by the Farmersville Housing Element).

Section 2 (on page 3) amends the table of permitted uses for residential zones. The uses "Supportive Housing" and "Transitional Housing" have been added as permitted uses in the R-1 zone of this table.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed zoning text amendments are consistent with action plans contained in the 2016 Farmersville Housing Element – a component of the Farmersville General Plan.

FISCAL IMPACT:

If adopted there will be no fiscal impacts to the City. However if not adopted this could affect the City's ability to obtain various types of grant funding from the State – since the State checks to ensure the City has adopted and is implementing its Housing Element.

CONCLUSION:

It is respectfully recommended that the City Council:

1. Conduct a public hearing and consider Zoning Ordinance Amendment (ZOA) 2016-002,
2. Waive First Reading and Introduce by Title Only Ordinance # 476

to amend the Farmersville Zoning Ordinance, thereby implementing several action plans of the 2016 Farmersville Housing Element.

ATTACHMENT(S): 1

1) Draft Ordinance #476

Respectfully Submitted By:

Karl Schoettler
City Planning Consultant
Collin and Schoettler

Approved By:

John Jansons
City Manager

DRAFT

ORDINANCE NO. 476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE AMENDING TITLE 17 OF THE FARMERSVILLE MUNICIPAL CODE RELATING TO IMPLEMENTATION OF HOUSING GOALS OF THE FARMERSVILLE HOUSING ELEMENT

The City Council of the City of Farmersville does hereby ordain as follows:

Section 1. Chapter 17.32.040 F. 1. of the Farmersville Municipal Code is amended to read as follows:

F. Density

1. RM-2.5: **The maximum density shall be** one dwelling unit per 1,700 square feet of lot area. **For lots of at least 0.6 acre in size there shall also be a minimum density of 20 units per acre (in addition to the maximum density of 1,500 square feet of lot area per dwelling) unless the applicant can demonstrate that a lesser density will achieve affordability standards contained in the Farmersville Housing Element.**

Section 2. Chapter 17.40 of the Farmersville Municipal Code is amended to read as follows:

Chapter 17.40
RESIDENTIAL LAND USE TABLE

Sections:

17.40.010 Purpose
17.40.020 Table 1—Permitted uses
17.40.030 Special conditions

17.40.010 Purpose. The purpose of the Residential Land Use Table is to designate the residential uses permitted within each zone, subject to the development standards for such uses set forth in the articles describing those zones. (Ord. 319 SS1(part), 1987)

17.40.020 Table 1 – Permitted Uses. To determine in which zone a specific use is allowed:

A. Find the use in the left hand column.

B. Read across the table until either a "letter" or an "x" appears in one of the columns

C. If a letter appears this means that the use is allowed in the zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section 17.40.030.

D. If an "x" appears to a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed in Section 17.40.030.

E. If neither a "letter" nor an "x" appears in a column, the use is not allowed in the zone represented by that column.

F. The planning commission shall interpret the appropriate zone for any land use not specifically listed in the table, the finding shall be based on consistency with the purpose of the zone and that the use is of the same general character as that of the uses permitted in that zone.

G. Overlay zones are not included in the table.

Intentional Page Break

TABLE 1
RESIDENTIAL LAND USES

USES	ZONE			
	U-R	O-S	R-1	R-M
Above ground storage tanks for flammable or combustible fluids	b	b		
Accessory buildings and uses customarily appurtenant to a permitted use	x	x	x	x
Agricultural Employee Housing	x		x	x
Apartments and multiple family dwellings				x
Boarding and rooming houses				a
Churches	b	b	b	b
Day care centers			a	a
Duplexes				x
Emergency housing				x
Family day care homes			x	x
Foster homes			a	a
Guest houses	d		d	d
Home occupations	c		c	c
Manufactured and/or mobile homes on permanent foundations	x		x	x
Mobile home parks	b		b	b
Nursing and convalescent homes				b
Public and private schools	b		b	b
Residence for a caretaker or watchman	c		c	
Second attached residential unit			d	
Second detached residential unit			d	
Single-family dwellings	x		x	x
Temporary tract offices	c		c	c
Residential care homes for six or fewer persons			x	x
Residential care homes for seven to fourteen persons			b	b
Raising of fruit and nut trees, vegetables and horticultural specialties	x	x	b	b
Single Room Occupancy units				x
Supportive Housing			x	x
Transitional Housing			x	x

17.40.030 Special conditions

The following special conditions apply to those land uses indicated by corresponding letter in Table 1:

a. Conditional use permit required if for more than six guests, persons or dwelling units or in the case of day care facilities if more than twelve children including the provider's own children.

b. Conditional use permit required.

c. Accessory use, incidental to principal use.

d. The addition shall not exceed twenty-five percent of existing living area. "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure. Subject to approval of the zoning administrator. May be approved without public hearing.

Section 3. This ordinance shall take effect thirty days after its adoption.

Section 4. The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 5. The City Clerk is further authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Farmersville within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council's meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

The foregoing Ordinance No. 476 was introduced at a regular meeting of the City Council of the City of Farmersville on the 25th day of July, 2016, and was passed and adopted at a regular meeting of the City Council on the _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

_____
Gregorio Gomez, Mayor
City of Farmersville

ATTEST:

_____
Paul Boyer, City Clerk Pro Tem