THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: October 24, 2023

Subject: Cottage development requirements Zoning Text Amendment, Amendment to Article VII of the Unified Development Ordinance (UDO).

Staff Resource(s): Chris Collins, AICP, Land Development Manager
Stephanie Monson Dahl, Director of Planning & Urban Design

Action Requested: Resident petition for a Unified Development Ordinance text amendment of Section 7-16-1(b)(20) to change the development regulations as related to cottage developments.

Background:

- The referenced section of the code sets forth requirements for *Cottage Developments* which are allowed with supplemental requirements in the RS-8, RM-6, RM-8 and RM-16 zoning districts.
- As multi-family residential is an allowed use within RM districts, the anticipated impact of this amendment would be limited to parcels outside of the steep slope zones and within the RS-8 zoning district that have sufficient area and dimensions to accommodate the supplemental requirements for cottage developments.
- Within the RS-8 zoning district, a landowner may already build a primary residence and accessory dwelling unit.
- With the structure size limitations in place for cottage developments, staff does not believe that this proposal would create a substantial impact on density within the district or neighborhood compatibility.
- The resident petition for this UDO amendment proposes the following:
    - to reduce the minimum number of cottages from five to two,
    - to eliminate the 200 foot separation requirement between cottage developments, and
    - to eliminate the clause that orients cottages toward the primary street.
- Individual structures within cottage developments are limited by current UDO provisions to a 1,200 square foot footprint and 1,400 square foot gross floor area.
- The UDO does not allow accessory dwelling units within cottage developments.
- The UDO does not require specific public engagement for resident proposed text amendments.

Comprehensive Plan Consistency:

- This proposal's intention aligns with a number of themes within the *Living Asheville Comprehensive Plan* including 'A Livable Built Environment'. The following goals are applicable to this zoning amendment:
    - Increase and Diversify Housing Supply (p 178)
    - Promote the Development and Availability of Affordable Housing and Workforce Housing (p 182)

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Planning and Zoning Commission, 08-2-2023, Recommended approval by 3-1 vote

Pro(s):

- Increases the land available for the creation of new residential units, which may lead to more housing units.
- Within the RS-8 zoning district, a landowner may already construct a primary residential structure and an accessory dwelling unit. With the structure size limitations in place on cottage developments, staff do not feel that this change would create the potential for any substantial impacts on density within the district or neighborhood compatibility.

Con(s):

- No provision requiring the creation of affordable housing on reduced requirement cottage developments in effect or proposed.
- The UDO requires only the publication of a legal ad as notification of a resident proposed text amendment and provides the petitioner with the expectation that the proposed amendment will move quickly through the process.
- Insufficient time was available for the normal level of community engagement staff would endeavor if working with a City proposed text amendment.

Fiscal Impact:

- This action requires no additional City resources and has no fiscal impact.

Staff Recommendation:

- Staff recommends approval of the staff proposed zoning text amendment to revise Section 7-16-1(b)(20) of the UDO in order to revise the standards for cottage developments. Though Staff had the concerns raised above, the impact of these types of developments is minimal because they are only allowed in RS-8 and the overall cottage development concept is being retained and therefore, the proposed text amendment is consistent with the *Living Asheville* comprehensive plan in that it directly furthers several goals of the plan while promoting specific Council goals as well.

Suggested Motion:

- Motion to approve the resident proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendment will increase the buildable density of cottage style housing within the RS-8 zoning district and diversify the housing types available within that district.

Attachment(s)

- Ordinance
- PZC Recommendation

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO UPDATE COTTAGE DEVELOPMENT STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) specifies requirements for review of land development, subdivision and entitlement applications;

WHEREAS, this amendment aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan and other adopted goals and plans; and,

WHEREAS, the City's Comprehensive Plan encourages improvement of community involvement in decision-making; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that the changes further the goals to:

1. Increase the land available for the creation of housing; and
2. Increase opportunities for a diversified housing stock.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7, Section 7-16-1(b)(20) of the Code of Ordinances of the City of Asheville is hereby amended as follows:

(20) *Cottage developments.*

a. Use districts: All districts as noted in section 7-8-1(d) Table of Permitted Uses.

b. Purpose: The purpose of this use is to allow small infill development of small single-family homes as a means to increase the stock of housing affordable at the "workforce" and "affordable" housing levels. It is intended that the allowed greater density will be offset by the smaller size of the homes, and the design of the development - its layout and landscaping are of particular importance to ensure that it complements the surrounding existing neighborhood. Further it is important that any proposal be designed to fit into the context of the surrounding existing neighborhood, so the relationship of the design to existing setbacks and prevailing lot sizes and housing orientation should be taken into account.

c. The property shall be lawfully established and conforming to the underlying zoning district(s).

d. The minimum and maximum number of cottage homes in a cottage

development shall be ~~five~~ two and 15, respectively. Cottage developments shall not be subject to the density limitations of the underlying zoning district.

e. Cottage developments shall not be developed on sites subject to steep slopes and ridgetop requirements.

~~f. Cottage developments shall be located a minimum of 200 feet from other cottage developments. In calculating the distance between such uses, measurements shall be taken from the closest property line of the lot of the closest existing cottage development to the closest property line of the lot of the proposed cottage development.~~

~~g~~f. The minimum setback requirements for the underlying zoning district shall apply and, in addition, there shall be a minimum of six feet separating cottage homes from each other and adjacent structures on all sides, except for attached cottages.

~~h~~g. The maximum height for cottage homes shall be 28 feet. Accessory structures shall not exceed 20 feet in height. For the purpose of this subsection, height shall be calculated as the vertical distance from grade to the midpoint of the peak and eave.

~~i~~h. The maximum gross floor area for individual cottage homes shall be 1,400 square feet, with a maximum gross floor area on the ground floor of 1,200 square feet. For the purpose of this subsection, gross floor area shall include the floor area of any attached garages and shall not include the floor area of any roofed porches, provided such porches are not enclosed.

Accessory structures shall be limited to detached garages and community buildings and such uses shall not contain more than 800 square feet of gross floor area. The maximum number of such accessory structures shall not exceed 60 percent of the total number of cottage homes in a cottage development.

~~j~~i. Parking requirements for cottage developments shall be as follows:

· The minimum and maximum parking requirement for cottage developments shall be a minimum of one space per each cottage home and a maximum of two spaces per each cottage home, respectively.

· Parking lots with six or more spaces shall not be provided within 25 feet of an adjoining street right-of-way or property line unless screened by a Type A buffer.

· Parking for cottage developments should generally be dispersed across the site in groupings of fewer than six spaces. No more than 12 spaces shall be grouped together.

~~k~~j. Cottage developments shall not contain accessory dwelling units.

~~l~~k. Open space requirements for cottage developments shall be of two types, as specified below:

· Common open space - A minimum of 500 square feet shall be provided for each cottage home. Common open space shall be arranged so that at least 75 percent of the cottage homes are adjacent to and have direct access to the open space so that it forms a central common green where a minimum of 20 percent is improved to include space for congregation and/or recreation including, but not limited to: common lawn; gazebos; patios; gardens; connected walking trails; communal fire pit, etc. All communal features shall be available to all residents.

· Private open space - A minimum of 300 square feet shall be provided for each cottage home. Private open space shall be designated by fencing, landscaping, hardscaping or other means to create a separate private area for the exclusive use of the person(s) residing in each individual cottage home. If the required private open space is provided in more than one location (such as a flower bed in the front and a fenced yard or patio in the rear), no one area shall contain less than 100 square feet.

~~m. Cottage homes shall be oriented towards the primary road with a build-to line that is within five- feet of the average build-to line of the homes on the same side of the street for the same block. When no average build-to line is established, the underlying setback shall apply.~~

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 24th day of October, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney