

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE LAND DEVELOPMENT CODE TO PERMIT COTTAGE HOUSING DEVELOPMENT IN DISTRICT 4 AND DISTRICT 5.

WHEREAS, cottage housing development usually consists of a cluster of 4 to 12 small, detached single-family dwellings ranging in size from 650 to 1,400 square feet and clustered around a shared open space; and

WHEREAS, the City has received several inquiries over the years regarding cottage housing development in the City and has recently been approached with a proposal for such a project; and

WHEREAS, the Community Development Director has recommended that the Land Development Code be amended to set forth regulations for the development of cottage housing developments in the City and has drafted the regulations set forth in this Ordinance to be consistent with regulations typical of cottage housing nationally and the insure compatibility in the City’s neighborhoods; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: Section 1205.07, “District 4: Historic Residential Neighborhood” of the City’s Land Development Code is amended to read as follows:

“1205.07 DISTRICT 4: Historic Residential Neighborhood

* * *

(c) *Conditional Uses*

The following uses shall be conditionally permitted in District 4 subject to meeting all applicable requirements set forth in this section and Section 1206.02, “Conditional Uses.”

(1) Residential:

- (A) Assisted Living.
- (B) Duplexes.
- (C) Model Homes.
- (D) Multi-family.
- (E) Residential Group homes for the handicapped or elderly (from 6 to 8 people).
- (F) Single-family, attached
- (G) Townhomes

(H) Cottage Housing Development.

* * *

(d) *Property Development/Design Standards*

In addition to compliance with all applicable standards set forth in Chapter 1207, "Zoning Development and Site Plan Standards," developments in District 4 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):

(1) Maximum Net Density:

- (A) Single-Family Detached: 4 dwelling units per acre unless the net density of a proposed development exceeds 150% of the net density of the residential development within 600 feet of a proposed development, excluding vacant parcels. In such case, while the maximum net density is 4 dwelling units per acre, the proposed development shall be a Conditional Use subject to procedures of this Code.
- (B) Duplexes: 4 dwelling units per acre.
- (C) Single-Family Attached: 6 dwelling units per acre.
- (D) Townhomes **and Cottage Housing Development:** 8 dwelling units per acre.
- (E) Multi-Family: 12 dwelling units per acre.

* * *

- (3) Open Space: In addition to compliance with the standards and requirements governing open space set forth in Section 1207.05 of this Code, development in District 4 shall set aside a minimum of 25% of the gross land area for private open space. **Cottage Housing Development is exempt from this requirement.**

(4) Minimum Lot Size:

- (A) Single-family detached and duplex: 6,000 square feet
- (B) Single-family attached: 6,000 square feet
- (C) Townhomes: 2,500 square feet
- (D) **Cottage Housing Development:** **4,000 square feet**
- (E) Multi-family: 10,000 square feet

(5) Minimum Lot Width:

- (A) Single-Family Detached: 60 feet
- (B) **Cottage Housing Development:** **50 feet**
- (C) Duplexes: 60 feet
- (D) Single-Family Attached: 20 feet
- (E) Townhomes: 24 feet
- (F) Multi-Family Uses: 150 feet
- (G) Non-Residential Uses: 150 feet
- (H) Lots Abutting Railroad Right-of-Way: In order to enable an increase in the rear yard setback and allow room for a landscaped buffer between the dwelling and the railroad right-of-way when a lot abuts and backs onto a railroad right-of-way, the minimum lot width may be reduced by

not more than ten (10) percent provided the lot depth is at least two hundred fifty (250) feet.

(6) Setbacks:

Unless modified pursuant to Section 1203.08, "Minor Modifications," the minimum yard setbacks in District 4 shall be:

(A) Minimum Front Yard Setback:

(i) Residential Uses Except Multi-Family: 35 feet **or 10 feet for a dwelling in a cottage housing development that does not front a street.**

(ii) Multi-Family Uses: 15 feet.

(iii) Non-Residential Uses: Minimum of 1.5 times the maximum height of the principal building.

(iv) Averaging shall be Required for Setbacks: Except for new residential development on lots fronting arterial roads, the front setback shall not differ by more than ten (10) percent from the average of the front yard setbacks existing on the two properties immediately adjoining the subject property, unless approved by the Architectural and Historic Board of Review. If one or more of the adjoining properties is vacant, the front yard setback shall be fifty (50) feet.

(B) Minimum Side Yard Setback:

(i) Single-Family Uses: 8 feet.

(ii) Cottage Housing Development: 4 feet

(iii) Duplexes: 10 feet.

(iv) Multi-Family Uses: 10 feet.

(v) Side-Facing Attached Garage: 25 feet.

(vi) Other Accessory Structures: 4 feet.

(vii) Corner Lots: 35 feet for street side not designated as "front."

(C) Rear Yard Depth:

(i) Principal Structure: 40 feet **or 10 feet for a dwelling in a Cottage Housing Development.**

(ii) Accessory Structure: 4 feet.

(D) Arterial Setbacks: See arterial setback and landscaping requirements in Section 1207.04(k), "Landscaping/Buffering."

(8) Maximum Structure Height:

(A) Single-Family Detached and Duplexes: 35 feet **(except dwellings in a Cottage Housing Development).**

(B) Single-Family Attached and Townhouses: 35 feet.

(C) Multi-Family: 40 feet.

(D) Non-Residential: 40 feet.

(9) Building Siting and Orientation.

The following building siting and orientation requirements shall apply to new development in District 4, except for new development with a front yard depth of 130 feet or more:

(A) Principal Residential Structures—Single-Family Detached, except Cottage Housing Development & Duplexes.

- (i) The main entrance(s) to the residence shall face the street.
- (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

(B) Principal Residential Structures: Cottage Housing

- (i) At least 50% of the dwelling units shall be clustered around a common open space. Each unit clustered around the open space shall have a primary entry and covered porch oriented to the common open space.
- (ii) Lots in a Cottage Housing Development are not required to abut a street.
- (iii) Each unit abutting a public street shall have a facade, secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.

(C) Principal Residential Structures—Single-Family Attached, Townhomes, & Multi-Family.

- (i) The entrance to at least one dwelling unit within each building shall face the street. (See Figure 6.)
- (ii) Each unit within a structure shall have its own front entryway to the outside.
- (iii) The front wall of the principal structure, or the front wall of at least one principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

(D) Principal Residential Structures on Corner Lots.

- (i) In general, the structure shall face one of the streets and not the corner.
- (ii) One side of the structure shall be designated the "Afront" and shall be subject to the requirements set forth in paragraph (A) or (B) above, and requirements regarding private walks and entryways set forth below in subsection (12).

(E) Private Garages.

- (i) Doors of attached garages shall not face the street.
- (ii) Detached garages shall be located only in the rear yard **except they may be located in the side yard in cottage housing developments.**
- (iii) New development of a residential dwelling shall provide space for the storage of at least one car within an enclosed garage.

(F) Non-Residential Development.

- (i) The main entrance to the principal structure shall face the street.
- (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.
- (iii) The main body of the principal structure shall be closest to the street.

* * *

(13) **Driveway Curb Cuts.**

- (A) **Single-Family Detached and Duplexes:** No more than 1 driveway curb cut per lot.
- (B) **Single-Family Attached, Cottage Housing Developments, and Multi-Family:** No more than 2 driveway curb cuts per development site.
- (C) **Non-Residential Uses:** No more than 1 driveway curb cut per lot, except that when the lot is wider than 150 feet then no more than 2 driveway curb cuts per lot.

* * *

(15) **Distance Between Residential Buildings.**

Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of twenty (20) feet at their closest points **except that structures containing cottage housing shall be separated from each other by a minimum of ten (10) feet at their closest points.**

* * *”

Section 2: Section 1205.07, “District 4: Historic Residential Neighborhood,” of the Land Development Code of the City’s Land Development Code as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 3: Section 1205.08, “District 5: Village Core District” of the City’s Land Development Code is amended to read as follows:

“1205.08 DISTRICT 5: Village Core District

(c) Conditional Uses

The following uses shall be conditionally permitted in District 5 subject to meeting all applicable requirements set forth in (d) of this section, including the locational restriction of (d)(4) and Section 1206.02, “Conditional Uses.”:

(1) Residential:

- (A) Assisted living.
- (B) Model homes.
- (C) Multi-family.
- (D) **Cottage Housing Development.**

(d) Property Development/Design Standards

In addition to compliance with all applicable standards set forth in Chapter 1207, “Zoning Development and Site Plan Standards,” development in District 5 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):

(1) Maximum Net Density:

- (A) Single-family detached: 8 dwelling units per acre.
- (B) Single-family attached: 8 dwelling units per acre.
- (C) Duplex: 12 dwelling units per acre.
- (D) **Collage housing: 16 dwelling units per acre.**
- (E) Townhomes: 20 dwelling units per acre.
- (F) Multi-Family: 30 dwelling units per acre.

(2) Open Space: All residential developments of less than 10 dwellings **and cottage housing developments** are exempt from this Code’s public open space dedication and in-lieu requirements.

* * *

(5) Minimum Lot Size:

- (A) Cottage Housing Development: 4,000 square feet**

* * *

(8) Setbacks: Unless modified pursuant to Section 1203.08, “Minor Modifications,” the yard setbacks in District 5 shall be:

(A) Minimum Front Yard Setback:

- (i) Residential Uses: 20 feet **or 10 feet for a dwelling in a cottage housing development that does not front a street.**
- (ii) Non-Residential Uses: A minimum of 75% of the front wall of commercial/retail buildings shall be built to the edge of the front sidewalk or front property line (minimum and maximum front yard/setback = 0 feet).
- (iii) Averaging May be Required for Setbacks: When the two immediately adjoining properties contain existing development, then the front setback shall

not differ by more than ten (10) percent from the front yard setbacks existing on either one of the two properties immediately adjoining the subject property.

- (B) Minimum Rear Yard Setback:
 - (i) Residential-Principal Structure: 25 feet **or 10 feet for a dwelling in a cottage housing development.**
 - (ii) Residential-Accessory Structure: 5 feet.
 - (iii) Non-Residential: 10 feet, except that when the rear yard abuts a residential use, the rear yard setback shall be increased to 20 feet from the property line.
- (C) Minimum Side Yard Setback:
 - (i) Single-Family Uses: 8 feet.
 - (ii) Cottage Housing Development: 4 feet.**
 - (iii) Duplexes: 10 feet.**
 - (iv) Multi-Family Uses: 10 feet.**
 - (v) Side-Facing Attached Garage: 25 feet.**
 - (vi) Other Accessory Structures: 5 feet.**
 - (vii) Non-Residential: 0 feet provided that adequate access is available at the rear of the use via an alley or other means of ingress for emergency and service vehicles. Except that when adjacent to the residential use shall be at least 15 feet from the property line.**

* * *

- (9) Maximum Structure Height:
 - (A) Single-Family Detached (**except dwellings in a cottage housing development**), Attached, Duplexes, Townhomes: 35 feet.
 - (B) Multi-Family Residential Uses: 40 feet.
 - (C) Commercial/Retail and Other Non-Residential Uses: 45 feet, except that no facade or portion of a building shall exceed a height such that it would be visible above the height of existing facades of buildings fronting on Main Street when viewed from the Village Green.
- (10) Distance Between Residential Buildings: Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of twenty (20) feet at their closest points, **except that structures containing cottage housing shall be separated from each other by a minimum of ten (10) feet at their closet points.**
- (11) Building Siting and Orientation:

The following building siting and orientation requirements shall apply to new development in District 5:

 - (A) Principal Residential Structures–Single-Family Detached, **except Cottage Housing Development,** & Duplexes.

- (i) The main entrance(s) to the residence shall face the street.
- (ii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

(B) Principal Residential Structures: Cottage Housing

- (i) At least 50% of the dwelling units shall be clustered around a common open space. Each unit clustered around the open space shall have a primary entry and covered porch oriented to the common open space.**
- (ii) Lots in a Cottage Housing Development are not required to abut a street.**
- (iii) Each unit abutting a public street shall have a facade, secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.**

(C) Principal Residential Structures—Single-Family Attached, Townhomes, & Multi-Family.

- (i) The entrance to at least one dwelling unit within each building shall face the street. (See Figure 6.)
- (ii) The front wall of the principal structure, or the front wall of at least one principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

(D) Principal Residential Structures on Corner Lots.

- (i) In general, the structure shall face one of the streets and not the corner.
- (ii) One side of the structure shall be designated the “front” and shall be subject to the requirements set forth in paragraph (A) or (B) above and requirements regarding private walks and entryways set forth below in subsection 14.

(E) Private Garages:

- (i) Doors of attached garages shall not face the street.
- (ii) An attached garage shall be sited so that its door is not visible from the primary direction of approach.
- (iii) Detached garages shall be located in the rear yard **except they may be located in the side yard in cottage housing developments.**

- (F) Non-Residential Development:
 - (i) Commercial/retail buildings shall maintain a continuous wall plane at the front property line. Architectural features, such as bay windows, may project beyond this plane no more than 30 inches at a minimum height of 12 feet above the sidewalk.
 - (ii) The main entrance to the principal structure shall face the street.
 - (iii) The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

* * *

- (15) Driveway Curb Cuts:
 - (A) Townhomes and Duplexes: No more than 1 driveway curb cut per lot.
 - (B) **Cottage Housing Development, Single-Family Attached and Multi-Family**: No more than 2 driveway curb cuts per development site.
 - (C) **Non-Residential Uses**: No more than 1 driveway curb cut per lot, except that when the lot is wider than 150 feet then no more than 2 driveway curb cuts per lot.
 - (D) See Section 1207.13(c)(5) regarding limits on curb cuts to arterial and collector roads.

* * *

- (18) Location of Parking:
In addition to the standards for off-street parking set forth in Section 1207.12 of this Code, the following restrictions shall apply in District 5 to new development:

- (A) **Location and Access—Residential Uses**:
 - (i) Off-street parking shall not be located in a principal building's front yard setback area.
 - (ii) Off-street parking shall be located at the rear of a principal building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys **except in cottage housing developments where off-street parking may be located to the side of the principal buildings.**
 - (iii) Driveways may be located in the rear yard setback area.

* * *

Section 4: Section 1205.08, “District 5: Village Core District,” of the Land Development Code of the City’s Land Development Code as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 5: Section 1206.01, “Table of Permitted and Conditional Uses by Zoning District,” of the City’s Land Development Code is amended to read as follows:

Section 1206.01 TABLE OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

P=Permitted By-Right						C=Conditional							
*Size or Other Limited Apply-See Zone District Regulations, Chapter 1205													
ZONING DISTRICTS													
USE TYPE	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Residential Uses													
Assisted Living		C	C	C	C	C			C	C			4, 10, 11, 12, 14
Duplex		C	C	C	P					P*			
Dwelling units stacked above or mixed with offices or other commercial space					P					C*	P		
Family day care home, small (1-6 children)	P	P	P	P	P							P	4
Model Home	C	C	C	C	C					C			18
Multi-Family				C	C					C*			
Planned Developments	P	P	P							C			
Residential group homes for 6-8 handicapped/elderly people	C	C	C	C						C*			4, 14, 22

Single Family, Attached	C	C	C	C	P					P*		
Single Family, Detached	P	P	P	P	P					P*		P
Townhomes	C		C	C	P					P		
Open Space Conservation Subdivisions	C	C	C									C
<u>Cottage Housing</u>				<u>C</u>	<u>C</u>							<u>32</u>
* * *												

Section 6: Section 1206.01, “Table of Permitted and Conditional Uses by Zone District,” of the Land Development Code of the City’s Land Development Code as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 7: New Section 1206.02(c)(32), “Conditional Use Standards,” of the City’s Land Development Code is adopted to read as follows:

“Section 1206.02 Conditional Use Standards.

- (c) Conditional Uses: Special Conditions and Standards.
For every use listed in the Table of Permitted and Conditional Uses by Zone District as a conditional use ("C"), the column titled "Special Conditions" may contain one or more numbers that correspond to the same-numbered special conditions and standards listed in this subsection. The proposed conditional use must satisfy all such special conditions and standards in addition to the general criteria and standards set forth in subsection (b) above.

Special Conditions Addressing Operations:

32. Special Conditions for Cottage Housing Development.
Cottage Housing Developments are subject to the standards set forth at Section 1207.19 Cottage Housing Development.

Section 8: Chapter 1207, “Zoning Development & Site Plan Standards” of the City’s Land Development Code is amended to read as follows:

CHAPTER 1207 ZONING DEVELOPMENT & SITE PLAN STANDARDS

“***

1207.19 **Cottage Housing Development**

(a) Purpose

The general purposes of the Cottage Housing Development option are as follows:

- 1. A Cottage Housing Development is an alternative type of detached housing providing small residences for households of typically one to two individuals. Cottage Housing is provided as part of the City's overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs.**
- 2. The Cottage Housing Development design standards contained in this section are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. These design standards are intended to ensure that Cottage Housing Developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. The Cottage Housing Development design standards are intended to maintain traditional cottage amenities and proportions and ensure that Cottage Housing Developments contribute to the overall community character.**
- 3. Cottage housing may allow higher residential density than is normally allowed in the underlying zoning district. This increased density is possible through the use of smaller than average home sizes, cluster parking, and site design standards.**
- 4. All Cottage Housing Developments are subject to current city stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.**

(b) Applicability

Cottage Housing Development shall be permitted as an option within the following zoning districts:

- 1. District 4 – Historic Residential District**
- 2. District 5 – Village Core District**

(c) Permitted Uses

The only uses permitted in Cottage Housing Development are single family detached residential and permitted accessory uses including community buildings, and private open space.

(d) Minimum Parcel Size

- 1. Minimum Parcel Size: Cottage Housing Development : 4,000 square feet**

(e) Lot Dimensions

(f) Bufferyard Requirements

(g) Density for Cottage Housing Development

- 1. Maximum Net Density for Cottage Housing Development: 16 dwelling units per acre**

(h) Standards for Cottage Housing Development Approval

- 1. More than one cottage can occupy one lot.**

2. CHD is exempt from public and private open space requirements except as follows. cluster of cottages shall have common open space to provide a sense of openness and community for residents. (function of open space?: access, recreation, natural area) At least 400 square feet per cottage of common open space is required for each cluster. Each area of common open space shall be in one contiguous and useable piece. To be considered as part of the minimum open space requirement, an area of common open space must have a minimum dimension of twenty feet on all sides. The common open space shall be at least 3,000 square feet in area, regardless of the number of units in the cluster. Required common open space may be divided into no more than two separate areas per cluster. At least two sides of each area of common open space area shall have cottages along its perimeter.
3. At least 50% of the cottages shall be no more than sixty feet from a common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
4. Community buildings are permitted in the CHDs. Community buildings shall be clearly incidental in use and size to dwelling units. Building height for community buildings shall not be more than one story.
5. A CHD shall have sidewalks along all public streets. A system of interior walkways at least four feet wide shall connect each cottage to each other and to the parking area, and to the sidewalks abutting any public streets bordering the CHD.
6. The minimum number of off-street parking spaces shall be one space per dwelling unit of up to 700 square feet, 1.5 spaces per dwelling unit of 701-100 gross floor area, and two spaces per dwelling unit of more than 1,000 square feet. The CHD shall also include guest parking for each cottage cluster in the amount of one-half space per dwelling unit. The requirement for off-street parking may be waived or reduced if sufficient on-street parking is available.
7. Parking shall be separated from the common area by landscaping or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Parking areas shall be accessed only by private driveway or a public alley. The design of garages and carports shall be similar to or compatible with that of the dwelling units within the CHD. Parking areas shall be limited to no more than five contiguous spaces.
8. The gross floor area of each cottage shall not exceed 1,200 square feet (not including interior spaces with less than six feet of overhead room, architectural projects, basements, detached garages/carports and unenclosed porches; check definition). The footprint of each cottage shall not exceed 850 square feet (again excluding the features listed above).

9. All cottages shall have pitched roofs. The maximum height of a cottage to the ridge of the roof shall not exceed 25 feet.
10. Cottage units shall have covered front porches. The front porch shall be oriented toward the common open space. Covered porches shall be at least 60 feet in area. No dimension of the floor of the covered porch may be less than five feet.
11. Each cottage shall be provided with a minimum of 200 square feet of usable private open space separated from the common open space by a hedge or fence not to exceed 36 inches in height. No dimension of the private open space shall be less than eight feet.
12. On a lot to be used for a cottage housing development, an existing detached single family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Nonconforming structures may be modified to be more consistent with this chapter; however, the extent of nonconformity may not be increased. Such nonconforming structures shall be included in the maximum permitted cottage density.

1207.4920 Special Development Standards.
***”

Section 9: Chapter 1207, “Zoning Development & Site Plan Standards, of the Land Development Code of the City’s Land Development Code as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 10: Section 1213.02, “Definitions,” of the City’s Land Development Code is amended to read as follows:

“Section 1213.02 Definitions

76. Cottage housing cluster shall mean a group of four to twelve cottages (dwelling, cottage) arranged around a common open space.

77. Cottage Housing Development (CHD) shall mean one or two clusters of cottages developed under a single land development plan, or as part of another land development plan.

107. Dwelling, cottage shall mean a single-family detached dwelling unit that is part of a cottage housing development.

***”

The sub-section numbers affected by these amendments to Section 1213.02 shall be renumbered accordingly.

Section 11: Section 1213.02, "Definitions," of the Land Development Code of the City's Land Development Code as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 12: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 13: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2015.

Elizabeth Slagle, Clerk of Council