

Ordinance #21-0125
2021 Ordinance Book, Page 37

UDO-CC8

ORDINANCE AMENDING CHAPTER 4, CHAPTER 5, 6, AND 11 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO REVISE MIXED USE – SPECIAL USE (MU-S) PROVISIONS AND TO ADD PROVISIONS FOR COTTAGE COURTS

Be it ordained by the _____, that the Unified Development Ordinances are amended as follows:

Section 1. Section 4.8.3 of the UDO is amended as follows:

4.8.3 MIXED USE – SPECIAL USE DISTRICT

A. PURPOSE

1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.
2. This district has applications in a broad range of urban to suburban locations.
3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.
4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations, and provides an opportunity to propose development which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.
5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

B. GENERAL INFORMATION

1. DISTRICT REVIEW

- a. The MU-S district is fundamentally different from other zoning districts in the UDO. MU-S zoning can only be established through the special use district zoning process in

accordance with **Section 3.2.19D, Special Use Districts**. No General Use zoning provisions are available.

- b. Compatibility and design integration of the proposed district shall be ensured by specifying appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other development standards through the site plan review process.
- c. Petitions for MU-S zoning may be subject to additional review requirements to ensure compatibility with surrounding land uses and compliance with the principal objectives of the MU-S district. Such requirements may include submittal of proposed building elevations, street and building cross sections, and other representative graphics demonstrating the internal and external compatibility of the proposed development.

2. DISTRICT OBJECTIVES

- a. The MU-S district is intended to address new development concepts, innovative design, and other unique situations and proposals which cannot be as easily accommodated through conventional zoning districts.
- b. The MU-S district generally permits a broad range of land uses including single family residential, multifamily residential, retail/commercial, office, institutional/public, and Manufacturing A and B.
- c. Each MU-S district should incorporate residential uses and at least one nonresidential use in a cohesive, comprehensively planned development which is compatible and well integrated with its surrounding context.

C. GENERAL DIMENSIONAL REQUIREMENTS

- 1. There are no general dimensional requirements for the MU-S District; these requirements shall be specified on a site specific basis through the required site plan review process.
- 2. These requirements include but are not limited to: bufferyards, setbacks, streetyards, building height, and lot dimensions and area.
- 3. In all situations, Fire Code and other regulations pertaining to general health, safety, and welfare apply.

D. SUPPLEMENTARY DISTRICT REQUIREMENTS

Other supplemental district requirements for MU-S developments include:

1. SKETCH PLAN REVIEW MEETING

- a. Prior to the formal submission of a proposed MU-S district, the developer or their representative shall attend a Sketch Plan Review Meeting with Planning and Development Services staff concerning the proposed plan of development.
- b. At this Sketch Plan Review Meeting, the developer shall submit a sketch plan for the proposed MU-S district and general information concerning traffic circulation and utilities for review, comments, and recommendations by Planning and Development Services staff.

2. RESERVED

3. RESERVED

4. RESERVED

5. RESERVED

6. MAINTENANCE RESPONSIBILITY

A homeowners association or similar entity shall be established to manage and maintain private streets, open space, and other common areas and facilities, which exist within the proposed MU-S district.

7. RESERVED

8. PARKING

a. NUMBER OF SPACES

- i. Off-street parking for any use in the MU-S District shall receive an automatic thirty percent (30%) reduction of the parking requirements of **Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements.**
- ii. A comprehensive off-street parking and loading study which includes shared parking may be approved by the Assistant City Manager for Public Works or designee in lieu of the standard parking and loading requirements as specified in **Section 6.1, Off-Street Parking and Loading.**

b. ON-STREET PARKING

- i. On-street parking in appropriate locations is encouraged in accordance with the MU-S purpose statement.
- ii. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.**

9. GENERAL REQUIREMENTS

All MU-S developments shall meet the following requirements:

a. DISTINCT LAND USES

- i. All MU-S districts shall contain residential units and at least one nonresidential use as listed in **Section 4.8.3B.2, District Objectives.**
- ii. RESERVED
- iii. Mixing of uses can occur by having two or more uses located in the same building (i.e. ground floor retail with residences above) or by having two or more uses located in different buildings within the overall district.

b. FACADES

In mixed use and nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.

c. STREETScape DESIGN

MU-S districts shall exhibit characteristics of pedestrian friendly streetscape design such as, but not limited to, buildings pulled up to the street, sidewalks and street trees, public/private outdoor spaces, and traffic calming devices, including on-street angled and parallel parking.

d. OPEN SPACE

A minimum of five percent (5%) of the total land area of the proposed MU-S district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens

e. PERIMETER BUFFERYARDS

- i. In order to ensure compatibility between uses inside the MU-S District and those outside, bufferyard standards as outlined in **Section 6.3.2, Determination of Bufferyard** shall serve as guidelines to establish bufferyards through the required site plan review process.
- ii. Actual bufferyard requirements may be reduced or increased depending on the level of integration with adjacent uses.

Section 2. Table 5.1.1: Principal Use Table of the UDO is amended as follows:

TABLE 5.1.1: PRINCIPAL USE TABLE																																					
Z = Permit from Zoning Officer; P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit (Lo) = Following a use indicates the use is a low-intensity use (Hi) = Following the use is a high-intensity use.																																					
USE TYPE	RESIDENTIAL DISTRICTS														COMMERCIAL DISTRICTS								IND. DIST.		I & MU DIST.		CONDITIONS										
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB		CB	MRB-S ⁴	F	LI	GI	CI	IP	C	MU-S	
RESIDENTIAL USES																																					
Cottage Court (Low)							P	P	P	P	P	P	P	P						P	P						P							P	P	S	
							S	S	S	S	S	S	S	S						S	S						S							S	S	S	
																																					5.2.26.1

Section 3. Section 5.2.26.1 of the UDO is amended as follows:

5.2.26.1 COTTAGE COURT

A. PURPOSE

1. Cottage Court developments are comprised of several small attached or detached housing units around a central courtyard with no intervening street.
2. The purpose of the Cottage Court provision is to encourage the development of diverse housing types and quality residential infill.
3. The smaller size of cottage homes allows for more options for populations diverse in age, income, and household size.
4. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed Cottage Courts.

B. SKETCH PLAN REVIEW

1. Prior to the formal submission of a proposed Cottage Court, the petitioner or representative shall attend a Sketch Plan Review coordinated by Planning Staff concerning the proposed development of the site.
2. The petitioner shall be required to produce a scaled sketch site plan showing the existing and proposed features of the site for review by Planning and other interdepartmental review staff.
3. The official plan of development shall be submitted to the Planning Board only after the completion of the Sketch Plan Review.

C. PERMITTED PRINCIPAL USES

Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.

D. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

Cottage Court developments shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which they are located unless otherwise set forth in this section.

E. DEVELOPMENT STANDARDS

Cottage Courts shall be allowed in GMAs 1, 2, and 3, and meet the following standards:

1. PERMITTED NUMBER OF UNITS

- a. Any Cottage Court shall have a minimum of four (4) and a maximum of fourteen (14) units.

2. ORIENTATION OF DWELLING UNITS

- a. Each dwelling unit that abuts the Courtyard Open Space shall have a primary entrance oriented toward the Courtyard Open Space.
 - i. If a dwelling unit also abuts a public right-of-way, that unit may have a secondary entrance oriented toward the Courtyard Open Space provided the primary entrance is oriented toward the right-of-way.
- b. Each dwelling unit that abuts a public right-of-way shall have a primary or secondary entrance oriented toward the public right-of-way.

3. MINIMUM SIZE

- a. For nonresidential zoning districts, a Cottage Court development shall be located on a site containing at least twenty thousand square feet (20,000 sf).

4. HEIGHT

- a. Building height of all structures may not exceed 30 feet.

5. MAXIMUM DENSITY

- a. Maximum residential density of Cottage Courts shall be 25% more than the density of the underlying zoning district in which the Cottage Court lies. However, Cottage Courts shall not include more than fourteen (14) units, except as allowed by the alternative compliance provisions of subsection F below.
- b. Additional density may be allowed by utilizing **Section 4.1.6, Density Bonus for Affordable Housing**.

6. REQUIRED PARKING

- a. **OFF-STREET PARKING**
 - i. Off-street parking shall be provided in compliance with **Section 6.1, Off-Street Parking and Loading**, except that the parking requirements may be met through group parking located on commonly owned land.
 - ii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.
 - iii. Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in **Section 6.6 Exterior Lighting**.
- b. **ON-STREET PARKING**

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments**.
- c. **SPECIAL VEHICLE ACCOMMODATIONS**
 - i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.
 - ii. Such special parking areas shall be designated and screened from adjacent residential uses per the **Bufferyard Standards in 5.2.26.1.8a**.
- 7. **LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES**
 - a. The lot and setback dimensional requirements of the zoning district for individual lots within a Cottage Court are waived except for a minimum ten (10) foot building setback from adjacent property lines, public rights-of-way and private access easements.
 - b. Minimum distances between Cottage Court structures shall adhere to minimum building code and minimum fire code.
 - c. In Cottage Court developments in GMA 2, no building shall be located closer to the street than the average setback of the street-facing façades of structures on lots to either side of the development. If no structures exist on the adjacent lots, the setbacks outlined in **Section 5.2.26.1.E.7.a** shall be used.
- 8. **BUFFERYARD AND SCREENING STANDARDS**
 - a. Rear and side parking areas shall be buffered by a type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, if adjacent to residentially zoned property.
 - b. The use of dumpsters shall be prohibited in association with Cottage Court development.
- 9. **COURTYARD OPEN SPACE**
 - a. **AREA**

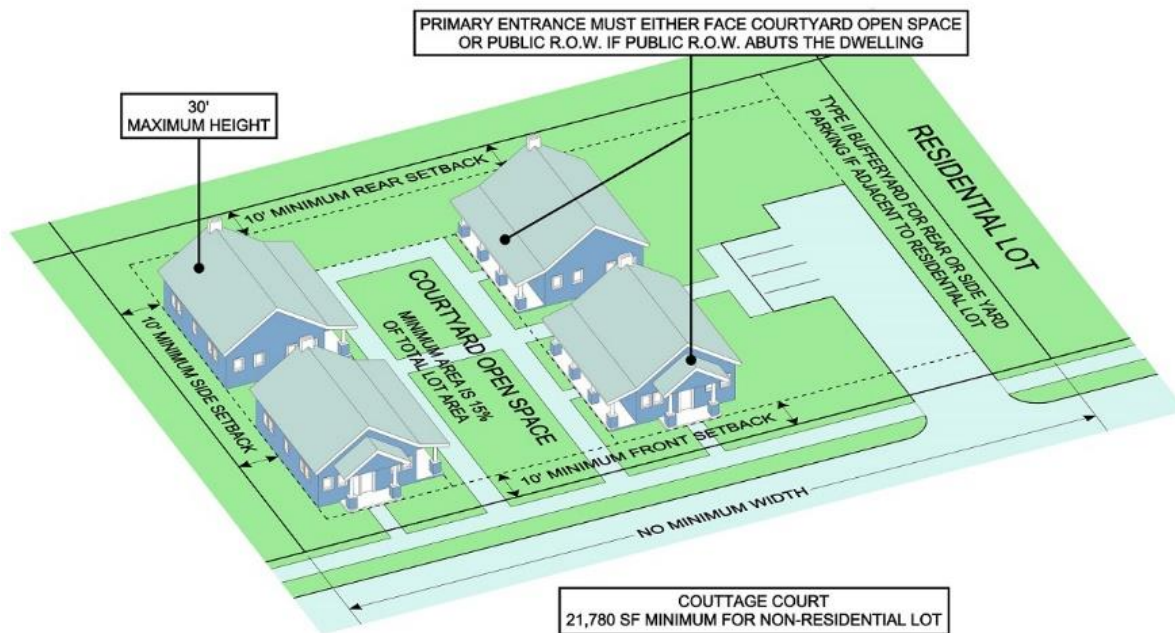
Courtyard Open Space for Cottage Courts shall meet the following standards:

 - i. A minimum of fifteen (15) percent of the total lot area is required to be Courtyard Open Space.
 - ii. Courtyard Open Space shall consist of a central space or a series of interconnected spaces.
 - iii. Parking areas and driveways do not count toward Courtyard Open Space calculations.
 - iv. Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations.

b. CHARACTER

- i. Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.
- ii. If sidewalks along the street are available or required, walkway connections to these sidewalks are required as part of the Courtyard Open Space.
- iii. Courtyard Open Space areas shall be attractively landscaped utilizing trees complimented by shrubs or groundcover.
- iv. Courtyard Open Space may include common amenities such as gazebos or benches.
- v. Enclosures for trash and recycling carts are prohibited in the Courtyard Open Space.

Figure 5.2.26.1.E: Cottage Court Development Standards



F. ALTERNATIVE COMPLIANCE

- 1. A Cottage Court development which does not meet the requirements of **Section 5.2.26.1.E, Development Standards**, shall be proposed through a special use district rezoning.
- 2. Additional site plan review items demonstrating the character of the proposed development, including building elevations and cross sections, may be required by Planning staff, the Planning Board, or Elected Body.

G. OWNERSHIP AND RESPONSIBILITY FOR COURTYARD OPEN SPACE AND COMMON PARKING

- 1. Courtyard open space and common parking areas must be owned and maintained by the homeowners association of the development.
- 2. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.
- 3. For Cottage Courts where all dwelling units and common areas are under single ownership,

a homeowners association may not be required.

H. PLATTING REQUIREMENTS

1. All Cottage Court developments shall meet the requirements of the subdivision regulations.
2. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.
3. Residential lots shown on plats or subdivision plans for Cottage Court developments may be as small as the footprint of the residential structure itself and shall not be subject to the minimum lot size requirement of the underlying zoning district.

I. MULTIPLE DWELLING UNITS PER ZONING LOT

1. Multiple single family dwelling units on a zoning lot are permitted for Cottage Courts.
2. Multiple single family dwelling units on a zoning lot shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the Cottage Court.
3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

Section 4. Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements of the UDO is amended as follows:

Table 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
RESIDENTIAL USES		
Cottage Court	1 space per dwelling unit. (See Section 5.2.26.1.E.6, Required Parking, for possible additional requirements.)	Exempt

Section 5. Table 11.2.2: Definitions of the UDO is amended as follows:

TABLE 11.2.2: DEFINITIONS

COTTAGE COURT	A group of small attached or detached residences arranged around a central open space or courtyard.
PLANNED UNIT DEVELOPMENT (PUD)	A comprehensively planned development, usually constructed in multiple phases, characterized by a mix of residential and nonresidential uses and flexible development standards.

Section 6. This Ordinance shall be effective upon adoption.