

**VILLAGE OF YELLOW SPRINGS  
PLANNING COMMISSION**

The Village of Yellow Springs Planning Commission will meet in regular session on Monday, August 14, 2017 at 7PM in Village Council Chambers on the second floor of the Bryan Community Center, 100 Dayton Street, Yellow Springs, Ohio 45387

**CALL TO ORDER**

**ROLL CALL**

**REVIEW OF AGENDA**

**REVIEW OF MINUTES**

Minutes of July 10, 2017

**COMMUNICATIONS**

**COUNCIL REPORT**

**CITIZEN COMMENTS**

**PUBLIC HEARINGS:**

- 1) Rezoning Application of Trish Gustafson and Carol Smith have applied for a rezoning of their property abutting 422 N. High Street of Parcel ID #F16000100090001700 to Residential B of Moderate Density Residential, upon approval by Village Council of their Type II Annexation application.
- 2) Amend Chapter 1262.08 (e) (6) Conditional Use Requirements of the addition of pocket neighborhood developments with specific conditional use requirements.
- 3) Amend Chapter 1284.03 Definitions: C-D of modifying or removing the definition of cluster housing; adding the definition of common open space.
- 4) Amend Chapter 1284.05 Definitions: H-I-J-K of adding the definition of a homeowners association (HOA).
- 5) Amend Chapter 1284.07 Definitions: O-P-Q of adding the definition of a pocket neighborhood development (PND).

**OLD BUSINESS**

Process for Comprehensive Land Use Plan

**NEW BUSINESS**

Housing Needs Assessment Review

**AGENDA PLANNING**

Short term rentals revision to the text amendments previously approved

Text amendment re: height of Accessory Structures (max. 24' for future ADU)

Comprehensive Land Use Plan: Discussion of Update Process

Discussion re: size of accessory structures to primary, including the definition of floor area, gross

**ADJOURNMENT**

Planning Commission  
Regular Meeting Minutes

Council Chambers 7:00pm

Monday, July 10, 2017

CALL TO ORDER

The meeting was called to order at 7:00 P.M.

ROLL CALL

Planning Commission members present were Chair, Matt Reed, Council Representative Gerald Simms, Rose Pelzl and Alternate Chris Zurbuchen sitting in for Adam Abraham. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor. Susan Stiles and Adam Abraham were not present.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of June 12, 2017 were reviewed. Simms MOVED to ADOPT THE MINUTES AS AMENDED. Zurbuchen SECONDED and the MOTION PASSED 3-0 with Reed abstaining.

Swinger responded to a question from Pelzl regarding a comment about Cresco Labs. She stated that Cresco may need to come before Planning Commission for a conditional use regarding the size of the building at some point in September or October.

COMMUNICATIONS

There were no Communications.

COUNCIL REPORT

Simms noted that Council will be discussing the Lodging Tax on August 21<sup>st</sup>.

Simms noted that Council will also see legislation on July 17<sup>th</sup> on Pocket Neighborhood Developments.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

Swinger noted that Council had asked Planning Commission to hold off on any action related to short term rentals until further notice. She commented that they are currently debating the transient occupancy tax.

Reed commented that he thought that Council could not implement a tax until short term is defined.

Simms noted that Laura Curliss had written a letter questioning the process of PC's Dayton Street minor subdivision hearing and indicating interest in filing an appeal, which had been at Council table, but had not been in the packet.

Swinger noted that the time limit for filing an appeal has now passed.

Swinger commented that all of the items on the agenda are clean-up items.

1. Amend Table 1248.02 Schedule of Uses to the addition of pocket neighborhood developments as a conditional use in Residential-A, Residential B, and Residential-C Districts.

- Text Amendment – Adding Pocket Neighborhood Developments To Residential A, B And C

Table 1248.02 Schedule of Uses: Residential Districts				
Use	R-A	R-B	R-C	Specific Conditions
Residential				
Accessory dwelling unit	C	C	C	Section <a href="#">1262.08(e)(1)</a>
Accessory buildings, structures and uses	P	P	P	Section <a href="#">1260.04</a>
Bed and breakfasts	C	C	C	Section <a href="#">1262.08(e)(2)</a>

Boarding homes			C	Section <a href="#">1262.08(e)(3)</a>
Continuing care retirement community		C	C	
Day care, family	P	P	P	
Day care, group	C	C	C	
Dwellings, attached single-family		P	P	
Dwellings, Multiple-family		C	P	
<u>Dwellings, Pocket Neighborhood Developments</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 1262.08 (e)(6)
Dwellings, single-family detached	P	P	P	
Dwellings, two-family		P	P	
<b><u>Pocket Neighborhood Developments</u></b>	<u>C</u>	<u>C</u>	<u>C</u>	Section 1262.08 (e)(6)
Short-term rental units	C	C	C	Section <a href="#">1262.08(e)(7)</a>

Swinger explained that currently pocket neighborhood developments are included under the description for dwellings, but in this proposed language, PNDs are actually comprised of two types of dwellings (single-family detached and two-family). She recommended removal of PNDs from dwellings and insertion separately so that it is listed as an option under Residential, in the same manner as short-term rental units.

Reed OPENED THE PUBLIC HEARING.

Pat Seimer spoke, stating that she is a senior citizen desperately seeking a small home or place to live.

Swinger noted several options available to Seimer in terms of adapting her current home.

Both Pelzl and Swinger encouraged Seimer to come to the Planning office to discuss options with Swinger.

Reed CLOSED THE PUBLIC HEARING.

Pelzl MOVED TO APPROVE the text amendment to table 1248.02 as presented by staff. Simms SECONDED and the MOTION PASSED 4-0 on a roll call vote.

2. Amend Chapter 1260.04 (d) Principal Use per Lot ó the addition of pocket neighborhood developments as an exception to principal use per lot.

(d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, Planned Unit Developments (PUDs), Pocket Neighborhood Developments (PNDs), or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

- (1) Individual buildings share common parking areas, signs, access and similar features;
- (2) Buildings are under single ownership in commercial and industrial developments and land is under single ownership in residential pocket neighborhood developments (PNDs);
- (3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
- (4) Buildings are architecturally unified and compatible.

Swinger explained the amendment Planning Commission voted in as here described. Swinger commented that upon scrutiny, she believes that it is not possible to meet ALL of the criteria requirements, especially for PUDs. Prior to the amendment, language stated that buildings are under single ownership. That may have worked for Millworks and later DMS, Swinger commented, but that isn't always going to be the case. As an example, Swinger cited the CBE, a PUD where buildings will not be under single ownership, but individual lots will be sold and buildings will be individually owned.

Swinger commented that in discussing this issue with other staff, she arrived at the change recommended as follows:

**1260.04 USES.**

- (d) Principal Use per Lot. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings,

approved mixed use developments, planned unit developments (PUDs), pocket neighborhood developments (PNDs), or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:

- (1) Individual buildings share common parking areas, signs, access and similar features;
- (2) Buildings are under single ownership;
- (3) Individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
- (5) Buildings are architecturally unified and compatible.

Discussion ensued on the topic, with Pelzl opining that the entire section is superfluous, and lists exceptions rather than listing uses to which the code does in fact apply.

Reed opined that the listing of approved exceptions serves a purpose.

Brockman pointed out that the current language is misleading in that it requires that all of the following criteria must be met in one part of that section, but later the word or is inserted.

The Clerk suggested that PC consider how that section is useful in determining what requirements are needed for PNDs or PUDs, since her understanding of the reason that Swinger saw the need for change was that the section did not provide clear, usable guidelines, given the difficulty a PND or PUD would have in meeting those guidelines.

In response to a concern from Pelzl, Swinger stated that she does use the section to enforce to homeowners that they cannot undertake other principal uses.

Pelzl asked why a person couldn't have two principle uses on the same lot.

Swinger cited restrictions on curb cuts and metering.

Pelzl argued that then there would be other sections of the code that would limit or prevent the second principle use, making the statement unnecessary.

PC discussed the possibility of striking the entire section, with Simms pointing out that principal use is defined within the definitions for each of the exceptions.

Brockman opined that the language should remain.

The Clerk suggested that the language is viewed as a clarification rather than an obstruction it might be more acceptable, assuming Pelzl's concern was to make the code as open and user friendly as possible.

Reed OPENED THE PUBLIC HEARING. There being no one present, Reed CLOSED THE PUBLIC HEARING.

Simms MOVED to APPROVED THE REVISED VERSION OF Chapter 1260.04, which deletes the four specific criteria. Zurbuchen SECONDED, and the MOTION PASSED 4-0 on a roll call vote.

3. Amend Chapter 1262.08 (e) (6) Conditional Use Requirements to the addition of pocket neighborhood developments with specific conditional use requirements.

Swinger noted that the section under discussion is Section (J), as follows, noting the questions she has in that section.

## **1262.08 SPECIFIC REQUIREMENTS.**

### **(e) Residential.**

#### **(6) Pocket Neighborhood Developments (PNDs).**

**The following regulations apply to Pocket Neighborhood Developments (PNDs):**

#### **J. Other PND Standards:**

1. **PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent can be two-family dwellings. Do we want to consider single-family attached in R-B, R-C or both? If so, what percentage? Single family attached and two family are allowed in R-B and R-C in the ZC. Neither are allowed in R-A.**

Swinger stated lack of clarity regarding single family attached dwellings, which are permitted in R-B and R-C.

Reed stated that his understanding was that the PND would follow the requirements of the underlying district.

Addition of the addition of single family attached dwellings was discussed.

Zurbuchen noted Park Meadows as an example of this type of dwelling.

Wording that ðup to 50% of the dwellings can be either two-family and/or single family attached dwellings was approved as follows:

PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent of the total dwellings can be either two-family dwellings and/or single family attached dwellings.

2. Accessory structures shall be allowed and must not exceed 66 percent of the primary dwelling unit gross floor area??? Current code allows for square footage total of all floors or 800 square feet, whichever is less, and must be outside of the required exterior setback. Accessory structures cannot be located between road frontages and dwelling units. ??? This needs clarification. Must be located within the lot line boundaries???

Swinger asked whether PC would like to change the determination method to first floor only, rather than the gross floor area. (That is, footprint vs gross area).

Regarding location of the structure, Swinger commented that the rear of the home might be facing the road.

Reed noted that the entire area is one property, and asked how lot lines would be determined.

Swinger stated that Greene County will determine lot lines, because they are the taxing entity, if those are not set by the developer.

Pelzl expressed discomfort with Greene County assigning lot lines.

Swinger commented that if Greene County was not imposing the lot lines that it would not be a good idea to permit accessory structures.

3. Accessory Dwelling Units (ADUs) shall not be allowed in PNDs.

Zurbuchen commented that perhaps accessory units should not be permitted within the PND. She responded to concerns by noting that Park Meadows does not permit accessory structures.

In response to a comment from Reed, Zurbuchen stated her belief that accessory units could be eliminated within PNDs.

This possibility was discussed as more normal to a PND concept as a communal living concept.

Zurbuchen MOVED to STRIKE J. (2) and make J (3) now J. (2).

PC discussed the matter of determining the size of an accessory structure, concluding that

4. A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). Prior to **final plat approval**, ??? This is not a PUD where there is a preliminary meeting and then a final plat approval meeting. Should we change this? the developer will provide a set of conditions, covenants and restrictions (CC&Rs) for the Pocket Neighborhood Development, which shall be reviewed and, if approved by the Village of Yellow Springs, shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the Pocket Neighborhood Development.

Swinger explained that the PND process would entail a level ðBö site plan, which would mean a preliminary meeting with staff, followed by a public hearing at PC. She noted that Covenants, Conditions, and Restrictions would be reviewed at this time.

Pelzl questioned whether this plan would meet with Council approval, given that they are not involved in the approval process. She questioned whether a volunteer board should command that level of power.

Zurbuchen reviewed the process, noting that the public would have the opportunity to weigh in during the PC public hearing, and that PC could respond to any concerns by applying conditions, if appropriate.

Pelzl asked whether the individual who brought the concept to PC has returned, and opined that more input would be welcomed at this point.

Swinger noted her concern as being reaction from neighbors, since it represents such a major departure from the character of some neighborhoods, primarily R-A. She noted that some of the requirements will limit any casual use of PND.

Reed opined that PC should be presented with a draft CC&R.

Swinger suggested that the CC&R document be made available to Planning Commission during the review process.

Pelzl commented that changes to the CC&Rs could be recorded at the County recorder's office.

Brockman suggested that during the level B site plan, the document be provided, in at least draft form.

Swinger asked whether language should be inserted making a statement that the PND needs to follow the 1226.06 design standards, and that the draft following these be presented for review by PC. Final approval would rest with staff. She asked that the site plan be provided by a licensed engineer.

Swinger asked about alleys and sidewalks, and PC pointed out that this was already covered in the design standards.

Swinger asked that the sections be amended to read that a storm water plan must be included in the draft design. The language will now read: "Including a storm water plan design as specified in 1226.06 Design Standards".

This section was amended to read:

A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). During the Level "B" site plan review, the developer will provide a set of conditions, covenants and restrictions (CC&Rs) including a storm water plan design as specified in 1226.06 "Design Standards" for the Pocket Neighborhood Development, which shall be reviewed and, if approved by the Village of Yellow Springs, shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the Pocket Neighborhood Development.

In Section 8, which will become section 7, Swinger added "and zoning codes" to amend the sentence to " . . . shall follow the requirements of the Yellow Springs Planning and Zoning Codes."

Reed OPENED A PUBLIC HEARING. There being none present, Reed CLOSED THE PUBLIC HEARING.

5. The dwelling units may be individually owned or rented with no more than 50 percent rentals.
6. A Level B site plan review is required for approval of the Pocket Neighborhood Development conditional use. Prior to submittal to the Planning Commission, the Level B site plan shall be reviewed by a designated Village of Yellow Springs engineer, who will provide a written report of findings for the Planning Commission. The engineer will be present at the conditional use hearing to answer questions related to their findings.
7. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts. Other considerations not addressed specifically, shall follow the requirements of the Yellow Springs Zoning Code.

4. Amend Chapter 1284.03 Definitions: C-D 6 removing the definition of Cluster housing; adding the definition of Common open space; adding the definition of Dwelling, pocket neighborhood development (PND).
5. ~~**Cluster housing.** An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.~~

We are still removing the definition of cluster housing from the zoning code. This is being replaced by the Pocket Neighborhood Development definition so no changes to this are necessary.

PND should be removed from the definition of a dwelling as it is a regulatory development tool like a Planned Unit Development, and not a specific type of dwelling unit.

#### **Dwelling:**

- (1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.
- (2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.
- (3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling
- (4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.
- (5) Dwelling, manufactured home. See "manufactured home."
- ~~(6) Dwelling, Pocket Neighborhood Development (PND). **A detached building** designed as part of a group of dwelling units that are individually owned, trading individual open space for common open space and for which each unit is occupied exclusively by one family.~~

Swinger noted the change in bold above for section 6, and PC approved these changes.

Simms MOVED TO APPROVE changes as here discussed. Zurbuchen SECONDED and the MOTION PASSED 3-0 on a roll call vote, with Pelzl abstaining.

Swinger noted that she will be presenting the concept to Council on July 17<sup>th</sup>, and she would appreciate any members of PC be present if possible.

#### **OLD BUSINESS**

Vote on Vice Chair for Planning Commission. Reed CALLED THE VOTE ON THE MOTION FOR ROSE PELZL AS VICE-CHAIR. The MOTION PASSED 3-0 on a roll call vote, with Pelzl abstaining.

#### **NEW BUSINESS**

There was no New Business.

#### **AGENDA PLANNING**

Short term rentals revision to the text amendments previously approved.

Text amendment re: height of Accessory Structures (max. 24' for future ADU). Swinger explained this, noting that maximum height for an ADU is 24' while the maximum height for an accessory unit is 18'. This seems arbitrary in Swinger's opinion.

Comprehensive Land Use Plan: Discussion of Update Process.

Discussion re: size of accessory structures to primary, including the definition of floor area, gross.

**ADJOURNMENT**

At 8:28pm, Zurbuchen MOVED and Simms SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

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Matt Reed, Chair

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Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*





TO: Planning Commission  
FROM: Denise Swinger, Planning & Zoning Administrator  
DATE: August 1, 2017  
RE: Map Amendment Application to Rezone

Trish Gustafson and Carol Smith have applied for a map amendment to rezone their property to Residential B, Moderate Density Residential, and identified as Parcel ID F16000100090001700, which abuts their property identified as Parcel ID #F19000100010004800 and is zoned R-B.

**Background:** The property identified as Parcel ID #F16000100090001700 (Exhibit A) is currently in Miami Township. After the Village of Yellow Springs annexed the Glass Farm, this property and another at 505 King Street, became what is known as an island, which is unincorporated territory surrounded by annexed territory. This is no longer allowed when annexation is being considered under the current Ohio Revised Code. Because this annexation request does not expand our borders, Village Council passed legislation saying they would provide the necessary safety services. The property owner then applied to Greene County for a Type II Annexation. Greene County held a public hearing, and after a waiting period to give the township and residents time to object, the County accepted the annexation. The final step to this annexation process is Council's approval, which will be voted on by resolution on August 21<sup>st</sup>.

When a property is annexed into the Village of Yellow Springs, it comes in as R-A, Low Density Residential. The abutting property owners along North High Street and Fairfield Pike are zoned R-B. The property owner wishes to rezone it to R-B, too.

With Planning Commission's recommendation, and Council's approval of the annexation, Council may then pass by Ordinance to accept this rezoning at their meeting on August 21<sup>st</sup>. After the annexation is approved, the property owner intends to file a replat application to combine the two lots, and a zoning permit can then be issued for the single family dwelling if all the requirements for R-B are met.

Staff recommends APPROVAL of this rezoning as it will not create a "spot zone" and by doing so will enable the applicant to replat so that the lot and its frontage on North High will enable access to this acreage without requiring an easement for ingress and egress. The property owner intends to build one single-family dwelling with a mother-in-law suite on this property and does not intend to subdivide the property during her ownership.

Respectfully submitted,

Denise Swinger



**Village of  
Yellow Springs**

## Village of Yellow Springs

100 Dayton Street, 45387

PHONE: (937) 767-1702

FAX: (937) 767-3720

## Planning Commission Application

Case #: PC17-20

TYPE OF REQUEST: (Check one)

☐ DEVELOPMENT PLAN ☐ TEXT AMENDMENT

☐ CONDITIONAL USE ☒ MAP AMENDMENT

☐ OTHER (Please Specify): Rezoning to R-B

- Property Address and/or Parcel ID: F16000100090001700
- Property Owner: Carol Smith & Tish Gustafson  
Address: 128 MARSHALL ST. YS Phone: \_\_\_\_\_
- Description of request: Applicant wants to rezone the property abutting F19000100010004800, upon approval of their Type II annexation application. On August 21st Council will consider and vote on the annexation.

The owner of this property and undersigned do hereby certify that the information and statements given on this application, drawings, and specifications are to the best of their knowledge, true and correct.

Signature of Applicant: Tish Gustafson Title: Owner  
Address: 128 Marshall St. 45387 Date: 7/27/17  
E-mail: tishgustafson@yahoo.com

**DO NOT WRITE BELOW THIS LINE [OFFICE USE]**

Zoning Classification: R-A to R-B

Fee: \$200.00 pd. 7/27/17

Hearing Date: 8/14/2017

Request Denied or Approved: \_\_\_\_\_

Village Representative: \_\_\_\_\_

Title: \_\_\_\_\_

DEDICATION AND EASEMENTS:

WE THE UNDERSIGNED, BEING THE LANDOWNERS AND LIENHOLDES OF THE LANDS HEREIN PLATTED, DO HEREBY CONSENT TO THE EXECUTION OF THE WITHIN PLAT OF 1.888 ACRES, BEING ALL OF A 1.71 ACRE (BY DEED) PARCEL, AKA PARCEL I, CONVEYED TO PATRICIA GUSTAFSON & CAROL SMITH BY O.R. 3748, PG. 164 AND ALL OF LOT 4 OF NICKOSON'S ADDITION RECORDED IN P.C. 31, PG. 388A, (AKA PARCEL II), CONVEYED TO PATRICIA GUSTAFSON & CAROL SMITH BY O.R. 3748 OF THE PLAT AND DEED RECORDS OF GREENE COUNTY, OHIO,, AND DEDICATE THE STREETS AND RESERVE THE EASEMENTS AS SHOWN FOR THE PUBLIC USE FOREVER.

EASEMENTS SHOWN ON THIS PLAT ARE FOR THE CONSTRUCTION, OPERATION, REPAIR, REPLACEMENT, OR REMOVAL OF WATER LINES, GAS LINES, STORM SEWER, SANITARY SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSE, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

WE THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATTED, DO HEREBY VOLUNTARILY DEDICATE TO GREENE COUNTY, OHIO, THE SANITARY LINES AND WATER LINES UPON COMPLETION OF CONSTRUCTION OF SAID ITEMS; AND TO DEDICATE LANDS AS SHOWN ON THE PLAT FOR THE PURPOSES OF CONSTRUCTION OF SANITARY SEWER LINES AND WATER LINES TO THE PUBLIC USE FOREVER.

THERE IS HEREBY GRANTED A NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS TO ALL GOVERNMENTAL AUTHORITIES TO ENTER UPON ALL LOTS IN PERFORMANCE OF THEIR GOVERNMENTAL DUTIES.

SIGNED AND ACKNOWLEDGED: OWNERS OF LOT 4

WITNESS	SIGNATURE
WITNESS	PRINTED NAME
	SIGNATURE
	PRINTED NAME

STATE OF OHIO

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BEFORE ME A NOTARY PUBLIC, IN AND FOR SAID STATE PERSONALLY CAME, \_\_\_\_\_, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE THERE VOLUNTARY ACT AND AS OWNER.

NOTARY PUBLIC

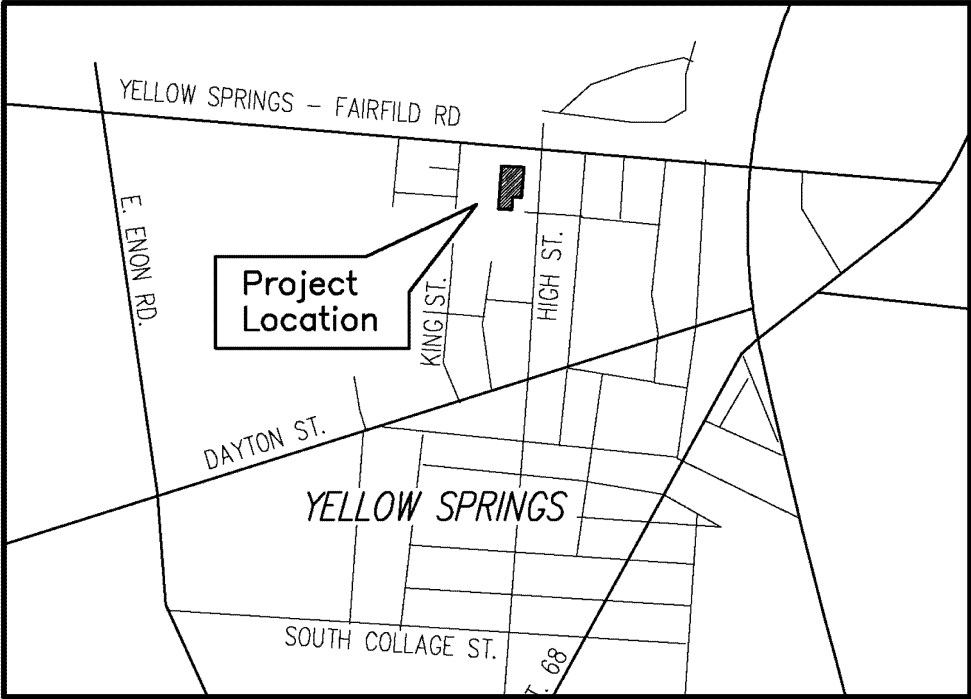
LIENHOLDER ACKNOWLEDGEMENT:

WITNESS	SIGNATURE
WITNESS	PRINTED NAME

STATE OF OHIO

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BEFORE ME A NOTARY PUBLIC, IN AND FOR SAID STATE PERSONALLY CAME, \_\_\_\_\_, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE THERE VOLUNTARY ACT AND AS LEINHOLDERS.

NOTARY PUBLIC



VICINITY MAP  
NO SCALE

SIGNED AND ACKNOWLEDGED: OWNERS OF 1.17 ACRE (BY DEED) PARCEL

WITNESS	SIGNATURE
WITNESS	PRINTED NAME
	SIGNATURE
	PRINTED NAME

STATE OF OHIO

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BEFORE ME A NOTARY PUBLIC, IN AND FOR SAID STATE PERSONALLY CAME, \_\_\_\_\_, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE THERE VOLUNTARY ACT AND AS OWNER.

NOTARY PUBLIC

LIENHOLDER ACKNOWLEDGEMENT:

WITNESS	SIGNATURE
WITNESS	PRINTED NAME

STATE OF OHIO

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 BEFORE ME A NOTARY PUBLIC, IN AND FOR SAID STATE PERSONALLY CAME, \_\_\_\_\_, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE THERE VOLUNTARY ACT AND AS LEINHOLDERS.

NOTARY PUBLIC

Record Plan

Gustafson Plat

Section 20, Town 4, Range 8

Village of Yellow Springs, Greene County, Ohio

1.888 Acres

January 2017



Prepared by:  
**McDougall - Marsh**  
**Land Surveyors**  
8529 Byers Road, Miamisburg, Ohio 45342  
Tel: 937-847-2660 - Fax 937-847-2670  
www.mcdougallmarsh.com

FILE NO: \_\_\_\_\_  
FEE: \_\_\_\_\_  
PLAT VOLUME \_\_\_\_\_, PAGES \_\_\_\_\_  
RECEIVED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017  
AT \_\_\_\_ M  
RECORDED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017

GREENE COUNTY RECORDER

TRANSFERRED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017

GREENE COUNTY AUDITOR

APPROVAL:

DEDICATION OF THE SANITARY SEWER LINES AND THE WATER MAIN LINES IN THE WITHIN PLAT ARE HEREBY ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY THE BOARD OF COMMISSIONERS OF GREENE COUNTY, OHIO.

BOARD OF GREENE COUNTY COMMISSIONERS:

DATE:	DATE:
DATE:	

DESCRIPTION:

THE WITHIN PLAT IS A SUBDIVISION OF 1.888 ACRES, BEING ALL OF A 1.71 ACRE (BY DEED) PARCEL, AKA PARCEL I, CONVEYED TO PATRICIA GUSTAFSON & CAROL SMITH BY O.R. 3748, PG. 164 AND ALL OF LOT 4 OF NICKOSON'S ADDITION RECORDED IN P.C. 31, PG. 388A, (AKA PARCEL II), CONVEYED TO PATRICIA GUSTAFSON & CAROL SMITH BY O.R. 3748 OF THE PLAT AND DEED RECORDS OF GREENE COUNTY, OHIO,

CERTIFICATION:

THE MEASUREMENTS ARE CERTIFIED CORRECT AND MONUMENTS SHALL BE SET AS SHOWN, IN ACCORDANCE WITH MINIMUM STATE STANDARDS FOR BOUNDARY SURVEYS. CURVED DISTANCES ARE MEASURED ON THE ARC.

McDOUGALL – MARSH LAND SURVEYORS

BY: \_\_\_\_\_  
THOMAS K. MARSH, P.S. #7735





BEARINGS ARE BASE ON THE NORTH LINE OF A 10.752 ACRE PARCEL  
(S 87°10'14"E) AS SHOW ON SURVEY No.31, PAGE 342 OF THE SURVEY  
RECORDS OF GREENE COUNTY, OHIO.

60 0 60 120 180  
GRAPHIC SCALE - 1"= 60' DATE: JANUARY 17, 2017

#### Monument Legend

- ⊗ Indicates 5/8" iron pin found (unless otherwise noted)
- Indicates 5/8" iron pin set
- ⊙ Indicates Iron Pipe found
- △ Indicates MAG nail found (unless otherwise noted)
- △ Indicates MAG nail set
- ⊠ Indicates Concrete Monument found
- Indicates Railroad Spike found

#### References:

Deeds: Patricia Gustafson & Carol Smith -Deed O.R. 3748, Page 164  
Yellow Springs Home Inc.-Deed O.R. 3658, PG. 596  
Dan Dixon & Sherryl Kostic-Deed O.R. 3131, PG. 861

Survey: SUR.13, PAGE 606  
SUR.31, PAGE 342

Plats: Nickoson Addition, P.C. 31, Page 388A  
Nickoson's Second Addition, Sec.2-P.C. 32, Page 25A  
Nickoson Addition Replat, P.C. 36, Page 145A-B

#### SURVEY NOTES:

1. ALL DEED, SURVEY AND PLAN RECORDS SHOWN ON THIS SURVEY WERE USED IN THE PERFORMANCE OF THIS SURVEY.
2. LINES OF OCCUPATION (WHERE EXISTING) IN GENERAL AGREE WITH PROPERTY LINES.
3. ALL MONUMENTATION FOUND IN GOOD CONDITION UNLESS NOTED OTHERWISE.
4. IRON PINS SET ARE 30" x 5/8" REBAR WITH PLASTIC CAP STAMPED "7735"
5. SURVEY PREPARED IN THE ABSENCE OF A COMPLETE AND UP TO DATE TITLE REPORT.



Prepared by:  
**McDougall - Marsh**  
Land Surveyors  
8529 Byers Road, Miamisburg, Ohio 45342  
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Dan Ross Dixon  
&  
Sherryl Ann Kostic  
O.R. 3131, Pg. 861  
10.752 Ac. (By Deed)  
Sur. Vol. 31, Pg. 342

Record Plan

## Gustafson Plat

Section 20, Town 4, Range 8

Village of Yellow Springs, Greene County, Ohio

**1.888 Acres**  
**January 2017**



# EXHIBIT A

## CHAPTER 1262

### Conditional Use Requirements

#### 1262.08 SPECIFIC REQUIREMENTS.

(e) Residential.

(6) Pocket Neighborhood Developments (PNDs).

The following regulations apply to Pocket Neighborhood Developments (PNDs):

A. Location:

1. Pocket Neighborhood Developments may be considered in only the three residential districts; Residential A ó Low Density Residential District.
2. Residential B ó Moderate Density Residential District
3. Residential C ó High Density Residential District.

B. Density and Minimum Lot Area:

1. In Residential A, the permitted density shall be a maximum of 6 units per acre.
2. In Residential B, the permitted density shall be a maximum of 8 units per acre.
3. In Residential C, the permitted density shall be a maximum of 14 units per acre.
4. The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district.
5. On a lot to be used for a PND, the lot size maximum must be under five acres.
6. On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.
7. On a lot to be used for a PND, an existing single-family dwelling or duplex structure, 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, and the existing structure will factor into the maximum lot coverage permitted for that residential zoning district. An existing single-family dwelling or duplex structure will only count as one dwelling unit towards the minimum of 4 dwelling units as noted in section B.6. An existing accessory dwelling unit (ADU) will not be allowed in a PND. An existing ADU may be converted to another use such as a storage building or HOA community room.

C. Height Limit and Roof Pitch

1. The height limit permitted for structures in PNDs shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

*Should we make the height of these no more than 24 to 28 feet in order to keep with the cottage like feel of the structures?*

D. Lot Coverage

The maximum lot coverage permitted for principal dwelling units in PNDs shall be limited to that allowed in the corresponding residential zoning district. Because PNDs shall be located

on one lot under the control of a Home Owners Association (HOA), the developer and/or the Greene County Engineer shall determine the lot area for each individual dwelling unit.

*Just a reminder that we deleted accessory structures so the part about using the paper lot lines to determine the placement of these was removed.*

E. Yard Setbacks

1. Front and Rear Setbacks shall be equal to the setback requirements in the corresponding residential districts and will be measured from the perimeter property lot line. The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit.
2. Frontage on a public street is not required for individual lots in a PND provided that the Planning Commission determines through the site review process that the development provides for adequate access to the lot via easements, shared driveways or other means.

F. Required Common Open Space

1. A minimum of 400 square feet of common open space is required per dwelling unit with a minimum of 200 square feet of contiguous usable open space adjacent to each dwelling unit with no dimension less than 10 feet. Up to 200 square feet of the open space can be private. Front porches are not included in the private open space calculation, and no more than 50 percent of the private open space can be within an *unenclosed covered* patio. At least 50 percent of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least two sides.

*If all dwelling units must have a minimum of 200 square feet of contiguous usable open space adjacent to each dwelling unit then can we state that 200 square feet can be private? Are we saying that 400 square feet of common open space is required next to the dwelling unit? If so, then is that all that is required? Could we end up with very little common open space as a result especially since 200 of the 400 square feet is private and contiguous? I think this needs to be tightened up so it is less open to interpretation.*

G. Parking

1. One and one-half spaces per dwelling unit shall be required.
2. Location:
  - a. Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Planning and Zoning codes. Parking areas are excluded from the calculations of common open space.

*A question was raised about parking spaces being close enough to the units since garages will not be attached. Dwelling units must be within 60 feet of common open space, but there is no such requirement for parking. How many feet in walking distance should the parking spaces be? If we are not allowing accessory structures then should we state that a row of garages or carports are allowed in the parking area?*



H. Lighting

1. Lighting fixtures shall be equipped with cutoff elements to direct light downwards and prevent light spill or trespass beyond the boundaries of the individual dwelling unit lot areas.

I. Utilities

1. A Utility Vault will be required where all meters can be located.

J. Other PND Standards:

1. PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent can be either two-family dwellings and/or single-family attached.

*In other codes, a second cluster of homes can be added if the first cluster exceeds 12 units) in order to keep a neighborly feel to the common area. Typically, they do not exceed 2 clusters. If we add this, should we keep the definition of "cluster" housing?*

2. Accessory structures and accessory dwelling units are not allowed.

*Should we say, unless it is a storage area attached to a dwelling unit or garages/carports in designated parking areas, or a storage area, community room or swimming pool under the control of the HOA? (see definition of Common Open Space).*

3. A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). A draft of the conditions, covenants and restrictions (CC&Rs) shall be provided to the Planning Commission during the Level B site plan review meeting, with final approval of the CC&R by staff. Once approved, the CC&Rs shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the PND.

*Should we add, "which includes but are not limited to the areas of common open space, parking, roadways, street right-of-ways, exterior setbacks, driveways, required yards, utility easements, pedestrian paths, and shared community buildings or accessory structures."*

4. The dwelling units may be individually owned or rented with no more than 50 percent rentals.

*Council was concerned about rentals, especially with the transient lodging issue. They requested we consider this in order to not allow a person to buy one to use for this purpose. If we allow the units to be rented, how do we ensure a person won't buy one or several to use in this way, but yet allow an organization to hold title to it (example: Home Inc.).*

*Also, in a discussion with Public Works staff it was suggested we add the following language below to #5.*

5. Prior to the Planning Commission conditional use hearing, a preliminary meeting with utilities and planning staff to review the project must be held. A Level B site plan review, including a storm water plan as specified in 1226.06 Design Standards is required for approval of the PND

- conditional use. Prior to submittal to the Planning Commission, the Level B site plan shall be reviewed by a designated Village of Yellow Springs engineer, who will provide a written report of findings to the Planning Commission. The engineer will be present at the conditional use hearing to answer questions related to their findings.
6. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.
  7. Mailboxes shall follow the US Postal Service requirements for cluster box units (CBUs).
  8. Other considerations not addressed specifically, shall follow the requirements of the Yellow Springs Planning and Zoning codes.

Below are the definitions as proposed (underlined) or existing in the zoning code which we should take a look at again to make certain it is still relevant with all the changes we have made to the above.

### **Chapter 1284.03 Definitions C-D**

**~~Cluster housing.~~** ~~An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.~~

*If we decide to keep this depending on if we are going to require the PNDs have clusters of housing then we need to remove the word detached as that will not always be the case in R-B and R-C.*

**Common Open Space.** A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, street right-of-ways, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and which is outside of streams, wetlands and their buffers, and on slopes of 10 percent or less and developed and maintained so it is usable for active or passive recreation activities which is generally for the purpose of active or passive recreation.

### **Chapter 1284.05 Definitions H-I-J-K**

**Homeowners Association.** An organization of homeowners of a particular subdivision, condominium development, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving, maintaining and enhancing their homes and property.

### **Chapter 1284.07 Definitions OPQ**

**Open space.** An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. "Open space" does not include street rights-of-way or easements, or required yards.

**Pocket Neighborhood Development.** - a type of planned community which consists of a clustering of smaller residences or dwelling units that are individually owned, around a courtyard or common open space, and designed to promote a sense of community and neighborliness through an increased level of contact on a single lot under the control of a Homeowners Association (HOA).



## EXHIBIT B

### POCKET NEIGHBORHOOD COMMUNITY DEVELOPMENT ZONING ORDINANCE

DRAFT 1505 © 2015 Ross Chapin, FAIA

[ross@rosschapin.com](mailto:ross@rosschapin.com) ~ (360) 221 2373 ~ PO Box 230, Langley, WA 98260

*This model zoning ordinance is intended to offer a strategy for residential development of larger sites that builds on patterns of sociability and privacy among nearby neighbors.*

*For more information on Pocket Neighborhoods, go to [www.pocket-neighborhoods.com](http://www.pocket-neighborhoods.com)*

#### Definitions

**Pocket Neighborhood Cluster:** A clustered group of 4-12 dwellings oriented around a common open space.

**Pocket Neighborhood Community Development:** Multiple pocket neighborhood clusters and porch-fronted dwellings amalgamated into a larger, coherent pedestrian-oriented development.

**Common Open Space:** The central space used by all occupants of a pocket neighborhood cluster. The common area shall be outside of ponds, wetlands, streams, and sensitive area buffers and on slopes of 10 percent or less and developed and maintained so it is usable for active or passive recreation activities.

**Carriage Unit:** A single-family dwelling unit, not to exceed 850 square feet in gross floor area, located above a garage structure.

**Live/Work Unit:** A single unit (e.g., studio, loft, or one bedroom), not to exceed 1200 square feet gross floor area, consisting of both a commercial studio/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Refer to <sup>1</sup>Live/work Provisions below for more criteria.

#### A. Purpose

1. The purpose of Pocket Neighborhood Community Development design is to:
  - a. Encourage a stronger sense of community and security among nearby neighbors, while preserving personal privacy;
  - b. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs; especially small households (one to three-person households);
  - c. Encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses;
  - d. Encourage the creation of more usable open space for residents of the development through flexibility in density and lot standards;
  - e. Maximize resident- and pedestrian-oriented outdoor spaces, and minimize impact of automobile traffic and parking.

#### B. Development Configuration

1. The primary development configuration of a Pocket Neighborhood Community Development shall be Pocket Neighborhood Clusters.
2. Secondary configurations may be street-oriented porch-front dwellings with access alleyway parking, and carriage and live-work dwellings along access alleyways. Where there is no reasonable alternative, dwellings may have driveways located off of streets, provided all conditions of this amendment are met.

#### C. Allowed Uses

1. The allowed uses within a Pocket Neighborhood Community Development shall be: single family detached dwellings, twin dwellings, rowhouses/townhouses, carriage houses<sup>1</sup>, live/work units<sup>2</sup>, community buildings, temporary real estate sales office/model home, and vehicle parking lots and garages. Each of these uses shall be permitted by right, if the requirements for a Pocket Neighborhood Community Development are met.

- a. A maximum of 10 percent of the dwelling units may be carriage house units.
- b. A maximum of 10 percent of the dwelling units may be live/work units, in compliance with xxx.xx. *(note: see below for live/work provisions)*

*Note: on some sites a neighborhood commercial use may be appropriate – such as a café or coffee shop, child care center, and home office. These would need to meet requirements for parking, noise, etc. Refer to the website [www.missingmiddlehousing.com](http://www.missingmiddlehousing.com) for reasoning and exploration of appropriate mixes of building types and uses.*

#### **D. Site Requirements Chart**

Density & Use	<i>Note: Densities of 7-12 units per acre will likely result when the buildings are single family + some townhouses. Given the requirements of open space, parking and these house types, the density will find its maximum. This code is also applicable for higher densities using a higher proportion of attached townhouses or stacked apartments. Given this, setbacks and height restrictions listed below may need to change.</i>
Pocket Neighborhood Cluster size	Minimum 4 dwellings; maximum 12 dwellings per cluster. No limit to number of clusters.
Minimum Setbacks	
Property adjacent to development site	10q
Adjacent Buildings	10q except setbacks from garages may be 5q provided fire separation requirements are met.
Front Yard	5qto porches; 5qto buildings of maximum of 18 feet in width; 10qto portions of buildings wider than 18 feet.  In a pocket neighborhood cluster, the front yard shall be the side to the common open space. Where a dwelling in a cluster also has a face to the street, it shall be considered as a front yard.
Side Yard	5q except setbacks for attached dwellings may be zero feet, provided fire separation requirements are met. For corner lot locations, one side may be designated as a side yard.
Rear Yard	10q or 5qprovided that privacy between dwellings (see above) is maintained.
Access Alleyway	3q provided that adequate turning radius into garages can be demonstrated.
Maximum Height	25qto eave, 30qmeasure to average roof height. <i>(note: review as appropriate for setting, and slope conditions)</i>
Maximum Coverage for	

All Impervious Surfaces	No maximum, provided that stormwater engineering and all other requirements are met.
Maximum Dwelling Size	2000 square feet, and 3 bedrooms
	<i>Note: review this dimension; what about the lower level walkout? And how it is size measured – exterior or interior? Scale must be appropriate to the setting, and to encouraging neighborliness.</i>

## E. Design Parameters

1. Pocket Neighborhood Size. Each cluster shall contain a minimum of four and a maximum of twelve dwellings to encourage a sense of community, located on no less than one-half acre.
2. Common Open Space in Pocket Neighborhood Clusters
  - a. Intent. Open space that is commonly owned and managed by all residents of a pocket neighborhood is a key feature in fostering community. It is intended that it be adequately sized and centrally located with individual dwelling entrances oriented towards the open space.
  - i. Size. A minimum of 400 square feet per dwelling unit of common open space is required in each pocket neighborhood cluster. Buildings serving all residents in a pocket neighborhood cluster main be included in the required area. Parking areas, yard setbacks, spaces between buildings of 15 feet or less in width, private open space, and driveways do not qualify as common open space.
  - ii. Proximity to Common Open Space. At least 75 percent of the dwelling units of a pocket neighborhood shall abut a common open space; and all of the dwelling units shall be within 60 feet walking distance measured from the nearest entrance of the dwelling along the shortest safe walking route to the nearest point of the common open space. The common open space shall have dwellings abutting at least two sides.
3. Private Open Space.
  - a. Intent. A sense of community requires the right balance of personal privacy. Private open space is an essential component of this balance. A ~~front~~yard creates a buffer between public and private spaces, while a ~~side~~or ~~back~~yard offers increased seclusion.
  - b. Location. Private open space shall separate the main entrance to the dwelling from the common open space or street by a hedge or fence not to exceed 36 inches in height. Private open space may be located in the side and rear yards as well.
  - c. Size. Each residential unit shall be provided with a minimum of 200 square feet of usable private open space, with no dimension less than 10 feet. Such open space requirements may be met with a combination of front, side or rear yard locations.
    - i. Carriage and Live-Work Units may be omitted from this requirement, provided they meet the requirements for Front Porch, below.
4. Front Porch.
  - a. Intent. A covered front porch is a key element in fostering neighborly connections, providing a human scale to a dwelling, and offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these intents.
  - b. Location. Every dwelling shall have a covered entry porch oriented toward the common open space or street. This porch shall be open on at least two sides, and shall not be enclosed.

- i. Exception: Live-work units may have covered entry porches located off of an access alley lane.
- c. Size. The covered porch shall be greater than 70 square feet in area, with a minimum of dimension of 6 feet.
  - i. Exception: Dwellings less than 700 square feet in size may have a porch greater than 50 square feet in area and 5 feet minimum dimension.
- d. Use. Front Porches are intended as supplementary living space, not storage space, as well as shelter from the weather for entering and exiting the dwelling; therefore, overnight storage of bicycles, tricycles shall not be allowed.

#### 5. Eyes on Public Space.

- a. Intent. The first line of defense for personal and community security is a strong network of neighbors who know and care for one another. When the active dwelling spaces look onto public space, a stranger is noticed. As well, nearby neighbors can see if daily patterns are askew next door or be called upon in an emergency.
- b. Common Open Spaces, Streets and Access Alley Lanes shall have a minimum of one residential dwelling window providing clear surveillance of public and semi-public space.

#### 6. Street-Facing Facades.

- a. Intent. The facades of buildings facing the street contribute to the neighborhood by including attractive design details such as windows, front doors and porches, siding and trim.
- b. All street-facing facades of dwellings shall avoid blank walls or appear to turn their backs to the street. Such facades shall include one or more of the following:
  - i. Porches;
  - ii. Windows, including bay windows;
  - iii. Dormers;
  - iv. Changes in exterior siding material or paint color;
  - v. Building modulation with a depth measuring at least one foot.

#### 7. Privacy Between Dwellings.

- a. Intent. Having a next-door house or apartment peering into your own can be uncomfortable and claustrophobic; therefore, arrange openings to preserve privacy.
- b. Dwellings shall be designed so that no window peers into the living space of adjacent dwellings closer than 30 feet apart. This may be accomplished by:
  - i. Nesting dwellings with open and closed sides: the open side may have windows facing its own side or rear yard, while the closed side may have high windows, translucent windows, or skylights to bring in ample light while preserving privacy;
  - ii. Zero lot line dwellings (duplex or rowhouses) with no side windows;
- c. The side yard of a dwelling may be fully usable to the face of the neighboring building through landscape easements or other means.

#### 8. Community Buildings and Elements.

- a. Intent. Common buildings and shared elements are direct amenities of living in a pocket neighborhood. Beyond these benefits, these common facilities foster connections among neighbors and strengthen their sense of community.

- b. Every Pocket Neighborhood Cluster shall contain at least two of the following elements shared and managed by residents of that cluster:
  - i. Barbeque, pizza oven, campfire circle, or outdoor terrace;
  - ii. Picnic shelter;
  - iii. Tool and general storage shed;
  - iii. Heated commons building, with optional bathroom and kitchenette, for meetings, card games, movie nights, potlucks, exercise, etc.
  - iv. Kitchen garden or flower garden.
- c. The larger Pocket Neighborhood Community may include more significant common buildings or elements for the benefit of all the residents of the community, including those listed above, and/or such facilities as:
  - i. woodworking shop;
  - iii. community kitchen/dining room, living room, library;
  - ii. child care room and/or playground;
  - iv. community garden.

9. Parking.

- a. Intent. Nearly everyone has a car; but cars do not need to dominate our pedestrian spaces. Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces.
- b. Parking requirements:
  - i. Dwellings under 900 square feet: 1 space per unit
  - ii. Dwellings between 901 - 1,500 square feet: 1.5 spaces per unit
  - iii. Dwellings over 1,500 square feet: 2 spaces per unit.
- c. Parking requirements shall be considered on the scale of the overall development, rather than on lot-by-lot basis. Parking requirements may be met onsite on residential lots, along access alleyways, and along streets as parallel parking.
  - i. Required parking for each dwelling shall be located within 150 feet of the entry door.
- d. Each dwelling shall have one designated parking space; additional required parking spaces shall be undesignated to allow for flexible use, and located on access alleyways and/or streets within or adjacent to the development.
- e. The primary strategy for designated parking shall be along access alleyways. Driveways off of streets are discouraged; where there is no reasonable alternative, such driveways shall be minimized.
  - i. Detached garages serving multiple dwellings shall be located off of an access alleyway, and limited to five single-car bays with doors up to 10 feet wide.
  - ii. In a Pocket Neighborhood cluster, consider locating parking so that residents and guests walk through the shared open space rather than entering the dwelling through an attached garage. This arrangement increases the opportunities for neighbor-to-neighbor contacts.
  - iii. Where dwellings must have garages located off of a street, such garages must be set back from the front façade of the dwelling by a minimum of one foot, and have a maximum of one garage door up to 10 foot wide.

- h. Storage of items within a garage that precludes the use of vehicle parking is prohibited.
- i. Head-in surface parking areas for more than two cars shall be:
  - i. prohibited in the front yard setback area;
  - ii screened from public streets and adjacent residential uses by landscaping or architectural screening.

10. Storage.

- a. Intent. Every household has storage needs for items such as bicycles, camping gear, hand tools, snow tires, suit cases and the like. When there is inadequate space, these items move to the porch or the garage.
- b. Every dwelling shall have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a garage if it does not preclude vehicle parking, or in a storage shed.

11. Refuse & Recycling.

- a. Intent. Garbage and recycling is a necessary element in residential living. Storage of these containers shall be located so their visual and odorous impact on adjacent properties is minimized.
- b. Refuse and recycling containers shall be screened from view by landscaping or architectural screening, and shall not be located in the front setback area, or where smells may be offensive to adjacent properties.

12. Fences.

- a. Intent. Fences can define and express personal space, and add to the quality of public space; but fences can also be offensive barriers.
- b. Fence height requirements:
  - i. Front yard: maximum 36 inch; 24 inch recommended;
  - ii. Side yard: maximum 36 inches from property line to face of dwelling, and maximum 72 inches behind the face of dwelling;
  - iii. Rear yard: maximum 72 inches

13. Pedestrian Network.

- a. Intent. The quality of life in residential neighborhoods is often reported to be high where there is a network of walkable pedestrian ways.
- b. Pocket Neighborhood Community Developments shall provide a network of pedestrian pathways, including sidewalks along at least one side of streets, mid-block walkways, and shared local streets and access alleyways. Connections to the wider neighborhood shall be made where appropriate and allowed. All such pathways shall be accessible by the general public, except that walkways into and through the Pocket Neighborhood clusters may be limited to residents and their guests.

14. Maintenance.

- a. The applicant shall prove to the City, based upon review by the City Solicitor's Office, that there will be a suitable legally-binding system in place, such as homeowner association agreements, to ensure proper maintenance and funding of shared facilities, such as shared parking areas, common open spaces, alleys and other improvements.

**F. Administrative**

The Planning Director may approve other methods provided the intent of this section is met.

**<sup>1</sup> Live/work provisions**

1. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations;
2. In addition to the permitted uses above, the planning director may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;
3. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
4. Residential areas are permitted above the commercial component, to the side or in back of the business component;
5. The residential component as designated on the floor plan approved through the special development permit shall remain residential and cannot be converted to commercial use;
6. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
7. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units;
8. Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component;
9. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development;
10. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day;
11. No more than one employee (excluding residents of the dwelling unit) shall work or report to work on the premises;
12. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
13. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.



## Example 1





## Example 2





### Example 3



PROPOSED

3' (SHEET 1)

JENNINGS AVENUE

N75°30'00"E 554.55 (ft & ft)

13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1

# EXHIBIT C

## Cottage Housing in Your Community

A guide to drafting a cottage housing ordinance

June, 2001

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**The Housing Partnership** is a non-profit organization (officially known as the King County Housing Alliance) dedicated to increasing the supply of affordable housing in King County. This is achieved, in part, through policies of local government that foster increased housing development while preserving affordability and neighborhood character. The Partnership pursues these goals by: (a) building public awareness of housing affordability issues; (b) promoting design and regulatory solutions; and (c) acting as a convener of public, private and community leaders concerned about housing. The Partnership's officers for 2000 are: **Rich Bennion**, HomeStreet Bank, Chair; **Paige Miller**, Port of Seattle, Vice Chair; **Gary Ackerman**, Foster Pepper & Shefelman, Secretary; **Tom Witte**, Bank of America, Chair, Finance Committee; **J. Tayloe Washburn**, Foster Pepper & Shefelman, Chair, Land Use Committee.

# Cottage Housing in Your Community

## A Guide to Drafting a Cottage Housing Ordinance

### ***Introduction***

Cottage housing is receiving increased attention as a way to meet the needs of a significant and growing share of the housing market. A number of successful examples in the region provide useful lessons.

With the high price of multi-family zoned land, cottage development is really only practical in single family zones. Several jurisdictions in the Puget Sound area have adopted, or are considering adoption of ordinances to allow construction of cottage housing in those zones.

It should be emphasized that cottage housing does not represent a completely new type of zoning, but rather an alternative use of land with an existing underlying zoning. In some respects cottage housing is similar to single family housing and some respects it is more like multi-family housing.

Approaches to allowing cottage housing will vary by jurisdiction, existing land uses and market conditions. What works well in one area will not necessarily be appropriate in another. This report provides guidance to those looking for an approach that will both encourage cottage construction and ensure that the developments fit well into existing neighborhoods.

### ***General considerations***

When drafting a cottage housing ordinance the following should be kept in mind:

**Entitlement.** Most cottage projects will be built on infill sites in established single family neighborhoods, so jurisdictions will need some process to determine if a proposed cottage development is appropriate. This process should not be so cumbersome and uncertain that it scares away potential cottage developers and results in conventional single family development on parcels of land that would work well for cottages. An administrative conditional use permit seems to strike a good balance between developer certainty and community input.

**Making cottage development pay.** Because of the high price of land in multi-family zones, infill cottage development is, for the most part, only practical in single family zones. But for builders to want to undertake cottage development, as opposed to building single family houses as the zoning would allow, cottage development has to be at least an equal, if not a better business proposition than single family. A cottage ordinance and its accompanying processes must not be so restrictive that they tend to make single family construction a better option.

*Cottage housing does not represent a completely new type of zoning, but rather an alternative use of land with an existing underlying zoning.*

*For builders to want to undertake cottage development, as opposed to building single family houses as the zoning would allow, cottage development has to be at least an equal, if not a better business proposition than single family*

*Most jurisdictions measure allowable densities by units-per-acre or by minimum lot sizes. But all units are not created equal, and such measures foster a misperception of cottage housing*

*Cottages allow empty-nesters, seniors, the newly-single to get the equity out of their large house but still have a detached home in a comfortable setting near friends and family*

**Re-defining density.** Most jurisdictions measure allowable densities by units-per-acre or by minimum lot sizes. But all units are not created equal, and such measures foster a misperception of cottage housing. For cottages it is more helpful to think of:

Floor area ratio (FAR). By measuring the total floor area of a cottage development against the parcel size, cottages will likely have a smaller impact than the single family homes that would be allowed in the zone.

Population. A cottage development will likely have the same, or fewer people than the single family homes that could be built on the site.

Cars and traffic. A cottage development that attracts a mix of singles and couples will have no more cars than a group of houses, especially those with teenagers.

Another way to think about cottage housing is to measure *intensity of use* rather than counting the number of structures.

**What is the market?** Cottage developments built to-date have attracted large numbers of buyers who are single. Some developments have attracted young or empty-nester couples. Children are rarely seen in cottage housing built thus far. A somewhat larger cottage could work for families with children, but parking may become an issue as those children get to driving age.

Planning decisions can affect the ability of builders to target certain market segments. Holding cottages to too small a size limit may eliminate couples or small families (single parent with one child, for example) from the market. Zoning that makes a single floor possible will make cottages attractive to seniors who want to avoid stairs. Parking requirements (either minimums or maximums) will strongly influence marketability.

**Meeting a neighborhood need.** Cottage housing provides a way for people to give up their large house but stay in their neighborhood. The reason that many people hold onto large single family houses long after they need all the bedrooms and the big yard is simply that they want to stay in an area they are familiar with. Cottages allow empty-nesters, seniors, the newly-single to get the equity out of their large house but still have a detached home in a comfortable setting near friends and family.

**Affordability.** Although cottages are small, they are not necessarily inexpensive to build. A cottage includes all of the most expensive rooms of a house (kitchen, bathrooms) as well as heating, ventilation and other systems. Moreover, it can be expensive to do construction work in the tight spaces of a cottage cluster.

Nevertheless, cottages and small lot houses have been built to sell at modest prices and have introduced some affordability into desirable neighborhoods. Some requirements, however, will affect costs and the ability of a developer to build an affordable cottage cluster. For instance, full two-story framing is less expensive than story-and-a-half framing, so, ironically, height restrictions can drive up construction costs. Excessive setbacks, separations and parking requirements can use land that could otherwise accommodate



*Rather than codifying all parameters of cottage development, jurisdictions should consider a more informal approach of design guidelines and design review*

*A two-for-one cottage ordinance can work where land is relatively inexpensive. In high demand areas . . . an increase in the number of cottages allowed may tip the economic scales in favor of a cottage housing development*

more cottages or common buildings. If impact fees, permit fees and utility hook-up fees are based on single family housing, they may be unreasonably high.

**Utilities.** The treatment of public utilities is not a land use issue, but it needs attention. Because most cottages are sold in condominium ownership, the water utility can provide a single water meter and leave it up to the owners association to install sub-meters and collect water and sewer fees from residents. Where sewer rates are tied to water use, offset meters should be allowed to account for water used in site irrigation. The stormwater run-off from cottages will be about the same as the equivalent single family development and should be treated the same.

**Design guidelines and review.** Rather than codifying all parameters of cottage development, jurisdictions should consider a more informal approach of design guidelines and design review. These processes, which should be handled administratively, allow a developer and city to work together to craft a development that meets community needs and works well with the site and the target market.

## Parameters for Cottage Housing

Following are descriptions of the key parameters that make up a cottage housing ordinance, as well as some possible approaches. For illustration, the application of each parameter within three cottage developments is shown. (descriptions of these projects are at the back of the report). Comments address both market and neighborhood factors.

### Cottage Units Allowed

One way to determine the number of cottages that can be built on a site is to work through the underlying zoning. Cottage ordinances adopted thus far in the region allow up to two cottages in place of each single family house that would otherwise be built on the site. Where the zoning is more dense and/or the cottages are larger, this might be reduced to something like 1.75 cottages per house.

Ravenna	Greenwood Avenue	Poulsbo Place
3 for 1, not counting carriage units; 4.5 to 1 counting carriage units.	2 for 1	Part of a planned unit development. Cottages are 12 units/acre on land zoned up to 22 units/acre.

**Comments:** A two-for-one cottage ordinance can work where land is relatively inexpensive. In high demand areas a developer could easily find that building one large house is easier and more profitable than building two cottages. In that case, an increase in the number of cottages allowed may tip the economic scales in favor of a cottage housing development.

*Creating a sense of community requires at least four cottages around a common open space. If a cottage cluster gets too big it begins to lose the sense of intimacy*

*The size of a cottage will play a large part in determining what market segments find it appealing. . . . A cottage cluster could have several different sized cottages, giving buyers a variety of choices and encouraging some diversity of household sizes and make-ups.*

### Cluster Size

The clustering of cottages is an important design feature. Creating a sense of community requires at least four cottages around a common open space. If a cottage cluster gets too big -- more than a dozen units -- it begins to lose the sense of intimacy. A masterplanned community may have as many units as space will allow and the market will absorb. These units should, however, be arranged in their own smaller clusters.

Ravenna	Greenwood Avenue	Poulsbo Place
Six cottages and three carriage units in one cluster	Eight cottages and one common building in one cluster	Six clusters with between five and ten cottages per cluster

**Comments:** The cluster and its central open space is meant to provide a quasi-public space for residents, with a presumption of a certain amount of sociability. Planning and design guidelines, however, should not try to force this too much. Experience and site-specific considerations will be the best guide to what configurations and features will work best.

### Total Floor Area per Cottage

To be defined as a "cottage," some upper limit may be placed on total floor area. The examples top out at 1265 square feet, but it is suggested that a cottage could be larger.

Ravenna	Greenwood Avenue	Poulsbo Place
850 sf	768 to 998 sf	870 to 1265 sf

**Comments:** The size of a cottage will play a large part in determining what market segments find it appealing. Smaller cottages -- under 1000 square feet or so -- will attract mostly single buyers with some couples, whereas larger cottages work well for couples or even small families. A cottage cluster could have several different sized cottages, giving buyers a variety of choices and encouraging some diversity of household sizes and make-ups.

The option of a larger cottage will be attractive to developers since the additional space, such as an extra bedroom, is less expensive to build, but may increase the value of the building significantly. If larger cottages are part of a development, however, provision must be made for some additional parking that would be needed for teenagers with cars.

### Main and Second Level Floor Areas

Regulating the main floor area controls the footprint and scale of each cottage. Some jurisdictions have then imposed a maximum for the second floor as a percentage of the first floor area, in order to minimize mass and bulk. These parameters can vary within the cluster.



*Another consideration comes from viewing cottages as senior housing. Many seniors will look for a one-story home so they do not have to worry about stairs as they become older.*

Ravenna	Greenwood Avenue	Poulsbo Place
425 sf main floor, 425 sf upper floor	648 to 798 sf main floor. 118 to 203 sf upper floor	805 sf main floor, 460 sf upper floor in two-story cottage. 870 sf main floor in rambler.

**Comment:** Instituting complex formulas for floor areas can give neighbors some assurance that the cottage development will not overwhelm its surroundings. At the same time, rigid formulas will complicate the design process and may foreclose options that would work well on a given site (for example, a daylight basement on a steep site).

Another consideration comes from viewing cottages as senior housing. Many seniors will look for a one-story home so they do not have to worry about stairs as they become older.

### **Height Limit**

A number of factors determine appropriate height limits for cottage development. The underlying zoning will have a height maximum. Additional height can be granted for steeply pitched roofs (greater than 6:12, for example).

Ravenna	Greenwood Avenue	Poulsbo Place
28 feet max	22 feet max	20 feet max.

**Comments:** The architectural styles favored in cottage developments built thus far tend to include lower plate heights on the second floor, placing part of the living space in the roof. This building style is common in most neighborhoods, so cottages built this way will fit in. But because this style uses dormers and results in complicated interior and exterior angles, it is a more expensive style of construction, as compared to a full two-story building with an attic. Going to a full two stories must be approached with great care, however, due to concerns about "skinny houses."

Another architectural feature that will affect height is the desire to raise cottages off the ground. When cottages are clustered close together, a few steps up to a porch allows for a visual separation between community space and private space.

### **Common Open Space**

Cottage developments generally cluster around some common open space. The size of this space will be determined by the overall density of the project, the footprints of the cottages as well as the setbacks and separations.

Ravenna	Greenwood Avenue	Poulsbo Place
200 square feet per unit	575 square feet per unit	Common space in clusters ranges from 259 sf to 780 sf per unit. 370 sf average.

*Another architectural feature that will affect height is the desire to raise cottages off the ground. When cottages are clustered close together, a few steps up to a porch allows for a visual separation between community space and private space.*

*Building codes specify a minimum of six feet between structures for fire safety, and this may be sufficient in many developments.*

**Comments:** More dense projects on expensive land will, naturally, have less open space, so it is important to maximize the common space by minimizing space in setbacks and separations.

#### **Distance between Structures**

The buyer of a cottage home is presumed to be more concerned with ownership of four walls and the simple fact of detachment, than with the distance from the neighbors. Building codes specify a minimum of six feet between structures for fire safety, and this may be sufficient in many developments.

Ravenna	Greenwood Avenue	Poulsbo Place
Six feet	10 feet minimum	Six feet

**Comments:** For projects with high land cost, the site plan will need to emphasize the maximum footprint of the cottages for economic reasons, and put as much of the remaining space as possible into the common areas. Such a site plan will need to have minimal separations. Careful design can preserve privacy.

#### **Setbacks**

Front, side and rear yard setbacks will likely begin with those in the underlying zoning. An averaging of setbacks around the side and rear yards can provide design flexibility while not overwhelming the neighbors.

Ravenna	Greenwood Avenue	Poulsbo Place
10 feet front, five feet side, two feet along alley	Average of 10 feet side and rear. Front setback N/A	Three feet side and rear, 10 feet front.

*Setbacks from the street and from adjacent property represent land that cannot be used very productively in a cottage cluster. Because the emphasis of a cottage development is on common central open space, peripheral areas should not be expected to have much utility.*

**Comments:** Setbacks from the street and from adjacent property represent land that cannot be used very productively in a cottage cluster. Because the emphasis of a cottage development is on common central open space, peripheral areas should not be expected to have much utility. Therefore, setbacks should be minimized so the central common space can be maximized. If setback averaging is used, the cottages closest to the property line may be those with the least bulk.

#### **Parking**

Parking is perhaps the most significant factor in the economics of cottage housing. The space needed to maneuver and park a car is nearly the same as the footprint of a small cottage. Moreover, clustering does not generally allow parking immediately adjacent to each cottage. Cottage projects must have enough land to provide a separate parking area, preferably out of view of the street. The presence of an alley can eliminate the need for a driveway and turn-around space.

The number of spaces required per unit will be determined primarily by the market segment the development is targeting. Smaller cottages (under 1000 square feet) will typically be owned by single adults, who will probably own just one car. Larger cottages are suitable for couples who may own two cars

*One way to recoup the cost of providing parking is to build carriage houses over the parking area. . . . A likely configuration would be one unit over three or four spaces*

*Cottage ordinances should recognize the continuing evolution of cottage housing and be written with enough flexibility so that builders and communities can work together to create great projects.*

and even a third if they have teenagers. If there is no on-street parking for guests, additional spaces will be needed on-site. Parking requirements may be lowered if good transit service is nearby.

One way to recoup the cost of providing parking is to build carriage houses over the parking area. Although it is possible to build one carriage unit over two parking spaces, a more likely configuration would be one unit over three or four spaces.

Ravenna	Greenwood Avenue	Poulsbo Place
One enclosed space per unit. Three carriage units on top of nine-car parking structure. On-street parking available	One enclosed space per unit and seven uncovered spaces. No on-street parking.	One enclosed space per unit. Some attached to unit. On-street parking available.

## ***An evolutionary process***

Although the region has seen several successful cottage developments, both new and old, the concept is still evolving. Developers continue to learn what designs and configurations work best for various market segments. Communities continue to learn how to make cottages fit well into existing neighborhoods.

Cottage ordinances should recognize the continuing evolution of cottage housing and be written with enough flexibility so that builders and communities can work together to create great projects. Jurisdictions should anticipate fine-tuning their approach to cottage housing after some projects are on the ground.



## SECTION 0.00.000 COTTAGE HOUSING

- A. Cottage Housing is permitted in all residential zones by administrative Conditional Use Permit or Site Plan Approval.
- B. General development standards are listed in Table 0.00.000(A) and in this chapter.

**TABLE 0.00.000(A)**

### Existing Single Family Zone - DU/Acre or SF/DU

	<b>R-4 or R-10,000</b>	<b>R-6 or R-7,200</b>	<b>R-8 or R-5,000</b>
Total Floor Area per Cottage	1,000 to 1,400 SF	975 to 1,200 SF	950 to 1,100 SF
Main Level Max Floor Area:			
Min. Percentage of Cottages	700 to 800 SF	675 to 750 SF	650 to 700 SF
All others	800 to 900 SF	800 to 850 SF	700 to 800 SF
Cottage Units Allowed in Place of Each SFR Allowed by Zone:			
Main floor < 701 to 751 SF	2.00	2.00	2.00
Main Floor > 750 SF	2.00	1.75	1.75
Cluster Size ó Min and Max	4 and 12	4 and 12	4 and 12
Height Limit ó Average	18 feet	18 feet	20 feet
Additional Height if >6:12 pitch	25 to 28 feet	25 to 28 feet	25 to 28 feet
Min. Common Open Space/Cottage	400 to 500 SF	250 to 350 SF	200 to 300 SF
Min. Distance between Structures	10 to 15 feet	6 to 10 feet	6 feet
Parking space per Cottage* (See also 0.00.000(C))			
Main Floor < 701 SF	1.5 to 2.0	1.0 to 1.5	1.0 to 1.5
Main Floor > 700 SF	2.0	1.0 to 2.0	1.0 to 2.0
Interior Setbacks from Adjacent Property:			
Average	15 to 20 feet	7 to 10 feet	7 feet
Not less than	15 to 20 feet	5 to 7 feet	5 feet
Setback from Public Street			
Average	15 to 20 feet	10 to 15 feet	7 to 12 feet
Not Less than	10 feet	7 to 10 feet	5 to 10 feet

C. Additional parking requirements and methods of modification.

1. 50 % of adjacent street parking spaces may count towards meeting minimum parking space requirements; however, at least 1.0 space per cottage must be provided on site.
2. Parking may be reduced by 25% if there is bus service within 500 feet walking distance; however, there must still be at least 1.0 parking space per cottage on site.
3. Parking spaces that are provided on site shall be clustered to the side or rear of the development unless the site is accessed directly from an alley and the parking is screened from the public streets and adjacent properties.

D. Cottage orientation and application of current lot size requirements.

1. Cottages shall be oriented around the common open space.
2. Cottages may be developed as multiple cottages per parcel. Minimum lot sizes per unit do not apply. *(Note: An exception for cottage housing should be noted in the code where minimum lot sizes for residential zones are prescribed).*

E. Additional restrictions.

*(Additional possible restrictions include covered porches; pitched roofs; private yards; some parking with direct back-out into the street.)*

**NOTES ON FORM OF MODEL ORDINANCE**

This model ordinance is not intended for adoption as is. The ordinance must be tailored to the needs of each individual jurisdiction. Also, the current code must be reviewed to ensure that the new cottage housing ordinance is consistent with all other code provisions. If amendments to other code language is necessary this can not be done by mere reference in this ordinance but requires a specific amendment. Each jurisdiction will have their own preferred form of adoption which will include such as things as a valid enacting clause, an effective date, a severability clause, and signatures of the appropriate officials.

# Cottage Housing Examples

## Ravenna Cottages

The Ravenna Cottages is a nine-unit project in Seattle's Ravenna/Greenlake neighborhood. Threshold Housing developed the project and all units have been sold to individual buyers at market prices. The project consists of six cottages facing each other across a central courtyard, and three carriage units that sit above a nine-car above-ground parking structure accessed from the alley. The Ravenna Cottages were built under the Seattle design demonstration program, which allows projects to be built that would not otherwise conform with existing zoning.

Parcel Size	10,500 sf. 0.25 acres
Number of Units	Nine
Density	37 units/acre net (no on-site right of way)
Type/Size of Units	Six detached cottages 850 sf. Three carriage units 830 sf
Building Height	Lowest point on site to highest point of a structure is 40 feet. Tallest structure is 30 feet.
Set-backs	Fifteen feet front yard, Five feet side yard. Zero along alley.
Site Coverage	Structures cover 55 percent of lot.
Open Space	Courtyard of approx. 1800 sf.
Parking	Nine covered stalls
Year built	2000/2001
Ownership	Condominium
Sales price.	Cottages \$288,000 to 308,000. Carriage units \$258,000 to 268,000
Buyer profile	Single professionals, retirees

## Cottages at Poulsbo Place

Poulsbo Place is a planned unit development (PUD) just north of downtown Poulsbo, in Kitsap County. It is being developed by Security Properties. The 17.3 acre development was the former site of military housing. Four types of homes are being built, ranging from 870 square feet to 2250 square feet. The project includes a 3.7 acre section with 45 cottages arranged in clusters around common yards. Some front on the street while others front on walkways. Some have attached garages.

Parcel Size	Overall development is 17.3 acres. Cottage portion covers 3.7 acres.
Number of Units	45 cottages in six clusters within the larger development
Density	12.2 units/acre, gross (including private roads)
Type/Size of Units	Cottages. 870 to 1265 sf.
Building Height	Up to 20 feet
Set-backs	3 feet side and rear, 10 feet front
Site Coverage	33.3 percent
Open Space	Courtyards within each cluster vary in size.
Parking	One covered space per unit. Some detached, some attached.
Year built	1999-2001
Ownership	Fee simple
Sales price	\$149,000 to 180,000
Buyer profile	Empty nester, retirees



## Greenwood Avenue Cottage Homes

This cluster of eight cottages is being built in Shoreline, under its cottage zoning ordinance which permits cottages as a conditional use. The 35,000 square foot parcel sits behind two single family homes fronting on the street. The cottages in the rear are accessed by a driveway between the houses. The cluster employs six different designs, with two models repeated. They surround a lawn and pea patch garden and share a common building and storage shed.

Parcel Size	34,755 sf. 0.8 acres
Number of Units	Eight
Density	10 units/acre gross (includes drive and parking area)
Type/Size of Units	Cottages. Between 968 sf. and 998 sf.
Building Height	18-22 sf
Set-backs	Average of 10 feet on side and rear. Parking structure is five feet on front. Closest cottage 30 feet on front.
Open Space	575 sf per cottage
Parking	Eight covered spaces, seven uncovered.
Year built	2001
Ownership	Condominium
Sales price	\$220,000 to 250,000
Buyer profile	Single professionals, women, empty nesters





TO: Planning Commission  
FROM: Denise Swinger, Planning & Zoning Administrator  
DATE: August 1, 2017  
RE: Housing Needs Assessment / Comprehensive Land Use Plan

**Housing Needs Assessment**

Marianne Macqueen of Village Council suggested the Planning Commission have a chance to weigh in on the housing needs assessment the Village Manager is in the process of writing a Request for Proposals (RFP) on. I have included the draft RFP with this report (Exhibit 1). Please review the document prior to the Planning Commission meeting and staff can take any suggestions you may have for it to Patti Bates. She intends to present it to Council at their August 21<sup>st</sup> meeting and would appreciate your input.

**Comprehensive Land Use Plan**

A general discussion on how we should begin a review needs to be undertaken. The last update was in 2010. The late John Eastman through LJB contracted with the Village of Yellow Springs to work on the update with the Planning Commission. I think this is something we can do without contracting staff, but maybe I am naïve, having never done this before. We should, at the very least, consider a method for updating the plan. If you do not have a copy of the 2010 Comprehensive Land Use Plan, please let me know. Please bring any suggestions you may have on how we can begin this process.

Respectfully submitted,

Denise Swinger



**EXHIBIT 1**



**REQUEST FOR PROPOSALS**

**PLANNING AND CONSULTING**

**SERVICES**

**-**

**HOUSING NEEDS ASSESSMENT**

Village of Yellow Springs, Ohio  
100 Dayton Street  
Yellow Springs, Ohio 45387  
937-767-3402 (Office)  
937-767-3720 (FAX)

The Village of Yellow Springs, Ohio, in partnership with local non-profit agencies, is seeking proposals from qualified professional consulting firms to prepare a Housing Needs Assessment for the Village of Yellow Springs, Ohio and the surrounding area.

### **Background**

In a general sense, the Village of Yellow Springs (the Village) seeks assistance to understand the housing needs of the people of Yellow Springs and the surrounding area. The geographic area to be studied will be determined in concert with the contracted firm, but should include general trend information for the Dayton-Springfield metropolitan area and specific trend information for the Yellow Springs area. Specific housing needs and availability within the Yellow Springs area should also be included. Deliverables shall include information on general housing needs and general affordability needs of the study area population.

The Village has a population of roughly 3,800 people of a wide variety of income levels. The known history dates back to 1803 when Tecumseh and the Shawnee visited the healing waters of the local spring and the area continued to grow as a spa and resort area. Antioch College was founded in 1853 with famous educator Horace Mann serving as its first president. Yellow Springs also attracted industrious individuals including those who started our largest corporations from the co-op program at Antioch College.

Yellow Springs remains a tourist destination with visitors and residents alike enjoying our vibrant downtown with over 60 shops, eateries and galleries and extensive outdoor recreational opportunities. The Village is a walkable community with excellent schools and extensive public services making it a highly desirable community in which to live.

The Village is a welcoming community that seeks to maintain a diverse housing stock to support the diverse citizenry we have historically enjoyed. Specific concerns include affordable and middle-market rate housing for the local workforce and families and senior housing for our aging population. The Village's overall goals related to housing include:

The Village seeks to maintain a diverse housing stock for people of all demographics, enough to adequately support our community. The Village's overall goals related to housing include:

- Identify the present and anticipated needs for the Village, and to promote a range of quality, affordable, desirable housing opportunities for all demographics.
- Promote a range of desirable and affordable housing options within the Village, such as encouraging mixed use developments throughout retail areas and higher density residential units near downtown.
- Encourage additional senior housing and housing with universal design
- Encourage new housing design that fit the personality and character of the Village, which tends to be quite varied and eclectic.
- Encourage environmentally-friendly and energy-efficient housing design
- Maintain new development within the current municipal boundaries of the Village.

- Proposers are encouraged to review Vision Yellow Springs and Miami Township and Appendices to get a sense of Yellow Springs including community values, historic trends and community wishes for the future. That report can be found at <http://209.43.47.121/departments/division.php?structureid=37>

### **Scope of Work and Deliverables**

- Initial meeting with Village and partner representatives to review the background and answer questions
- Housing Needs Assessment, should include the following information. Data revealing trends over the last 20-40 years should be included where possible. Much of the underlying data can be supplied by the Village.
  - Demographic Data . number of households, household size and composition, age, owner/renter mix, income, race, amount spent on housing, **number and source of transitory households**. Note: To supplement census and other publicly available data, the Village can facilitate collection of this data through various regional planning agencies, as well as assist in engaging local residents and organizations for information-gathering and stakeholder engagement. The Village can also supply data from previous studies done in the Village.
  - Housing Inventory . description and mapping of the number of units within the Village and the extended study area, by type, date of construction, occupancy, valuation and condition. The Village can also provide a number and brief description of proposed and/or approved units that have not yet been built.
  - Housing Availability . description of units available for sale and for rent within the study area with price, condition, type and size specified. Mapping of available units should be included.
  - Land availability . assessment of land available for the development of housing and/or mixed-use projects.
  - Housing Problems . cost burden (>30% of income spent on housing payment), high utility costs, overcrowding, in need of repair, residential racial segregation, construction costs or other impediments to development, among other issues. Housing problems should be broken down by specific populations, including families with children, seniors, low-income people, and people with disabilities, to the extent possible.
  - **Housing Preferences and Needs . Number of bedrooms, unit type (1<sup>st</sup> and 2<sup>nd</sup> choices), desire and ability to own or rent, preferences for locations within the town.**
  - Housing cost and income mismatch, if any . alignment between housing available for purchase or rent and income and assets to cover housing costs, by demographic group (e.g., young families, seniors, etc.).
  - Conclusions and Recommendations . identification of housing challenges given needs and availability, type of assistance needed to address all housing problems in the Village and, in detail, the type and number of

**Commented [EV1]:** I don't know what this means.

**Commented [EV2]:** Preferences would have to come from surveys and community engagement. Will you mention that in the RFP?

- units (including by affordability levels, as a percentage of the average median income) needed to adequately meet the demand for housing in the Village and the surrounding study area.
- Development Availability . description and mapping of properties that may be developed into viable housing developments, including estimated number of units under current zoning, with consideration of surrounding land uses, proximity to services and infrastructure capacity.
    - Some analysis of the growing trends of lot splitting and accessory dwelling unit development should be included. Amount of detail to be provided will be determined in consultation with the Village.
    - The Village has prioritized the development of a property known as the Glass Farm, and a focus if this report should be an analysis of options on this 20-30 acre parcel, Soil analysis for this property can be provided.
  - GIS mapping of Housing Inventory and Housing Availability
- Presentation of initial data will be to the steering committee, also made available for distribution as needed to those with current land use applications before the Village.
  - Engagement with community advisory group that will provide feedback on data and input into Report.
  - Final Housing Needs Assessment Report, including
    - Written narrative explaining data and information analyzed and conclusions reached in areas identified above.
    - All points requested in Housing Needs Assessment above, with those that can be, to be depicted through GIS mapping. Recommendations for short- and long-term policy and investment actions by the Village within expected financial resources constraints based on data analysis, community input, and engagement with Village officials regarding financial resources and other constraints. These shall include
      - Opportunities for funding affordable housing needs.
      - Strategies for reaching out to and engaging potential developers and development partners to undertake residential projects.
    - A minimum of ten (10) copies of the Final Report and any appurtenant materials, as well as one electronic version of the Final Report and all related data and reports.

## **Proposals**

Proposals submitted shall contain all information as requested herein, and any additional information necessary to summarize the overall benefit of the proposal to the Village. One electronic copy of the proposal shall be provided by the proposing firm. **The proposal is due no later than 4:00 P.M. EST on Monday, September 11, 2017 in electronic format to Patti Bates, Village Manager, Village of Yellow Springs, Ohio, [pbates@vil.yellowsprings.oh.us](mailto:pbates@vil.yellowsprings.oh.us) . This electronic copy shall be considered the official submission and the date/time received stamp on that electronic submission shall be considered the official submission date and time.**

1. **Letter of Submission.** A Letter of Submission shall include the name, address and telephone number of the people who will: a.) serve as Project Manager for the project; b.) serve as Principal Contact with the Village; c.) make presentations on behalf of the firm. The same information will be required for sub-consultants to primary consultants.
2. **Qualifications.** Provide a complete list of key personnel on the project and all sub-consultants working on the project, along with their professional experience (project and dates) and their role/responsibility in the project. Provide resumes of all personnel assigned to the project, as well as any sub-consultants. Submit a list of the portion of the project to be subcontracted, a percentage and the names of the proposed sub-consultants and work experience with the proposer.
3. **Similar Experience in Ohio.** Include project name, date, owner, location of project, budgeted cost and cost at completion of similar projects in Ohio and/or in communities of similar size.
4. **References.** List references (at least three) identifying client, a contact person, and client's email and telephone contacts, for similar projects completed by the personnel proposed for this project.
5. **Project Approach.** Describe the project approach, including deliverables, meetings and other project-related information. Describe any potential project issues/conflicts and suggest how they may be avoided/minimized. Indicate methods by which your team will help the Village meet its goals related to sustainable practices in infrastructure.
6. **Schedule.** Provide a milestone schedule, summary of workload, and demonstration of staff availability to complete this project within the desired time schedule. Presentation of Final Report should be before Council on Monday, December 4, 2017.
7. **Project Cost.** Provide the Project Cost for Services in a detailed itemized (per-task) work format. The Project Cost for Services shall be a % not to exceed cost for services. + Reimbursable items shall be included in this total cost.
8. **Other Information.** Provide any other information deemed necessary to support the proposal.
9. **Questions.** All questions related to this RFP must be submitted in writing by 3:00 EST P.M. On Tuesday, September 5, 2017 to [pbates@vil.yellowsprings.oh.us](mailto:pbates@vil.yellowsprings.oh.us). Answers will be posted no later than 5:00 P.M. on Thursday, September 7, 2017 on the Village website at [www.yso.com](http://www.yso.com).

### **General Requirements of Selected Proposing Firm**

The successful firm shall:

1. Enter into a contract with the Village
2. Maintain insurance coverage for the duration of the contract period as outlined in the contract.
3. Operate as an independent contractor and will not be considered employee(s) of the Village of Yellow Springs.
4. Be paid on actual invoices as work is completed.

### **Evaluation Criteria**

Selection of the successful firm with whom negotiations shall commence will be made through an evaluation process based on the following criteria:

Project Approach

Project Team

Project Fee Structure & Cost Estimate (Value for Budget)

Past Project Experience & Client References

Project Schedule

### **Preliminary Project Schedule**

- |                      |  |
|----------------------|--|
| 1. Issue RFP         | Tuesday, August 22, 2017                     |
| 2. Questions Due     | Tuesday, September 5, 2017 at 3:00 P.M. EST  |
| 3. Answers Posted    | Thursday, September 7, 2017 at 5:00 P.M. EST |
| 4. Proposals Due     | Monday, September 11, 2017 at 4:00 P.M. EST  |
| 5. Contract Award    | Monday, September 18, 2017                   |
| 6. Notice to Proceed | Tuesday, Tuesday, September 19, 2017         |