

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission; Land Use and Zoning Committee; and City Council its comments and recommendations on:

ORDINANCE 2024-0870

AN ORDINANCE AMENDING SECTION 656.306 (MEDIUM DENSITY RESIDENTIAL CATEGORY), SUBPART B (RESIDENTIAL USE CATEGORIES AND ZONING DISTRICTS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SECTION 656.403 (ACCESSORY USES AND STRUCTURES; ACCESSORY DWELLING UNITS), SUBPART B (MISCELLANEOUS REGULATIONS), SECTION 656.432 (APPLICABILITY), SUBPART C (ARCHITECTURAL AND AESTHETIC REGULATIONS FOR SINGLE-FAMILY DWELLINGS), PART 4 (SUPPLEMENTARY REGULATIONS), AND SECTION 656.1601 (DEFINITIONS), PART 16 (DEFINITIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO REVISE VARIOUS REGULATIONS RELATED TO COTTAGES AND ACCESSORY DWELLING UNITS; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

GENERAL INFORMATION

The ordinance amends the Zoning Code to remove the cap of 20 dwelling units per acre in the Medium Density Residential zoning districts and replace it with the density provided for in the Medium Density Residential land use categories in the Comprehensive Plan. It reduces the minimum lot size requirements for third and additional family units in the RMD-B, RMD-C and RMD-D zoning districts and increases the maximum number of units per acre allowable in each. The bill deletes the requirement that Accessory Dwelling Units may only be located on property that is subject to an existing homestead exemption or on property that meets the requirements for a homestead exemption for which an exemption application has been filed and is expected to be approved. It amends the Supplementary Regulations to reduce the minimum square footage of living space requirement for primary structure dwelling units from 850 to 650 square feet, which may be reduced to 600 square feet if dwellings in the immediate neighborhood are of that size. The Definitions section is amended to revise the definition of Cottage to remove the restriction that cottages are only allowed on any lot that is zoned RMD-A, RMD-B, RMD-C, RMD-D and CRO as of the effective date of the legislation creating the definition of Cottage and to provide that no property located outside the Urban Priority Area or urban area which is zoned AGR, RR or RLD, may be rezoned to permit cottages.

EVALUATION

A. The need and justification for the change

The proposed legislation is being requested to update the zoning code to match the allowed density already permitted in the Comprehensive Plan under the Land-Use Category of Medium Density Residential (MDR). The maximum gross density in the MDR Land-Use Category allows up to 30 units/acre with stipulations including:

- Urban Priority Area (UPA):
 - The maximum gross density shall be 30 units/acre when the site does not abut land in LDR or RR except for sites within the Coastal High Hazard Area (CHHA) where the maximum gross density shall be 20 units/acre, unless appropriate mitigation is provided consistent with the City’s CHHA policies.
- Urban Area (UA), Suburban Area (SA), and Rural Area (RA):
 - The maximum gross density shall be 30 units/acre when the site does not abut land in LDR or RR except for sites within the Coastal High Hazard Area (CHHA) where the maximum gross density shall be 20 units/acre, unless appropriate mitigation is provided consistent with the City’s CHHA policies.
 - For sites located within the Suburban Area and the Rural Area, the maximum gross density shall be 30 units/acre when the site fronts along a road classified as a collector or higher and where the site does not abut land in LDR or RR except for sites within the Coastal High Hazard Area (CHHA) where the maximum gross density shall be 20 units/acre, unless appropriate mitigation is provided consistent with the City’s CHHA policies.

The Zoning Code has not been updated to reflect these changes in the allowed density under the 2045 Comprehensive Plan. Only way to take advantage of these density allowances would be to seek a Planned Unit Development rezoning. The proposed changes would make it easier for property owners to develop to a density already allowed within the Comprehensive Plan.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

The proposed ordinance does not conflict with the 2045 Comprehensive Plan with recommended changes below.

I. RECOMMENDATION

The Planning and Development Department forwards a recommends of **APPROVAL** for Ordinance **2024-0870** with the below recommended change:

1. **(C) RMD-D—6,000 square feet for the first two family units and 1,340 square feet for each additional unit not to exceed 30 units per acre, only where the density requirements of the Comprehensive Plan are met.**