

8-3 Division C. Article 4.

**RESIDENTIAL ZONE**

**MULTIPLE-FAMILY—HIGH-DENSITY (~~RM-22HD~~)**

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**8-3C.410 DESCRIPTION AND PURPOSE**

The Residential—Multiple-Family—High-Density (~~RM-22HD~~) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets.

**8-3C.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

~~A. Detached Single family dwellings on individual lots.~~

~~B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport. Manufactured homes are prohibited within the Old Town or other historic district.~~

~~C.A.~~ Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.

~~D.B.~~ Home occupations, subject to the provisions of Article 8-3L.6

~~E.C.~~ [Reserved]

~~F.D.~~ Other uses determined by the Planning Commission to be similar to those listed above.

~~G.E.~~ Accessory Dwelling Units on single-family lots, subject to the provisions of Article 8-3L.5.  
[Amended by Ord. No. 943; Effective 7/20/2018]

**8-3C.430 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Article 8-3L.1.

~~A. A. Up to four dwelling units, either duplexes, m~~Multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings provided the minimum density is achieved), ~~but not including the conversion of multiple family dwellings to unit ownership.~~

~~Attached single family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).~~

- B. Boarding and rooming houses not exceeding accommodations for five (5) residents.
- C. Conversion of existing single-family dwellings to multi-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of Section 470, below.
- ~~D. More than one single family dwelling (detached or attached and not exceeding four dwelling units) on an individual lot that is with or without existing dwelling units.~~
- ~~E.D.~~ Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- ~~F.E.~~ Other uses determined by the Planning Commission to be similar to those listed above or under Section 420.

#### **8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to whether and how the use can be located on the designated site.

- A. Any use in Section 430, above, that exceeds the size thresholds listed.
- B. Parks and playgrounds.
- C. Public and semi-public buildings essential to the physical welfare of the area; such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but no less than ten (10) feet.
- D. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- E. Kindergartens, day nurseries and pre-schools.
- F. Relocated Structures.
- G. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.

#### **8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-~~22~~HD zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Public and private elementary, junior high, and high schools and colleges.
- C. Community centers, fraternal or lodge buildings.
- D. Business, technical, art or music schools.
- E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.
- F. Studios for interior decorators, photographers, artists and draftsmen.
- G. Antique stores.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.
- I. Mobile home for the infirm, subject to the supplemental provisions of Section 8-3L.250.
- J. Building over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123(A).
- K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RM-~~22~~HD zone.

#### **8-3C.460 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages.

**8-3C.470 LOT AREA AND DIMENSIONS**

In the RM-~~22~~HD zone, the minimum ~~lot area~~density shall be ~~as follows~~18 units per net acre.:

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Article 8-3B.1) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

~~A. Minimum lot size by dwelling type:~~~~1. Single Family Residence (SFR)~~

~~(detached): 5,000 square feet.~~

~~Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher density development. In developments larger than two acres, half of the area — but only up to two acres total — may be designed to contain SFRs.~~

~~2. Duplex: 6,000 square feet.~~~~3. SFR (attached): 1,800 square feet.~~

~~Attached or zero lot line townhouses or row houses may be on individual pad lots smaller than 1,800 square feet so long as the density per net acre does not exceed 16 dwellings and for each dwelling there is at least 250 square feet of recreation area, as described in Section 480, below.~~

~~4. Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.~~~~5. Additional regulations:~~

~~a. Corner lots for all the above: increase minimum lot size by 1,000 square feet.~~

~~b. Double frontage lots for all the above: increase minimum lot size by 1,000 square feet.~~

~~B. Maximum number of dwellings by type per net acre (see definition below):~~~~1. SFR (detached) 6~~~~2. Duplex 12 (i.e., six separate buildings)~~~~3. SFR (attached) 16~~~~4. Apartment 22~~

~~Net Acre: For the purposes of this Section, a net acre is the total development acreage net of undevelopable lands (as defined in Article 8-3B.1) and a 24 percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.~~

~~CA.~~ Maximum Building Coverage

- ~~1. \_\_\_\_\_ SFR (detached): \_\_\_\_\_ 40 percent~~
- ~~2. \_\_\_\_\_ Duplex: \_\_\_\_\_ 40 percent~~
- ~~3. \_\_\_\_\_ SFR (attached): \_\_\_\_\_ 40 percent, as averaged over the entire development area minus streets.~~
4. Apartment: 40 percent

~~DB.~~ Minimum Lot Width

- ~~1. \_\_\_\_\_ SFR (detached): \_\_\_\_\_ 40 feet~~
- ~~2. \_\_\_\_\_ Duplex: \_\_\_\_\_ 50 feet~~
- ~~3. \_\_\_\_\_ SFR (attached): \_\_\_\_\_ None~~
- Apartment: 50 feet

~~4.~~

~~E.C.~~ Maximum Building Bulk:

Height: \_\_\_\_\_ 30 feet.

~~1.~~

~~2. \_\_\_\_\_ D. \_\_\_\_\_ Building Coverage: 40 percent.~~

~~F.~~ Non-conforming Lots of Record:

- ~~1. Notwithstanding Section 8-3C.410, Aa lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]~~

**8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS**

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

**8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RM-~~22~~HD zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

**8-3C.484      BUFFERING**

When a development or use is proposed on property in the RM-~~22~~HD zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]