

Attachment 1
(Title 9: Commercial Listed Uses)

CHAPTER 8
COMMERCIAL ZONE C1

SECTION:

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9-8-1: PURPOSE; INTENT; DEFINITIONS:

A. The purpose of the commercial zone is to provide suitable areas for the location of nearly all commercial goods and services needed to serve the people and commerce of the city. Retail commercial activities which serve the residents of the city will be encouraged. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

B. The following definitions apply to this chapter:

MANUFACTURING: Any facility, which is used in the manufacture or production of tangible personal property, including the processing resulting in a change in the condition of such property.

RETAIL: The sale of goods to ultimate consumers, usually in small quantities.

WHOLESALE: The sale of goods in quantity, as to retailers or jobbers, for resale.

C. Inasmuch as this zone may be surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Businesses shall be wholesale/retail establishments and shall be permitted under the following conditions:

1. Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.

2. No building or structure shall be constructed or modified in such a way that snow, sleet, hail, rain or other runoff falls onto adjacent property. (Ord. 13-01, 4-24-2013)

9-8-2: PERMITTED AND CONDITIONAL USES:

A. General businesses providing wholesale/retail goods or services shall be permitted under the following conditions:

1. Maintenance: All businesses which are on a public street shall maintain yards and buildings in a neat and attractive manner.

2. Enclosure Of Merchandise And Materials: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring (obscuring a minimum of 90 percent) fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

3. Trash, Junk, Inoperable Vehicles, Vessels And Similar Items: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.

4. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.

5. Protection Of Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential use, there shall be provided along the adjoining property line a solid masonry wall and a minimum ten foot (10') wide planting strip. The landscape requirements shall be determined by the city planning department to make sure the buffer area adequately protects the adjoining residential property.

6. Retail Sales: All products, whether primary or incidental, shall be sold at retail on the premises; no beer shall be sold for consumption on the premises, except in the pool halls and taverns; no entertainment, except music, shall be permitted in cafes, confectioneries or refreshment stands.

7. Objectionable Uses Prohibited: All uses should be free from objections because of odor, dust, smoke, noise, vibration, or other similar offensive nuisances to adjacent residential zones.

8. Signage: Any exterior sign displayed shall pertain only to a use conducted within the building or on the lot or shall appertain to the lease or sale of the property. In no case shall a sign project above the height of a building. All signage will be approved by the planning and zoning commission and/or city council prior to issuance of a building permit or business license. (Ord. 13-01, 4-24-2013)

B. The following additional uses may be permitted as conditional uses in the Commercial Zone, subject to the standards of this chapter and the conditional use procedures of this title:

1. Institutions.
2. ~~Boarding houses and Lodging Houses.~~
3. Hospitals, clinics, convalescent homes, and nursing homes.
4. Daycare centers.
5. Wedding chapels.
6. Hotels.
7. Licensed Domestic Violence Shelters.

9-8-3: DEVELOPMENT REGULATIONS:

A. Side Yard: None, except that wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten feet (10') on the side of the building adjacent to the zone boundary line, and on corner lots, the side yard which faces on a street shall be not less than twenty feet (20').

B. Front Yard: The minimum depth of the front yard for all buildings, walls or fences more than three feet (3') in height shall be twenty feet (20').

C. Rear Yard: None, except that on corner lots which rear upon the side yard of another lot in a residential zone, the minimum rear yard shall be ten feet (10').

D. Height: No building or structure shall be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35').

E. Coverage: No building, structure or group of buildings with their accessory buildings shall cover more than sixty percent (60%) of the area of the lot. (Ord. 13-01, 4-24-2013)

F. All conditional uses under this chapter shall:

1. Be conducted wholly within an enclosed building, except for required parking, loading, and outdoor play or open-space areas approved as part of the conditional use permit.

2. Comply with the yard, height, and coverage regulations of this section, unless modified by an approved conditional use permit as expressly authorized by this title.

3. Provide off-street parking, loading, and drop-off areas in accordance with the City's off-street parking requirements, designed to minimize conflicts with adjacent residential properties.

G. Licensed Domestic Violence Shelters shall:

1. Maintain at all times a valid license from the Utah Department of Health and Human Services, Office of Licensing, or its successor agency, for the operation of the shelter or residential support program, and promptly notify the City of any suspension, revocation, or non-renewal of such license

2. Be operated by a public agency or nonprofit organization recognized under Section 501(c)(3) of the Internal Revenue Code, or its successor provision.

3. Limit occupancy to the maximum number of residents and staff established in the conditional use permit, based on building and fire code limits and site capacity.

4. Provide on-site management and staffing on a twenty-four (24)-hour basis.

5. Prepare and implement a management and operations plan, approved as part of the conditional use permit, addressing security, resident screening, neighborhood relations, parking management, and complaint response procedures.

6. Not be converted to or operated as market-rate or income-restricted apartments, townhomes, ~~boarding house~~, hotel, or any other residential use open to the general public, except upon: (i) prior adoption by the City Council of a legislative land use action authorizing such use; and (ii) issuance of all required land use approvals and building permits consistent with the then-current City ordinances.

7. Be subject to annual review by City staff for compliance with the conditions of approval, which may include a report from the operator summarizing occupancy, services provided, and any substantiated complaints and responses.

9-8-4: GENERALLY:

9-8-4-1: CONFLICTING ORDINANCES, APPLICABILITY:

The provisions established herein shall apply to all lands within the civil jurisdiction of Garland City, Utah. Where there is conflict between the terms and/or requirements contained in this chapter, as amended, or any other ordinance, code, regulation of Garland City, Utah, the more strict shall apply. (Ord. 13-01, 4-24-2013)

9-8-4-2: ENFORCING OFFICER:

An assigned enforcing officer (who may also be referred to herein as the "building official" or "inspector") shall have the authority and the duty to ensure that all buildings and structures and use of all land comply with the provisions of this title. The enforcing officer shall be appointed by city council. (Ord. 13-01, 4-24-2013)

9-8-4-3: GENERAL PROVISIONS:

A. Any building or structure erected contrary to any of the provisions of this chapter and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this chapter or the provisions of any approval granted by the city under this chapter shall be a violation of this chapter and the same declared to be unlawful.

B. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this chapter or provisions of any approval granted by the city under this chapter shall be subject to the enforcement provisions of this chapter.

C. In addition to the remedies provided in this chapter, the building official may initiate injunctive action, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.

D. If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the building official to the city council in the same manner and within the same time deadline as stated in section 9-16-4 of this title.

E. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the building official. The building official shall record such complaint, investigate, and take action thereon as provided by this chapter. (Ord. 13-01, 4-24-2013)

9-8-4-4: DISPOSAL OF VIOLATIONS:

If the building official concludes there exists an objectionable condition in violation of this title, then he or she shall:

A. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;

B. Serve notice in writing upon the owner and occupant of the premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate, destroy or remove the objectionable condition/violation, and to bring the real property in question into full compliance with the ordinances of the city, within such time as the building official may designate, provided that any person notified pursuant to this subsection shall be given not more than thirty (30) days, as determined by the building official following the date of service of such notice, to correct the objectionable condition or file an appeal with the city council. The notice shall:

1. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.

2. Inform the owner, occupant or other person that in the event he or she disagrees with the determination of the building official and does not intend to comply with the provisions of the notice or that he or she objects to the factual or legal basis for the notice, he or she may appeal the administrative finding in the notice to the city council within the time deadline and per the other requirements found in section 9-16-4 of this title, provided

such appeal is filed on or before the last day of the time period stated in such notice within which to correct the objectionable condition/violation.

3. Inform the person that in the event he or she fails or neglects to correct the objectionable condition/violation, the building official will issue, or cause to be issued, a citation pursuant to title 1, chapter 4 of this code.

C. In the event the owner or occupant files an appeal disputing the determination of the building official or objecting to the amount of time allowed to mitigate and correct the noted objectionable condition/violation on the notice served, the appeal stays all proceedings in furtherance of the action appealed from in the same manner and subject to the same conditions as stated in section 9-4-4 of this title. (Ord. 13-01, 4-24-2013)

9-8-4-5: EFFECTIVE DATE:

The provisions of this chapter shall take effect upon passage, signature of the mayor and after being posted or published as required by law. (Ord. 13-01, 4-24-2013)

9-1-6: DEFINITIONS:

For the purposes of this title, certain words and terms are defined as follows. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the building code shall be construed as defined therein.

ACCESSORY USE OR BUILDING: A subordinate use or building, customarily incidental to and located upon the same lot occupied by the main use or building.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

ALLEY: A public thoroughfare less than twenty feet (20') wide.

APARTMENT HOTEL: Any building or group of buildings which contains dwelling units, and also satisfies the definition of a "hotel", as defined in this section.

APARTMENT HOUSE: See definition of Dwelling, Multiple.

APARTMENT MOTEL: Any building or group of buildings which contains dwelling units, and also satisfies the definition of a "motel", as defined in this section.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.

BILLBOARD: Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

~~**BOARDING HOUSE:** A building, other than a hotel, where lodging with or without meals is provided for compensation to three (3) or more unrelated persons for periods of thirty (30) days or longer, and where no individual room or unit has separate cooking facilities.~~

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY: A detached subordinate building incidental to and located upon the same lot occupied by the main building.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of roof.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

BUSINESS: An occupation, profession, enterprise, or activity customarily conducted as a commercial enterprise for gain or profit, including the sale of goods or services, and carried on within a building or on a lot.

CARPORT: A private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHAPEL, WEDDING: A facility or establishment designed and used primarily for the performance of wedding ceremonies, which may include related ceremonial or incidental activities, and which is not operated as a traditional religious institution.

CITY COUNCIL: The governing body of elected officials for the city.

CLINIC: A facility where one or more licensed health-care professionals provide outpatient medical, dental, mental health, or similar health services to patients, but where no patients are kept overnight.

CORRAL: A space, other than a building, less than one acre in area, or less than one hundred feet (100') in width, used for the confinement of animals.

CONVALESCENT HOME: An institution, licensed by the State as applicable, that is maintained to provide room, board, skilled nursing care, and related medical or personal services for individuals who, by reason of illness, physical infirmity, or advanced age, require such services, and where such care is provided for compensation on a twenty-four (24) hour per day basis.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.

DAYCARE CENTER: A facility or building used for licensed child care, as defined and licensed by the State of Utah, where care, supervision, and age-appropriate activities are provided to children in a group setting of up to six (6) or more children in lieu of care ordinarily provided by a parent or guardian, for less than twenty-four (24) hours per day.

DROP IN: A child who is not in regular attendance at least one day per week, and/or who does not have a current medical and daycare register form on file.

DWELLING: Any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, nursing homes, tourist courts and apartment courts.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen.

FAMILY: Any number of individuals related by blood, marriage or adoption within two (2) degrees of consanguinity, or up to and including two (2) unrelated individuals. A "family" is further defined to include one unrelated individual living with the family.

FRONTAGE: All the property fronting one side of the street between intercepting streets, or between a street and right of way, waterway, and of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles, owned and used by the occupants of the building to which it is necessary; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

GARAGE, PUBLIC AND SERVICE STATIONS: A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, selling or storing motor driven vehicles.

GRADE: The average level or slope of ground (finished surface) adjacent to the exterior walls of the building.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling, as a secondary use of the dwelling, in connection with which there is no display other than an unlighted nameplate, not more than two (2) square feet in area, no stock in trade, and no person employed other than members of the family residing in the dwelling.

HOSPITAL: An institution licensed by the State as a hospital, in which patients are given medical or surgical care for compensation and which may include related facilities such as laboratories, out-patient departments, training facilities, and staff offices, and in which patients are accommodated on an inpatient basis.

HOTEL: A building or group of buildings designed and used primarily for the temporary lodging, for compensation, of the traveling or business public who have primary residence at another, with a common lobby and interior corridors, where individual guest rooms may or may not contain full cooking facilities, and which may include accessory uses such as meeting rooms, breakfast area, or similar guest amenities. It is not intended to be a residence or residential facility.

HOUSEHOLD PETS: Animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a "kennel", as defined in this section.

INSTITUTION: A facility operated by a public agency, nonprofit organization, or similar entity to provide educational, religious, social, cultural, or governmental services to the community, and not operated primarily for the retail sale of goods, including but not limited to schools, churches, governmental offices, and similar uses.

JUNK YARD OR AUTO WRECKING: The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material; any place where two (2) or more motor vehicles not in running condition or parts thereof are stored in the open and not being restored to operation or are kept; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

KENNEL: The keeping of three (3) or more dogs, at least four (4) months old.

~~**LODGING HOUSE:** A building, other than a hotel or boarding house, where lodging is provided with or without meals to three or more unrelated persons for compensation, typically for shorter stays, and where no individual room or unit has separate cooking facilities.~~

LICENSED DOMESTIC VIOLENCE SHELTER: A residential facility that: (1) provides temporary shelter, safety, and supportive services to victims of domestic violence and their dependents; (2) operates on a twenty-four (24)-hour basis; (3) is licensed by the Utah Department of Health and Human Services, Office of Licensing, or its successor agency, as a human-services residential program or domestic violence services provider; and (4) is operated by a public agency or nonprofit organization, and not as market-rate or income-restricted apartments, townhomes, nursing home ~~boarding house~~, hotel, or other general residential lodging open to the public.

LOT: A parcel of land occupied or to be occupied by a building or a group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title, having frontage upon a street or upon a right of way as defined on the city street plan or master plan. Not more than one dwelling structure shall occupy any one lot. Except for two-family or group dwellings, where more than one dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear yard and side yards as are required for any one such dwelling structure in the same zone.

NATURAL WATERWAYS: Those areas (varying in width) along streams, creeks, gulleys, springs or washes which are natural drainage channels as determined by the building inspector and in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time the ordinance became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time the ordinance became effective and which does not conform with the current use regulations of the zone in which it is located.

NURSING HOME: A state-licensed facility that provides housing and supportive services, including personal care, supervision, or nursing services, to individuals who require assistance with daily living activities. Services may include meals, medication assistance, limited or skilled nursing care, and 24-hour supervision as permitted under Utah law.

This definition includes what may otherwise be referred to as assisted living facilities (Type I or Type II), nursing care facilities, group homes, or similar state-licensed residential care arrangements. This use does not include hospitals; residential treatment facilities for persons with a disability; short-term medical rehabilitation centers operating primarily as hospitals; hotels, motels, or short-term rentals.

PARKING LOT: An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients and customers.

STORY: The space within a building included between the surface of the floor, and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated under a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty three feet (23') wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

TOURIST COURT (MOTEL): Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges.

TRAILER COURT: Any area or tract of land used to accommodate two (2) or more trailers designed to be lived in.

USE: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD: A space on the same lot, other than a court, unoccupied and unobstructed from the ground upward by buildings except as otherwise provided herein.

YARD, FRONT: A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

YARD, LIVESTOCK FEED AND SALES: A yard kept and maintained by the owner or owners for the commercial feeding of livestock as a business, where livestock may be bought or sold or fattened and prepared for commercial market or sales.

YARD, REAR: A space on the same lot with a building, between the rear line of the building and rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear line of the property and the rear line of the building.

YARD, SIDE: A space on the same lot with a building, between the side line of the building and side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the side line of building. (Ord., 9-3-1996; amd. Ord. 98-3, 4-29-1998)

ARTICLE D. RESIDENTIAL ZONE R4

SECTION:

9-7D-1: Use Regulations

9-7D-2: Area, Width, Yard, Height And Coverage Regulations

9-7D-3: Group Dwellings

9-7D-1: USE REGULATIONS:

In residential zone R4, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Any use permitted in residential zones R1, R2 and R3.

Parking lots.

Two-family dwellings; multiple dwellings; group dwellings.

In a multiple dwelling designed, constructed and/or used for twenty four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto, for the convenience of the occupants and the guests thereof; provided, that there shall be no entrance to such business except from inside the building in which the same is located and that the floor area used for business purposes shall not exceed twenty five percent (25%) of the ground floor area of such building.

Accessory uses and buildings customarily incidental to the above. (Ord., 9-3-1996)

9-7D-2: AREA, WIDTH, YARD, HEIGHT AND COVERAGE REGULATIONS:

A. Area: Multi-Family Dwellings may have reduced Lot Regulations in the R-4 RM12. Site Plan Permit (see Chapter 1.26 of this Title) and subdivision approval required.

The minimum lot area shall be six thousand (6,000) square feet for each one-family dwelling, with seven hundred fifty (750) additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit; not less than five thousand (5,000) square feet for any other main building.

Maximum density: The maximum number of dwelling units is limited initially to 8 units per acre. Density limit may be increased as defined below in section L.

B. Width: The minimum width of any lot shall be seventy feet (70').

C. Side Yard: The minimum side yard setback for any dwelling regulated by this section shall be ten feet (10') except where a side yard is adjacent to an R1, R2, or R3 zone in which the minimum setback shall be thirty feet (30').

D. Front Yard: The minimum depth of the front yard for main buildings and for private garages shall be thirty feet (30').

E. Rear Yard: The minimum depth of the rear yard for main buildings and for private garages shall be twenty five feet (25') except when rear yard is adjacent to single family residential zone (R1, R2, R3) in which case the rear yard minimum depth shall be forty feet (40').

Rear yards shall be separated from adjoining properties with a decorative wall or decorative fence, sufficient to provide adequate aesthetics, screening, separation, and security.

F. Height: No building shall be erected to a height greater than thirty-six (36) feet, and no dwelling structure shall be erected to a height less than one story.

G. Maximum Number of Stories above ground is 2 ½. The minimum height of a dwelling in stories above grade: 1.

H. Accessory buildings:

The maximum height of an accessory building in feet: 15.

Accessory buildings adjacent to the front, side, or rear yard of any residential zone, shall be shorter than 15 feet.

Accessory building larger than 800 sq ft shall follow the front, side, and rear yard setback requirements as defined above.

No accessory building shall contain greater square foot floor area than the principal building to which it is accessory. No accessory building or group of accessory buildings in any residential district shall cover more than thirty (30) percent of the rear yard.

I. Coverage: No building or group of buildings with their accessory buildings shall cover more than sixty percent (60%) of the area of the lot.

J. Any multi-family building or group of buildings shall be managed by a homeowner association (HOA), or similar, which manages common areas, including green space, parking lot, accessory buildings, landscaping areas. The HOA shall be responsible for the maintenance and appearance of the complex and shall be liable for code violations levied by the city

K. Open space shall be provided to any building or group of buildings that contains more than 2 dwelling units per building. A common open space shall be provided at a rate of 220 sq ft per dwelling unit (~0.5 acre per 100 units), with a minimum size of open space not less than 1000 sq ft.

1. Open space may be split into multiple areas, but no individual area less than 1000 sq ft will count towards the open space requirement defined above.

2. Open space shall be of semi-regular shape such that line of sight is maintained from any two points within the space.

3. 50% of retention/detention area may count toward the open space requirement providing that the remaining open space is adjacent to the retention/detention area.

4. Open space may include yard, playground, patio, sports court, botanical, or vegetable garden, maintained natural trail, or similar.

5. Open space must be separated from vehicle parking and roadway in a manner that prevent normal vehicle access.

6. Picnic/bowery/pergola structures which are open on at least 3 sides and are less than 15 feet in height are considered part of the open space.

7. In a phased development 33% of total open space requirements shall be contained in phase I land area and construction of open space shall be 50% completed by the completion of phase I and 100% completed prior to the commencement of the final phase of development.

8. Single building dwelling units do not need to be included in Open Space calculations.

Sidewalks adjacent to roadways or parking lots shall not count towards Open Space surface area requirements.

L. Density Increase Provision - The unit per acre density requirement within the development may be increased from 8 units per acre up to 12 units per acre if the following conditions are met:

1. A common open space shall be provided at a rate of 435 sq ft per dwelling unit (~1 acre per 100 dwelling units), with a minimum size of open space not less than 1500 sq ft.

2. Open space shall be made generally available for use by the public without a fee.

a. Managing association may restrict/enforce usage times (to daylight hours or similar) to prevent noise or other nuisance.

b. Managing association may also restrict and enforce prohibitions against activities that risk property damage, public safety, or create a nuisance (loud music performances, public protest, high risk sports activity, etc.).

c. Managing associate may require reservation and assess reasonable deposit or use fee for use of any individual amenities (bowery, fire pit, sports court, vegetable garden) but cannot restrict general usage of open space. (Ord., 9-3-1996; amd. Ord. 0-21-16, 12-21-2021)

9-7D-3: GROUP DWELLINGS:

A. Yard Requirements: Group dwellings shall be considered as one building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one front, one rear and two (2) side yards as specified above for dwellings.

B. Height: Group dwellings shall be not more than two (2) stories or thirty five feet (35') in height.

C. Court Area: Each two (2) or two and one-half (2 1/2) story group dwelling development shall have a minimum court of forty feet (40') in width and forty feet (40') in length, in addition to its required yards, and each one story group dwelling development shall have a minimum court of thirty feet (30') in width, and thirty feet (30') in length, in addition to its required yards.

D. Distance: In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen feet (15').

E. Unoccupied Court Area: The court shall be unoccupied by any building or other structures except fire hydrants, utility poles, or other street improvements.

F. Width: The court shall have an unobstructed opening, of not less than thirty feet (30') wide, onto the front yard of a lot which has a width not less than that required for a lot in the zone in which it is located.

G. Facing: All dwelling structures of the group, except those facing a public street, shall face upon the court.

H. Alternative To Court Area: An acceptable alternative to a shared court area would be fenced private yards for each apartment and/or a landscaped common area of approximately one thousand six hundred (1,600) square feet minimum. A parking area may not be included as a part of the one thousand six hundred (1,600) square foot requirement. (Ord., 9-3-1996)

ARTICLE E. RESIDENTIAL MULTIPLE ZONE RM12

SECTION:

9-7E-1: Use Regulations

9-7E-2: Area, Width, Yard, Height And Coverage Regulations

9-7E-1: USE REGULATIONS:

In residential zone RM12, no building or structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

Any use permitted in residential zones R1, R2 and R3.

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Parking lots.

Two-family dwellings; multiple residential dwellings; group dwellings.

Accessory uses and buildings customarily incidental to the above. (Ord. 0-24-04, 9-18-2024)

9-7E-2: AREA, WIDTH, YARD, HEIGHT AND COVERAGE REGULATIONS:

A. Area: Multi-Family Dwellings may have reduced Lot Regulations in the RM12. Site Plan Permit (see Chapter 16 of this Title) and subdivision approval required.

The minimum lot area shall be six thousand (6,000) square feet for each one-family dwelling, with seven hundred fifty (750) additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit; not less than five thousand (5,000) square feet for any other main building.

Maximum density: The maximum number of dwelling units is limited initially to 8 units per acre. Density limit may be increased as defined below in section L.

B. Width: The minimum width of any lot shall be seventy feet (70').

C. Side Yard: The minimum side yard setback for any dwelling regulated by this section shall be ten feet (10') except where a side yard is adjacent to an R1, R2, or R3 zone in which the minimum setback shall be thirty feet (30').

D. Front Yard: The minimum depth of the front yard for main buildings and for private garages shall be thirty feet (30').

E. Rear Yard: The minimum depth of the rear yard for main buildings and for private garages shall be twenty-five feet (25') except when rear yard is adjacent to single family residential zone (R1, R2, R3) in which case the rear yard minimum depth shall be forty feet (40').

Rear yards shall be separated from adjoining properties with a decorative wall or decorative fence, sufficient to provide adequate aesthetics, screening, separation, and security.

F. Height: No building shall be erected to a height greater than thirty-six feet (36'), and no dwelling structure shall be erected to a height less than one story.

G. Maximum Number of Stories above ground is 2 ½. The minimum height of a dwelling in stories above grade: 1

H. Accessory buildings:

1. The maximum height of an accessory building in feet: 15
2. Accessory buildings adjacent to the front, side, or rear yard of any residential zone, shall be shorter than 15 feet.
3. Accessory building larger than 800 sq ft shall follow the front, side, and rear yard setback requirements as defined above.
4. No accessory building shall contain greater square foot floor area than the principal building to which it is accessory. No accessory building or group of accessory buildings in any residential district shall cover more than thirty (30) percent of the rear yard.

I. Coverage: No building or group of buildings with their accessory buildings shall cover more than sixty percent (60%) of the area of the lot. (Ord., 9-3-1996)

J. Any multi-family building or group of buildings shall be managed by a homeowner association (HOA), or similar, which manages common areas, including green space, parking lot, accessory buildings, landscaping areas. The HOA shall be responsible for the maintenance and appearance of the complex and shall be liable for code violations levied by the city

K. Open space shall be provided to any building or group of buildings that contains more than 2 dwelling units per building. A common open space shall be provided at a rate of 220 sq ft per dwelling unit (~0.5 acre per 100 units), with a minimum size of open space not less than 1000 sq ft.

1. Open space may be split into multiple areas, but no individual area less than 1000 sq ft will count towards the open space requirement defined above.

2. Open space shall be of semi-regular shape such that line of sight is maintained from any two points within the space.

3. 50% of retention/detention area may count toward the open space requirement providing that the remaining open space is adjacent to the retention/detention area.

4. Open space may include yard, playground, patio, sports court, botanical, or vegetable garden, maintained natural trail, or similar.

5. Open space must be separated from vehicle parking and roadway in a manner that prevent normal vehicle access.

6. Picnic/bowery/pergola structures which are open on at least 3 sides and are less than 15 feet in height are considered part of the open space.

7. In a phased development 33% of total open space requirements shall be contained in phase I land area and construction of open space shall be 50% completed by the completion of phase I and 100% completed prior to the commencement of the final phase of development.

8. Single building dwelling units do not need to be included in Open Space calculations.

Sidewalks adjacent to roadways or parking lots shall not count towards Open Space surface area requirements.

L. Density Increase Provision - The unit per acre density requirement within the development may be increased from 8 units per acre up to 12 units per acre if the following conditions are met:

1. A common open space shall be provided at a rate of 435 sq ft per dwelling unit (~1 acre per 100 dwelling units), with a minimum size of open space not less than 1500 sq ft.

2. Open space shall be made generally available for use by the public without a fee.

a. Managing association may restrict/enforce usage times (to daylight hours or similar) to prevent noise or other nuisance.

b. Managing association may also restrict and enforce prohibitions against activities that risk property damage, public safety, or create a nuisance (loud music performances, public protest, high risk sports activity, etc.).

c. Managing associate may require reservation and assess reasonable deposit or use fee for use of any individual amenities (bowery, fire pit, sports court, vegetable garden) but cannot restrict general usage of open space. (Ord. O-24-04, 9-18-2024)