

**AGENDA REQUEST**

**FOR: COUNCIL MEETING OF NOVEMBER 15, 2011**

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**FROM:**

**ALDERMAN BOBBY FERRELL and ALDERMAN MARK KINION**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

**ADM 11-3782:** (Cottage Housing Development): An Ordinance to Adopt  
ADM 11-3782 Cottage Housing Development

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**APPROVED FOR AGENDA:**

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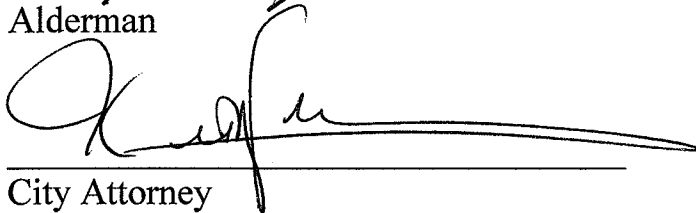
Bobby Ferrell  
Alderman

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Date

  
Mark Kinion  
Alderman

11-01-2011  
Date

  
City Attorney  
(as to form)

10-31-2011  
Date

Packet Prepared by:

  
Leif Olson  
Associate Planner

10-31-2011  
Date

## **CITY COUNCIL AGENDA MEMO**

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**To:** Mayor Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
John Coleman, Sustainability and Strategic Planning Director

**From:** Leif Olson, Planner *LO*

**Date:** September 23, 2011

**Subject:** ADM 11-3782 Cottage Housing Development Ordinance

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### **RECOMMENDATION**

Staff and the Planning Commission recommends approval of an ordinance amending Chapter 164: Supplementary Zoning Regulations of the Unified Development Code by adopting ADM 11-3782 Cottage Housing Development.

### **BACKGROUND**

In 2010 City Staff began the process of updating the City's long range comprehensive plan, City Plan 2030, which resulted in a complete update with identified action steps related to the six goals. One of the action steps related to the goal "Create opportunities for attainable housing" was to draft and adopt a cottage housing development ordinance.

Cottage housing development is defined as "a cluster of detached single family homes, restricted in size and of high architectural quality, oriented around common open space." Cottage housing development is modeled after traditional housing development patterns that existed in the past. Cities in the Pacific Northwest region of the U.S. began developing innovative cottage housing ordinances a decade ago as a solution for the lack of attainable housing in their communities. Small in scale, cottage housing developments fit well into existing neighborhoods on vacant or underutilized land; for this reason they are an effective tool for infill and revitalization. As the median family size continues to decline, 2.2 people per household in according to the 2010 Census, this form of housing will be in high demand by a fast growing demographic, most notably singles, families of 3 or less and retirees. Fee simple or condominium ownership of individual cottage housing units promotes neighborhood stability. In these ways, cottage housing developments can promote infill, reduce sprawl, and create opportunities for attainable housing.

Staff anticipates that the majority of cottage housing development proposals will be infill situations on sites that have access to existing infrastructure such as streets, water and sewer service. Therefore, it is imperative that

cottage housing development be compatible with the existing built environment. This ordinance is purposely intended to be very prescriptive in terms of how and where cottage housing development is designed and constructed. The draft ordinance has been reviewed and amended by Planning, Engineering, Solid Waste and Fire Department staff.

Specifically, the ordinance would address the following City Plan 2030 goals:

**Goal 1** - We will make appropriate infill and revitalization our highest priorities.

**Goal 2** - We will discourage suburban sprawl.

**Goal 6** - We will create opportunities for attainable housing.

The Cottage Housing Development ordinance is proposed to be inserted into Chapter 164: Supplementary District Regulations. The following are some of the important standards and regulations to ensure that Cottage Housing Developments are compatible with adjoining land uses:

- Permitted as a use by right in multi-family zoning districts and as conditional use in all single-family zoning districts.
- Review process dependent on the size and scale of the project – small projects (> 1 acre) processed as Site Improvement Plans – large projects (< 1 acre) processed as Large Scale Developments.
- A minimum of 4 cottage housing units and a maximum of 12 cottage housing units in a Cottage Housing Development.
- A minimum separation of 1,000 linear feet between Cottage Housing Developments.
- Cottage Housing Developments in multi-family zoning districts are limited to the density of the underlying zoning district – Cottage Housing Developments in single family zoning districts are restricted to no more than two times the underlying density allowed.
- The lot are minimum is 750 sq.ft. This would allow for a small 500 sq. ft. dwelling with 250 sq. ft. of private open space.
- Building setbacks are set by the underlying zoning district – with the exception that separation requirements between structures are a minimum of 10 feet.
- Cottages are limited to a maximum of 1,100 sq. ft. of conditioned living space.
- Cottages shall be oriented towards the street or around a common open space.
- A minimum of 300 sq. ft. of common open space and 250 sq. ft. of private open space is required for each cottage.
- Adequate and appropriate parking shall be provided for each cottage, through though the parking may be clustered together.
- Fire Department access is required for all structures – Sprinkler systems are required for cottages located 150 ft. or more from the designated Fire Department access area.
- All Cottage Housing Developments are required to obtain a drainage permit and perform any drainage studies or detention requirements according to UDC Ch. 170: Stormwater Management, Drainage and Erosion Control.
- Solid Waste service should be primarily residential (trash carts and recycling bins). Exceptions may be allowed for Cottage Housing Developments located in primarily commercial areas of the City.
- Architectural standards apply to all structures within a Cottage Housing Development in order to ensure quality design and compatibility with the surrounding neighborhood.

- The applicant may request a variance from the minimum 1,000 ft. separation requirement between Cottage Housing Developments and from the maximum number of units allowed.

**DISCUSSION**

On September 12, 2011 the Planning Commission voted 6-3-0 in favor of a recommendation of approval for ADM 11-3782 Cottage Housing Development Ordinance.

**BUDGET IMPACT**

None.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ENACT §164.22 COTTAGE HOUSING DEVELOPMENT INTO THE UNIFIED DEVELOPMENT CODE**

**WHEREAS**, the City of Fayetteville has long sought to increase the availability of quality affordable housing for its citizens; and

**WHEREAS**, the City of Fayetteville has an established policy to encourage in-fill development and the mixture of different types and sizes of single family housing within neighborhoods; and

**WHEREAS**, providing for a properly planned clustering of small, high quality, detached single family houses (cottages) within a neighborhood of larger lots and homes can provide attractive, compatible and affordable housing for our citizens.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts §164.22 **Cottage Housing Development** (as shown on Exhibit A) into the Unified Development Code of Fayetteville.

**PASSED and APPROVED** this 15th day of November, 2011.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

## Exhibit "A"

### 164.22 Cottage Housing Development

- (A) *Purpose.* The purpose of the cottage development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.
- (B) *Applicability.* Cottage housing development is permitted to be located as identified in Chapter 161: Zoning Regulations of the Unified Development Code, however, zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cottage housing development shall follow the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review cottage housing developments less than one acre shall be processed as a Site Improvement Plan. Cottage housing development on lots larger than one acre shall be processed as a Large Scale Development. If individual cottage housing unit lots are created the cottage housing development shall be processed through the subdivision platting process.
- (D) *Cottage Housing Development Size, Separation Requirements and Existing Structures.*
- (1) *Number of Cottage Housing Units Permitted.* Cottage housing development shall contain a minimum of four and a maximum of 12 cottages located in a cluster, on no less than one half acre.
  - (2) *Cottage Housing Development Separation Requirement.* Cottage housing developments shall have a minimum separation from other cottage housing developments of not less than 1,000 feet.
  - (3) *Existing Nonconforming Structures.* On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
- (1) *Density.* Zoning Districts that allow cottage housing development as a Use by Right shall conform with the density requirement of the underlying zoning district. Zoning districts that allow cottage housing developments as a Conditional Use shall be allowed a density not to exceed two times the maximum density allowed in the underlying zoning district.
  - (2) *Lot Width Minimum.* There is no lot width requirement for individual cottage housing units.
  - (3) *Lot Area Minimum.* The lot area minimum for cottage housing unit lots is 750 square feet.
  - (4) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 sq. ft.
  - (5) *Setback Requirements.*
    - (a) All structures shall have a minimum separation of ten feet, measured from edge of eave to edge of eave, from other structures or cottages within the cottage housing development.
    - (b) The setback from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
  - (6) *Building Height Regulations.* The height for all structures in a cottage development shall not exceed the permitted height requirement of the underlying zoning district.
  - (7) *Building Area.* There is no minimum building area requirement for individual cottage housing unit lots.

- (8) *Accessory Dwelling Units.* Accessory dwelling units are not permitted in cottage housing developments.
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cottage housing development residents, through a condominium associations, a homeowners' association or a similar mechanism, and shall not be dedicated to the City.
- (G) *Development Standards.* All cottage developments are subject to the following standards:
- (1) *Floor Area.* The total conditioned space floor area of each cottage shall not exceed 1,100 square feet.
- (a) Cottages shall have a maximum first floor area or footprint of no more than 900 sq. feet, excluding covered or attached porches.
- (b) Future additions to any cottage housing unit shall meet the requirements of this chapter.
- (c) Floor area that does not count towards the total conditioned space floor area permitted for a cottage housing unit includes:
- (i) Architectural projections such as utility closets no greater than eighteen inches in depth and six feet in width, bay windows and fireplaces.
- (ii) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as interior attic eaves.
- (2) *Cottage Orientation.* The fronts of all cottage housing units shall be oriented around the common open space or towards the street, with the following exception:
- (a) A maximum of 1 cottage in a cottage housing development is allowed to be located in an area that does not front onto the common open space or street right of way. These units shall be located within 25 feet of the common open space and shall have direct pedestrian access to the common open space and the street.
- (3) *Open space.*
- (a) The required common open space shall be provided in one contiguous parcel.
- (b) A minimum of 300 square feet of common open space shall be provided per cottage housing unit. Common open space with a dimension of less than 20 feet shall not be included in the calculation.
- (c) Each cottage housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each cottage, for the exclusive use of the cottage resident.
- (d) Parking areas, driveways and common pedestrian access shall not be counted as open space.
- (4) *Fences.* Fencing in cottage housing development should be respectful of the context of the surrounding neighborhood and should accentuate the common and private open spaces.
- (a) Fencing located between a cottage housing unit and a public street or the common open space shall not exceed 48" in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cottage housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are not permitted in cottage housing developments. Permitted on-street parking spaces adjacent to a projects frontage may count towards the parking requirements of the development subject to approval by the Zoning and Development Administrator. Parking standards for cottage housing developments shall be as follows:
- (a) The required number of parking spaces for each cottage shall be determined according to the square footage of the cottage housing unit.

- (i) Cottages less than 1,000 sq. ft. shall have 1.5 parking spaces provided.
- (ii) Cottages over 1,000 sq. ft. shall have 2 parking spaces provided.
- (b) Parking lots containing five or more parking spaces shall comply with the parking lot construction and design standards located in Chapter 172: Parking and Loading of the City's Unified Development Code.
- (c) Parking lots shall be located a minimum of 25' back from the public right-of-way.
- (d) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cottage housing units.
- (e) Parking space dimensions shall comply with Chapter 172: Parking and Loading of the Unified Development Code.
- (6) *Bicycle Parking.* Bicycle parking should be located in a common area and preferably be covered to protect the long term storage of bicycles. It is recommended that cottage housing developments should provide one unsheltered bicycle rack or the equivalent sheltered space to store two bicycles per cottage housing unit.
- (7) *Fire Department Access.* Fire department access shall be determined at the time of development review. Any part of structure in a cottage housing development that is located more than 150 feet from Fire Department vehicle access, as measured by an approved route around the exterior of the buildings or facilities, shall have a fire department approved sprinkler system.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cottage housing units shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cottage housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Community buildings and common pavilions less than 2,000 sq. ft. are permitted by right in cottage housing development. These structures shall be architecturally integrated with the architectural style of the cottage housing development.
- (11) *Stormwater/Grading.* Cottage housing developments shall comply with the grading, drainage and stormwater provisions set forth in the Unified Development Code Chapter 169 and 170. A drainage permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with these requirements.
- (12) *Solid Waste Service.* For the purposes of solid waste collection cottage housing developments are considered a residential use and should receive residential solid waste service (individual carts and recycling bins). In certain instances, it may be necessary to service cottage housing developments with commercial solid waste collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial solid waste pick up. It is incumbent on the developer to design solid waste service into the cottage housing development plan early in the process. The final determination of solid waste service and pick-up areas will be made at the time of development review. Specific requirements for residential and commercial solid waste pick-up shall be as follows:
- (a) Residential solid waste service requires a designated location adjacent to the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated solid waste pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated solid waste pick-up day. A minimum linear distance of 9 ft. is required to accommodate each cottage housing unit's trash cart and recycling bin.



- (b) Commercial solid waste service requires a dumpster location that is freely accessible for front end loading and screened from public view.
- (c) Solid waste facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.
- (H) *Building Design Standards.* Building design shall provide variety and visual interest in order to provide compatibility with the character of the surrounding neighborhood. These standards are intended to avoid the repetitive use of the same building design, structural features, detailing or finishes within the cottage housing development.
- (1) *Variety in Cottage Housing Units Floor Plans and Architectural Treatments.* In cottage housing developments no two structures shall be identical in terms of exterior finishes. All cottage housing units shall differ from each other by utilizing at least two of the following options:
- (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
  - (b) Variations in adjacent cottage housing unit floor plans that alter the location of exterior windows and doors;
  - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
  - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cottage housing units.
- (2) *Required Architectural Elements.* A cottage housing unit with a front porch that is credited for meeting the requirements of section 164.22(H)(1) above shall not be credited with meeting the requirements of this section. All cottage housing units in a cottage housing development shall contain a minimum of two of the following building features or treatments:
- (a) Porch.
  - (b) Variations in roof shapes or gables between adjacent structures.
  - (c) Roof brackets.
  - (d) Bay windows.
  - (e) Dormers.
  - (f) Chimneys.
  - (g) Other similar features or treatments as approved by the Zoning and Development Administrator.
- (I) *Variances from the minimum Cottage Housing Development Requirements.* An applicant may request a variance for specific requirements of the cottage housing development ordinance from the Planning Commission. Notification of adjoining and adjacent property owners shall conform to the requirements of Chapter 157: Notification and Public Hearings of the City's Unified Development Code. A variance of the following standards of the cottage housing development ordinance may be requested:
- (1) *Number of cottage housing units permitted.*
  - (2) *Cottage housing development separation requirement.*

**ADM 11-3782: Administrative Item (UDC CH. 164: SUPPLEMENTARY DISTRICT REGULATIONS – COTTAGE HOUSING DEVELOPMENT):** Submitted by THE CITY OF FAYETTEVILLE PLANNING DIVISION. The request is to amend Chapter 164 of the Unified Development Code (UDC) to permit cottage housing development.

**Leif Olson**, Planner, gave the staff report and outlined the key points of the Cottage Housing Ordinance with a power point presentation.

**Commissioner Cabe** opened the floor for public comment.

**Rob Sharp** addressed the commission and expressed his support of the ordinance. Sharp commented on the fact that the ordinance was very prescriptive in order to achieve a high quality product. **Sharp** discussed the need in Fayetteville for smaller housing units to serve the growing demographic of singles, couples, retirees, etc.

**Commissioner Cabe** closed the floor for public comment.

**Commissioner Chesser** asked if the architectural requirements would preclude modern architectural styles.

**Leif Olson** stated that the ordinance is not prescriptive in regard to architectural style.

**Commissioner Chesser** commented that he felt that the Cottage Housing Ordinance should be permitted by right in single family zoning districts.

**Commissioner Chesser** stated that he would have a hard time supporting this ordinance if it did not allow CHD's in single family zoning districts by right.

**Commissioner Earnest** stated his support of the ordinance.

**Commissioner Cabe** asked if existing non-conforming structures would count as a housing unit in the total number of housing units permitted in the development.

**Leif Olson** stated that an existing structure that would remain on the property after the development was completed would count as one of the housing units allowed in the development.

**Commissioner Cabe** asked if any other cities permitted well done parking areas to count in the square footage of open space required per dwelling unit.

**Leif Olson** indicated that none of the twenty or so CHD ordinances that staff looked at allowed parking areas to count for the required open space requirement.

**Commissioner Cabe** asked if the language regarding the inclusion of bicycle racks or designated bike storage should be strengthened to a requirement instead of a recommendation.

**Leif Olson** indicated that staff removed the requirement for bike storage because a City Council sponsor of the ordinance requested that change. Olson stated that the City does require bike racks for commercial projects but not for any single family type projects but that staff would encourage developers to include bike storage facilities in their design.

**Commissioner Cabe** asked if a variance could be added in order to allow for less variation in the architectural requirements.

**Leif Olson** stated that the ordinance could be amended in order to allow for that possibility.

**Commissioner Hoskins** asked if there is anything in the ordinance that would preclude someone from having a garage attached to a cottage housing unit.

**Leif Olson** stated that the requirement is that the footprint of the home shall not exceed 900 square feet.

**Commissioner Hoskins** asked if staff had seen any of these developments that had garages attached to the cottages.

**Leif Olson and Andrew Garner** both indicated that they had not found examples with garages attached.

**Commissioner Hoskins** asked about the square foot requirement for the cottages and whether the City should allow for units larger than 1,100 square feet. Hoskins asked staff about the square footage requirements of peer cities that had adopted CHD.

**Leif Olson** stated that of the approximately 20 peer cities ordinances reviewed the square footage was typically limited to 1,000 to 1,300 square feet.

**Commissioner Hoskins** asked if it would make sense to allow for cottage housing units that are larger than 1,100 square feet. **Hoskins** stated that the 1,100 sq. ft. would limit the market for these housing units. **Hoskins** discussed the various demographic trends and what buyers are looking for.

**Leif Olson** stated that the limited square footage requirement is in place for the purposes of scale and compatibility and that once you get up over a certain square footage it is no longer a cottage but a house. **Olson** stated that staff felt strongly that 1,100 sq. ft. was appropriate to ensure that the units were small enough in scale.

**Commissioner Hoskins** indicated that he felt 1,100 sq. ft. is too small and that the inconvenience of parking and walking to a cottage unit may turn off some potential buyers. **Hoskins** stated that it would be very difficult to locate a garage in a unit with a maximum first floor footprint of 900 sq. ft.

**Leif Olson** stated that the cottage housing ordinance is designed to be very prescriptive and that it is a very specific tool that will not appeal to all developers or potential buyers. **Olson** discussed the fact that this type of development would appeal to a niche market that would not necessarily see the fact that the housing unit did not have a garage as a negative.

**Commissioner Hoskins** stated that he thought it was a great ordinance and he thanked staff for bringing it forward.

**Commissioner Chesser** discussed the square footage requirement and suggested that some flexibility might be desirable. **Chesser** suggested allowing a percentage overage of the maximum sq. ft. allowed.

**Leif Olson** discussed the ability for the developer to do fee simple or condominium ownership and that the incentive for the developer was to be able to create individual lots for each cottage that did not have to have street frontage so long as the parent tract met the requirements of the underlying zoning district. **Olson** stated that the prescriptive requirements of the ordinance such as the 1,100 sq. ft. maximum are intended to ensure that the

housing built would be small in scale and not a cluster of large homes without street frontage.

**Commissioner Hoskins** stated that his issue with the ordinance was that the footprint was limited to 900 sq. ft. and the limited ability to have a garage within that area.

**Commissioner Cabe** stated that he felt that the ability for each cottage housing unit to have direct car access would be limited due to the cost of providing private streets in such a small cluster of size limited homes. **Cabe** discussed the CHD ordinance as a tool that will be used as an alternative development pattern and that we shouldn't try to shoehorn this ordinance in order to meet what is the perceived current real estate market. **Cabe** indicated that he thought these developments would be tucked into vacant and underutilized land in the core of Fayetteville instead of on the fringe of the City. Discussion followed regarding carports and garages.

**Rob Sharp** stated that a garage is not necessarily integral to a housing unit and the fact that the social interactions that take place walking is viewed as a positive aspect of these developments. **Sharp** also discussed that he felt it was important to get a few of these built and then come back and revisit the ordinance to see what was and wasn't working.

**Commissioner Earnest** pointed out that this is only a tool to help meet the changing demographics. **Earnest** acknowledged that the PZD process existed for developers to do innovative projects and that variations of these type of projects can still be approved with the PZD.

**Motion:**

**Commissioner Earnest** made a motion to forward ADM 11-3782 to the City Council with a recommendation for approval. **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 6-3-0 (Commissioners Chesser, Honchell, and Hoskins voting 'no')**.