

DIVISION 4. RESIDENTIAL DISTRICT REGULATIONS

Sec. 36-161. Purpose of division.

The provisions of this division deal with the residential use of land and structures in the city.

(Code 1976, § 14:5-4)

Sec. 36-162. Restrictions and performance standards.

(a) Purpose. The city council finds that in areas set aside by this chapter for residential development certain performance standards are desirable in order to preserve neighborhood character, public health and safety, property values, and allow all residents a reasonable use and enjoyment of property. To this purpose, the city council finds that the use and possession of commercial and recreational vehicles are an important factor in the lives of a substantial number of residents of the city. The council finds that certain types and sizes of commercial and recreational vehicles, the improper storage of commercial and recreational vehicles, and the parking of and storage of excessive numbers of vehicles can affect the neighborhood character as well as public health and safety, property values, and the reasonable use and enjoyment of neighboring properties. While the ability of recreational vehicle owners to provide for the security of and access to their vehicles is a reasonable expectation, they have a responsibility to respect the rights of residents, owners, and users of neighboring properties and to avoid interference with the purposes of the zoning district in which they are located. The city council further finds that the establishment of these regulations furthers the goals in the city's comprehensive plan relative to enhancement of residential neighborhoods and similar goals expressed in Vision St. Louis Park. The city council establishes these regulations as a means to balance the interests of the owners of commercial and recreational vehicles, adjacent residents and the public.

(b) Definitions. For the purpose of subsections (d) and (e) of this section, the listed terms are defined as follows:

Back yard means the area between a line created by extending the rear face of the principal building and the rear lot line.

Front yard means the area between a line created by extending the front face of the principal building and the street in front of the house.

Side yard means area between the front and back building walls and the side lot line.

(c) General provisions. No structure or premises within any R district shall be used for one or more of the following uses unless its use complies with the following regulations:

- (1) All trash, garbage, waste materials, trash containers, and recycling containers shall be stored in a manner provided in this chapter.
- (2) The stopping, standing or parking of any motor vehicle, recreation vehicle, or commercial vehicle is subject to all restrictions in this subsection and under section 36-361.

- (3) All utility lines including electric, gas, water, sanitary sewer, telephone, and television cable shall be placed underground when used with all new structures or additions which expand the gross square footage of a structure by more than 50 percent unless used for service to single-family or two-family houses. In addition, any new service to an existing building other than a single-family or two-family dwelling shall be placed underground.
- (4) All access roads shall have a poured-in-place concrete curb measuring at least six inches above and below the grade in all developments except developments of single-family or two-family dwellings.
- (5) Interior pedestrian circulation and pedestrian linkage to any existing public trails or sidewalks shall be provided where practically possible for all developments except developments of single-family or two-family dwellings.
- (6) All single-family and two-family homes shall:
 - a. Be built on a permanent foundation;
 - b. Be connected to the city sanitary sewer and water; and
 - c. If the home is a manufactured home, it shall:
 1. Have a permanent, completely enclosed foundation which complies with the state manufactured home building code and which is constructed around the entire circumference of the structure.
 2. Meet the standards and be certified by the U.S. Department of Housing and Urban Development.

(d) Accessory structures. Accessory structures shall comply with the following regulations:

- (1) Location.
 - a. Accessory buildings shall be erected or located within the back yard as defined in subsection (b) above, except that an accessory building designed and used as a garage may be located within a side yard unless it abuts a street. No accessory building shall be located in the front yard as defined in subsection (b) above.
 - b. Accessory buildings located within the back yard shall meet the following provisions:
 1. Accessory buildings shall be located a minimum of two feet from any lot line.
 2. Eaves, overhangs, gutters or other extensions from the roof shall be located a minimum of 16 inches from any property line abutting a right-of-way and two feet from all other property lines.

- c. Accessory buildings on through lots shall be subject to the front and side yard requirements of the principal building if the accessory building is located within 60 feet of the rear lot line.
- d. Detached garages when located in the side yard must conform to the side yard requirements of the principal building.
- e. No accessory building or permanent structure shall be located in a drainage or utility easement without first obtaining approval of an encroachment agreement.

(2) Size.

- a. The total cumulative ground floor area of all accessory buildings on single-family lots and on non-conforming two-family lots in the R-1, R-2 and R-3 Districts shall not exceed the smaller of 800 square feet or 25 percent of the back yard. This provision shall not prohibit the construction of a detached garage that is no greater than 576 square feet in area provided there are no other accessory buildings.
- b. Accessory buildings on conforming two-family lots in the R-3 or R-4 District:
 - 1. The total cumulative ground floor area of all accessory buildings shall not exceed 25 percent of the area between the principal structure and rear lot line.
 - 2. No single accessory building may exceed 800 square feet in total area and the cumulative area of all accessory buildings shall not exceed 1,200 square feet unless approved as a conditional use.
- c. The total cumulative ground floor area of all accessory buildings shall be smaller than the ground floor area of the principal building on the lot.

(3) Height.

- a. Accessory buildings - Shall not exceed 15 feet in height. The maximum height may be increased to twenty four feet where the primary exterior materials of the accessory building match the primary exterior materials of the principal building and the roof pitch matches the primary roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the floor to the top plate.
- b. Parking ramps--Height is regulated by sections 36-166 and 36-167.
- c. Accessory structures shall not exceed 15 feet in height.
- d. The height of all accessory buildings and structures shall be lower than the highest roof line of the principal building.

- (4) Design.
- a. All detached garages and other accessory buildings shall be compatible in design and materials to the principal building on the parcel.
 - b. No plumbing for kitchen or bathroom facilities (including but not limited to toilets and showers) is allowed in any detached garage or other accessory building. Hose bibs and utility sinks are allowed.
 - c. Floor drains in garages and other accessory buildings must be connected to sanitary sewer as approved by the city.
 - d. Windows, doors, and similar openings may be located in the second story of an accessory building if the wall or dormer in which it is located faces a lot line that abuts a public right-of-way or is at least 15 feet from any property that is zoned residential and used or subdivided for residential use.
 - e. Accessory buildings shall not be used for dwelling purposes.
- (5) Accessory buildings as part of the principal buildings--Accessory buildings located less than six feet from a principal building on the same lot shall be considered part of the principal building for the purpose of applying provisions of this chapter.
- (6) Garages below grade level--Where the natural grade of a lot at the building line of a house is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is located a minimum of ten feet from any street line and five feet from any side lot line.
- (7) Permit required. All accessory buildings (including storage buildings 120 square feet or less in area) shall obtain a zoning or building permit prior to installation and must be anchored in a manner approved by the city.

(e) Parking and storing vehicles

- (1) Except as provided in subsections (e)(2) and (e)(8) of this section, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in any R district which exceeds any of the following:
- a. Eight feet in height, measured from the ground to the highest point on the vehicle at recommended tire pressure. For the purpose of measuring height, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle;
 - b. Twenty-two feet in length, measured at the longest point of the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purpose of measuring length, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle or trailer bed; or
 - c. Six thousand five hundred pounds, empty weight including the box.

- (2) One recreational vehicle which exceeds any of the limits set forth in subsection (e)(2) of this section and is owned by the occupant of the premises can be parked in the back yard area if:
- a. The vehicle is parked no closer than five feet from any property line.
 - b. If the property is a multifamily property, the vehicle must be stored on a concrete or bituminous surface and the parking space must be in excess of the minimum number of parking spaces required by this chapter.
 - c. The vehicle shall be screened using a 90 percent opaque fence which is six feet high and plant materials which at maturity have the ability to screen 100 percent of the height and 100 percent of the length of the vehicle with a minimum of 50 percent opacity from view from:
 1. Any park.
 2. Any abutting residentially developed property.
 3. Any street which abuts the back yard.

The fence and plant materials shall be located in such a manner that visibility is maintained as required in section 36-76. A six-foot-high gate may be placed in the fence to allow for ingress and egress. Plant materials may be omitted at points of ingress and egress but the gap in landscaping may not exceed the width of the vehicle plus two feet.

- (3) The following provisions shall apply to the parking and storage of vehicles on residential parcels in the R-1, R-2 and R-3 districts:
- a. No more than three vehicles can be parked or stored outside an enclosed building at a single-family residence. For a duplex, six vehicles can be parked or stored outside. If there are more than three persons residing at a single-family dwelling who have valid state driver's licenses showing the residence address, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property not to exceed five vehicles. The provisions of this subsection shall not apply during snow emergencies.
 - b. No more than two non-passenger vehicles can be parked on a residential lot outside of an enclosed building. Except as permitted in subsection (e)(2) of this section, vehicles shall be stored on a designated parking space. Non-passenger vehicles cannot be parked or stored in a front yard or a side yard abutting a street except as allowed under subsection (e)(3)g of this section.
 - c. Only commercial vehicles which do not exceed any of the size requirements under subsection (e)(1) of this section and are designed exclusively for on-street use can be parked on residential lots outside an enclosed building. Commercial vehicles shall be parked only within a garage or on a designated parking space and cannot be parked or stored in a front yard or a side yard abutting a street except as permitted under subsection (e)(3)g of this section.

- d. Except as permitted in subsection (e)(2) of this section, all vehicles must be stored on a surface improved for driveway purposes with an approved paving surface.
 - e. No more than one recreational vehicle which exceeds the size requirements in subsection (e)(2) of this section can be parked on a residential lot outside an enclosed building.
 - f. No non-passenger vehicle can be parked within five feet of an interior side lot line or rear lot line.
 - g. No non-passenger vehicle can be parked within the front yard or within a side yard abutting a street except where designated parking space is permitted under subsection 36-361(k)(11). Under no circumstances can a non-passenger vehicle which exceeds the size limitations in subsection (e)(1) of this section be parked in a front yard.
 - h. No non-passenger vehicle can be parked on a residential lot if the vehicle is not owned or leased by the occupant of the premises where it is parked or is a commercial vehicle owned by the employer of an occupant who is using the vehicle for business purposes.
 - i. Only one tow truck can be parked on a residential property.
 - j. Parking is not permitted within a driveway in the R-1, R-2 or R-3 district within five feet of the curb of a public street. In the absence of a curb, parking shall not be permitted within five feet of the traveled public roadway, in no event can a vehicle be parked in such a manner as to block a public sidewalk.
 - k. The total area in the front yard of a single-family lot improved for parking and driveway purposes shall not exceed 30 percent of a front yard area. Additionally, the average width of a driveway shall not be more than 22 feet. This provision will not prohibit an average driveway width of up to 22 feet for all single-family lots.
 - l. Recreational vehicles six feet in height or less at their highest points may be parked in one non-driveway side yard on a residentially zoned lot provided that they are ten feet or more from the adjacent residence, do not extend beyond the front building wall of the house, and are screened from the street and from the adjacent neighbor with a 90 percent opaque fence with a height at least equal to the height of the highest point of the vehicle to be screened. A fence-height gate may be placed in the fence to allow for ingress and egress.
- (4) One vehicle with an attached snowplow can be parked outside of an enclosed building between November 1 or the first two-inch snowfall, whichever occurs first, and April 30. This vehicle will be considered to be a commercial vehicle when applying this chapter.
 - (5) Snowplows and other commercial equipment must be stored within an enclosed structure when not attached to a vehicle.
 - (6) Outdoor storage of fish houses is not permitted on a residential lot.

- (7) On-street parking of non-passenger vehicles is not permitted within any R district.
- (8) The following are exempt from the provisions in this subsection:
 - a. Any vehicle being used in conjunction with a temporary service benefiting the property.
 - b. Vehicles used in conjunction with authorized construction sites between 7:00 a.m. and 10:00 p.m. Monday through Friday and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.
 - c. Vehicles used in conjunction with authorized public works construction.
 - d. Recreational vehicles can be parked temporarily while being loaded or unloaded or during routine maintenance and servicing not exceeding 48 consecutive hours.

(Code 1976, §§ 14:5-4, 14:5-4.1; Ord. No. 2202-01, § 2, 8-20-2001; Ord. No. 2232-02, § 2, 11-4-2002 Ord. No. 2312-06, 4-14-2006)

Sec. 36-163. R-1 single-family residence district.

(a) Purpose and effect. The purpose of the R-1 single-family residence district is to provide appropriately located areas for single-family living on larger lots ensuring adequate light, air, privacy and open space for each dwelling; protect residents from the impacts of high levels of traffic; minimize traffic congestion; avoid the overloading of utilities by preventing the construction of buildings of excessive size when compared with surrounding structures; provide institutional and community services such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding its residential character; and protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

(b) Permitted uses. The following uses are permitted in the R-1 district if the use complies with the residential restrictions and performance standards of section 36-162:

- (1) Single-family dwellings.
- (2) State-licensed residential facilities serving six or fewer persons.
- (3) Parks and open spaces.

(c) Uses permitted with conditions. A structure or land in an R-1 district may be used for one or more of the following uses if its use complies with the conditions stated in section 36-162 and those specified for the use in this subsection.

- (1) *Group home/nonstatutory.* The conditions are as follows:
 - a. At least 800 square feet of lot area shall be provided for each person housed on the site.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The residence structure shall be occupied by not more than six persons under treatment.
 - d. The residence structure shall provide one bedroom for each two persons accommodated in group living quarters.
 - e. The residence structure shall provide one bathroom for each four persons accommodated in group living quarters.
 - f. The use shall not be located within 1,500 feet of any other group homes.
- (2) *Community centers.* The conditions are as follows:
 - a. The building shall not be located within 50 feet of any lot line of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

- c. Outdoor areas improved for group activities shall be located at least 25 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

(Ord. No. 2248-03, 8-18-03, Ord. No. 2325-07, 5-7-07)

- (3) *Educational (academic) facilities* with 20 or fewer students. The conditions are as follows:

- a. The school shall be limited to preschool through eighth grade.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
- d. An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school.

(Ord. No. 2372-09, 3-13-09)

- (4) *Libraries*. The condition for library buildings is that the buildings shall be located at least 25 feet from a lot in an R district.

- (5) *Parks/recreation*. The conditions are as follows:

- a. The principal structure shall be located at least 50 feet from a lot in an R district.
- b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Swimming pools shall be located at least 50 feet from any lot line and at least 12 feet from any other structure on the same lot.
- d. A drainage system approved by the city engineer shall be installed.
- e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.

(Ord. No. 2325-07, 5-7-07)

- (6) *Police/fire station*. The conditions are as follows:

- a. Buildings shall be located at least 25 feet from a lot in an R district.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control nonemergency traffic if recommended by the director of public works.

- (7) *Bed and breakfast establishments.* The conditions are as follows:
- a. The facility shall be owner occupied.
 - b. The total number of guestrooms shall be limited to three.
 - c. Not more than 50 percent of the gross floor area of the residence shall be used for the guesthouse operation.
 - d. Only exterior alterations which do not alter the exterior appearance from its single-family character will be allowed.
 - e. Accommodations may be provided to a guest for a period not exceeding 14 days.
 - f. Food service shall be limited to breakfast.
 - g. Rented rooms shall not contain cooking facilities.
 - h. Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
 - i. No more than 50 percent of the rear yard may be paved or used for parking.

(Ord. No. 2325-07, 5-7-07)

- (8) *Communication towers* that are 45 feet or less in height, subject to the provision of Section 368 (Communication Towers and Antennas).

(Ord. No. 2325-07, 5-7-07; Ord. No. 2367-09, 1-23-09)

- (9) *Transit station.* The facilities shall be limited to bus stops and associated parking lots and shall not include time transfer stations or other intense land uses.

(Ord. No. 2371-09, 3-13-09)

(d) Uses permitted by conditional use permit. No structure or land in any R-1 district shall be used for the following uses except by conditional use permit. These uses shall comply with the requirements of all the general conditions provided in section 36-365 and with the specific conditions imposed in this subsection.

- (1) *Cluster housing developments in existence on August 11, 2005.* The conditions are as follows:
- a. Cluster housing shall meet the following minimum requirements:
 1. No more than four dwelling units shall be incorporated in a single building.
 2. The density of the development shall not exceed the density allowed in the zoning district in which the use is to be located; except when the use is located adjacent or across the street from public protected parks or open space which are equal to or greater than the area of the development site and the proposal is found to promote goals and policies of the city, the density may be increased by 60 percent.
 3. The site shall not have less than one-half acre.
 4. This section shall not be applied to conversion of existing dwelling units but may be applied to site clearance and redevelopment. Existing units may be incorporated into new development plans when such units are not converted.

5. Each lot developed with a single cluster housing unit shall contain a minimum of 400 square feet of open lot area or a minimum of 12% of the total cluster housing development area shall be designed outdoor recreational area.
(Ord. No. 2267-04, 4-12-04)
 6. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street.
- b. The applicant shall clearly demonstrate through the application and site plan that a superior development would result by clustering. The presence of a superior development shall be determined by reference to the following criteria:
1. The presence and preservation of topographic features, woods and trees, waterbodies and streams, and other physical and ecological conditions.
 2. Suitable provisions for permanently retaining and maintaining the amenities and open space.
 3. Building location, building groupings, landscaping, views to and from the units, building forms and materials, recognition of existing development and public facilities, and city goals and policies including the comprehensive plan as well as specific plans for the area.
- (2) *Public service structures.* The conditions are as follows:
- a. All exterior faces of all buildings shall meet the provisions of section 36-366.
 - b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
 - c. All service drives shall be paved.
- (3) *Golf courses.* The condition for a golf course is that all structures on the golf course shall be located a minimum of 30 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
(Ord. No. 2248-03, 8-18-03)
- (4) *Country clubs.* The condition for country clubs is that all structures shall be located a minimum of 30 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
- (5) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (6) *Educational (academic) facilities with more than 20 students.* The conditions are as follows:
- a. Buildings shall be located at least 50 feet from a lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.

- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(7) *Religious institutions.* The conditions are as follows:

- a. All buildings shall be located at least 30 feet from any lot line of a lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

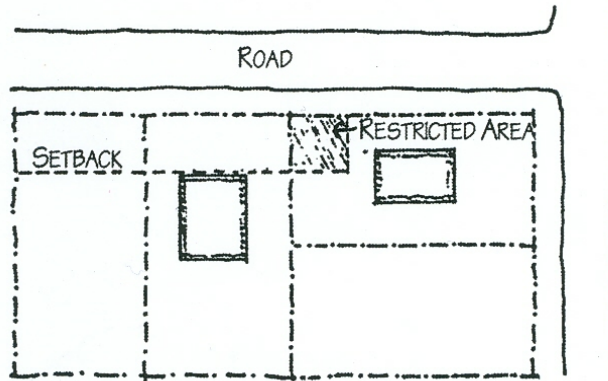
(e) Accessory uses. The following uses shall be permitted accessory uses in an R-1 district:

- (1) Garages and other accessory buildings in conformance with section 36-162.
- (2) Off-street parking areas in conformance with sections 36-162 and 36-361.
- (3) Private swimming pool and tennis court in conformance with section 36-73; pool house building in conformance with the following conditions:
 - a. Property must have an in-ground swimming pool that is larger in area than the pool house building.
 - b. The pool house cannot exceed 400 square feet in area and one story in height.
 - c. Notwithstanding section 36-162, the pool house must meet all principal building yard requirements of subsection (f) of this section.
 - d. The building design and materials shall be consistent with the principal building.
 - e. The building may include a bathroom but shall not include kitchen facilities.
 - f. The building cannot be designed or used as a dwelling unit or for any business use.
- (4) Family day care facilities serving 14 or fewer persons.
- (5) Home occupations complying with all of the following conditions:
 - a. All material or equipment shall be stored within an enclosed structure.
 - b. Operation of the home occupation is not apparent from the public right-of-way.
 - c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.

- d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
 - e. No light or vibration originating from the business operation is discernible at the property line.
 - f. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
 - g. No more than one nonilluminated wall sign limited to two square feet in area is used to identify the home occupation.
 - h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
 - i. No portion of the home occupation is permitted within any attached or detached accessory building.
 - j. The structure housing the home occupation conforms to the building code. If the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
- (6) Keeping of not more than two boarders or roomers by a resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
- (7) Living quarters of persons employed for domestic or medical purposes on the premises provided the living area for the domestic/medical household staff is within the principal building and does not constitute a separate dwelling unit.
- (8) Signs, as regulated by this chapter.
- (9) Gardening and other horticultural uses.
- (10) Decorative landscape features including but not limited to pools, arbors and terraces.
- (11) Group day care/nursery school in a religious institution, community center, or academic educational institution complying with all of the following conditions:
- a. At least 40 square feet of outside play space per pupil is provided.
 - b. The outside play areas are enclosed with a fence.
 - c. Dropoff and loading points are established which do not interfere with traffic and pedestrian movements.
- (Ord. No. 2325-07, 5-7-07)
- (12) Adult day care in a religious institution, community center, or nursing home if 150 square feet of outdoor sitting and exercise area per person under care at peak periods is provided.
- (13) Mikvah pools are permitted accessory uses within an occupied single-family detached dwelling unit or on a religious institution property. If accessory to a single-family dwelling the use requires three additional off-street parking spaces.

(f) Dimensional standards/densities.

- (1) No structure shall exceed three stories or 30 feet in height, whichever is less, except as provided in section 36-78.
- (2) The ground floor area ratio within the R-1 district shall not exceed 0.35.
- (3) A side yard abutting a street shall be at least 15 feet in width, except that a lot of record less than 60 feet in lot width shall have a side yard abutting a street of a minimum of 9 feet in width.
- (4) If a corner lot has a rear lot line which is common with the side lot line of another lot, no building shall occupy that portion of the rear yard of the corner lot that abuts the front yard of the other lot for a distance equal to the depth of the front yard of that other lot or 30 feet, whichever is less, measured from the common property line of the two lots extending toward the front lot line of the corner lot on a line perpendicular to the common lot line of the two lots. See the following diagram.



Common Lot Line

- (5) The following minimum requirements and those additional requirements, exceptions and modifications contained in subsection (f)(6) through (f)(10) of this section and provisions regarding subdivision shall govern the use and development of lots in the R-1 district:

Lot Area (square feet)	Lot Width (feet)	Front Yard Depth	Rear Yard Depth (feet)	Side Yard Width
9,000	75	30 feet or the front wall of the closest house on the block front, whichever is greater. (See additional exceptions in Section 36-73.)	25	9 feet on one yard and 6 feet on the other yard, except when there is an attached garage accessible from the street or when the lot abuts an alley, both may be 6 feet.

- (6) Through lots shall have a required front yard on each street.
- (7) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 40 feet. For the purpose of subsection (f) of this section, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (8) Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line. The minimum side yard shall be met by the average depth of the side yard. No side yard shall be less than five feet deep. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley provides a secondary access to the rear yard of the lot.
- (9) A single-family house which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard.
- (10) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels and the common lot do not exceed the maximum density permitted within the zoning district. Any front, rear, and side yard dimensions shall apply from the building face to the property line of the common lot.

(Code 1976, § 14:5-4.2; Ord. No. 2188-01, 2-5-2001; Ord. No. 2225-02, § 2, 6-3-2002; Ord. No. 2229-02, § 2, 8-5-2002; Ord. No. 2232-02, § 2, 11-4-2002; Ord. No. 2267-04, 4-12-2004; Ord. No. 2296-05, 8-5-2005; Ord. No. 2312-06, 4-14-2006; Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009; Ord. No. 2371-09, 3-13-2009)

Sec. 36-164. R-2 single-family residence district.

(a) Purpose and effect. The purpose of the R-2 single-family residence district is to provide appropriately located areas for single-family living at reasonable population densities consistent with sound standards of public health; ensure adequate light, air, privacy, and open space for each dwelling unit; protect residents from the impacts of high levels of traffic and minimize traffic congestion; avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to surrounding land use; provide institutional and community, service such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding the residential character; and protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

(b) Permitted uses. The following uses are permitted in the R-2 district if the use complies with the residential restrictions and performance standards of section 36-162:

- (1) Single-family dwellings.
- (2) State-licensed residential facilities serving six or fewer persons.
- (3) Parks and open spaces.

(c) Uses permitted with conditions. A structure or land in an R-2 district may be used for one or more of the following uses if its use complies with the conditions stated in section 36-162 and those specified for the use permitted in this subsection.

- (1) *Group home/nonstatutory.* The conditions are as follows:
 - a. A minimum of 800 square feet of lot area shall be provided for each person housed on the site.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The residence structure shall be occupied by not more than nine persons under treatment.
 - d. The residence structure shall provide one bedroom for each two persons accommodated in group living quarters.
 - e. The residence structure shall provide one bathroom for each four persons accommodated in group living quarters.
 - f. The use shall not be located within 2,000 feet of any other state-licensed residential facility or group home.
 - g. The use shall be located within 300 feet of a C commercial district.
 - h. The building structure shall not be modified or converted for the specific purpose of accommodating the group home use except to comply with Americans With Disabilities Act requirements or other normal maintenance and repair.
- (2) *Community centers.* The conditions are as follows:
 - a. The building shall not be located within 50 feet of any lot line of a lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor areas improved for group activities shall be located a minimum of 25 feet from any lot in an R district.
- (3) *Educational (academic) facilities with 20 or fewer students.* The conditions are as follows:
 - a. The school shall be limited to preschool through eighth grade.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
 - d. An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school. (Ord. No. 2371-09, 3-13-09)
- (4) *Libraries.* The condition for libraries is that the buildings shall be located a minimum of 25 feet from a lot in an R district.
- (5) *Parks/recreation.* The conditions are as follows:

- a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
 - b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
 - c. Swimming pools shall be located a minimum of 50 feet from any lot line and at least 12 feet from any other structure on the same lot.
 - d. A drainage system approved by the city engineer shall be installed.
 - e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (6) *Police/fire station.* The conditions are as follows:
- a. Buildings shall be located a minimum of 25 feet from a lot in an R district.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control nonemergency traffic if recommended by the director of public works.
- (7) *Bed and breakfast establishments.* The conditions are as follows:
- a. The facility shall be owner occupied.
 - b. The total number of guestrooms shall be limited to three.
 - c. Not more than 50 percent of the gross floor area of the residence shall be used for the guesthouse operation.
 - d. Only exterior alterations which do not alter the exterior appearance from its single-family character will be allowed.
 - e. Accommodations may be provided to a guest for a period not exceeding 14 days.
 - f. Food service shall be limited to breakfast.
 - g. Rented rooms shall not contain cooking facilities.
 - h. Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
 - i. A maximum of 50 percent of the rear yard shall be paved or used for parking.
- (8) *Communication towers* that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
- (Ord. No. 2367-09, 1-23-09)
- (9) *Transit station.* The conditions for a transit station is that facilities shall be limited to bus stops and associated parking lots and shall not include time transfer stations or other intense land uses.

(Ord. No. 2371-09, 3-13-09)

(d) Uses permitted by conditional use permit. No structure or land in any R-2 district shall be used for the following uses except by conditional use permit. These uses shall comply with the requirements of all the general conditions provided in section 36-365(b) and with the specific conditions imposed in this subsection and such other conditions as may be imposed by the city council under section 36-34(b).

(1) *Cluster housing developments in existence on August 11, 2005.* The conditions are as follows:

- a. Cluster housing shall meet the following minimum requirements:
 1. No more than four dwelling units shall be incorporated in a single building.
 2. The density of the development shall not exceed the density allowed in the zoning district in which the use is to be located; except when the use is located adjacent or across the street from public protected parks or open space which are equal to or greater than the area of the development site and the proposal is found to promote goals and policies of the city, the density may be increased by 60 percent.
 3. The site shall not have less than one-half acre.
 4. This section shall not be applied to conversion of existing dwelling units but may be applied to site clearance and redevelopment. Existing units may be incorporated into new development plans when such units are not converted.
 5. Each lot developed with a single cluster housing unit shall contain a minimum width of 400 square feet of open lot area or a minimum of 12% of the total cluster housing development area shall be designed outdoor recreational area. (Ord. No. 2267-04, 4-12-04)
 6. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street.
- b. The applicant shall clearly demonstrate through the application and site plan that a superior development would result by clustering. The presence of a superior development shall be determined by reference to the following criteria:
 1. The presence and preservation of topographic features, woods and trees, waterbodies and streams, and other physical and ecological conditions.
 2. Suitable provisions for permanently retaining and maintaining the amenities and open space.
 3. Building location, building groupings, landscaping, views to and from the units, building forms and materials, recognition of existing development and public facilities, and city goals including the comprehensive plan as well as specific plans for the area.

(Ord. No. 2296-05, 8-2-05)

(2) *Public service structures.* The conditions are as follows:

- a. All exterior faces of all buildings shall meet the provisions of section 36-366.
- b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
- c. All service drives shall be paved.

(3) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

(4) *Educational (academic) facilities with more than 20 students.* The conditions are as follows:

- a. Buildings shall be located at least 50 feet from a lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

(5) *Religious institutions.* The conditions are as follows:

- a. All buildings shall be located at least 30 feet from any lot line of a lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

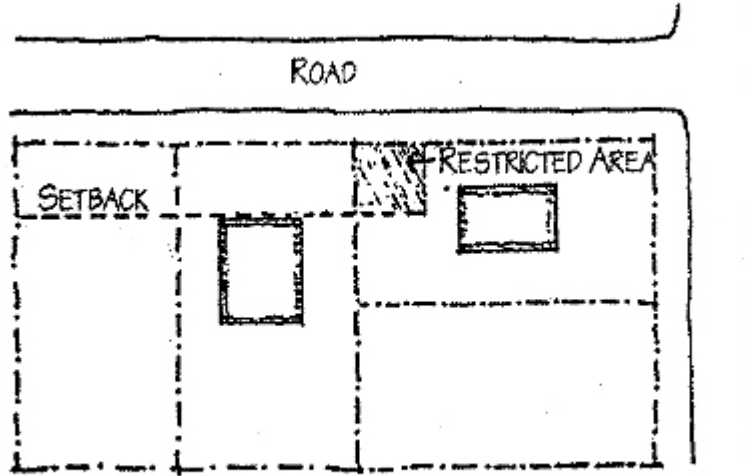
(Ord. No. 2371-09, 3-13-09)

(e) Accessory uses. The following uses shall be permitted accessory uses in an R-2 district:

- (1) Garages and other accessory buildings in conformance with section 36-162.
- (2) Off-street parking areas in conformance with sections 36-162 and 36-361.
- (3) Private swimming pool and tennis court in conformance with sections 36-73.
- (4) Family day care facilities serving 14 or fewer persons.
- (5) Home occupations complying with all of the following conditions:
 - a. All material or equipment shall be stored within an enclosed structure.
 - b. Operation of the home occupation is not apparent from the public right-of-way.
 - c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.
 - d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
 - e. No light or vibration originating from the business operation is discernible at the property line.
 - f. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
 - g. No more than one nonilluminated wall sign limited to two square feet in area is used to identify the home occupation.

- h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
 - i. No portion of the home occupation is permitted within any attached or detached accessory building.
 - j. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
- (6) Keeping of not more than two boarders or roomers by a resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
 - (7) Living quarters of persons employed for domestic or medical purposes on the premises provided the living area for the domestic/medical household staff is within the principal building and does not constitute a separate dwelling unit.
 - (8) Signs, as regulated by this chapter.
 - (9) Gardening and other horticultural uses.
 - (10) Decorative landscape features including but not limited to pools, arbors and terraces.
 - (11) Group day care/nursery school in a religious institution, community center, or academic educational institution complying with all of the following conditions:
 - a. A minimum of 40 square feet of outside play space per pupil is provided.
 - b. The outside play areas are fenced.
 - c. Dropoff and loading points are established which do not interfere with traffic and pedestrian movements.
 - (12) Adult day care in a religious institution, community center, or nursing home if 150 square feet of outdoor sitting and exercise area per person under care at peak periods is provided.
 - (13) Mikvah pools are permitted accessory uses within an occupied single-family detached dwelling unit or on a religious institution property. If accessory to a single-family dwelling the use requires three additional off-street parking spaces.
- (f) Dimensional standards/densities.** The dimensional standards/densities are as follows:
- (1) No structure shall exceed three stories or 30 feet in height, whichever is less, except as provided in section 36-78.
 - (2) The ground floor area ratio within the R-2 district shall not exceed 0.35.
 - (3) A side yard abutting a street shall not be less than 15 feet in width except that a lot of record which is less than 60 feet shall have a side yard abutting a street of a minimum of nine feet in width.

- (4) If a corner lot has a rear lot line which is common with the side lot line of another lot, no building shall occupy that portion of the rear yard of the corner lot which abuts the front yard of the other lot for a distance equal to the depth of the front yard of that other lot or 25 feet, whichever is less, measured from the common property line of the two lots extending toward the front lot line of the corner lot on a line perpendicular to the common lot line of the two lots. See the following diagram.



Common Lot Line

- (5) The following minimum requirements and those additional requirements, exceptions and modifications contained in subsections (f)(6) through (f)(10) and provisions regarding subdivision shall govern the use and development of lots in the R-2 district:

Lot Area (square feet)	Lot Width (feet)	Front Yard Depth	Rear Yard Depth (feet)	Side Yard Width
7,200	60	25 feet or the front wall of the closest house on the block front, whichever is greater. (See additional exceptions in Section 36-73.)	25	7 feet on one yard and 5 feet on other yard, except when there is an attached garage accessible from the street or when the lot abuts an alley both may be 5 feet.

- (6) Through lots shall have a required front yard on each street.
- (7) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 40 feet. For the purpose of subsection (f) of this section, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (8) Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line. The minimum side yard shall be met by the average

depth of the side yard. No side yard shall be less than five feet deep. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley which provides a secondary access to the rear yard of the lot.

- (9) A single-family house which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard.
- (10) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels and the common lot does not exceed the maximum density permitted within the zoning district. Any front, rear, and side yard dimensions shall apply from the building face to the property line of the common lot.

(Code 1976, § 14:5-4.3; Ord. No. 2188-01, 2-5-2001; Ord. No. 2225-02, § 2, 6-3-2002; Ord. No. 2232-02, § 2, 11-4-2002; Ord. No. 2267-04, 4-12-2004; Ord. No. 2296-05, 8-5-2005; Ord. No. 2312-06, 4-14-2006, Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009; Ord. No. 2371-09, 3-13-2009)

Sec. 36-165. R-3 two-family residence district.

(a) Purpose and effect. The purpose of the R-3 two-family residence district is to provide appropriately located areas for one-family and two-family dwelling units on parcels of reasonable size; ensure adequate light, air, privacy and open space for each dwelling unit; provide institutional and community services such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding its residential character; protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, high traffic volumes and other objectionable influences.

(b) Permitted uses. The following uses are permitted in the R-3 district if the use complies with the residential restrictions and performance standards of section 36-162:

- (1) Single-family dwelling.
- (2) Two-family dwellings.
- (3) State licensed residential facilities serving six or fewer persons per individual dwelling unit of a single-family or two-family dwelling.
- (4) Park/open space.
- (5) Multiple-family dwellings and their associated accessory structures in existence on December 31, 1992.

(c) Uses permitted with conditions. A structure or land in an R-3 district may be used for one or more of the following uses if its use complies with the conditions stated in section 36-162 and those specified for the use in this subsection (c):

- (1) *Group home/nonstatutory.* The conditions are as follows:
 - a. At least 800 square feet of lot area shall be provided for each person housed on the site.

- b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The residence structure shall be occupied by not more than six persons under treatment.
 - d. The residence structure shall provide one bedroom for each two persons accommodated in group living quarters.
 - e. The residence structure shall provide one bathroom for each four persons accommodated in group living quarters.
 - f. The use shall not be located within 1,500 feet of any other group homes.
- (2) *Nursing home.* The conditions are as follows:
- a. A minimum of 600 square feet of lot area shall be provided for each person to be housed on the site.
 - b. All structures shall be located at least 30 feet from a lot line of an abutting lot in an R district.
 - c. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - d. The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed nursing homes.
- (3) *Community centers.* The conditions are as follows:
- a. The building shall not be located within 50 feet of any lot line of a lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor areas improved for group activities shall be located at least 25 feet from any lot in an R district.
- (4) *Educational (academic) facilities with 20 or fewer students.* The conditions are as follows:
- a. The school shall be limited to preschool through eighth grade.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.

- d. An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school.
(Ord. No. 2371-09, 3-13-09)
- (5) *Libraries.* The condition for libraries is that buildings shall be located a minimum of 25 feet from a lot in an R district.
- (6) *Parks/recreation.* The conditions are as follows:
- a. The principal structure shall be located 50 feet or more from a lot in an R district.
 - b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
 - c. Swimming pools shall be located at least 50 feet from any lot line and at least 12 feet from any other structure on the same lot.
 - d. A drainage system approved by the city engineer shall be installed.
 - e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (7) *Police/fire station.* The conditions are as follows:
- a. Buildings shall be located at least 25 feet from a lot in an R district.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control nonemergency traffic if recommended by the director of public works.
- (8) *Bed and breakfast establishments.* The conditions are as follows:
- a. The facility shall be owner-occupied.
 - b. The total number of guestrooms shall be limited to three.
 - c. Not more than 50 percent of the gross floor area of the residence shall be used for the guest house operation.
 - d. Only exterior alterations which do not alter the exterior appearance from its single-family or two-family character will be allowed.
 - e. Accommodations may be provided to a guest for a period not exceeding 14 days.
 - f. Food service shall be limited to breakfast.
 - g. Rented rooms shall not contain cooking facilities.

- h. Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
- i. No more than 50 percent of the rear yard may be paved or used for parking,

(9) *Communication towers* that are 45 feet or less in height, subject to Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

(10) *Transit station.* The condition for a transit station is that facilities shall be limited to bus stops and associated parking lots and shall not include time transfer stations or other intense land uses.

(Ord. No. 2371-09, 3-13-09)

(d) Uses permitted by conditional use permit. No structure or land in any R-3 district shall be used for the following uses except by conditional use permit. These uses shall comply with the residential restrictions and performance standards of section 36-162, all the general conditions provided in section 36-365, the specific conditions imposed in this subsection (d) and such other conditions as may be imposed by the city council under subsection (b) of section 36-34.

(1) *Cluster housing developments in existence on August 11, 2005.* The conditions are as follows:

- a. Cluster housing shall meet the following minimum requirements:
 1. No more than four dwelling units shall be incorporated in a single building.
 2. The density of the development shall not exceed the density allowed in the zoning district in which the use is to be located; except when the use is located adjacent or across the street from public protected parks or open space which are equal to or greater than the area of the development site and the proposal is found to promote goals and policies of the city, the density may be increased by 60 percent.
 3. The site shall not be less than one-half acre.
 4. This section shall not be applied to conversion of existing dwelling units but may be applied to site clearance and redevelopment. Existing units may be incorporated into new development plans when such units are not converted.
 5. Each lot developed with a single cluster housing unit shall contain a minimum of 400 square feet of open lot area or a minimum of 12% of the total cluster housing development area shall be designed outdoor recreational area.
(Ord. No. 2267-04, 4-12-04)
 6. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street.
- b. The applicant shall clearly demonstrate through the application and site plan that a superior development would result by clustering. The presence of a superior development shall be determined by reference to the following criteria:

1. The presence and preservation of topographic features, woods and trees, waterbodies and streams, and other physical and ecological conditions.
2. Suitable provisions for permanently retaining and maintaining the amenities and open space.
3. Building location, building groupings, landscaping, views to and from the units, building forms and materials, recognition of existing development and public facilities, and city goals and policies including the comprehensive plan as well as specific plans for the area.

(2) *Public service structures.* The conditions are as follows:

- a. All exterior faces of all buildings shall meet the provisions of section 36-366.
- b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
- c. All service drives shall be paved.

(3) *Single lot.* Uses where more than one principal building is located on a single lot.

(4) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

(5) *Educational (academic) facilities with more than 20 students.* The conditions are as follows:

- a. Buildings shall be located at least 50 feet from a lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(6) *Religious institutions.* The conditions are as follows:

- a. All buildings shall be located at least 30 feet from any lot line of a lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

(e) Accessory uses. The following uses shall be permitted accessory uses in an R-3 district:

- (1) Garages and other accessory buildings in conformance with section 36-162.
- (2) Off-street parking areas in conformance with sections 36-162 and 36-361.
- (3) Private swimming pool and tennis court in conformance with section 36-73.
- (4) Family day care serving 14 or fewer persons.
- (5) Home occupations complying with all of the following conditions:
 - a. All material or equipment shall be stored within an enclosed structure.
 - b. Operation of the home occupation is not apparent from the public right-of-way.
 - c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.
 - d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
 - e. No light or vibration originating from the business operation is discernible at the property line.
 - f. Only equipment, machinery, and materials which are normally found in the home are used in the conduct of the home occupation.
 - g. No more than one nonilluminated wall sign limited to two square feet in area is used to identify the home occupation.
 - h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
 - i. No portion of the home occupation is permitted within any attached or detached accessory building.
 - j. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.

- (6) Keeping of not more than two boarders or roomers by a resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
- (7) Living quarters of persons employed for domestic or medical purposes on the premises provided the living area for the domestic/medical household staff is within the principal building and does not constitute a separate dwelling unit.
- (8) Signs, as regulated by this chapter.
- (9) Gardening and other horticultural uses.
- (10) Decorative landscape features including but not limited to pools, arbors and terraces.
- (11) Group day care/nursery school in a religious institution, community center, or academic educational institution complying with all of the following conditions:
 - a. At least 40 square feet of outside play space per pupil is provided.
 - b. The outside play areas is fenced.
 - c. Dropoff and loading points are established which do not interfere with traffic and pedestrian movements.
- (12) Adult day care in a religious institution, community center, or nursing home if 150 square feet of outdoor sitting and exercise area per person under care at peak periods is provided.

(f) Dimensional standards/densities. The dimensional standards/densities are as follows:

- (1) No structure shall exceed three stories or 35 feet in height, whichever is less, except as provided in section 36-78.
- (2) The ground floor area ratio within the R-3 district shall not exceed 0.25.
- (3) The maximum density shall not exceed 11 units per acre.
- (4) A side yard abutting a street shall not be less than 15 feet in width except that a lot of record which is less than 60 feet shall have a side yard of at least nine feet in width.
- (5) If a corner lot has a rear lot line which is common with the side lot line of another lot, no building shall occupy that portion of the rear yard of the corner lot which abuts the front yard of the other lot for a distance equal to the depth of the front yard of that other lot or 25 feet, whichever is less, measured from the common property line of the two lots extending toward the front lot line of the corner lot on a line perpendicular to the common lot line of the two lots. See the following diagram.
- (6) The following minimum requirements and those additional requirements, exceptions and modifications in subsections (f)(7) through (f)(11) of this section shall govern the use and development of lots in the R-3 district:

Lot Area (square feet)	Lot Width (feet)	Front Yard Depth	Rear Yard Depth (feet)	Side Yard Width
7,200*	60	25 feet or the front wall of the closest house on the block front, whichever is greater. (See additional exceptions in Section 36-73.)*	25	<p>Single Family: 7 feet on one yard and 5 feet on the other yard, except when there is an attached garage accessible from the street or when the lot abuts an alley both may be 5 feet.</p> <p>Duplex: 9 feet on one yard and 6 feet on other yard, except when there is an attached garage accessible from the street or when the lot abuts an alley, both may be 6 feet.</p>

*This minimum lot size is for the development of a single-family house. The minimum lot size for a two-family house is 8,000 square feet.

- (7) Through lots shall have a required front yard on each street.
- (8) A single-family house which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard, and provided the combined width of the side yard for said building and the adjacent building is not less than ten feet.
- (9) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 50 feet. For the purpose of this subsection (f), a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (10) Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line. The minimum side yard shall be met by the average depth of the side yard. No side yard shall be less than five feet deep. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley provides a secondary access to the rear yard of the lot.
- (11) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels and the common lot do not exceed the maximum density permitted within the zoning district. Provisions for designed outdoor recreation area may be provided on a common lot. Any front, rear, and side yard dimensions required by this section shall apply from the building face to the property line of the common lot.

(Code 1976, § 14:5-4.4; Ord. No. 2188-01, 2-5-2001; Ord. No. 2221-02, § 2, 3-18-2002; Ord. No. 2232-02, § 2, 11-4-2002; Ord. No. 2267-04, 4-12-2004; Ord. No. 2296-05, 8-2-2005; Ord. No. 2312-06, 4-14-2006; Ord. No. 2325-07, 5-7-2007, Ord. No. 2367-09, 1-23-2009; Ord. No. 2371-09, 3-13-2009)

Sec. 36-166. R-4 multiple-family residence district.

(a) **Purpose and effect.** The purposes of the R-4 multiple-family residence district are to provide appropriately located areas for family living in a variety of dwelling types at densities of up to 30 units per acre with sound standards for public health and safety; to preserve as many as possible of the desirable characteristics of the single-family residential districts while permitting higher population densities; to ensure adequate light, air, privacy, and open space for each dwelling unit; provide space for institutions which require residential environments; to minimize traffic congestion and provide space for off-street parking of automobiles; to provide community services such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding its residential character; and to protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

(b) **Permitted uses.** The following uses are permitted in the R-4 district if the use complies with the residential restrictions and performance standards of section 36-162:

- (1) Two-family dwellings.
- (2) Roominghouses.
- (3) State-licensed residential facilities serving 16 or fewer persons.
- (4) Parks/open space.
- (5) Transit stations.
- (6) Single-family dwelling.

(c) **Uses permitted with conditions.** A structure or land in an R-4 district may be used for one or more of the following uses if its use complies with the residential restrictions and performance standards of section 36-162 and those conditions specified for the use in this subsection (c):

- (1) *Adult day care.* The conditions are as follows:
 - a. The facility shall be located in a religious facility, community center, nursing home or hospital.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area.
- (2) *Group day care/nursery school.* The conditions are as follows:
 - a. At least 40 square feet of outside play space per pupil must be provided and such space shall be enclosed by a fence.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. The play area shall be located a minimum of 200 feet from any roadway defined on the comprehensive plan as a principal arterial.

- (3) *Group home/nonstatutory.* The conditions are as follows:
 - a. A minimum of 800 square feet of lot area shall be provided for each person housed on the site.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The residence structure shall be occupied by not more than 30 persons under treatment.
 - d. The use shall be located a minimum of 1,500 feet from any other group home.
 - e. Any group home accommodating 20 or more persons shall provide an outdoor recreation area. Such recreation area shall be located a minimum of 25 feet of any parcel in an R district.
 - f. A minimum of 300 square feet of gross building area shall be provided for each resident. (Ord. No. 2325-07, 5-7-07)

- (4) *Nursing home.* The conditions are as follows:
 - a. A minimum of 500 square feet of lot area shall be provided for each person to be housed on the site.
 - b. All structures shall be located a minimum of 30 feet from a lot in an R district.
 - c. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - d. The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed nursing homes.

- (5) *Community centers.* The conditions are as follows:
 - a. The building shall be located a minimum of 50 feet from any lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor areas improved for group activities shall be located a minimum of 25 feet from any lot in an R district. (Ord. No. 2325-07, 5-7-07)

- (6) *Educational (academic) facilities* with 20 or fewer students. The conditions are as follows:
 - a. The school shall be limited to preschool through eighth grade.

- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
- d. An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school.

(Ord. No. 2371-09, 3-13-09)

(7) *Libraries.* The condition for libraries is that buildings shall be located a minimum of 25 feet from a lot in an R district.

(8) *Parks and recreation.* The conditions are as follows:

- a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
- b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Swimming pools shall be located a minimum of 50 feet from any lot line and a minimum of 12 feet from any other structure on the same lot.
- d. A drainage system approved by the city engineer shall be installed.
- e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.

(9) *Police/fire station.* The conditions are as follows:

- a. Buildings shall be located a minimum of 25 feet from a lot an R district.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control nonemergency traffic if recommended by the director of public works.

(10) *Communication towers* more that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas). (Ord. No. 2367-09, 1-23-09)

(Ord. No. 2371-09, 3-13-09)

(d) Uses permitted by conditional use permit. No structure or land in any R-4 district shall be used for the following uses except by conditional use permit. These uses shall comply with the requirements of all the general conditions provided in section 36-365 and with the specific conditions imposed in this subsection (d) and such other conditions as may be imposed by the city council under section 36-34(b).

- (1) *Multiple-family dwelling.* The conditions are as follows:
 - a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - b. At minimum of 12% of the building lot shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The minimum spacing between buildings shall be the average heights of the buildings.
 - d. All buildings shall be located a minimum of 15 feet from the back of the curblines of internal private roadways or parking lots.
 - e. If parking is accommodated on the required public or private road system, it must meet minimum public street width requirements of this chapter to allow on-street parking.
 - f. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street. Sidewalks shall also be provided between the public street and parking areas to all building entrances.
- (2) *Cluster housing.* The conditions are as follows:
 - a. Each lot developed with a single cluster housing unit shall contain a minimum of 400 square feet of open lot area or a minimum of 12% of the total cluster housing development area shall be designed outdoor recreational area. (Ord. No. 2267-04, 4-12-04)
 - b. The minimum spacing between buildings shall be the average heights of the buildings.
 - c. Side and rear yards may be reduced to zero feet where dwellings are designed to share common walls.
 - d. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street and along at least one side of interior private streets.
 - e. Attached garages shall be located a minimum of 18 feet from the edge of a sidewalk closest to it or from the back of the curblines of internal private roadways or parking lots if no sidewalk exists.
 - f. If parking is accommodated on the required public or private road system, it must meet minimum public street width requirements of the subdivision ordinance to allow on-street parking.

- (3) *Elderly housing.* The conditions are as follows:
- a. Property shall meet all of the conditions for multiple-family dwelling/cluster housing.
 - b. Elderly housing shall provide a minimum of 1,000 square feet of lot area for each dwelling unit.
 - c. The property owner shall record a covenant to run with the land executed in a form approved by the city which restricts the use of the property to occupancy by the elderly.
 - d. The development shall provide a lounge or other inside community rooms equal in aggregate size to a minimum of 15 square feet for each unit.
(Ord. No. 2267-04, 4-12-04)
- (4) *Public service structure.* The conditions are as follows:
- a. The exterior faces of all buildings shall meet the provisions of section 36-366.
 - b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - c. All service drives shall be paved.
- (5) *Hostel.* The conditions are as follows:
- a. The hostel shall be affiliated with a national or international hostel organization and shall be subject to the operating procedures of such organization.
 - b. The hostel shall be available for occupancy only by members of the affiliate or the parent organization.
 - c. The hours of operation are from 6:00 a.m. to 1:00 a.m.
 - d. Overnight parking of vehicles whose passenger capacity exceeds 15 shall be prohibited on the site.
 - e. Any outdoor activity area shall be located as far as practicable from abutting residential properties.
 - f. No room shall contain more than four beds.
- (6) *Single lot.* Uses where more than one principal structure is located on a single lot.
- (7) *Office less than 2,500 square feet.* The conditions are as follows:
- a. Structures that require night lighting shall be lighted according to a lighting plan approved by the director of public works which shall include fixture specifications and demonstrate that off site impact will be minimized in conformance with section 36-363.

- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. The materials used in and placement of all signs shall be integrated with the building design and architecture and shall conform with the general provisions and R-4 district standards of section 36-362.
 - d. The architecture of the building shall be residential in character.
 - e. The parking areas shall be set back at least five feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, and shall conform with all provisions of section 36-361.
(Ord. No. 2248-03, 8-18-03)
- (8) Educational (*academic*) facilities with more than 20 students. The conditions are as follows:
- a. Buildings shall be located at least 50 feet from a lot in an R district.
 - b. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
 - c. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
(Ord. No. 2371-09, 3-13-09)
- (9) Communication towers more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (10) *Religious institutions*. The conditions are as follows:
- a. All buildings shall be located at least 30 feet from any lot line of a lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
 - d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

(e) Uses permitted by PUD. The conditions for an office are as follows:

- (1) The materials used in and placement of all signs shall be integrated with the building design and architecture.
- (2) Landscape berms shall be used to reduce noise, improve views, and to produce other environmental benefits. Berms shall also be used for wildlife refuge, wind and snow breaks, dust reduction and to separate incompatible uses and control drainage.
- (3) Buildings shall be designed with proper provision and orientation for the pedestrianway to serve and link development.
- (4) Buildings shall be oriented and designed so as not to detract from one another or to unduly restrict views to open space, malls, and vistas.
- (5) All new buildings shall be compatible and complimentary with existing buildings. Elements of compatibility include, but are not limited to building form and mass, exterior materials and their appearance and durability, landscaping, exterior lighting and site improvements.
- (6) Loading areas, access, parking, signing, and building equipment shall be prohibited or minimized next to residential areas to the extent appropriate in order to ensure compatible development.
- (7) Open space and pedestrian links shall be established to provide access to buildings, parking, and transit; provide space for active and passive recreation; ponding, and for preserving wetlands; and a suitable setting for buildings.
- (8) The maximum intensity classification shall be 4.

(f) Accessory uses. The following uses shall be permitted accessory uses in an R-4 district:

- (1) Private garages and parking spaces, provided they meet the requirements of sections 36-361 and 36-366.
- (2) Tennis court in conformance with section 36-73.
- (3) Private swimming pool in conformance with section 36-73.
- (4) Family day care serving 14 or fewer persons.
- (5) Service and retail facilities intended for use of residents not to exceed ten percent of the gross floor area of the development.
- (6) Property management or rental office provided that it does not occupy more than ten percent of the gross floor area.

- (7) Home occupations complying with all of the following conditions:
 - a. All material or equipment shall be stored within an enclosed structure.
 - b. Operation of the home occupation is not apparent from the public right-of-way.
 - c. The activity does not involve warehousing, distribution, or retail sales of merchandise produced off the site.
 - d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
 - e. No light or vibration originating from the business operation is discernible at the property line.
 - f. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
 - g. No more than one nonilluminated wall sign limited to two square feet in area is used to identify the home occupation.
 - h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
 - i. No portion of the home occupation is permitted within any attached or detached accessory building.
 - j. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
- (8) Keeping of not more than two boarders or roomers by a resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
- (9) Living quarters of persons employed for domestic or medical purposes on the premises provided the living area for the domestic/medical household staff is within the principal building and does not constitute a separate dwelling unit.
- (10) Signs, as regulated by this chapter.
- (11) Gardening and other horticultural uses.
- (12) Decorative landscape features including but not limited to pools, arbors and terraces.

- (13) Parking ramps provided that all of the following conditions are met:
- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward and away from said parcel at a slope of five horizontal feet for each vertical foot.
 - b. The minimum required yard for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, shall be 50 feet.
 - c. The parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground.
 - d. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.
- (Ord. No. 2248-03, 8-18-03; Ord. No. 2325-07, 5-7-07)
- (14) Incidental repair or processing which is necessary to conduct a permitted principal use not to exceed 30 percent of the gross floor area or 30 percent of the labor hours required to conduct the permitted principal use.

(g) Dimensional standards/densities. The dimensional standards/densities are as follows:

- (1) No structure or building shall exceed three stories or 40 feet in height, whichever is less, except as provided in section 36-78 and section 36-367.
- (2) The floor area ratio shall not exceed 0.7 and the ground floor area ratio shall not exceed 0.35.
- (3) A side yard abutting a street shall not be less than 15 feet wide.
- (4) The housing density shall not exceed 30 dwelling units per acre except as otherwise provided.
- (5) The minimum lot area shall be 8,000 square feet; except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.
- (6) The minimum lot width shall be 60 feet; except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.

- (7) The front yard depth shall be a minimum of 30 feet or a distance equal to the building height, unless the average depth of at least two existing buildings within 150 feet along the same block front of the lot in question are less than or greater than 30 feet, then the required front yard depth shall be the average depth of such existing front yards or the building height whichever is greater. However, the depth of the front yard shall not be less than 15 feet or be required to exceed 50 feet if the building height is less than 50 feet.
- (8) The side yards shall be a minimum of 15 feet on one side and half the building height on the other if the building height is less than 40 feet. If the building height exceeds 40 feet, the side yards shall be 15 feet plus one foot for each foot of building height in excess of 40 feet on one side and 20 feet plus one foot for each foot of building height in excess of 40 feet on the other. If property abuts land in an R-1, R-2 or R-3 district at the side yard, that side shall have the larger required side yard.
- (9) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 50 feet. For the purpose of this section, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (10) Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line, to permit the average depth of the side yard to conform to the minimum side yard depth in the district, but no side yard shall be less than five feet deep. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley provides a secondary access to the rear yard of the lot.
- (11) The rear yard depth shall be a minimum of 25 feet except when the rear lot line of land on the R-4 district abuts lands in the R-1 or R-2 district, then the rear yard shall be a minimum of 25 feet or the building height of the building in the R-4 district, whichever is greater.
- (12) All dwelling units shall be at or above the grade of all land abutting the structure within a distance of 25 feet from all faces of the building.
- (13) Each lot developed with a single-family or two-family residence shall contain at least 400 square feet of open lot area per dwelling unit. (Ord. No. 2267-04, 4-12-04)
- (14) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels plus the common lot do not exceed the maximum density permitted within the use district. Provisions for designed outdoor recreation area may be provided on a common lot. Any front, rear, and side yard dimensions required by this section shall apply from the building face to the property line of the common lot. (Ord. No. 2267-04, 4-12-04)
- (15) A single-family house which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard, and provided the combined width of the side yard for the building and the adjacent building is not less than ten feet.

(Code 1976, § 14:5-4.5; Ord. No. 2232-02, § 2, 11-4-2002, Ord. No. 2239-03, 4-7-2003; Ord. No. 2267-04, 4-12-2004; Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009; Ord. No. 2371-09, 3-13-09)

Sec. 36-167. R-C high-density multiple-family residence district.

(a) Purpose and effect. The purposes of the R-C high-density multiple-family residence district are to provide appropriately located areas for family living in a variety of dwelling types at densities generally up to 50 units per acre (or up to 75 units per acre by PUD) with sound standards for public health and safety; to preserve as many as possible of the desirable characteristics of the single-family residential districts while permitting higher population densities; to provide opportunities for accessory and transitional commercial uses to support residential development; to ensure adequate light, air, privacy, and open space for each dwelling unit; provide space for institutions which require residential environments; to provide community services such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding its residential character; to minimize traffic congestion and the impacts of high traffic volumes; to provide space for off-street parking of automobiles; and to protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

(b) Permitted uses. The following uses are permitted in the R-C district if the use complies with the residential restrictions and performance standards of section 36-162:

- (1) Roominghouse.
- (2) State-licensed residential facilities serving 16 or fewer persons.
- (3) Park and open space.
- (4) Office in existence or having received preliminary office development approval by March 1, 1999.
- (5) Transit stations.

(c) Uses permitted with conditions. A structure or land in an R-C district may be used for one or more of the following uses if it complies with the residential restrictions and performance standards of section 36-162 and with those specified for the use in this subsection:

- (1) *Adult day care.* The conditions are as follows:
 - a. The facility shall be located in a religious facility, community center, nursing home or hospital.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
- (2) *Group day care/nursery school.* The conditions are as follows:
 - a. A minimum of 40 square feet of outside play space per pupil must be provided and such space shall be enclosed by a fence.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. The play area shall be located a minimum of 200 feet from any roadway defined on the comprehensive plan as a principal arterial.

- (3) *Group home/nonstatutory.* The conditions are as follows:
- a. A minimum of 800 square feet of lot area shall be provided for each person housed on the site.
 - b. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The residence structure shall be occupied by not more than 50 persons under treatment.
 - d. The use shall be located a minimum of 1,500 feet from any other group homes.
 - e. Any group home accommodating 20 or more persons shall provide an outdoor recreation area. Such recreation area shall be located a minimum of 25 feet from any parcel in an R district.
 - f. A minimum of 300 square feet of gross building area shall be provided for each resident.
- (4) *Nursing home.* The conditions are as follows:
- a. A minimum of 500 square feet of lot area in shall be provided for each person to be housed on the site.
 - b. All structures shall be located a minimum of 30 feet from a lot in an R district.
 - c. At least 12% of the lot area shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - d. The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed nursing homes.
- (5) *Community centers.* The conditions are as follows:
- a. The building shall be located a minimum of 50 feet from any lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor areas improved for group activities shall be located a minimum of 25 feet from any lot in an R district.
 - d. Conditions listed in subsections (c)(5)a. through (c)(5)c. of this section and certain performance standards may be waived or amended if so specified in a redevelopment plan for the area that has been adopted as part of the city comprehensive plan.
 - e. The property shall be designated for civic or civic-mixed use in the comprehensive plan.

(6) *Educational (academic)* facilities with 20 or fewer students. The conditions are as follows:

- a. The school shall be limited to preschool through eighth grade.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
- d. An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school.

(Ord. No. 2371-09, 3-13-09)

(7) *Libraries*. The conditions are as follows:

- a. Buildings shall be located a minimum of 25 feet from a lot in an R district unless otherwise specified in a redevelopment plan for the area that has been adopted as part of the city comprehensive plan.
- b. The property shall be designated for civic or civic-mixed use in the comprehensive plan.

(8) *Parks/recreation*. The conditions are as follows:

- a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
- b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Swimming pools shall be located a minimum of 50 feet from any lot line and a minimum of 12 feet from any other structure on the same lot.
- d. A drainage system approved by the city engineer shall be installed.
- e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.

(9) *Police/fire station*. Conditions are as follows:

- a. Buildings shall be located a minimum of 25 feet from a lot in an R district.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

- c. Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control nonemergency traffic if recommended by the director of public works.
- (10) *Communication towers* that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (11) *Multiple-family dwelling*. The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - b. A minimum of 12% of the building lot shall be developed as designed outdoor recreation area. (Ord. No. 2267-04, 4-12-04)
 - c. The minimum spacing between buildings shall be the average heights of the buildings.
 - d. All buildings shall be located a minimum of 15 feet from the back of the curblines of internal private roadways or parking lots.
 - e. If parking is accommodated on the required public or private road system, it must meet minimum public street width requirements of the subdivision ordinance to allow on-street parking.
 - f. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street. Sidewalks shall also be provided between the public street and parking areas to all building entrances.
 - g. Conditions listed in subsections (c)(12)a.--(c)(12)f. of this section and certain performance standards may be waived or amended if so specified in a redevelopment plan for the area that has been adopted as part of the city comprehensive plan. (Ord. No. 2267-04, 4-12-04)
- (12) *Cluster housing*. The conditions are as follows:
- a. Each lot developed with a single cluster housing unit shall contain a minimum of 400 square feet of open lot area or a minimum of 12% of the total cluster housing development area shall be designed outdoor recreation area.
(Ord. No. 2267-04, 4-12-04)
 - b. The minimum spacing between buildings shall be the average heights of the buildings.
 - c. Side and rear yards may be reduced to zero feet where dwellings are designed to share common walls.

- d. Sidewalks with a minimum width of five feet shall be provided along all sides of the lot that abut a public street and along at least one side of interior private streets.
- e. Attached garages shall be located a minimum of 18 feet from the edge of a sidewalk closest to it or from the back of the curblin of internal private roadways or parking lots if no sidewalk exists.
- f. If parking is accommodated on the required public or private road system, it must meet the minimum public street width requirements of the subdivision ordinance to allow on-street parking.
- g. Conditions listed in subsections (c)(13)a.--(c)(13)c and (c)(13)e-f. of this section and certain performance standards may be waived or amended using the PUD process if so specified in a redevelopment plan for the area that has been adopted as part of the city comprehensive plan. (Ord. No. 2267-04, 4-12-04)

(Ord. No. 2371-09, 3-13-09)

(d) Uses permitted by conditional use permit. No structure or land in any R-C district shall be used for the following uses except by conditional use permit. These uses shall comply with the residential restrictions and performance standards of section 36-162, the general conditions of section 36-367, and with the specific conditions imposed in this subsection as follows:

(1) *Elderly housing.* The conditions are as follows:

- a. Property shall meet all of the requirements of multiple-family dwellings.
- b. Elderly housing shall provide a minimum of 900 square feet of lot area for each dwelling unit.
- c. The property owner shall record a covenant to run with the land executed in a form approved by the city which restricts the use of the property to occupancy by the elderly.
- d. The development shall provide a lounge or other inside community rooms equal in aggregate size to a minimum of 15 square feet for each unit.

(Ord. No. 2267-04, 4-12-04)

(2) *Hospital.* The conditions are as follows:

- a. Buildings located within 100 feet of any R-1, R-2 or R-3 district shall be limited to the lesser of four stories or 45 feet. The height of all other buildings shall be regulated by yard and floor area ratio requirements.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Internal traffic circulation shall be designed to minimize traffic within 100 feet of any abutting residential property.

- d. Screening and a six foot privacy fence shall be installed and maintained along any abutting R districts.
 - e. The property shall be designated for office use in the comprehensive plan.
- (3) *Public service structure.* The conditions are as follows:
- a. All exterior faces of all buildings shall meet the provisions of section 36-366.
 - b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - c. All service drives shall be paved.
 - d. The use shall be found not to substantially detract from meeting housing goals identified in the comprehensive plan.
- (4) *Hotel/motel.* The conditions are as follows:
- a. This use shall not be located within 100 feet of any low density residential parcels as identified in the comprehensive plan.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. This use may not include restaurants, convention facilities, or food service as another primary use on the same site or as an accessory use.
 - d. The use shall be found not to substantially detract from meeting housing goals identified in the comprehensive plan.
- (5) *Hostel.* The conditions are as follows:
- a. The hostel shall be affiliated with a national or international hostel organization and shall be subject to the operating procedures of such organization.
 - b. The hostel shall be available for occupancy only by members of the affiliate or the parent organization.
 - c. The hours of operation are from 6:00 a.m. to 1:00 a.m.
 - d. Overnight parking of vehicles whose passenger capacity exceeds 15 shall be prohibited on the site.
 - e. Any outdoor activity area shall be located as far as practicable from abutting residential properties.
 - f. No room shall contain more than four beds.

- (6) *Communication towers and antennas* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas). (Ord. No. 2367-09, 1-23-09)
- (7) *Educational (academic) facilities with more than 20 students*. The conditions are as follows:
- a. Buildings shall be located at least 50 feet from a lot in an R district.
 - b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
 - d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

- (8) *Religious institutions*. The conditions are as follows:

- a. All buildings shall be located a minimum of 30 feet from any lot in an R district.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. Outdoor recreational and play areas shall be located at least 25 feet from any lot in an R district.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Ord. No. 2371-09, 3-13-09)

(e) Uses permitted by PUD. No structure or land in an R-C district shall be used for the following uses except by the PUD process. Provisions for the PUD and modifications to dimensional standards and densities are provided under section 36-367: ground floor retail, service, office and medical/dental office in mixed-use buildings that are predominantly residential.

(f) Accessory uses. The following uses shall be permitted accessory uses in an R-C district:

- (1) Private garage and parking space, provided they meet the requirements of section 36-361 and 36-366.
- (2) Tennis court in conformance with section 36-73.
- (3) Private swimming pool in conformance with section 36-73.

- (4) Family day care facilities.
- (5) Service and retail facilities intended for use by residents not to exceed ten percent of the gross floor area of the development.
- (6) Home occupations complying with all of the following conditions:
 - a. All material or equipment shall be stored within an enclosed structure.
 - b. Operation of the home occupation is not apparent from the public right-of-way.
 - c. The activity does not involve warehousing, distribution or retail sales of merchandise produced off the site.
 - d. No person is employed at the residence who does not legally reside in the home except that a licensed group family day care facility may have one outside employee.
 - e. No light or vibration originating from the business operation is discernible at the property line.
 - f. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
 - g. No more than one nonilluminated wall sign limited to two square feet in area is used to identify the home occupation.
 - h. Space within the dwelling devoted to the home occupation does not exceed one room or ten percent of the floor area, whichever is greater.
 - i. No portion of the home occupation is permitted within any attached or detached accessory building.
 - j. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there are any customers or students, the home occupation has received a certificate of occupancy.
- (7) Keeping of not more than two boarders or roomers by a resident family provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.
- (8) Living quarters of persons employed for domestic or medical purposes on the premises provided the living area for the domestic/medical household staff is within the principal building and does not constitute a separate dwelling unit.
- (9) Signs, as regulated by this chapter.
- (10) Gardening and other horticultural uses if the sale of those products on the premises is in compliance with home occupation provisions.
- (11) Decorative landscape features including but not limited to pools, arbors and terraces.

- (12) Parking ramps provided that all of the following conditions are met, unless said conditions are waived or amended by a redevelopment plan for the area that has been adopted as part of the city comprehensive plan:
- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward and away from said parcel at a slope of five horizontal feet for each vertical foot.
 - b. The minimum yard requirement for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, shall be 50 feet.
 - c. The parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground. (Ord. No. 2325-07, 5-7-07)
 - d. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use at a distance of 400 feet from the wall of the parking ramp nearest to the said parcel.
(Ord. No. 2248-03, 8-18-03)
- (13) Helistops are permitted as an accessory use to a hospital provided that it is used exclusively in connection with the hospital and is subordinate to the hospital in area, extent, and purpose. The helicopter pad must be dustfree and screened from view and takeoff and landings shall not be over residential areas. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
- (14) Incidental repair or processing necessary to conduct a permitted use which shall not occupy more than 30 percent of the floor area nor more than 30 percent of the gross labor hours required to conduct the permitted principal use.
- (15) Leasing and management offices associated with residential uses.

(g) Dimensional standards/densities. The following standards shall apply unless specifically waived or amended by a redevelopment plan for the area that has been adopted as part of the city comprehensive plan or as provided in section 36-367:

- (1) No structure or building shall exceed six stories or 75 feet in height, whichever is less, except as provided in section 36-78.
- (2) The floor area ratio shall not exceed 1.2 and the ground floor area ratio shall not exceed 0.25.
- (3) A side yard abutting a street shall not be less than 15 feet in width.
- (4) The density shall not exceed 50 units per acre.

- (5) The minimum lot area shall be 15,000 square feet, except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.
- (6) The minimum lot width shall be 80 feet, except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.
- (7) The front yard depth shall be a minimum of 30 feet or a distance equal to the building height, unless the average depth of at least two existing buildings within 150 feet along the same block front of the lot in question are less than or greater than 30 feet, then the required front yard depth shall be the average depth of such existing front yards or the building height whichever is greater. However, the depth of the front yard shall not be less than 15 feet or be required to exceed 50 feet if the building height is less than 50 feet.
- (8) The required side yards shall be a minimum of 15 feet on one side and half the building height on the other if the building height is less than 40 feet. If the building height exceeds 40 feet the side yards shall be 15 feet plus one foot for each foot of building height in excess of 40 feet on one side and 20 feet plus one foot for each foot of building height in excess of 40 feet on the other. If property abuts land in the R-1, R-2 or R-3 district at the side yard, that side shall have the greatest depth.
- (9) The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall of the building exceeds 50 feet. For the purpose of this section, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line of a lot.
- (10) Side yard widths may be reduced if the side wall of a building is not parallel by more than ten degrees with the side lot line, to permit the average depth of the side yard to conform to the minimum side yard depth in the district, but no side yard shall be less than five feet deep. No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless a garage which has access from the street is located on the lot or an alley provides a secondary access to the rear yard of the lot.
- (11) The rear yard depth shall be a minimum of 25 feet except when the rear lot line of land on the R-C district abuts lands in the R-1, R-2 or R-3 district, then the yard requirement shall be a minimum of 25 feet or the building height of the building in the R-C district, whichever is greater.
- (12) All dwelling units shall be at or above the grade of all land abutting the structure within a distance of 25 feet from all faces of the building.
- (13) Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels plus the common lot do not exceed the maximum density permitted within the zoning district. Provisions for designed outdoor recreation area may be provided on a common lot. Any front, rear and side yard dimensions required by this section shall apply from the building face to the property line of the common lot. (Ord. No. 2267-04, 4-12-04)

(Code 1976, § 14:5-6; Ord. No. 2232-02, § 2, 11-4-2002; Ord. No. 2248-03, 8-18-2003; Ord. No. 2267-04, 4-12-2004; Ord. No. 2325-07, 5-7-2007; Ord. No. 2367-09, 1-23-2009; Ord. No. 2371-09, 3-13-2009)

Secs. 36-168--36-190. Reserved.