

## MEMORANDUM

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*To:* City Planning Commission, Committee of the Whole  
*Prepared By:* Janelle Widmeier, Principal City Planner, (612) 673-3156  
*Date:* September 16, 2019  
*Subject:* Proposed Zoning Code Text Amendments: Regulations Related to Allow Up to Three-unit Buildings and Limiting Lot Combinations in Lower Intensity Districts

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CPED staff is analyzing zoning code text amendments that would allow up to three-unit buildings and would limit lot combinations in lower intensity districts. The intent of these amendments is to implement policy guidance in *Minneapolis 2040* by allowing more housing options in low-density districts, but within the same building scale and building size allowed for single-family dwellings. A draft of these amendments was previously reviewed and discussed at the August 22, 2019, CPC Committee of the Whole meeting. The CPC has called a special meeting to continue the discussion and review of the amendments.

The draft of the code text has been updated with the following changes:

- The minimum number of units that make up a cluster development was reduced from 3 to 2.
- For enclosed storage required for new dwellings, the minimum size requirements were modified based on the number of units.
- Minimum tree requirements were further clarified.
- A duplex will continue to be allowed on a nonconforming lot of record in the higher density districts.
- All units in a duplex or triplex will need to be connected to the public sidewalk by a walkway.
- In a conversion, stairs providing access to an upper level will need to be enclosed or located entirely to the rear of the principal structure.
- The maximum width of a principal structure in a cluster development located in the R1-R2B districts has been reduced.
- The administrative increases allowed for height and floor area ratio are no longer proposed to be eliminated or changed at this time.

CPED staff is seeking the City Planning Commission's feedback regarding the proposed amendments. At this time, the amendments have been introduced by Council President Lisa Bender and Council Member Jeremy Schroeder and have been referred to staff. The amendments would impact the following chapters of the zoning code and subdivision ordinance:

- Chapter 520: Introductory Provisions
- Chapter 521: Zoning Districts and Zoning Maps Generally
- Chapter 525: Administration and Enforcement

- Chapter 530: Site Plan Review
- Chapter 531: Nonconforming Uses and Structures
- Chapter 535: Regulations of General Applicability
- Chapter 536: Specific Development Standards
- Chapter 537: Accessory Uses and Structures
- Chapter 541: Off-Street Parking and Loading
- Chapter 546: Residence Districts
- Chapter 547: Office Residence Districts
- Chapter 551: Overlay Districts
- Chapter 598: Land Subdivision Regulations

The proposed amendment includes the following:

- **Permit up to 3 units on a zoning lot in R1, R1A, R2 and R2B Districts**

Duplexes are first allowed in the R2 District and triplexes are first allowed in the R3 District. In the R1-R2B Districts, two and three-unit dwellings will be added as permitted uses where not already allowed.

No changes are proposed to the accessory dwelling unit standards, which allow an accessory dwelling unit (ADU) to only be accessory to a permitted or conditional single-family or two-family dwelling principal residential structure.

- **3 vs 4 units**

In general, the proposed amendment will make the built form of a 2- or 3-family dwelling appear no different than a single-family dwelling in the R1 to R2B districts. Currently, the rules that apply to 3- and 4-unit dwellings are somewhat different than 1- or 2-family requirements and 5+-family dwellings. The recommendation is to review and regulate 4-unit dwellings more like dwellings with 5 or more units. The primary difference is the applicable site plan review requirements.

- **Building bulk**

Two- and three-family dwellings will be subject to the same height and floor area ratio (FAR) requirements as a single-family dwelling in R1, R1A, R2 and R2B Districts. To increase the allowed height of a triplex in these districts, a variance will need to be requested versus a conditional use permit that is currently required. No changes are proposed in the other residential districts since triplexes are already allowed in those districts.

- **Yards**

Two- and three-family dwellings will be subject to the same yard requirements as a single-family dwelling in all residential and office residential districts. A provision for reducing front yard setback requirements, where consistent with existing context, is proposed. Additional limitations will apply to egress window wells and walkways as permitted obstructions in interior side yards.

- **Lot dimensions**

Two- and three-family dwellings in the R1-R2B Districts will be subject to the same lot size requirements as a single-family dwelling. To encourage innovative housing solutions, minimum lot area requirements for cluster developments will be reduced.

Minneapolis 2040 provides the following guidance on lot combinations:

- Interior 1 generally does not allow combinations;
- Interior 2 permits limited combinations;

- Interior 3 supports small and moderate-sized lots, including on combined lots

Maximum lot area requirements are proposed to limit lot combinations where single-family dwellings are allowed (R1-R4 and OR1 Districts) and will only apply to dwellings with 1 to 3 units. To prevent circumventing the intent of the ordinance, the maximum lot size requirement will apply to each principal structure in cluster developments in each district where the maximum will apply.

- **Nonconformities**

Regulations for nonconforming lots will be updated. Changes to allowed uses on lots of record nonconforming to minimum lot size are proposed. In R1-R4 and OR1, up to a 3-unit dwelling may be allowed. In R5-R6 and OR2-OR3, the minimum allowed use will include a duplex, triplex or 4-plex. The required merger of common ownership lots may be eliminated unless otherwise restricted by state statute.

The zoning ordinance already allows lots of record nonconforming to maximum lot size to be developed the same as a conforming lot but may not be enlarged.

The exceptions currently allowed for single and two-family dwellings allowing additions in side yards nonconforming to setbacks as well as extended time periods for reestablishing a damaged or destroyed structure will be expanded to include 3-unit buildings.

- **Site plan review**

Dwellings with 1 to 3 units are subject to administratively reviewed site plan review requirements. Revisions to the Chapter 530, Site Plan Review, design standards are not proposed at this time. Work is underway related to missing middle housing with 2 to 20 units that will help inform any potential changes to the design standards in the future.

The enclosed parking requirement will change to an enclosed storage requirement for all dwellings with 1 to 3 units. The storage requirement is expected to typically be met by providing enclosed parking.

A minimum tree requirement will apply to complement the surrounding context and enhance the built environment and ecological functions.

- **Design standards/mitigation of adverse effects of conversions**

General standards apply to all residential uses, including additions. Revisions will clarify which entrance and window standards apply to dwellings with 1 to 3 units versus dwellings with 4 or more units and how window area is calculated. Minimum dwelling width will be reduced to allow more flexibility in building design. New standards will apply to conversions of existing structures to 2- or 3-family dwellings with the intent to maintain existing single-family context and prevent adverse aesthetic effects of conversions. The new conversion standards include:

- Not allowing fire escapes, or exterior stairs that provide access to an upper level except when enclosed or located to the rear of the principal residential structure.
- Not allowing mechanical equipment and utility boxes/panels on the front façade of the building.
- Requiring window and exterior material compatibility for additions.

- **Cluster development standards**

With the proposed reductions to the minimum lot area requirements for cluster developments, revisions to the development standards are proposed to ensure new construction is compatible with the low-intensity context in the R1-R2B Districts. Included in these revisions is clarification of which site plan review and general requirements apply to structures with 1 to 3 dwelling units and 4 or more units within

cluster developments. The restriction on the stacking of units in the R1-R2B Districts will be eliminated, which may facilitate the retention of some existing dwellings.

- **Parking**

No changes are proposed to off-street parking requirements at this time. Note that residential uses are limited to no more than two vehicles parking outdoors on any lot. Further, parking areas of four or more spaces are required to be landscaped and screened to the standards of Chapter 530, Site Plan Review.

- **Other ordinances**

Several other ordinances will change to keep the regulations affecting dwellings with 1 to 3 units consistent. These ordinances apply to mechanical equipment screening, limited accessory structure size, and driveways.

Because a 3-unit building is a multiple-family dwelling, state statute requires a state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons to also be considered a permitted multifamily residential use and allowed where multiple-family uses are allowed. Therefore, a community residential facility serving 7 to 16 persons will be added as a conditional use in the R1, R1A, R2, and R2B Districts.

A small increase to the maximum impervious surface coverage for lots of record with no alley access will be allowed.

## **APPLICABLE POLICIES**

### **Minneapolis 2040**

#### **Policy 1: Access to Housing: Increase the supply of housing and its diversity of location and types.**

##### *Applicable action steps*

- d. In neighborhood interiors that contain a mix of housing types from single family homes to apartments, allow new housing within that existing range.
- e. In neighborhood interiors farthest from downtown that today contain primarily single-family homes, achieve greater housing supply and diversity by allowing small-scale residential structures with up to three dwelling units on an individual lot.

#### **Policy 5: Visual Quality of New Development: Ensure a high-quality and distinctive physical environment in all parts of the city through building and site design requirements for both large and small projects.**

##### *Applicable action steps*

- c. Ensure that exterior building materials are durable, sustainable, create a lasting addition to the built environment, and contribute positively to the public realm and reflect existing context.
- d. Require that the appearance and materials of the rear and side walls of new buildings are similar to and compatible with the front of the building.
- e. Require adequate distribution of windows and architectural features in order to create visual interest.
- f. Consider design approaches that encourage creative solution for transitions between varying intensities of building types and land uses.
- g. Apply design standards, guidance, and regulation consistently across the city regardless of market conditions or rent structure of development.
- i. Regulate the height and bulk of buildings as represented on the built form map.

- o. Regulate setbacks, orientation, pattern, materials, height and scale of small scale residential buildings to ensure consistency with built-form guidance and existing context.
- p. Encourage detached garages and discourage attached garages for small scale residential buildings, ensure that detached garages are accessory in size and use to the primary small scale residential building.
- q. Prohibit driveways for new small scale residential buildings on blocks that have alley access.
- s. Balance visual quality of new development, including articulation of buildings, with energy efficiency of new buildings.

**Policy 13: Landscaping: Require landscaping in conjunction with new development that complements its surroundings and enhances the built environment.**

- b. Encourage plant and tree types that complement the surrounding area, including a variety of species throughout the site, and seasonal interest. Species should be climate resilient, indigenous, or proven adaptable to the local climate and should not be invasive on native species.
- c. Promote landscaped areas that include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

**Policy 14: Tree Canopy and Urban Forest: Improve the tree canopy and urban forest.**

- d. Explore incentives, programs, and requirements for new developments and additions to existing buildings to retain mature trees, replace lost trees, and plant more trees if none were there originally.

**Policy 35: Innovative Housing Types: Pursue innovative housing types and creative housing programs to help meet existing and future housing needs.**

- d. Allow Accessory Dwelling Units (ADUs) on both owner occupied and non-owner occupied property, develop a set of ADU templates that meet City codes to ease ADU construction and allow the use of tiny homes and other alternative housing as ADUs.

**520.160. - Definitions.**

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Cluster development. A unified development of not less than ~~three (3)~~ two (2) dwelling units, either attached or detached, in which one (1) or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land.

Dwelling. A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

Accessory dwelling unit. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling.

Efficiency unit. A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallways and closets.

Multiple-family dwelling. A building, or portion thereof, containing three (3) or more dwelling units, not including an accessory dwelling unit.

Single-family dwelling. A building containing one (1) dwelling unit only, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this ordinance. A detached accessory dwelling unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.

Two-family dwelling. A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Three-family dwelling. A building containing three (3) dwelling units only, none of which are an accessory dwelling unit, and that are attached vertically or horizontally.

**521.10. - Establishment of zoning districts.**

In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

(1) *Residence Districts.*

- R1 ~~Single-family~~ Multiple-family District
- R1A ~~Single-family~~ Multiple-family District
- R2 ~~Two-family~~ Multiple-family District
- R2B ~~Two-family~~ Multiple-family District
- R3 Multiple-family District
- R4 Multiple-family District
- R5 Multiple-family District

- R6 Multiple-family District
- (2) *Office Residence Districts.*
  - OR1 Neighborhood Office Residence District
  - OR2 High Density Office Residence District
  - OR3 Institutional Office Residence District
- (3) *Commercial Districts.*
  - C1 Neighborhood Commercial District
  - C2 Neighborhood Corridor Commercial District
  - C3A Community Activity Center District
  - C3S Community Shopping Center District
  - C4 General Commercial District
- (4) *Industrial Districts.*
  - I1 Light Industrial District
  - I2 Medium Industrial District
  - I3 General Industrial District
- (5) *Downtown Districts.*
  - B4 Downtown Business District
  - B4S Downtown Service District
  - B4C Downtown Commercial District
  - B4N Downtown Neighborhood District
- (6) *Overlay Districts.*
  - PO Pedestrian Oriented Overlay District
  - IL Industrial Living Overlay District
  - TP Transitional Parking Overlay District
  - SH Shoreland Overlay District
  - FP Floodplain Overlay District
  - MR Mississippi River Critical Area Overlay District
  - DP Downtown Parking Overlay District
  - B4H Downtown Housing Overlay District
  - DH Downtown Height Overlay District
  - NM Nicollet Mall Overlay District
  - HA Harmon Area Overlay District
  - AP Airport Overlay District
  - WB West Broadway Overlay District
  - UA University Area Overlay District
  - DS Downtown Shelter Overlay District
  - SZ Split Zoning Overlay District

**525.100. - City planning commission.**

- (a) Establishment. The city planning commission is established by Article VII of the Minneapolis City Charter and shall perform its duties and exercise its powers as provided therein.
- (b) Jurisdiction and authority. The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:
  - (1) To initiate amendments to the text of this zoning ordinance and to the zoning map.
  - (2) To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.
  - (3) To initiate amendments to the comprehensive plan.

- (4) To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.
  - (5) To hear and decide applications for conditional use permit.
  - (6) To hear and decide applications for site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.
  - (7) To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.
  - (8) To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20.
  - (9) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, floor area ratio premiums, and site plan review except those involving single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units single-, two-, and three-family dwellings.
  - (10) To recommend to the city council appointments to the board of adjustment.
- (c) Public hearings. The city planning commission shall schedule public hearings not less than twice per month, except in those months where the chair determines that because of holiday schedules or the number of agenda items, one (1) meeting is sufficient to carry out the commission's duties. Such public hearings shall be noticed and conducted pursuant to the provisions of section 525.150.
  - (d) Rules and procedures. The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning, and select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.
  - (e) Compensation of city planning commission members. The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of fifty dollars (\$50.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.
  - (f) Membership. The city planning commission shall consist of ten (10) members. Members shall serve for a term of two (2) years. Four (4) members shall be appointed by the mayor. Each year the mayor shall appoint two (2) members, who are city residents and not members of any body or board otherwise represented on the commission, to serve for terms of two (2) years each commencing on the first day of February of the year of their appointment. The city council shall appoint one (1) member, who is a city resident, in January of each even-numbered year. The city council, park and recreation board, and school board shall each elect one (1) of their own members to serve on the city planning commission in January of each even-numbered year. One (1) member shall be the mayor or their representative. One (1) member shall be a representative selected by the board of county commissioners every two (2) years. Vacancies shall be filled for any unexpired term in the same manner as the appointment or selection is made.

**525.160. - Fees.**

- (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay fees in the amount listed in Table 525-1, Fees.

**Table 525-1 Fees**

Application Type	Fee (dollars)
Administrative reviews of accessory dwelling units	325
Administrative reviews of communication towers, antennas, and base units	280
Administrative reviews of donation collection bins	115
Administrative reviews to increase height or floor area of accessory structures	200
Administrative reviews to increase height or floor area of single and two-family dwellings	170
Administrative reviews of plazas	450
Administrative reviews of skyways	450
Appeals of the ruling of the board of adjustment or city planning commission	450
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	450
Certificates of nonconforming use	620
Conditional use permits	
0—9,999 square feet of lot area	650
10,000—43,559 square feet of lot area	875
43,560 square feet of lot area or more	1,085
Conditional use permits for the following uses	
Signs	670
Planned unit developments	2,570
Wind energy conversion systems	670
Environmental reviews	615 or the actual costs of environmental review processes as determined by the planning director, whichever is greater
Expansion or change of nonconforming use	720
Floor area ratio premiums	450
Future Land Use Map amendments	1,100
Interim uses	780
Shared parking	260
Site plan review	
0—9,999 square feet of lot area	950
10,000—43,559 square feet of lot area	1,400
43,560, square feet of lot area or more	1,850
Amendment to approved plan filed within two (2) years of original approval	450

Site plan review, Administrative 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more Amendment to approved plan filed within two (2) years of original approval	675 930 1,150 300
Site plan review, Administrative, for <del>single and two family dwellings and multiple family dwellings having three (3) or four (4) dwelling units</del> <u>single-, two-, and three-family dwellings</u>	475
Temporary uses	140
Transfer of development rights	450
Travel demand management plans	620
Variances 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more	525 780 1,000
Variances involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area	220
Waiver of restrictions of interim ordinances	450
Zoning amendments 0—9,999 square feet of lot area 10,000—43,559 square feet of lot area 43,560 square feet of lot area or more	840 1,110 1,400

**525.520. - Authorized variances.**

Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

- (1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.
- (2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.
  - a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.
- (3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.
- (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater. The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principal structure.
- (5) To permit an increase in the maximum height of a fence.

- (6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.
- (7) To increase the percentage of required parking spaces that may be satisfied by providing compact spaces.
- (8) To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.
- (9) To increase by not more than five hundred (500) feet the maximum distance that required parking spaces are permitted to be located from the use served, and where off-site parking is prohibited, to allow off-site parking up to five hundred (500) feet away.
- (10) To vary the location of off-site parking, as specified in Table 541-5 Location of Off-Site Parking, provided such off-site parking is not located in a residence or office residence district.
- (11) To increase the maximum number of vehicles permitted to be parked outdoors.
- (12) To vary the minimum width of ~~single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units~~ single-, two-, and three-family dwellings provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.
- (13) To increase the maximum allowed length of a recreational vehicle, or to permit the parking of such vehicle outside the rear forty (40) feet of the lot, as regulated in Chapter 541, Off-Street Parking and Loading. In no case shall the variance allow such vehicle to exceed thirty-five (35) feet in length.
- (14) To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8) feet, provided there is no alley or alternative public access to the lot.
- (15) To vary the maximum lot coverage and impervious surface coverage requirements.
- (16) To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.
- (17) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.
- (18) To permit development in the SH Shoreland Overly District within fifty (50) feet of a protected water.
- (19) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.
- (20) To vary the standards of any overlay district, other than the SH Shoreland Overly District or the FP Floodplain Overlay District.
- (21) To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.
- (22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements

may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance. Further, the owner occupancy requirement for accessory dwelling units and the limit of one (1) accessory dwelling unit per zoning lot shall not be varied.

(23) To vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) square feet of floor area.

(24) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(25) To vary the screening and landscaping requirements of this zoning ordinance.

(26) To vary the enclosed building requirements of this zoning ordinance.

(27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a mixed-income development of not less than thirty (30) housing units that receives city financial assistance, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

(28) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(29) To vary the development standards of Chapter 535, Plazas and Skyways.

(30) To vary the requirement for enclosed ~~off-street parking for new single- and two-family dwellings established after November 1, 2009~~ storage for new single-, two-, and three-family dwellings.

(31) To permit curb cut access to the street for properties with an alley that serves a ~~single and two-family dwellings and multiple family dwellings having three (3) or four (4) dwelling units~~ single-, two-, and three-family dwellings.

### **530.30. - Buildings and uses subject to site plan review.**

(a) *In general*. Table 530-1, Buildings and Uses Subject to Site Plan Review, lists all buildings and uses subject to site plan review. The site plan review requirements of this chapter shall apply to the establishment or expansion of any building, principal use or freestanding accessory parking garage listed on the table, except as otherwise provided by this section. Site plan review shall not be required where the property has received site plan approval and is in full compliance with such approval, and the establishment or expansion of the use does not alter the approved site plan. Any person with a legal or equitable interest in a property may choose to voluntarily file an application for site plan review for any building or use not listed in Table 530-1, Buildings and Uses Subject to Site Plan Review. Voluntary applications shall be subject to administrative site plan review.

(b) *Downtown districts*. Any building containing fifty thousand (50,000) square feet or more of gross floor area located in the Downtown districts shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply.

**Table 530-1 Buildings and Uses Subject to Site Plan Review**

Any new principal non-residential or mixed use building.

The site plan review application may be reviewed administratively if both of the following apply:

(1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building contains less than twenty thousand (20,000) square feet of gross floor area.
Any addition to a non-residential or mixed use building that would increase its gross floor area by two thousand five hundred (2,500) square feet or more. The site plan review application may be reviewed administratively if each of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The building addition contains less than twenty thousand (20,000) square feet of gross floor area. <sup>1</sup>
Any building or use containing <del>five (5)</del> <u>four (4)</u> or more new or additional dwelling units or rooming units. <sup>2</sup> The site plan review application may be reviewed administratively if both of the following apply: (1) The project or proposal does not include any other land use application requiring a public hearing. (2) The proposal includes fewer than ten (10) new or additional dwelling units or rooming units.
Any use with a drive-through facility
Automobile services uses
Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces <sup>3</sup>
Principal parking facilities containing ten (10) or more new or additional parking spaces <sup>4</sup>
Public services and utilities uses
Recycling facility
<del>Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units</del> <del>Any new single-, two-, or three-family dwellings.</del> The site plan review application shall be reviewed administratively and shall be subject to the standards of Article VI, <del>Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units</del> <u>Single-, two-, and three-family dwellings.</u>
Transportation uses

<sup>1</sup> Additions that total two thousand five hundred (2,500) square feet or more in any three (3) year period shall be subject to site plan review.

<sup>2</sup> Additions that total ~~five (5)~~ four (4) or more dwelling or rooming units in any three (3) year period shall be subject to site plan review and additions that total ten (10) or more dwelling or rooming units in any three (3) year period shall require a public hearing and shall not be eligible for administrative review.

<sup>3</sup> Additions that total thirty (30) or more parking spaces in any three (3) year period shall be subject to site plan review.

<sup>4</sup> Additions that total ten (10) or more parking spaces in any three (3) year period shall be subject to site plan review.

**ARTICLE VI. - ~~SINGLE- AND TWO-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLINGS HAVING THREE OR FOUR DWELLING UNITS~~ SINGLE-, TWO- AND THREE-FAMILY DWELLINGS**

**530.280. - Design standards.**

New ~~single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units~~ single-, two-, and three-family dwellings shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General

Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of seventeen (17) points from Table 530-2, ~~Single and Two family Dwellings and Multiple Family Dwellings Having Three (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings.

**Table 530-2 Standards for ~~Single and Two family Dwellings and Multiple Family Dwellings Having Three (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings**

Points	Design Standard
6	The exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass
4	The height of the structure is within one-half (½) story of the predominant height of residential buildings within one hundred (100) feet of the site
4	The total diameter of trees retained or planted equals not less than three (3) inches per one thousand (1,000) square feet of total lot area, or fraction thereof. Tree diameter shall be measured at four and one-half (4.5) feet above grade.
3	Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows
3	Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure and is located entirely in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, and the accessory structure is not less than twenty (20) feet from any habitable portion of the principal structure
3	The structure includes a basement as defined by the building code
2	Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows
1	The development qualifies for and, following construction, provides proof of receipt of a City of Minneapolis Stormwater Quality Credit
1	The structure includes an open, covered front porch of at least seventy (70) square feet that is not enclosed with windows, screens, or walls, provided there is at least one (1) existing open front porch within one hundred (100) feet of the site. The porch may include guardrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open front porch.

**530.290. - Accessibility.**

Structures that provide certain accessible features shall be awarded points from Table 530-2, Standards for ~~single and two family dwellings and multiple family dwellings having three (3) or four (4) dwelling units~~ Single-, Two-, and Three-Family Dwellings, equivalent to providing twenty (20) percent window area facing public streets, off-street parking in an enclosed structure that is detached from the principal structure, and a basement, without having to provide these features. Such structures shall obtain the remainder of the required minimum point total from the remaining categories. For the purpose of this section, a dwelling unit shall include, at a minimum, a ground-level accessible entrance, interior doorways not less than three (3) feet in width, and a ground-level restroom.

**530.295. Trees.** At least one (1) tree for each three thousand (3,000) square feet of lot area not occupied by buildings, or fraction thereof, shall be provided on-site. Required trees shall comply with the following standards:

(1) At least one (1) tree shall be a canopy tree.

(2) Trees shall be a minimum of two and one-half (2.5) inches caliper in size, except cluster or multiple trunk specimens, which shall be a minimum of one (1) inch caliper in size, measured four (4) feet above grade.

(3) Trees shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species.

(4) Trees shall be tolerant of specific site conditions, including but not limited to heat, cold, drought and salt.

**530.300. - Enclosed parking storage.**

New single- and two-family dwellings established after November 1, 2009, shall provide not less than one (1) off-street parking space per dwelling unit in an enclosed structure. New single-, two-, and three-family dwellings shall provide an enclosed storage area. The enclosed storage area for a single-family dwelling shall not be less than one hundred (100) square feet. The enclosed storage area for a two-family dwelling shall not be less than one hundred fifty (150) square feet. The enclosed storage area for a three-family dwelling shall not be less than two hundred (200) square feet. If attached, the enclosed storage area shall open directly to the outside of the habitable portion of the principal structure. If detached, the enclosed storage area shall be located entirely to the rear of the principal residential structure. The required storage area may be occupied by vehicle parking.

**530.310. - Alternative compliance.**

(a) *In general.* Notwithstanding any other provision to the contrary, the zoning administrator may grant alternatives to the standards of this article by allowing a new structure to obtain fewer than the minimum number of points from Table 530-2, ~~Single and Two-family Dwellings and Multiple-family Dwellings Having Three (3) or Four (4) Dwelling Units~~ Single-, Two-, and Three-Family Dwellings, upon finding each of the following:

- (1) The structure is consistent with the predominant scale of existing residential structures in the same zoning district in the immediate area. In comparing the scale of the proposed structure to existing structures, the zoning administrator shall consider floor area, building height, façade width, and consistency with an established pattern of front, side, and rear yards in the vicinity.
- (2) The structure achieves at least one (1) of the following:
  - a. The design incorporates traditional features and proportions found in the immediate area, which may include but shall not be limited to an examination of features such as windows, doors, roof lines, trim, gables, dormers, porches, or entry canopies; or
  - b. The design demonstrates exceptional creativity and incorporates high-quality, durable exterior materials.
- (3) On sloped sites, the design responds to the topography of the site by following existing patterns in the vicinity and minimizing the apparent mass of the structure when viewed from lower elevations.
- (4) The proposal is consistent with the applicable urban design policies of the comprehensive plan.

(b) *Notification.* In conducting the review of requests for alternative compliance from this article, the zoning administrator shall mail notice of the request to property owners within one hundred (100) feet of the property and shall allow a public comment period of not less than ten (10) calendar days

between the date of notification and the final decision. The zoning administrator's decision may be appealed in accordance with the standards of Chapter 525, Administration and Enforcement.

**531.30. - Establishment of nonconforming rights; certificate of nonconforming use.**

Any person having a legal or equitable interest in a nonconforming property may apply for a certificate of nonconforming use by complying with the procedure set forth in this section. Upon issuance, a certificate of nonconforming use shall be evidence that the use or structure designated therein is a legal nonconforming use or structure at that time.

- (1) Application. Any person having a legal or equitable interest in land may file an application for a certificate of nonconforming use on a form approved by the zoning administrator. Application procedures for certificates of nonconforming use shall be as specified in Chapter 525, Administration and Enforcement.
- (2) Nonconforming structures. Where an application seeks a nonconforming use certificate to establish the legal nonconforming status of a structure only, or a use nonconforming as to parking only, and not to establish the legal nonconforming status of any use, the zoning administrator may issue or deny such certificate upon review of a certified survey, building permits, or other documentation deemed necessary or sufficient by the zoning administrator.
  - a. Single- ~~and two-~~ **two- and three-**family dwellings nonconforming as to side and rear yards only. A single- ~~or two-~~ **two- or three-** family dwelling nonconforming as to side and rear yards only shall have all the rights of a conforming structure, provided the structure is located not closer than three (3) feet from the side and rear lot line, and provided further that the structure shall not be enlarged, altered or relocated in such a way as to increase its nonconformity. For the purposes of this section, the extension of a single- or two-family dwelling along the existing setback or the addition of a second story or half-story shall not be considered as increasing its nonconformity, provided the portion of the structure within the required side or rear yard comprises at least sixty (60) percent of the length of the entire structure, and provided further that the structure shall not be enlarged, altered or relocated within the required front yard and all other requirements of this zoning ordinance are met. If substantial alteration of a single- or two-family dwelling results in demolition of the structure, the entire structure shall be subject to the yard requirements applicable to a new structure, except as authorized by section 531.40 related to buildings that are damaged or destroyed.
  - b. All other residential buildings nonconforming as to yards only. A residential building nonconforming as to yards only shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity.
- (3) Nonconforming uses; notice and hearing. The board of adjustment shall hold a public hearing on each complete application for a certificate of nonconforming use as specified in Chapter 525, Administration and Enforcement. All findings and decisions of the board of adjustment concerning certificates of nonconforming use shall be final, subject to appeal to the city council as specified in Chapter 525, Administration and Enforcement.
- (4) Determination by board of adjustment. Following the public hearing, the board of adjustment shall determine whether the use or structure is a legal nonconforming use or structure. The burden of proof shall be on the applicant to establish the lawful nonconforming status of the use or structure and the lack of abandonment, change of use or loss under section 531.40. If the applicant does not establish the required facts, no certificate shall be issued. If the board of adjustment determines that the use or structure is a legal nonconforming use or structure, it shall direct the zoning administrator to issue a certificate of nonconforming use. The certificate shall state with particularity the type and intensity of specific use which is found to be legal. The decision of the

board of adjustment may be appealed by any affected person as specified in Chapter 525, Administration and Enforcement

**531.40. - Loss of nonconforming rights.**

(a) Discontinuance.

(1) In general. If a nonconforming use or structure is discontinued for a continuous period of more than one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use of the land or structure shall conform to the requirements of the district in which it is located.

(2) Rebuttal of abandonment. A property owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control. The property owner shall bear the burden of proof.

(b) Change to conforming use. When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished or changed to another nonconforming use. In addition, whenever the degree of nonconformity with the provisions of this ordinance is reduced (e.g., a use nonconforming by three (3) units is reduced to nonconforming by two (2) units or by one (1) unit), the degree of nonconformity shall not thereafter be increased.

(c) Damage or destruction.

(1) Legal nonconforming structure containing a conforming use. When a legal nonconforming structure is damaged or destroyed by any cause or means, to the extent that the cost of restoration exceeds one-half (½) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, or one (1) year for single-, and two-family two- and three-family dwellings, reconstruction of the nonconforming structure shall be prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming structure in its pre-existing conditions and not enlarge, relocate or expand the nonconforming structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, or one (1) year for single-, and two-family two- and three-family dwellings, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(2) Legal nonconforming use. When a legal nonconforming use is damaged or destroyed by any cause or means, to the extent that the cost of restoring or reestablishing the nonconforming use, including structural repairs and equipment and fixture replacement, exceeds one-half (½) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming use in its pre-existing conditions and not enlarge, relocate or expand the nonconforming use is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

**531.100. - Nonconforming lots.**

(a) General restriction; exception. No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, except as otherwise provided in this section. Subject to the requirements of subdivision (b), and notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District, a single-, two- or three-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, and in the R5, R6, OR2 and OR3 Districts, a two-, three- or four-family dwelling shall be permitted on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

(b) Required merger of common ownership lots in the SH Shoreland Overlay District. Notwithstanding the provisions of subdivision (a) and maximum lot area requirements, if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area and is located within the SH Shoreland Overlay District, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

(c) Lots nonconforming as to maximum lot area. Notwithstanding the provisions of subdivision (a), a lot that is nonconforming as to the maximum lot area of the zoning district only shall have all of the rights of a conforming lot, except that such lot shall not be enlarged.

### **535.65. - General height exemptions for principal structures.**

Except in the SH Shoreland Overlay District, the following may be exempt from the maximum height requirements of principal structures as set forth within each zoning district:

- (1) Communication antennas, wind energy conversion systems, and solar energy systems otherwise allowed by administrative review in Chapter 535, Regulations of General Applicability.
- (2) Parapets not exceeding three (3) feet, except where located on single- or two-family single-, two- or three-family dwellings or cluster developments.
- (3) Railings up to four (4) feet in height as measured from the roof, and not more than sixty (60) percent opaque.
- (4) Rooftop features used exclusively for mechanical equipment, elevators, or stairways, provided all of the following conditions are met:
  - a. Such building features are not located on single- or two-family single-, two- or three-family dwellings.
  - b. The combined coverage of such building features shall not occupy more than thirty (30) percent of the roof area of the floor below.
  - c. Such building features may extend up to fifteen (15) feet above the roof of the floor below.
  - d. Where located within fifteen (15) feet of the wall of the floor below, such building features shall not exceed twenty (20) feet in width as measured parallel to the adjacent wall.
- (5) Rooftop features used exclusively for mechanical equipment, elevators, or stairways on single- or two-family single-, two- or three-family dwellings, provided all of the following conditions are met:
  - a. Such building features may extend up to ten (10) feet above the roof of the floor below.
  - b. The combined coverage of such building features shall not occupy more than one hundred fifty (150) square feet of the roof area.

### **535.70. - Screening of mechanical equipment.**

- (a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact on all sides of the equipment from adjacent streets, public paths, and adjacent properties as observed from ground level using one (1) of the following methods. All screening shall be at least sixty (60) percent opaque and shall be at least as tall as the equipment it is intended to screen. All screening shall be kept in good repair and in a proper state of maintenance. Exterior mechanical equipment, including ductwork but not exhaust vents, shall not be located on street-facing building facades.
- (1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
    - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
    - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
    - c. Off-premise advertising signs and billboards shall not be considered required screening.
  - (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
  - (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
  - (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.
- (b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:
- (1) Minor equipment not exceeding one (1) foot in height.
  - (2) Mechanical equipment accessory to a ~~single or two-family~~ single-, two- or three-family dwelling.
  - (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

**535.90. - General standards for residential uses.**

- (a) Size and width. The minimum gross floor area of a dwelling unit, except efficiency units and accessory dwelling units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. The minimum gross floor area of accessory dwelling units shall be three hundred (300) square feet. Not less than eighty (80) percent of the habitable floor area ~~of single or two-family dwellings and multiple family dwellings of three (3) and four (4) units~~ single-, two- or three-family dwelling shall have a minimum width of ~~twenty (20)~~ eighteen (18) feet.
- (b) Principal entrance and pedestrian access.
- (1) ~~Single-, two- and three-family dwellings.~~ Single- and two-family dwellings and multiple family dwellings of three (3) and four (4) units ~~Single-, two- and three-family dwellings~~ shall include a principal entrance facing the front lot line. In dwellings with more than one (1) unit, providing all units access to a shared front facing entrance is encouraged. Subject to Table 535-1, Permitted Obstructions in Required Yards, the principal entrance and all dwelling units shall be connected to the public sidewalk by hard-surfaced walkway not less than three (3) feet wide and shall include stairs where needed. Where no public sidewalk exists, the walkway shall extend to the public street. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front façade, provided the entrance is located no further than eight (8) feet from the façade closest to the street.

(2) *All other residential uses.* Residential buildings shall be oriented so that at least one (1) principal entrance faces a public street rather than the interior of the site, clear and well-lighted walkways at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. In the case of a corner lot, the principal entrance shall face the front lot line.

(c) Windows.

(1) *Single-, two- and three-family dwellings.* Not less than fifteen (15) percent of the walls on each floor of single- and two-family dwellings and multiple-family dwellings of three (3) ~~and four (4)~~ units that face a public street shall be windows. The bottom of any window used to satisfy the ground floor window requirement facing a public street shall not be more than four (4) feet above the adjacent first floor elevation. Windows located in a door shall not be counted toward satisfying the minimum window requirement. Not less than five (5) percent of the walls on each floor of single- and two-family dwellings and multiple-family dwellings of three (3) ~~and four (4)~~ units that face a rear or interior side lot line shall be windows.

(2) *All other residential uses.* Residential buildings shall maintain compliance with the residential windows requirements of Chapter 530, Site Plan Review.

(3) *Half stories.* Half stories shall not be subject to the minimum window requirement.

(4) *Window area computation.* Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

(d) Attached garage facing the front lot line. Attached accessory uses designed or intended for the parking of vehicles accessory to ~~single- and two-family dwellings and multiple-family dwellings of three (3) and four (4) units~~ *single-, two- or three-family dwellings* shall extend no more than five (5) feet closer to the front lot line than the façade of a habitable portion of the first story of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line, including basement-level garages, shall not exceed sixty (60) percent of the width of the entire structure.

(e) *Conversions.* The addition of a dwelling unit or units that result in a two- or three-family dwelling shall be subject to the following standards:

(1) Fire escapes or exterior stairs that provide access above the ground floor shall be enclosed or located entirely to the rear of the principal residential structure.

(2) Mechanical equipment, including utility boxes and panels, shall not be located on the front building façade.

(3) Windows in additions that face a street shall be compatible with the existing windows of the street-facing walls.

(4) Exterior materials that face a street shall be compatible with the existing exterior materials of the street-facing walls.

(f) A residential building nonconforming as to these requirements shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

#### **535.280. - Obstructions in required yards.**

(a) *In general.* All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

- (b) *Permitted obstructions.* Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a "P" for permitted in Table 535-1 Permitted Obstructions in Required Yards.
- (c) *Additional limitations.* In no case shall any permitted obstruction be located closer than one (1) foot from the property line, except for driveways, walkways, fences, detached accessory buildings, the storage of firewood and containers for the removal of household refuse, subject to the provisions of this section. In addition, notwithstanding Table 535-1 Permitted Obstructions in Required Yards, required interior side yards for nonresidential uses shall remain unobstructed from the ground level to the sky, except that fencing and retaining walls shall be allowed.
- (d) *Interior side yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the accessory building shall be located not less than ten (10) feet from any habitable portion of a principal structure on the adjoining lot. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.
- (e) *Rear yards for detached buildings accessory to dwellings.* The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted. Further, where a rear yard abuts a required side yard no reduction of the required yard is permitted unless the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal structure on the adjacent property to the rear. The required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet of both properties. Where the rear yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.
- (f) *Accessory buildings on reverse corner lots.* An accessory building shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds (  $\frac{2}{3}$  ) of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, an accessory building shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district. However, where the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located not less than ten (10) feet from any habitable portion of a principal dwelling on the adjacent property, only one (1) foot shall be required along such adjacent property line, except as otherwise prohibited by this zoning ordinance. Further, the required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet.
- (g) *Interior side yards for driveways accessory to dwellings.* The yard requirement for a driveway may be eliminated where adjoining property owners share a common driveway.
- (h) *Rear yards.* For purposes of Table 535-1 Permitted Obstructions in Required Yards, a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the permitted obstructions regulations for such interior side yard.

**Table 535-1 Permitted Obstructions in Required Yards**

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Accessory buildings, subject to the provisions of Chapter 537 and section 535.280(d), (e) and (f)		P	P
Air conditioning window units projecting not more than eighteen (18) inches into the required yard	P	P	P
Air conditioning systems, heating, ventilating, and filtering equipment, not to exceed five (5) feet in height. Such equipment shall not be located closer than two (2) feet from an interior side property line. Such equipment may project into a corner side yard, provided such equipment is located no closer than three (3) feet from the corner side lot line		P	P
Arbors, or other growing support structures that are not a fence, trellis or pergola, not exceeding twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height. Both the sides and the roof must be at least fifty (50) percent open, or, if latticework is used, shall be less than sixty (60) percent opaque. Such structures shall not be constructed of electrically charged wire, razor wire, chain link, chicken wire, railroad ties, utility poles, plywood or any other similar materials.	P		P
Awnings and canopies, projecting not more than two and one-half (2½) feet into front or side yards	P	P	P
Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard. Such balcony, deck or ground level patio may project into a required interior side yard of a multiple-family dwelling of four (4) or more stories, provided such balcony, deck or ground level patio shall be located no closer than ten (10) feet from the interior side lot line. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard accessory to <del>single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units</del> <del>single-, two- or three-family dwelling</del> provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking.	P		P
Bay windows not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
Bicycle racks accessory to multiple-family dwellings of <del>five (5)</del> <del>four (4)</del> units or more and non-residential uses. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures and shall permit the locking of the bicycle frame and one (1) wheel to the rack and support a bicycle in a stable position without damage to the wheels, frame or components. Except for Institutional and Public Uses,	P		P

no more than eight (8) bicycle parking spaces may be located in each required yard.			
Chimneys projecting not more than two (2) feet into the required yard	P	P	P
Compost containers, subject to the provisions of Chapter 244, Housing Maintenance Code, and not closer than twenty (20) feet from any adjacent dwelling			P
Containers for the removal of household refuse, subject to the provisions of Chapter 244, Housing Maintenance Code. In a required interior side yard, such containers shall be located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and shall be located a minimum of ten (10) feet from the habitable portion of any dwelling on the adjoining lot.		P	P
Driveways, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537, Accessory Uses and Structures, and section 535.280(g)	P	P	P
Eaves, including gutters, projecting not more than three (3) feet from the building in the required front, rear or corner side yard and not more than two (2) feet from the building in the required interior side yard	P	P	P
Egress window wells not exceeding sixteen (16) square feet in area. Such window wells shall be located at least three (3) feet apart and shall not be located closer than two (2) feet from an interior side property line. Not more than three (3) window wells shall be allowed to project closer than five (5) feet to each interior side lot line.	P	P	P
Fences including trellises, subject to Article VI of this chapter	P	P	P
Flagpoles, subject to section 535.110	P	P	P
Handicap entrance landing not exceeding thirty-six (36) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches	P	P	P
Handicap ramp not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque.	P	P	P
Lighting fixtures and lampposts, subject to section 535.110	P		P
Open porches, projecting not more than eight (8) feet from the building. The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property. Such porch shall be no closer than ten (10) feet from the front lot line and no closer than five (5) feet from the corner side lot line. The porch shall not be enclosed with windows, screens or walls, but may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open porch.	P		

Parking areas, subject to the provisions of Chapter 541, Off-Street Parking and Loading, Chapter 537 Accessory Uses and Structures, and section 535.280 (d), (e) and (f)		P	P
Pergolas, subject to the provisions of Chapter 537, Accessory Uses and Structures, and section 535.280 (d), (e) and (f). In a front or corner side yard pergolas shall not exceed twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height.	P	P	P
Rain barrels and cisterns accessory to <del>single- and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units</del> <u>single-, two- or three-family</u> shall be limited to a maximum height of four (4) feet and a maximum width of two and one-half (2.5) feet. Rain barrels and cisterns accessory to multiple-family dwellings of five (5) units or more and non-residential uses shall be limited to a maximum height of six (6) feet and a maximum width of three (3) feet. No more than two (2) rain barrels or cisterns may be located in each required yard.		P	P
Raised planting beds, not exceeding three (3) feet in height. In a front or corner side yard raised planting beds shall not be closer than five (5) feet to a front or corner side property line. Raised planting beds shall be constructed of wood, brick, masonry, landscape timbers, metal, ceramic, or synthetic lumber and shall be compatible with the principal structure and adjacent residential properties. Raised planting beds constructed of wood shall be structurally sound and free of rot. In addition, prefabricated raised planting beds shall be permitted. Raised planting beds shall not be constructed of wire, chicken wire, rope, cable, railroad ties, utility poles, tires, plumbing fixtures or any other similar materials.	P		P
Recreational playground equipment			P
Retaining walls, where natural grade is retained	P	P	P
Signs, subject to the provisions of Chapter 543, On Premises Signs	P		
Stairs not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches. In a front or corner side yard stairs shall not exceed eight (8) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area. Stairs for Institutional and Public Uses shall not exceed twelve (12) feet in width and entrance landings shall not exceed ninety-six (96) square feet.	P	P	P
Storage of firewood, subject to the provisions of Chapter 244, Maintenance Code		P	P
Utility meters projecting not more than two (2) feet into the required yard	P	P	P
Vestibules not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard	P		
<u>Walkways, not exceeding four (4) feet in interior side and rear yards.</u> Walkways,	P	P	P

<p>not exceeding six (6) feet in width <b>in front and corner side yards</b>. Walkways for Institutional and Public Uses shall not exceed twelve (12) feet in width <b>in front and corner side yards</b>. Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt.</p>			
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**536.20. - Specific development standards.**

The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

*Cluster development.*

- (1) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.
- (2) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.
- (3) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.
- (4) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.
- (5) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half (½) of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.
- (6) **To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the**

habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. New construction shall comply with the applicable requirements of Chapter 530, Site Plan Review. Principal structures with one (1), two (2), or three (3) dwelling units shall comply with the site plan design standards for single-, two- and three-family dwellings and shall be subject to the applicable general standards for residential uses of Chapter 535, Regulations of General Applicability and the building bulk requirements for single-, two-, and three-family dwellings of the zoning district in which the cluster development is located. Walls facing the designated common space shall be subject to the minimum window requirements for walls facing a public street, public sidewalk, public pathway, or on-site parking lot. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

(7) In the R1, R1A, R2 and R2B Districts, the following standards shall apply:

- a. Not more than three (3) dwelling units shall be allowed in each principal structure.
- b. The width of each principal structure shall not exceed thirty-five (35) feet.

~~(7) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.~~

(8) Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.

#### **537.60. - Maximum floor area.**

- (a) In general. The floor area of any accessory structure shall be included in the total allowable floor area permitted on the zoning lot. The maximum floor area of accessory dwelling units shall be governed by section 537.110.
- (b) Accessory uses and structures located in the residence and OR1 Districts.
  - (1) ~~Single- and two-family~~ Single-, two- and three-family dwellings. The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one thousand (1,000) square feet. Detached accessory structures greater than six hundred seventy-six (676) square feet in area shall utilize primary exterior materials that match the primary exterior materials of the principal structure and the roof pitch shall match the roof pitch of the principal structure. The zoning administrator shall conduct the administrative review of all applications to increase the maximum floor area of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.
  - (2) All other uses. The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, except for a parking garage within the building, entirely below grade or of at least two (2) levels, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.
  - (c) Accessory uses and structures located in all other zoning districts. The maximum floor area of all detached accessory structures and any attached accessory use designed or intended to be used for

the parking of vehicles, accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

**541.240. - Specific district regulations for access to parking and loading.**

(a) Residence and OR1 Districts. No driveway or curb cut in a residence or OR1 District shall exceed a width of twenty-five (25) feet, nor be narrower than ten (10) feet, except that driveways accessory to a single- ~~or two, two- or three-~~family dwelling shall not be narrower than eight (8) feet.

(b) OR2 and OR3 Districts. No driveway or curb cut in an OR2 or OR3 District shall exceed a width of twenty-five (25) feet, nor be narrower than twelve (12) feet.

(c) All other districts. No driveway or curb cut in a district other than a residence or office residence district shall exceed a width of twenty-five (25) feet except where determined necessary by the city engineer, but not to exceed thirty-five (35) feet, nor be narrower than a width of twelve (12) feet.

**541.305. - Pervious pavement or pervious pavement systems.**

(a) In general. Pervious pavement or pervious pavement systems, capable of carrying a wheel load of four thousand (4,000) pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

(1) All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. For parking lots of ten (10) spaces or more documentation that verifies appropriate soils and site conditions shall be provided.

(2) All materials shall be maintained per industry and city standards. Areas damaged by snow plows or other vehicles shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.

(3) Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.

(4) Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.

(5) Pervious pavement or pervious pavement systems, except for pervious asphalt, pervious concrete, or modular pavers shall not be used for drive aisles or driveways.

(6) Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.

(7) Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells shall be limited to industrial districts and shall not be used for drive aisles or driveways, except as otherwise allowed by this chapter, and in no case shall be used for drive aisles or driveways less than a minimum of twenty (20) feet from the curbline.

(8) Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a pervious

pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.

(9) Pervious pavement or pervious pavement systems shall not count as required landscaping except as allowed by alternative compliance as a part of Chapter 530, Site Plan Review.

(10) Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.

(11) Parking areas shall have the parking spaces marked as required by this chapter except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

(b) Off-street parking areas and driveways accessory to single-family and two, two- and three-family dwellings. Notwithstanding the provisions of subdivision (a), off-street parking areas and driveways accessory to a single-family dwelling may be surfaced with pervious paving systems that utilize gravel installed and maintained per industry standards. Off-street parking areas and driveways accessory to single-family or two, two- or three-family dwellings may be surfaced with pervious paving systems that utilize turf with plastic geocells or open-celled paving grids installed and maintained per industry standards and designed so that the parking of vehicles does not kill the turf.

(c) Ribbon driveways. Ribbon driveways that consist of two (2) wheel tracks with a turf median are allowed accessory to single-family and two, two- and three-family dwellings. Each wheel track shall be surfaced in compliance with the requirements of this chapter and shall be at least three and one-half (3.5) feet in width. The width of the driveway as measured from the outside edges of each wheel track shall not be less than minimum driveway width requirements of this chapter. The median shall not exceed three (3) feet in width.

## CHAPTER 546. - RESIDENCE DISTRICTS

### ARTICLE I. - GENERAL PROVISIONS

#### **546.10. - Purpose.**

The residence districts are established to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the comprehensive plan, and to ensure adequate light, air, privacy and open space.

#### 546.20. - District names.

The residence district names are:

(1) *Low density districts.*

R1 Single-family Multiple-family District

R1A Single-family Multiple-family District

R2 Two-family Multiple-family District

R2B Two-family Multiple-family District

(2) *Medium density districts.*

R3 Multiple-family District

R4 Multiple-family District

(3) *High density districts.*

R5 Multiple-family District

R6 Multiple-family District

**546.30. - Principal uses for the residence districts.**

- (a) *In general.* Table 546-1, Principal Uses in the Residence Districts, lists all permitted and conditional uses in the residence districts.
- (b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Chapter 525, Administration and Enforcement.
- (c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Enforcement.
- (d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.
- (e) *Specific development standards.* Permitted and conditional uses specified with an "√" under the Specific Development Standards column shall be subject to the specific development standards of Chapter 536, Specific Development Standards.

**Table 546-1 Principal Uses in Residence Districts**

Use	R1	R1A	R2	R2B	R3	R4	R5	R6	Specific Development Standards
<b>RESIDENTIAL USES</b>									
<b>Dwellings</b>									
Single-family dwelling	P	P	P	P	P	P			
Two-family dwelling	P	P	P	P	P	P			
Single- or two-family dwelling existing on the effective date of this ordinance or conversion of a building existing on the effective date of this ordinance to a single- or two-family dwelling							P	P	
Cluster development	C	C	C	C	C	C	C	C	√
Multiple-family dwelling, three (3) units	P	P	P	P	P	P	P	P	
Multiple-family dwelling, three (3) and four (4) units					P	P	P	P	
Multiple-family dwelling, five (5) four (4) units or more					P	P	P	P	√
<b>Planned Unit Development</b>					C	C	C	C	√
<b>Congregate Living</b>									
Community residential facility serving six (6) or fewer persons	P	P	P	P	P	P	P	P	√

Community residential facility serving seven (7) to sixteen (16) persons	C	C	C	C	C	C	C	C	✓
Community residential facility serving seventeen (17) to thirty-two (32) persons						C	C	C	✓
Board and care home/ Nursing home/ Assisted living						C	C	C	✓
Emergency shelter serving six (6) or fewer persons	C	C	C	C	C	C	C	C	✓
Emergency shelter serving seven (7) to sixteen (16) persons					C	C	C	C	✓
Emergency shelter serving seventeen (17) to thirty-two (32) persons						C	C	C	✓
Faculty house						C	C	C	✓
Fraternity or sorority						C	C	C	✓
Hospitality residence						C	C	C	✓
Intentional community	P	P	P	P	P	P	P	P	✓
Residential hospice						C	C	C	✓
Supportive housing						C	C	C	✓
<b>INSTITUTIONAL AND PUBLIC USES</b>									
<b>Educational Facilities</b>									
Early childhood learning center	C	C	C	C	C	C	C	C	✓
Preschool	C	C	C	C	C	C	C	C	✓
School, grades K—12	C	C	C	C	C	C	C	C	✓
<b>Social, Cultural, Charitable and Recreational Facilities</b>									
Athletic field	C	C	C	C	C	C	C	C	✓
Cemetery	C	C	C	C	C	C	C	C	
Community garden	P	P	P	P	P	P	P	P	✓
Developmental achievement center	C	C	C	C	C	C	C	C	✓
Golf course	C	C	C	C	C	C	C	C	✓
Library, public	C	C	C	C	C	C	C	C	
Park, public	P	P	P	P	P	P	P	P	
<b>Religious Institutions</b>									
Place of assembly	P	P	P	P	P	P	P	P	
<b>COMMERCIAL USES</b>									

Bed and breakfast home					C	C	C	C	✓
Child care center	P	P	P	P	P	P	P	P	✓
Market garden, with a planting area of 10,000 sq. ft. or less	P	P	P	P	P	P	P	P	✓
Market garden, with a planting area greater than 10,000 sq. ft.	C	C	C	C	C	C	C	C	✓
Nursery or greenhouse existing on January 1, 1991	C	C	C	C	C	C	C	C	✓
<b>PARKING FACILITIES</b>									
Parking lot, serving institutional and public uses	C	C	C	C	C	C	C	C	
Parking lot, serving multiple-family dwellings					C	C	C	C	
Parking lot, serving board and care home/ nursing home/ assisted living						C	C	C	
<b>PUBLIC SERVICES AND UTILITIES</b>									
Bus turnaround	C	C	C	C	C	C	C	C	
Communication exchange	C	C	C	C	C	C	C	C	
Electric or gas substation	C	C	C	C	C	C	C	C	
Fire station	C	C	C	C	C	C	C	C	
Passenger transit station	C	C	C	C	C	C	C	C	
Police station	C	C	C	C	C	C	C	C	
Railroad right-of-way	C	C	C	C	C	C	C	C	
Stormwater retention pond	C	C	C	C	C	C	C	C	
Water pumping and filtration facility	C	C	C	C	C	C	C	C	

**546.110. - Increasing maximum height.**

The height limitations of principal structures located in the residence districts, except single and two-family dwellings, **and three-family dwellings in the R1, R1A, R2 and R2B Districts**, may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties, significant public spaces, or existing solar energy systems.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

**546.150. - Impervious surface coverage.**

**(a) In general.** Impervious surfaces shall not cover more than sixty (60) percent of any zoning lot located in the R1—R3 Districts, except as set forth below. Impervious surfaces shall not cover more than eighty-five (85) percent of any zoning lot located in the R4—R6 Districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

**(b) Exception.** Impervious surfaces shall not cover more than sixty-five (65) percent of any zoning lot with less than six thousand (6,000) square feet of lot area and no access to a public alley or a second street frontage.

**546.160. - Yard requirements.**

**(a) In general.** The minimum yard requirements for uses located in the residence districts shall be as set forth in each residence district, and in Chapter 535, Regulations of General Applicability, except as provided below. Required yards shall be unobstructed from the ground level to the sky, except as provided as a permitted obstruction in Chapter 535, Regulations of General Applicability.

**(b) Front yard increased.** The required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards. In determining an increase in the required front yard, one (1) of the nearest principal residential structures may be removed from consideration where such structure exceeds the established front yard of any other such building on the same block face by twenty-five (25) feet or more and there are no fewer than four (4) principal residential structures on the block face, including the proposed structure. In such instance, the next-nearest principal building originally designed for residential purposes shall be incorporated in determining the increased front yard. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

**(c) Front yard decreased.** The required front yard may be decreased where the established front yard of the majority of the residential structures on the same block face are less than the front yard required by the zoning district, provided the following standards are met:

1. There are no fewer than four (4) principal residential structures on the block face, including the proposed structure.

2. The decreased front yard shall not be less than the average established front yard of the principal residential structures on either side of the property, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards and not including enclosed structures that are unconditioned.

**(d) Corner side yard.** Where a corner side yard is required, it shall not exceed the applicable front yard requirement.

**ARTICLE II. R1 SINGLE-FAMILY MULTIPLE-FAMILY DISTRICT**

**546.200. - Purpose.**

The R1 Single-family District is established to provide for an environment of predominantly low density, single-, two- and three-family dwellings and cluster developments on lots with a minimum of six

thousand (6,000) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

**546.220. - Yard requirements.**

The minimum yard requirements for uses located in the R1 District shall be as specified in Table 546-2, R1 Yard Requirements.

**Table 546-2 R1 Yard Requirements**

Yards	Required Yards for Single-, Two- and Three-family Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) and (c)	25	25
Rear	6	6+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	6+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.230. - Lot dimension requirements.**

(a) Minimum requirements. The minimum lot area and minimum lot width for uses located in the R1 District shall be as specified in Table 546-3, R1 Lot Dimension and Building Bulk Requirements.

(b) Maximum requirements. The maximum lot area for a single-, two- or three-family dwelling located in the R1 District shall be nine-thousand (9,000) square feet. In the R1 District, the total lot area of a cluster development shall not exceed nine-thousand (9,000) square feet multiplied by the number of principal residential structures within the cluster development.

**546.240. - Building bulk requirements.**

(a) In general. Maximum height for single, two and three-family dwellings. The maximum height for all single-, two- or three-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two- or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) Maximum height for all other principal structures. The maximum height for all principal structures, except for single- and two-family single-, two- and three-family dwellings, located in the R1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single- or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(c) The maximum floor area ratio shall be as specified in Table 546-3, R1 Lot Dimension and Building Bulk Requirements.

(b)(d) ~~Gross floor area computation for single- or two-family~~ single-, two- or three-family dwellings.

The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.
- (3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.
- (4) Half story floor area.

(e)(e) ~~Floor area ratio increase.~~ Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.
- (2) ~~Single- and two-family~~ Single-, two- and three-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

(d)(f) ~~Height increase.~~ Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

~~546.250. Cluster developments.~~ No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.

**Table 546-3 R1 Lot Dimension and Building Bulk Requirements**

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			
<del>Single family</del> <u>Single-, two- or three-family</u> dwelling	6,000	50	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	<del>18,000 or 6,000</del> <u>12,000 or 2,000</u> sq. ft. per dwelling unit, whichever is greater*	100	0.5
<b>Congregate Living</b>			

Community residential facility serving six (6) or fewer persons	6,000	50	None
<b>Community residential facility serving seven (7) to sixteen (16) persons</b>	<b>12,000</b>	<b>50</b>	<b>0.5</b>
Emergency shelter serving six (6) or fewer persons	6,000	50	None
<b>INSTITUTIONAL AND PUBLIC USES</b>			
<b>Educational Facilities</b>			
Early childhood learning center	20,000	100	0.5
Preschool	6,000	50	0.5
School, grades K—12	20,000	100	0.5
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
<b>Religious Institutions</b>			
Place of assembly	12,000	100	0.5
<b>COMMERCIAL USES</b>	4,000	As approved by C.U.P.	0.5
<b>PARKING FACILITIES</b>	5,000	40	None
<b>PUBLIC SERVICES AND UTILITIES</b>	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

\*Or a minimum lot area per dwelling unit principal structure of the average of the single-family and two-family single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

**ARTICLE III. - R1A SINGLE-FAMILY MULTIPLE-FAMILY DISTRICT**

**546.260. - Purpose.**

The R1A Single-family District is established to provide for an environment of predominantly low density, single-, two- and three-family dwellings and cluster developments on lots with a minimum of five thousand (5,000) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

**546.280. - Yard requirements.**

The minimum yard requirements for uses located in the R1A District shall be as specified in Table 546-4, R1A Yard Requirements.

**Table 546-4 R1A Yard Requirements**

Yards	Required Yards for Single-, Two- and Three-family Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) and (c)	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.290. - Lot dimension requirements.**

(a) **Minimum requirements.** The minimum lot area and minimum lot width for uses located in the R1A District shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b) **Maximum requirements.** The maximum lot area for a single-, two- or three-family dwelling located in the R1A District shall be seven-thousand, five-hundred (7,500) square feet. In the R1A District, the total lot area of a cluster development shall not exceed seven-thousand, five-hundred (7,500) square feet multiplied by the number of principal residential structures within the cluster development.

**546.300. - Building bulk requirements.**

(a) **In general.** Maximum height for single-, two- and three-family dwellings. The maximum height for all single, two or three-family dwellings located in the R1A District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two- or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) **Maximum height for all other principal structures.** The maximum height for all principal structures, except for single- and two-family single-, two- and three-family dwellings, located in the R1A District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for

all single- or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(c) The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b)(d) Gross floor area computation for ~~single- or two-family~~ single-, two- or three-family dwellings.

The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.
- (3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.
- (4) Half story floor area.

(e)(e) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.
- (2) ~~Single- and two-family~~ Single-, two- and three-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

(d)(f) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

**546.310. – Cluster developments.**

No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.

**Table 546-5 R1A Lot Dimension and Building Bulk Requirements**

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			
<del>Single-family</del> <u>Single-, two- or three-family</u> dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	<del>15,000 or 5,000</del> <u>10,000 or</u>	80	0.5

	1,666 sq. ft. per dwelling unit, whichever is greater*		
<b>Congregate Living</b>			
Community residential facility for six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	10,000	40	0.5
Emergency shelter serving six (6) or fewer persons	5,000	40	None
<b>INSTITUTIONAL AND PUBLIC USES</b>			
<b>Educational Facilities</b>			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
<b>Religious Institutions</b>			
Place of assembly	10,000	80	0.5
<b>COMMERCIAL USES</b>	4,000	As approved by C.U.P.	0.5
<b>Parking Facilities</b>	5,000	40	None
<b>PUBLIC SERVICES AND UTILITIES</b>	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

\*Or a minimum lot area per dwelling unit principal structure of the average of the single family and two-family single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

ARTICLE IV. - R2 ~~TWO-FAMILY MULTIPLE-FAMILY~~ DISTRICT

**546.320. - Purpose.**

The R2 Two-family District is established to provide for an environment of predominantly low density, ~~single and two-family~~ single-, two-, and three-family dwellings and cluster developments on lots with a minimum of ~~six thousand (6,000)~~ two-thousand (2,000) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

**546.340. - Yard requirements.**

The minimum yard requirements for uses located in the R2 District shall be as specified in Table 546-6, R2 Yard Requirements.

**Table 546-6 R2 Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) <u>and (c)</u>	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.350. - Lot dimension requirements.**

(a) Minimum requirements. The minimum lot area and minimum lot width for uses located in the R2 District shall be as specified in Table 546-7, R2 Lot Dimension and Building Bulk Requirements.

(b) Maximum requirements. The maximum lot area for a ~~single-, two- or three-family~~ dwelling located in the R2 District shall be nine-thousand (9,000) square feet. In the R2 District, the total lot area of a cluster development shall not exceed nine-thousand (9,000) square feet multiplied by the number of principal residential structures within the cluster development.

**546.360. - Building bulk requirements.**

(a) ~~In general.~~ Maximum height for single-, two- and three-family dwellings. The maximum height for all single-, two- or three-family dwellings located in the R2 District shall be two and one-half (2.5) stories or

twenty-eight (28) feet, whichever is less. The highest point of the roof of a single, two or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) ~~Maximum height for all other principal structures.~~ The maximum height for all principal structures, except for ~~single- and two-family~~ ~~single-, two- and three-family~~ dwellings, located in the R2 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. ~~The maximum height for all single- or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.~~

(c) The maximum floor area ratio shall be as specified in Table 546-7, R2 Lot Dimension and Building Bulk Requirements.

~~(b)(d)~~ *Gross floor area computation for* ~~single- or two-family~~ ~~single-, two- or three-family~~ dwellings.

The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.
- (3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.
- (4) Half story floor area.

~~(e)~~(e) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.
- (2) ~~Single- and two-family~~ ~~Single-, two- and three-family~~ dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

~~(d)~~(f) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

**546.370. — Cluster developments.**

No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.

**Table 546-7 R2 Lot Dimension and Building Bulk Requirements**

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			

<del>Single-family</del> <u>Single-, two- or three-family</u> dwelling	6,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
<del>Two-family</del> dwelling	<u>6,000</u>	<u>40</u>	<u>0.5 or 2,500 sq. ft. of GFA, whichever is greater</u>
Cluster development	<del>18,000 or 6,000</del> <u>12,000 or 2,000</u> sq. ft. per dwelling unit, whichever is greater*	100	0.5
<b>Congregate Living</b>			
Community residential facility for six (6) or fewer persons	6,000	40	None
<u>Community residential facility serving seven (7) to sixteen (16) persons</u>	<u>12,000</u>	<u>40</u>	<u>0.5</u>
Emergency shelter serving six (6) or fewer persons	6,000	40	None
<b>INSTITUTIONAL AND PUBLIC USES</b>			
<b>Educational Facilities</b>			
Early childhood learning center	20,000	100	0.5
Preschool	6,000	40	0.5
School, K—12	20,000	100	0.5
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
<b>Religious Institutions</b>			
Place of assembly	12,000	100	0.5
<b>COMMERCIAL USES</b>	4,000	As approved by C.U.P.	0.5
<b>PARKING FACILITIES</b>	5,000	40	None

<b>PUBLIC SERVICES&gt; AND UTILITIES</b>	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.
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\*Or a minimum lot area per dwelling unit principal structure of the average of the single-family and two-family single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

ARTICLE V. - R2B TWO-FAMILY DISTRICT

**546.380. - Purpose.**

The R2B Two-family District is established to provide for an environment of predominantly low density, single and two-family single-, two-, and three-family dwellings and cluster developments. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

**546.400. - Yard requirements.**

The minimum yard requirements for uses located in the R2B District shall be as specified in Table 546-8, R2B Yard Requirements.

**Table 546-8 R2B Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) and (c)	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft.—84.99 ft.: 8 Lot width 85 ft.—99.99 ft.: 10 Lot width 100 ft. or greater: 12 Minimum interior side yards greater than eight (8) feet shall apply only to principal structures	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.410. - Lot dimension requirements.**

(a) Minimum requirements. The minimum lot area and minimum lot width for uses located in the R2B District shall be as specified in Table 546-9, R2B Lot Dimension and Building Bulk Requirements.

(b) Maximum requirements. The maximum lot area for a single-, two- or three-family dwelling located in the R2B District shall be seven-thousand, five-hundred (7,500) square feet. In the R2B District, the total

lot area of a cluster development shall not exceed seven-thousand, five-hundred (7,500) square feet multiplied by the number of principal residential structures within the cluster development.

**546.420. - Building bulk requirements.**

(a) ~~In general.~~ Maximum height for single-, two- and three-family dwellings. The maximum height for all single-, two- or three-family dwellings located in the R2B District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single-, two- or three-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.

(b) ~~Maximum height for all other principal structures.~~ The maximum height for all principal structures, except for ~~single- and two-family~~ single-, two- and three-family dwellings, located in the R2B District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. ~~The maximum height for all single- or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet.~~

(c) The maximum floor area ratio shall be as specified in Table 546-9, R2B Lot Dimension and Building Bulk Requirements.

~~(b)(d)~~ Gross floor area computation for ~~single- or two-family~~ single-, two- or three-family dwellings.

The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.
- (3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.
- (4) Half story floor area.

~~(c)(e)~~ Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.
- (2) ~~Single- and two-family~~ Single-, two- and three-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

~~(d)(f)~~ Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

**546.430. - Cluster developments.**

No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.

**Table 546-9 R2B Lot Dimension and Building Bulk Requirements**

Uses	Minimum Lot Area	Minimum Lot	Maximum
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	(Square Feet)	Width (Feet)	Floor Area Ratio (Multiplier)
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			
Single-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Two-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development, existing on January 1, 1995	15,000 or 2,500 5,000 or 1,666 sq. ft. per dwelling unit, whichever is greater	80-40	0.5
Cluster development, established after January 1, 1995	15,000 or 5,000 sq. ft. per dwelling unit, whichever is greater	80	0.5
<b>Congregate Living</b>			
Community residential facility for six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	10,000	40	0.5
Emergency shelter serving six (6) or fewer persons	5,000	40	None
<b>INSTITUTIONAL AND PUBLIC USES</b>			
<b>Educational Facilities</b>			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5

Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
<b>Religious Institutions</b>			
Place of Assembly	10,000	80	0.5
<b>COMMERCIAL USES</b>	4,000	As approved by C.U.P.	0.5
<b>Parking Facilities</b>	5,000	40	None
<b>PUBLIC SERVICES AND UTILITIES</b>	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

ARTICLE VI. - R3 MULTIPLE-FAMILY DISTRICT

**546.460. - Yard requirements.**

The minimum yard requirements for uses located in the R3 Mixed Multiple-family District shall be as specified in Table 546-10, R3 Yard Requirements.

**Table 546-10 R3 Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) <u>and (c)</u>	20	20
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.470. - Lot dimension requirements.**

(a) Minimum requirements. The minimum lot area and minimum lot width for uses located in the R3 District shall be as specified in Table 546-11, R3 Lot Dimension and Building Bulk Requirements.

(b) Maximum requirements. The maximum lot area for a single-, two- or three-family dwelling located in the R3 District shall be seven-thousand, five-hundred (7,500) square feet. In the R3 District, the total lot area of a cluster development shall not exceed seven-thousand, five-hundred (7,500) square feet multiplied by the number of principal residential structures within the cluster development.

**546.480. - Building bulk requirements.**

(a) *In general.* The maximum height of all principal structures, except for single- and two-family dwellings, located in the R3 District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single- or two-family dwellings located in the R3 District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-11, R3 Lot Dimension and Building Bulk Requirements.

(b) *Gross floor area computation for single- or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.
- (3) The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.
- (4) Half story floor area.

(c) *Floor area ratio increase.* Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

- (1) The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.
- (2) Single- and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

(d) *Height increase.* Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

**Table 546-11 R3 Lot Dimension and Building Bulk Requirements**

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			
Single or two-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development	7,500 or 5,000 or 1,500 sq. ft. per dwelling unit,	40	1.0

	whichever is greater		
Multiple-family dwelling	5,000 or 1,500 sq. ft. per dwelling unit, whichever is greater	40	1.0
Planned unit development	1 acre or 1,500 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.0
<b>Congregate Living</b>			
Community residential facility serving six (6) or fewer persons	5,000	40	None
Community residential facility serving seven (7) to sixteen (16) persons	7,500 or 1,250 sq. ft. per rooming unit, whichever is greater	40	1.0
Emergency shelter serving six (6) or fewer persons	5,000	40	None
Emergency shelter serving seven (7) to sixteen (16) persons	7,500 or 1,250 sq. ft. per rooming unit, whichever is greater	40	1.0
<b>Institutional and Public Uses</b>			
<b>Educational Facilities</b>			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
<b>Religious Institutions</b>			
Place of assembly	10,000	80	0.5
<b>COMMERCIAL USES</b>			
Bed and breakfast home	5,000	40	0.5

Child care center	4,000	As approved by C.U.P.	0.5
<b>PARKING FACILITIES</b>	5,000	40	None
<b>PUBLIC SERVICES AND UTILITIES</b>	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

ARTICLE VII. - R4 MULTIPLE-FAMILY DISTRICT

**546.510. - Yard requirements.**

The minimum yard requirements for uses located in the R4 District shall be as specified in Table 546-12, R4 Yard Requirements.

**Table 546-12 R4 Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) <u>and (c)</u>	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**546.520. - Lot dimension requirements.**

(a) Minimum requirements. The minimum lot area and minimum lot width for uses located in the R4 District shall be as specified in Table 546-13, R4 Lot Dimension and Building Bulk Requirements.

(b) Maximum requirements. The maximum lot area for a single-, two- or three-family dwelling located in the R4 District shall be seven-thousand, five-hundred (7,500) square feet. In the R4 district, the total lot area of a cluster development shall not exceed seven-thousand, five-hundred (7,500) square feet multiplied by the number of principal residential structures within the cluster development.

ARTICLE VIII. - R5 MULTIPLE-FAMILY DISTRICT

**546.560. - Yard requirements.**

The minimum yard requirements for uses located in the R5 District shall be as specified in Table 546-14, R5 Yard Requirements.

**Table 546-14 R5 District Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) <u>and</u> <u>(c)</u>	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

ARTICLE IX. - R6 MULTIPLE-FAMILY DISTRICT

**546.610. - Yard requirements.**

The minimum yard requirements for uses located in the R6 District shall be as specified in Table 546-16, R6 Yard Requirements.

**Table 546-16 R6 Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 546.160(b) <u>and</u> <u>(c)</u>	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**547.160. - Yard requirements.**

(a) *In general.* The minimum yard requirements for uses located in the office residence districts shall be as specified in Table 547-2, Office Residence District Yard Requirements, and in Chapter 535, Regulations of General Applicability, except as provided below. Required yards shall be unobstructed from the

ground level to the sky, except as provided as a permitted obstruction in Chapter 535, Regulations of General Applicability.

(b) *Front yard increased.* The required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards. In determining an increase in the required front yard, one (1) of the nearest principal residential structures may be removed from consideration where such structure exceeds the established front yard of all other such building on the same block face by twenty-five (25) feet or more and there are no fewer than four (4) principal residential structures on the block face, including the proposed structure. In such instance, the next-nearest principal building originally designed for residential purposes shall be incorporated in determining the increased front yard. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

(c) *Front yard decreased.* The required front yard may be decreased where the established front yard of the majority of the residential structures on the same block face are less than the front yard required by the zoning district, provided the following standards are met:

1. There are no fewer than four (4) principal residential structures on the block face.
2. The decreased front yard shall not be less than the average established front yard of the principal residential structures on either side of the property, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards and not including enclosed structures that are unconditioned.

(d) *Corner side yard.* Where a corner side yard is required, it shall not exceed the applicable front yard requirement.

**Table 547-2 Office Residence District Yard Requirements**

Yards	Required Yards for <del>Single- and Two-family</del> <u>Single-, Two- and Three-family</u> Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Uses (Feet)
Front, subject to section 547.160(b) <u>and</u> <u>(c)</u>	15	15
Rear	5	5+2X
Interior Side	Lot width less than 42 ft.: 5 Lot width 42 ft.—51.99 ft.: 6 Lot width 52 ft.—61.99 ft.: 7 Lot width 62 ft. or greater: 8	5+2X
Corner Side	8	8+2X

X = Number of stories above the first floor

**547.230. - Lot dimension requirements.**

**(a) Minimum requirements.** The minimum lot area and lot width for uses located in the OR1 District shall be as specified in Table 547-3, Lot Dimension and Building Bulk Requirements in the OR1 District.

**(b) Maximum requirements.** The maximum lot area for a single-, two- or three-family dwelling located in the OR1 District shall be seven-thousand, five-hundred (7,500) square feet. In the OR1 District, the total lot area of a cluster development shall not exceed seven-thousand, five-hundred (7,500) square feet multiplied by the number of principal residential structures within the cluster development.

#### **551.480. - Height of structures.**

Except for structures subject to a more restrictive maximum height limitation in the primary zoning district, the maximum height of all structures within the SH Overlay District, except for single- and two-family dwellings **and three-family dwellings located in the R1, R1A, R2 and R2B Districts**, shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height of single and two-family dwellings **and three-family dwellings located in the R1, R1A, R2 and R2B Districts** shall be two and one-half stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling **or a three-family dwellings located in the R1, R1A, R2 and R2B Districts** with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The height limitation of accessory structures, **and single- and two-family dwellings, and three-family dwellings located in the R1, R1A, R2 and R2B Districts** may be increased by variance, as provided in Chapter 525, Administration and Enforcement. The height limitation of all other principal structures may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards contained in Chapter 525, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties or significant public spaces.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

#### **598.240. - Residential development design.**

The following requirements shall apply to residential subdivisions:

(1) *Blocks.* Blocks shall be not less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet long and shall be of a minimum width to provide two (2) tiers of lots. Through lots shall be avoided. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways. Sidewalks or pedestrianways, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation or other community facilities.

(2) *Lot dimensions.*

a. ~~Single- and two-family~~ **Single-, two- and three-family** dwellings. Lot width shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. Lot area shall be not less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the ~~single-family and two-family~~ **single-, two-, and three-family** zoning lots, including the subject zoning lot, located in whole or in part within three hundred fifty (350) feet or the average of the ~~single-family and two-family~~ **single-family and two-family single-, two-, and three-family** zoning lots, including the subject zoning lot, located in whole or in part within the same zoning district within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.

Where such greater minimum lot area applies, the maximum lot area requirement shall be one hundred thirty (130) percent of said average minimum lot area. No lot shall be created which has more than five (5) sides.

b. *Multiple family dwellings* with four (4) or more dwelling units. Lot width and lot area shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. No lot shall be created which has more than five (5) sides.

(3) *Solar access*. All lots in subdivisions of forty (40) acres or more shall be platted in an orientation to maximize solar exposure.

(4) *Reverse frontage lot(s)*. Reverse frontage lots, those platted in reverse orientation to the rest of the block, shall be prohibited. Reverse corner lots are also reverse frontage lots.

(5) *Existing two-family dwelling*. Notwithstanding the requirements of this chapter, lots with an existing side-by-side two-family dwelling of one (1) or more stories may be subdivided along the party wall to allow separate ownership of each side of the building provided that covenants are recorded that set forth the requirements for exterior maintenance of the building and grounds, the requirements for reconstruction if one (1) or both sides of the building are damaged or destroyed, and state that the parcels may be used separately as long as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of these land subdivision regulations. Evidence of proper filing of the covenants shall be submitted to the zoning administrator before the approval will be in effect.