

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 ~~comprehensively planned, pedestrian oriented mix of three (3) or more distinct land uses~~ 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.
6. 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.

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B. GENERAL INFORMATION

1. FLEXIBILITY 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 a the special use district zoning process in accordance with **Section 3.2.19D, Special Use Districts**, ~~site plan review process~~. No General Use zoning provisions are available.
- b. ~~Since MU-S zoning requires all aspects of internal and external compatibility be clearly shown on the required site plan, absolute requirements which might unnecessarily limit development flexibility are kept to a minimum.~~ **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. ~~Because of enhanced provisions for development flexibility, however, petitions~~ **Petitions** for MU-S zoning are ~~may be~~ subject to additional ~~site plan~~ 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.**
- d. ~~The district is intended to be equally suited for new developments or adaptive reuse of existing structures.~~

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 development **district** should incorporate ~~three or more of the previously mentioned categories of land uses~~ **residential uses and at least one nonresidential use** in a cohesive, comprehensively planned development which is compatible and well integrated with its ~~physical, natural, and historical~~ **surrounding** context.
- d. ~~MU-S developments should demonstrate the following architectural and site design elements:~~
 - i. ~~**BUILDING MASS AND SCALE**~~
~~Building mass and scale should be consistent with the mass and scale of surroundings buildings and their relationship to the street. Additionally, buildings should provide a purposeful transition from the existing architectural context of one site edge to another.~~
 - ii. ~~**RHYTHM**~~
~~Building elements such as facade and roofline articulation, entrances, and fenestration should reflect, harmonize with, and provide a logical transition to the surrounding patterns of proposed or existing development.~~

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~~iii. **VEHICULAR CONNECTIVITY**~~

~~Streets in MU-S developments should demonstrate a high level of internal and external connectivity.~~

~~iv. **ACTIVE, PEDESTRIAN FRIENDLY STREETS**~~

~~Developments should demonstrate elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, building entrances facing the street, and pedestrian-level building fenestration.~~

~~v. **PUBLIC ART AND ENVIRONMENTALLY RESPONSIVE DESIGNS**~~

~~Public art and environmentally responsible designs should be used to create a more exciting, unique environment.~~

~~3. **SCOPE OF APPLICATION**~~

~~Appropriate scale and character of MU-S developments may vary depending upon the context and location of the development within Growth Management Areas (GMAs). The MU-S district is comprised of three (3) distinct tiers along the urban to suburban continuum in accordance with Legacy Growth Management Plan objectives. The MU-S District is the primary zoning tool for implementing Transit Oriented Development (TOD) and Traditional Neighborhood Development (TND) in accordance with Legacy and small area planning recommendations.~~

~~a. **TIER 1**~~

- ~~i. Tier 1 includes GMA 1, Activity Center cores, the 1/8 mile wide corridor surrounding streetcar lines, and the core of regional rail TODs.~~
- ~~ii. This tier requires a vertically oriented mix of distinct land uses in dense urban areas.~~

~~b. **TIER 2**~~

- ~~i. Tier 2 includes GMA 2, Activity Center support areas, and the support area of TODs.~~
- ~~ii. This tier supports less dense urban mixed use development, and acts as a link between urban and suburban growth areas. Vertical mixing of uses is encouraged in this tier.~~

~~c. **TIER 3**~~

- ~~i. Tier 3 includes GMA 3 and 4 and locations suited for TND.~~
- ~~ii. This tier is designed to promote a mix of uses oriented either horizontally or vertically on-site.~~

~~4. **REVIEW PROCESS**~~

- ~~a. While the MU-S District provides greater development flexibility, additional responsibility is required of the developer in exchange.~~
- ~~b. A preapplication conference between the Director of Planning and the developer is required.~~
- ~~c. MU-S zoning allows the developer to work outside the standardized requirements of conventional zoning and focus on the purpose and intent of the district, and as such has minimal fixed requirements.~~

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- ~~d. Compatibility and design integration will be ensured by requiring appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other requirements through the site plan review process.~~
- ~~e. Additional site plan review items may be needed to assist planning staff in evaluating the suitability of proposed MU-S developments.~~
- ~~f. Such items may include building elevations, street and building cross sections, and other representative graphics depicting the character, and demonstrating the internal and external compatibility, of the proposed development.~~

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

~~Minimum lot sizes for single family residences, duplexes, twin homes, and multifamily developments must meet the requirements of Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts.~~ Other supplemental district requirements **for MU-S developments** are **include**:

1. SKETCH PLAN REVIEW MEETING PREAPPLICATION CONFERENCE

- ~~a. Prior to the formal submission of a proposed MU-S Ddistrict, the developer or their representative shall attend a preapplication conference~~ **Sketch Plan Review Meeting** with the ~~Director of Planning~~ **Planning and Development Services staff** concerning the proposed plan of development.
- ~~b. At this preapplication conference~~ **Sketch Plan Review Meeting**, the developer shall submit a sketch plan for the **proposed** MU-S Ddistrict and general information ~~on~~ **concerning** traffic circulation and utilities for ~~tentative~~ review, comments, and recommendations by the ~~Director of Planning~~ **Planning and Development Services staff**.
- ~~c. The Director of Planning shall comment on the information submitted in writing within thirty (30) days.~~
- ~~d. No rezoning petition for a MU-S District may be accepted until this process has been completed.~~

2. RESERVED MU-S DISTRICT APPLICATION

- ~~a. No rezoning petition for a MU-S District may be accepted unless it is filed within one hundred eighty (180) days from the date of the Director of Planning's written comment relating thereto.~~

3. RESERVED EFFECTS OF APPROVAL

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The approval of a development plan and the accompanying preliminary plat shall have the following effects:

- ~~a. The area of an approved MU S District shall be noted on the Official Zoning Maps.~~
- ~~b. Approval of a One-Phase or Two-Phase MU S District shall be in accordance with **Section 3.2.19D, Special Use Districts.**~~
- ~~c. Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the subdivision regulations.~~

4. RESERVED SEQUENCING OF DEVELOPMENT

- ~~a. Conditions for sequencing of development where appropriate will be determined through the special use district's site plan review process in accordance with **Section 3.2.19D, Special Use Districts**, in order to ensure a balanced mix of uses throughout the entire sequencing process.~~
- ~~b. Proposed sequencing of development shall be discussed at the preapplication conference.~~

5. RESERVED PLATTING REQUIREMENTS

Final plats shall be recorded in the Office of the Register of Deeds prior to the issuance of building permits in accordance with the following provisions:

a. SUBDIVISIONS

~~As a minimum, all subdivision sections of the MU S site plan must conform to the street standards in **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**, and final plats recorded in accordance with **Section 3.2.5, Final Plat.**~~

b. MULTIPLE BUILDING SITES

- ~~i. All sections of the MU S site plan that have multiple building sites on one zoning lot must conform to the street standards in **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**, and must be recorded on final plats in accordance with **Section 3.2.5, Final Plat.**~~
- ~~ii. These final plats shall show all tentative building locations, access, and utility easements on the zoning lot.~~

6. MAINTENANCE RESPONSIBILITY

~~An application for approval of an MU S District shall be accompanied by copies of documents related to the proposed **A** homeowners association or other **similar** entity proposed shall be established to manage and maintain private streets, open space, and other common areas and facilities, if any **which exist within the proposed MU-S district.** Such documents shall:~~

- ~~a. Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes;~~
- ~~b. How it shall be governed and administered;~~
- ~~c. The provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the City;~~
- ~~d. The method of assessing the individual property for its share of the cost of administering and maintaining such common property; and~~

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e. ~~Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.~~

7. ~~RESERVED SUPPLEMENTARY GRAPHICS~~

~~In addition to site plans meeting the requirements of **Section 3.2.11D, Specific Submittal Requirements**, proposed MU-S districts may be required to demonstrate district objectives through graphics such as, but not limited to, representative building elevations, representative building envelopes, and building and/or street cross sections as necessary for Planning Board and Elected Body review.~~

8. PARKING

~~Except for single family residential uses and situations where the provisions of **Section 4.8.3D.8.b, On-Street Parking**, below are applied, all parking shall be located to the rear or side of the principal building. Where required spaces cannot be provided in the rear or side due to lot size, shape, or topographic features, a limited number of parking spaces may be allowed in the front of the building in accordance with the MU-S purpose statement with Planning Board or Elected Body approval.~~

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 Director of **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 developments **districts** shall contain ~~three or more distinct land uses~~ **residential units and at least one nonresidential use** as listed in **Section 4.8.3B.2, District Objectives**.~~
- ii. ~~**RESERVED** In situations where new MU-S development is proposed adjacent to existing MU-S development, this requirement may be waived if the proposed MU-S development is compatible with the existing MU-S development.~~
- 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

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In mixed use and commercial ~~commercial~~ **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 ~~developments~~ **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

- ~~i. Public/private open space shall be required for all new buildings with a gross floor area greater than or equal to fifty thousand (50,000) square feet.~~
- ~~ii. Buildings with a gross floor area ranging from fifty thousand (50,000) to one hundred thousand (100,000) square feet must provide useable public/private open space on the developed property at the rate of one square foot of open space per one hundred (100) square feet of gross floor area.~~
- ~~iii. Buildings with a gross floor area of greater than one hundred thousand (100,000) square feet must provide useable open space at the rate of two (2) square feet of open space per one hundred (100) square feet of gross floor area.~~
- ~~iv. Open space may be located on the roofs of buildings or on the ground.~~
- ~~v. All open space shall be easily accessible by users of the building or the general public.~~
- ~~vi. The above open space requirements may be waived or reduced for buildings with a gross floor area of greater than one hundred thousand (100,000) square feet by satisfying one of the following conditions:~~
 - ~~1. The above open space requirements shall be waived for developments which contain public art conforming to the requirements of **Section 6.4.3E, Facade Treatments**.~~
 - ~~2. The above open space requirements shall be reduced for developments which use open space with public art components to meet the public art requirements of **Section 6.4.3E, Facade Treatments**. The requirements of this section shall be met with the following exceptions: Open space shall be developed at the rate of one square foot of open space per one hundred (100) square feet of building space, and shall be developed at cost of one half percent (0.5%) of the construction cost as determined by the value of the building permit for the subject building. All other applicable public art requirements of **Section 6.4.3E, Facade Treatments** shall apply.~~

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~~3. The above open space requirements shall be waived for developments which demonstrate environmentally responsive, sustainable design as defined by the USGBC (United States Green Building Council) and possess a LEED (Leadership in Energy & Environmental Design) certification of Silver or higher for all buildings within the development.~~

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.

10. MU-S TIER 1

~~This tier includes GMA 1, Activity Center cores, the nominal 1/8 mile area surrounding streetcar lines, and the core of regional rail TODs. Developments in Tier 1 shall meet the following additional requirements:~~

- ~~a. At least one entrance per building must face the primary street.~~
- ~~b. Vertical mixing of uses is required of all developments.~~
- ~~c. In vertically mixed use buildings, fifty percent (50%) or more of the first floor area must consist of retail, office, or institutional uses.~~
- ~~d. Buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the MU-S purpose statement.~~
- ~~e. Mechanically stabilized slopes in accordance with **Section 8.4.6B.3, Alternative Compliance for PB, CB, CI, and MU-S Districts in GMA 1 (W)**.~~

11. MU-S TIER 2

~~This tier includes GMA 2, Activity Center support areas, and the support area of TODs. Developments in Tier 2 shall meet the following additional requirements:~~

- ~~a. At least one entrance per building must face the primary street.~~
- ~~b. With the exception of single family residential, all buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the purpose statement of this Ordinance are used.~~

12. MU-S TIER 3

~~This tier includes GMA 3 and 4 and locations suited for TND. Developments in Tier 3 shall meet the following additional requirements:~~

- ~~a. Minimum gross tract size for initial zoning shall be ten (10) acres unless the petitioner can demonstrate to the Elected Body that circumstances exist which make a smaller area suitable due to factors such as, but not limited to, location, topography, or compatibility with adjacent uses.~~
- ~~b. Additions may be made in increments of any size.~~

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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	RSO	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)						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>						<u>P</u>								<u>P</u>	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

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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**.

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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.

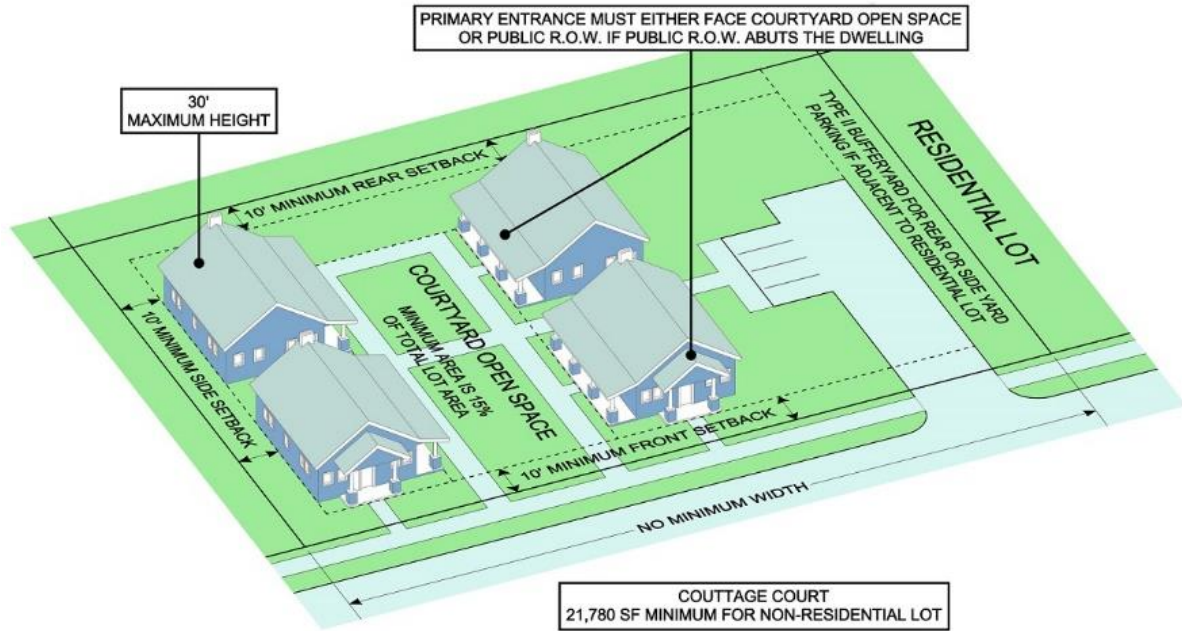
b. CHARACTER

- 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.

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- 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

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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:

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

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.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.