

ORDINANCE NO. BL2011-901

An ordinance amending Chapters 17.08, 17.12, 17.16 and 17.40 of Title 17 of the Metro Zoning Code to create a new land use called "Single-Family Cottage Development" and to allow it in all two-family (R) zoning districts, and to make a technical change to Chapter 17.40 pertaining to variances (Proposal No. 2011Z-006TX-001).

WHEREAS, it is desirable for the Metropolitan Government of Nashville and Davidson County to provide a range of homeownership opportunities throughout the County;

WHEREAS, increasing individual homeownership opportunities in zoning districts that permit multi-two-family housing can be accomplished by reducing minimum lot sizes to encourage "fee-simple" home ownership options;

WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require specific development regulations including limited building footprint and building height in exchange for an increase in density.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.08.030 District Land Use Table is hereby amended as follows:

By adding the new use, "Single-family Cottage Development," under Residential Uses following "Single-family" and before "Two-family," as a use permitted with conditions (PC) in the R80 through R6 districts.

Section 2. That Section 17.12.020 District Bulk Regulations, is hereby amended by adding new "Note 2" after "Note 1" as follows

"Note 2: For all zoning districts permitting two-family uses, the maximum building coverage for Single-family Cottage Developments shall apply to the cottage development as a whole."

Section 3. That Chapter 17.16 Article II (Uses Permitted with Conditions) is hereby amended by adding within Section 17.16.030 new subsection D. as follows, and reordering the other subsections respectively.

D. **Single-family Cottage Developments.** A cottage development shall be permitted provided all of the following conditions are met:

1. **Location.** Cottage developments shall be permitted within all two-family(R) zoning districts along existing street(s) in accordance with the development standards below.
2. **Development Configuration.** The minimum number of cottage units arranged around a common open space in a cottage development shall be four and the maximum shall be ten.
3. **Required Open Space.**
 - a. **Cottage Development:** Each cottage development shall provide a contiguous common open space totaling at least 350 square feet per cottage unit, excluding any shared parking areas or community facilities. The common open space shall have a minimum dimension of 30 feet in width.

- b. Cottage Unit: Each individual cottage unit shall have a minimum of 200 square feet of contiguous private open space directly abutting the cottage unit. The private open space shall be located on the individual cottage lot. The private open space shall have a minimum dimension of 10 feet in width.
4. **Development Density**. The maximum density of a cottage development shall be 1.5 times the density allowed on the subject site by the base zoning district(s).
5. **Minimum Cottage Lot Size**. There is no minimum lot size for individual cottage unit lots.
6. **Bulk Standards**.
- a. **Building Coverage**
 - i. Cottage Development: The maximum building coverage for the cottage development as a whole shall be in accordance with the standards of Table 17.12.020A. *(need to add a note to this table)*
 - ii. Cottage Lot: The maximum building coverage per cottage lot shall be 1,000 square feet. The maximum building coverage shall include attached garages, carports and porches that are enclosed by at least three walls and any accessory structures.
 - iii. The total square footage of a cottage lot shall not exceed that shown on the approved final plat; including expansion by the enclosure of any porch, carport, or other structure. A note shall be placed on the plat that any increase to the total square footage of a cottage unit is prohibited for the life of the cottage unit or the duration of the regulations of Section 17.12.100.
 - b. **Impervious Surface Ratio**. The impervious surface ratio for the cottage development as a whole shall be maximum of 0.60.
 - c. **Building Height**. The maximum building height of a cottage unit and any accessory structures shall be 18 feet. When a cottage unit incorporates a pitched roof with a slope no less than 6:12 and no greater than 12:12, the maximum height shall be 25 feet. The roof pitch shall begin no higher than 18 feet.
 - d. **Street Setback**.
 - i. Cottage Development: The street setback shall be in accordance with Table 17.12.030A and Section 17.12.030.C.
 - ii. Cottage Lot: The street setback standards for a cottage development shall also apply to an individual cottage unit.
 - e. **Side Setback**.
 - i. Cottage Development: The side setback shall mean the distance between a cottage unit and the side property line of the cottage development. The side setback shall be in accordance with Table 17.12.020A.
 - ii. Cottage Lot: All structures on an individual cottage lot shall have a minimum side setback of three feet from the cottage lot's property lines.
 - f. **Rear setback**.
 - i. Cottage Development: The rear setback shall mean the distance between the cottage unit and the rear property line of the cottage development. The rear setback shall be a minimum of 20 feet. Where the rear property line abuts a service road or alley, the rear setback may be five feet.

- ii. Cottage Lot: All structures on an individual cottage lot shall have a minimum rear setback of three feet from the cottage lot's property line.
- 7. **Walkways**. A continuous walkway having a minimum width of four feet shall connect all cottage units to the common open space, parking areas, public sidewalk, and all community facilities on site.
- 8. **Parking Requirements**.
 - a. Parking shall meet the requirement for single-family residential units established in Table 17.20.030.
 - b. Parking shall be provided on each cottage lot, or in the form of shared parking cluster(s) in commonly owned space, or a combination of the two, but not within common open space.
 - c. All on-street parking spaces immediately abutting the cottage development, where on-street parking is permitted, may count toward the parking space requirement. A minimum of one half of the required spaces shall be provided on site.
 - d. Parking clusters that are not directly accessible from a public alley shall contain no more than six adjoining spaces and shall not be visible from a public street. Parking shall be screened from adjacent residential uses by landscaping or architectural screening as specified in Section 17.24.150.B.
 - e. Parking shall not be permitted in an established front yard setback or required common or private open space areas.
 - f. Parking may be permitted between, or to the side of structures, only when it is setback a minimum of ten feet from the leading edge of the front facade of a cottage unit and is accessed by a side or rear alley, or a side or rear private driveway.
 - g. Parking shall be screened from the common open space, public streets and properties adjacent to the cottage development. Screening shall consist of evergreen vegetation. Opaque fencing may be used as a screen only within the cottage development's side setbacks.
- 9. **Access**.
 - a. Cottage developments with an existing or proposed alley shall have all vehicular access from the alley.
 - b. Cottage developments without alley access shall be limited to two vehicular access points per development in order to accommodate a circular access easement.
 - i. The internal access easement shall be 20 feet of paved width.
 - ii. The access easement shall not be located between a cottage unit(s) and the common open space or a between a cottage unit(s) and the public street.
 - iii. The access easement shall be separated from a side property line by a minimum of four feet.
- 10. **Orientation and Design**.
 - a. Cottage units shall orient their primary entrance, including the required porch, toward the common open space, except where a cottage unit abuts an existing street. Cottage units abutting a street shall orient the primary entrance toward the street and a secondary entrance shall face the common open space. Where feasible one entrance and porch may be used to address both the street and open space.

- b. The maximum distance from at least one entrance of a cottage unit to the edge of the common open space shall be 60 feet.
 - c. Cottage housing units shall have a covered porch at least sixty square feet in size with a minimum dimension of six feet on any side. Covered porches shall not be enclosed with glass or screened.
 - d. Cottage units shall be constructed of materials that are consistent with and complement the existing residential character of the area.
 - e. An existing single- or two-family dwelling that is otherwise nonconforming to the standards of this section may be incorporated into the cottage development. However the extent of noncompliance shall not be increased.
11. **Historic Structures:** Single-family Cottage Developments shall not be eligible for the density bonus, listed under number 4 above, if a structure deemed Worthy of Conservation (WOC), National Register listed or National Register Eligible by the Metro Historical Commission has been demolished from the site within the two years prior to Final Site Plan approval.
12. **Community buildings.** Community buildings shall mean buildings or facilities including, but not limited to, pools and pool houses, which are open to all residents within the cottage development. Community buildings shall be permitted and shall have the same bulk standards as cottage units. Community buildings shall be located on commonly owned property.
13. **Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action.** Any existing or proposed Single-family Cottage Development located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed Single-family Cottage Development which has a structure(s) that is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as Worthy Of Conservation shall first be referred to and reviewed by the Metropolitan Historic Zoning Commission staff to determine the effects of the proposed development on the historic properties. Approval of the development shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a Single-family Cottage Development, all development shall be consistent with the requirements of this section as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.
14. **Final Site Plan Review and Approval.** Final site plans for single-family cottage developments shall be reviewed and require approval of the Planning Commission in accordance with section 17.40.170 B.

Section 4. That Section 17.40.170 Final site plan is hereby amended by adding under subsection B, "all uses requiring site plan approval by the Planning Commission under section 17.16" after "specific plan (SP) district" and before "or an institutional overlay district."

Section 5. That Section 17.40.340 Limits to jurisdiction is hereby amended by delete the section in its entirety and replacing it with the following.

17.40.340 Limits to jurisdiction

A. The board shall not grant variances to the following sections and tables and zoning districts:

Sections

Section 17.08.030 (land uses)

Section 17.12.080 (lot averaging)

Section 17.12.090 (cluster lot option)

Section 17.16.030.E (adaptive residential use)

Section 17.36.070.C (PUD minimum lot size)

Section 17.37 (Downtown Code (DTC) 1

Tables

Tables 17.12.020.B (density)

Table 17.12.020.C (floor area ratio [FAR])

Zoning districts

SP District

Note 1: Within the DTC district, however, variances maybe granted for building height at the street and overall building height, with a recommendation from the planning commission.

B. The board shall not grant variances within the following sections, tables, zoning districts, or overlay districts without first considering a recommendation from the planning commission.

Sections/Tables

Section 17.28.103 (underground utilities)

Section 17.16.030 D (Single-family Cottage Development)

Overlay Districts

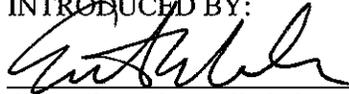
PUD

UDO

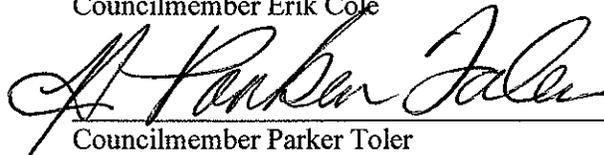
Institutional

Section 6: That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:



Councilmember Erik Cole



Councilmember Parker Toler

ALL REQUIRED FEES HAVE BEEN PAID