

ZMA201800018 and SP201800023 Rivers Edge Density Calculations and Accessory Unit Regulations

Calculating Density:

Density is calculated differently for rezonings and special use permits, using the Comprehensive Plan, as compared with by-right applications, using the Zoning Ordinance:

Comprehensive Plan: The policy of Strategy 8c (Development Areas, Chapter 8) of the Comprehensive Plan is that rezoning and special use permit applications should calculate density using **net density** by excluding land area that is designated as parks/greenspace and land area included in steep slopes, stream buffers, and floodplain.

Zoning Ordinance: Density for by-right developments is calculated using **gross density**, which includes all land area in the development.

The net density of this rezoning application is 12 units/acre, while the gross density is 3 units/acre. The recommended density in the Places29 Master Plan is 3-6 units/acre.

Accessory Unit Regulations:

Zoning Ordinance 18-5.1.34: This section of the Zoning Ordinance contains regulations for accessory apartments, including (but not limited to) the following:

- Accessory units must be within the structure of the main dwelling, not freestanding.
- Only one accessory unit per dwelling unit.
- The gross floor area (GFA) dedicated to the accessory unit cannot exceed 35 percent of the total GFA for the overall structure.
- *“A single-family dwelling which adds an accessory apartment shall be deemed to remain a single-family dwelling and shall be considered one dwelling unit for purposes of area and bulk regulations of the district in which such dwelling is located.”*
- *“A guest or rental cottage shall not be deemed to be an accessory apartment, but shall be deemed to be a single-family detached dwelling, whether or not used as such, subject to area and bulk regulations of the district in which such cottage is located. No accessory apartment shall be permitted within any guest or rental cottage.”*

Several Neighborhood Model District (NMD) rezonings have incorporated accessory units or carriage units. Carriage units are permitted to be separate from the main dwelling. Below are examples of approved NMD and their regulations:

Southwood: The Southwood Code of Development (ZMA201800003) allows for accessory apartment units and flex units. These units are size-restricted to a maximum of 1,000 square feet and do not count toward the overall density of the development.

Brookhill: The Brookhill Code of Development (ZMA201500007) allows for carriage houses. They are restricted in size to not exceed 35% of the total gross floor area of the main dwelling, and they do count towards the overall density of the development.

Belvedere: The Belvedere Code of Development (ZMA200400007) allows for carriage houses, which are restricted to a maximum of 800 square feet. Carriage houses “are separate, detached, independent living units” and do count toward the overall density of the development.

Riverside Village: The Riverside Village Code of Development (ZMA2012000002; ZMA201500003; ZMA201600019) allows for accessory apartments and uses the existing Zoning Ordinance regulations per 18-5.1.34. These units do not count toward the overall density of the development as permitted under 18-5.1.34.

Previous Application Decisions Regarding Density:

Galaxie Farm rezoning request: October 15, 2019 [Planning Commission Minutes](#)

Summary: The Planning Commission found that one additional affordable unit was not sufficient justification for exceeding the recommended density in the Comprehensive Plan.

Rivers Edge CCP: October 16, 2018 [Planning Commission Minutes](#)

Summary: The Planning Commission recommended using GIS-data to calculate the area for net density, instead of the area designated Parks/Green systems in the Comprehensive Plan. The Planning Commission recommended against transferring density with the Urban Density Residential designated parcel (TMP 32-22K1) to the south.

Riverside Village rezoning request: March 21, 2017 [Planning Commission Minutes](#)

Summary: The Planning Commission recommended approval (and the Board approved) of the request to increase the number of units in Riverside Village above the recommended density in the Comprehensive Plan. The Planning Commission and Board found that the request was acceptable for the following reasons: the CAC had no objection to the request; the location is a walkable area with residential and employment uses; there was existing development approved in the location, and the previously approved commercial use is being substituted with additional residential units.