

**302 R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)**

**302-1 Intent and Purpose**

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2, Section 300-5, or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

**302-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

302-2.1 Accessory Uses and Structures - Section 430-1.

302-2.2 Bus Shelter - Section 430-23.

302-2.3 Attached Dwelling Units (Duplex on an approved duplex lot only) – Section 430-13.3

302-2.4 Detached Dwelling Unit

A. New dwelling on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A.

B. Expansion or replacement of an existing dwelling – Section 430-37.1 A.

302-2.5 Expansion of any Type II or III use which meets the following:

A. Is exempt from application of public facility standards of Section 501-2;

B. Is not in an area of special concern as designated on the applicable Community Plan map; and

C. Is not a telecommunication facility.

302-2.6 Home Occupation - Section 430-63.1.

302-2.7 Parks - Section 430-97.

302-2.8 Recycle Drop Box - Section 430-113.

302-2.9 Temporary Use - Section 430-135.1.

- 302-2.10 Manufactured Home on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76.
- 302-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 302-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **302-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 302-3.1 Ambulance Service - Section 430-9.1.
- 302-3.2 Flag lot - Section 430-45.
- 302-3.3 Home Occupation - Section 430-63.2.
- 302-3.4 Infill - Section 430-72.
- 302-3.5 Parks - Section 430-97.
- 302-3.6 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 302-3.7 Temporary Use - Section 430-135.2 A.
- 302-3.8 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 302-3.9 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
  - A. Clubhouse.
  - B. Meeting hall.
  - C. Day care facility - Section 430-53.2.
  - D. Recreation center.
  - E. Gymnasium.
  - F. Indoor swimming pool.

- 302-3.10 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 302-3.11 Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B.
- 302-3.12 Manufactured Home on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76 and Section 430-37.1 B.(1-3).
- 302-3.13 Guest House - Section 430-55.

**302-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 302-4.1 Attached Dwelling Units - Section 430-13.
- 302-4.2 Boarding House, includes Bed & Breakfast - Section 430-19.
- 302-4.3 Campground - Section 430-25.
- 302-4.4 Cemetery - Section 430-27.
- 302-4.5 Church - Section 430-29.
- 302-4.6 Golf Course (may include Country Club) - Section 430-51.
- 302-4.7 Group Care - Section 430-53.
- 302-4.8 Heliport (Personal use only) - Section 430-59.
- 302-4.9 Hospital - Section 430-65.
- 302-4.10 Kennel - Section 430-73.
- 302-4.11 Public Building - Section 430-103.
- 302-4.12 Public Utility - Section 430-105.
- 302-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 302-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

302-4.15 Single-Family Accessory Dwelling Unit - Section 430-117.1.

302-4.16 School - Section 430-121.

302-4.17 Special Recreation Use - Section 430-131.

302-4.18 Storage Area for Recreation Vehicles - Section 430-133.

### **302-5 Prohibited Uses**

302-5.1 Structures or uses not specifically authorized by Section 302.

302-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized as a temporary use in Section 302-2.8, 302-2.9, 302-3.7, or 302-3.12.

302-5.3 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

302-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.

302-5.5 Keeping of fowl for sale, keeping swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.

302-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing June, 1983 airport year 2000 LDN fifty-five (55) contour.

302-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

302-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

302-5.9 Auto wrecking yards.

### **302-6 Density**

302-6.1 In the R-5 District:

- A. The permitted residential density shall be no more than five (5) units per acre and no less than four (4) units per acre, except as permitted by Section 300-2 or by 302-6.2 below; and
- B. A lot shall be at least fourteen thousand (14,000) square feet in area in order to be divided.

- 302-6.2 The Review Authority may exclude slopes between fifteen (15) and twenty (20) percent from the acreage used to calculate the minimum density when the following standards are met:
- A. The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquefaction hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and
  - B. The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquefaction hazards, or other geologic hazards.
- 302-6.3 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:
- A. A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:
    - (1) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;
    - (2) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;
    - (3) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and
    - (4) The location of unbuildable categories of land listed in Section 300-3.1;
  - B. The size, configuration and location of proposed lots or parcels to be created through an application, and the location of dwellings and structures on the proposed lots or parcels, shall not preclude:
    - (1) Future development of the subject property to the minimum density as shown in the future development plan; and
    - (2) Future development or redevelopment of adjacent properties to the permitted density;
  - C. No future street, easement, or public facility shall be located on the subject property in a manner that would preclude future development to the minimum

density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and

- D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

### **302-7 Dimensional Requirements**

#### **302-7.1 Lot Area:**

- A. The average lot area of lots within a proposed development (land divisions and property line adjustments) shall be no less than six thousand (6,000) square feet (does not include tracts); and
- B. The minimum lot area of a lot shall be five-thousand five-hundred (5,500) square feet.

#### **302-7.2 Yard (Setback) Requirements.** Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Fifteen (15) foot front yard to the front building wall and twelve (12) feet to a porch or other covered or enclosed entryway;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard;
- E. Fifteen (15) foot rear yard;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

#### **302-7.3 Height:**

- A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.

- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

**302-7.4 Lot Dimensions:**

The minimum dimensions for any new lot or parcel shall be:

- A. Lot width - forty (40) feet;
- B. Lot depth - sixty (60) feet;
- C. Lot width at the street or access point - forty (40) feet except as allowed through Section 430-45 (flag lots); and
- D. Lot width at street on a cul-de-sac, eyebrow corner, hammerhead terminus, or other street terminus - twenty (20) feet.

**302-8 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413.

**302-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK**