

ORDINANCE NO. 2019 – 30 TC 428

TC-6-18 Cottage Court

AN ORDINANCE TO MODIFY REGULATIONS FOR THE COTTAGE COURT HOUSING PATTERN

WHEREAS, the Unified Development Ordinance seeks to reasonably accommodate a range of housing types and patterns; and

WHEREAS, the Cottage Court housing pattern is intended to provide flexibility to permit a group of smaller houses gathered around a common open space; and

WHEREAS, the Cottage Court pattern can provide a relatively more affordable housing option that fits into the scale of existing residential neighborhoods;

WHEREAS, the Cottage Court pattern has been rarely used; and

WHEREAS, the Cottage Court currently requires a central courtyard and associated ownership and maintenance complications but includes no corresponding density bonus as an incentive for using the housing pattern; and

WHEREAS, the lack of the ability to create fee simple Cottage Court lots creates a barrier to financing and lowers interest in the housing pattern;

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

Section 1. Section 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building Types Allowed by District, is hereby amended by insertion of the following underlined text within the Key:

☐ = Building Type Allowed as Part of an Approved Conservation or Cottage Court Development.

Section 2. Section 2.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by inserting the following underlined text:

E. Residential-6 (R-6)

1. Subject to the density restriction of 6 units per acre, R-6 allows single-unit living in a detached house with a minimum lot size of 6,000 square feet and 2-unit living in an attached house with a minimum lot size of 9,000 square feet.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, smaller lot sizes and increased density as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

F. Residential-10 (R-10)

1. Subject to the density restriction of 10 units per acre, R-10 allows single-unit living in a detached house with a minimum lot size of 4,000 square feet and 2-unit living in an attached house with a minimum lot size of 6,000 square feet. Multi unit living is also allowed in a townhouse or apartment.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Smaller lot sizes and increased density as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

Section 3. Section 2.1.3. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by inserting the following underlined text:

A. Cottage Court (See Sec. 2.6.1.)

A cottage court is a group of small detached houses, attached houses or townhouses (two-unit maximum per building) centered around a common ~~open space or~~ courtyard. The central courtyard enhances the character of the area through the provision of consolidated open space. A cottage court may be developed on individual lots or with a common form of ownership.

Section 4. Section 2.6.1.B. Districts Allowed In is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

R-6, R-10, RX-, OX-, NX-, CX-, ~~DX-~~

Section 5. Section 2.6.1.C. Building Types Allowed is hereby amended by inserting the following underlined text:

Detached house, attached house, townhouse (two-unit maximum per building)

Section 6. Section 2.6.1.D. Site and Lot Dimensions is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

D. Site and Lot Dimensions

	R-6	R-10	RX-, OX-, NX-,CX-, DX-
D1 Net Site Area (min)	40,000 sf <u>19,000 sf</u>	22,000 sf <u>13,000 sf</u>	18,000 sf <u>13,000 sf</u>
D2 Site Width (min)	150' <u>120'</u>	150' <u>100'</u>	150' <u>90'</u>
D3 Site depth (min)	120' <u>100'</u>	120' <u>90'</u>	120' <u>90'</u>
D4 Dwelling units per min site area (max)	5 <u>4</u>	5 <u>4</u>	5 <u>4</u>
D5 Additional site area per dwelling unit over four (min)	8,000 sf <u>4,700 sf</u>	4,400 sf <u>2,900 sf</u>	3,600 sf <u>2,400 sf</u>
D6 Dwelling units per site (max)	6 u/a <u>15</u>	10 u/a <u>15</u>	n/a <u>15</u>
D7 Dwelling units per acre (max)	<u>9</u>	<u>15</u>	<u>n/a</u>
D7 Building footprint (max)	1,400 sf	1,200 sf	1,000 sf
D8 Dwelling unit gross floor area (max)	<u>1,800 sf</u>	<u>1,800 sf</u>	<u>1,800 sf</u>
D8 9 Detached accessory structure footprint (max)	450 sf	450 sf	450 sf
D10 Individual lot area (min)	<u>No min.</u>	<u>No min.</u>	<u>No min.</u>
D11 Minimum lot width directly abutting courtyard (E1)	<u>5'</u>	<u>5'</u>	<u>5'</u>

Section 7. Section 2.6.1.E. of the Part 10 Raleigh Unified Development Ordinance, Internal Courtyard, is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

	R-6	R-10	RX-, OX-, NX-,CX- ,DX-
E1 Area (min)	<u>5,000-sf</u> 2,600 sf	<u>4,000-sf</u> 2,100 sf	<u>3000-sf</u> 1,600 sf
E2 Width as measured parallel to primary street for first 15' of site depth (min) ¹ (min)	<u>60' 40'</u>	<u>50' 30'</u>	<u>40' 20'</u>
E3 Additional courtyard area per unit over four (min)	<u>1,000-sf</u> 700 sf	<u>800-sf</u> 550 sf	<u>600-sf</u> 400 sf
E4 Setback from primary street (max)	<u>0'</u>	<u>0'</u>	<u>0'</u>
E5 Distance from any individual lot (max)	<u>0'</u>	<u>0'</u>	<u>0'</u>
E6 Distance from any individual unit (max)	<u>30'</u>	<u>30'</u>	<u>30'</u>

(1) No portion of the minimum internal courtyard area (E1) may be less than 20 feet in width and length. For sites with less than 10 units a meandering courtyard may be split across no more than two distinct sections. For sites with less than 20 units a meandering courtyard may be split across no more than three distinct sections.

Section 8. Section 2.6.1.F. of the Part 10 Raleigh Unified Development Ordinance, Building/Structure Setbacks, is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

F. Building/Structure Setbacks (Site)

	R-6	R-10	RX-, OX-, NX-,CX- ,DX-

F1 From primary street (min)	10'	10'	10'
F2 From side street (min)	10'	10'	10'
F3 From side lot site line (min)	10'	10'	10'
F4 From rear lot site line (min)	20'	20'	20'
F4F5 From alley (min)	5'	5'	5'
F56 Building Separation (min)	6'	6'	6'

Residential infill rules (Sec. 2.2.7.) do not apply

F. Building/Structure Setbacks (Lots)

F7 From internal cottage court lot line (min)	<u>3'</u>	<u>3'</u>	<u>3'</u>
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Section 9. Section 2.6.1.G. of the Part 10 Raleigh Unified Development Ordinance, Parking Setbacks, is hereby amended by inserting the following underlined text and row and deleting the text shown with a strike-through:

	R-6	R-10	RX-, OX-, NX-, CX-, DX-
G1 From primary street <u>if not screened from primary street by C3 yard or principal structure</u> (min)	90'	90'	90'
G2 From <u>primary street if screened from primary</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>

street by C3 yard (min)			
G23 From side street (min)	10'	10'	10'
G34 From side lot line (min)	5'	5'	5'
G45 From rear lot line (min)	5'	5'	5'
G56 From alley (min)	0'	0'	0'

Section 10. Section 2.6.1.H. of the Part 10 Raleigh Unified Development Ordinance, Height, is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

	R-6	R-10	RX-, OX-, NX-, CX-, DX-
H1 Building height (max)	<u>25'30'</u>	<u>25'30'</u>	<u>25'30'</u>
H2 Building wall plate (max)	<u>17'22.5'</u>	<u>17'22.5'</u>	<u>17'22.5'</u>
H3 Accessory building structure height (max)	17'	17'	17'
H4 <u>Primary Street Facing End Unit</u> Ground floor elevation (min)	2'	2'	2'

Residential infill rules (Sec. 2.2.7.) do not apply

Section 11. Section 2.6.1.I. of the Part 10 Raleigh Unified Development Ordinance, Pedestrian Access, is hereby amended by deleting the text and row shown with a strike-through:

I. ~~Pedestrian Access~~

	R-6	R-10	RX-, OX-, NX-, CX-, DX-
H Street-facing entrance or front porch required for end units	yes	yes	yes

Section 12. Section 2.6.1.K. of the Part 10 Raleigh Unified Development Ordinance, Courtyard Requirements and Restrictions, is hereby amended by inserting the following underlined text:

K. Courtyard Requirements and Restrictions

1. Courtyard must be one contiguous open space.
2. Courtyard may not be parked or driven upon.
3. One common building (detached house building type) not to exceed 3,000 square feet in gross floor area may be permitted in the courtyard under the following conditions:
 - The common building may not be used as a dwelling.
 - Uses within the common building must be accessory to the cottage court development.
 - The common building shall not count towards the maximum number of dwelling units per site (Sec. 2.6.1.D.6.)
 - Notwithstanding the forgoing, the common building must comply with all other requirements of Section 2.6.1.
4. Inclusive of the common building, up to 20% of the minimum internal courtyard area (Sec. 2.6.1.E.1.) may be covered, however only 10% of the minimum internal courtyard area (Sec. 2.6.1.E.1.) may be enclosed.
5. Stormwater detention wet ponds and dry ponds shall not count towards the minimum internal courtyard area (Sec. 2.6.1.E.1.) Green Stormwater Infrastructure (GSI) practices may be used to meet up to 10% of the minimum internal courtyard area (Sec. 2.6.1.E.1.)
6. Tree Conservation Areas shall not be included as part of the minimum internal courtyard area (Sec. 2.6.1.E.1.)
7. Retaining walls within the courtyard may be no taller than 4’ in height. Retaining walls that are 2’ or less in height may be spaced as close as 10’ apart. All other retaining walls must be spaced a minimum of 20’ apart.

Section 13. Section 6.1.4. of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended:

In the “Cottage Court” row, R-2 column, delete “L” and replace with “-”.

In the “Cottage Court” row, R-4 column, delete “L” and replace with “-“

Section 14. Section 6.2.1.E. of the Part 10 Raleigh Unified Development Ordinance, Cottage Court, is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

E. Cottage Court

1. Defined

A group of small detached houses, attached houses or townhouses (two-unit maximum per building) centered around a common ~~open space or~~ courtyard.

2. Use Standards

~~Only permitted in the in the R-2 and R-4 districts in association with a Conservation Development or Compact Development.~~

Section 15. Section 7.1.4. Vehicle Parking Reductions is hereby amended by inserting the following underlined text:

F. Cottage Court

1. Required parking shall be reduced to a rate of 1 parking space for each unit.

Section 16. This text change has been reviewed by the Raleigh City Planning Commission.

Section 17. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 18. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 19. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 20. This ordinance is effective 60 days after adoption.

ADOPTED: November 19, 2019

EFFECTIVE: January 18, 2020

DISTRIBUTION: Management Team

Prepared by the Department of City Planning