307 R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-1 Intent and Purpose

The intent of the R-25+ District is to implement the policies of the Comprehensive Plan for areas designated for residential development of twenty-five (25) units or more per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2, Section 300-5, or Section 307-6. The purpose of the district is to provide areas for high density attached housing.

307-2 Uses Permitted Through 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.

307-2.1 Accessory Uses and Structures - Section 430-1.

307-2.2 Bus Shelter - Section 430-23.

307-2.3 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.

307-2.4 Home Occupation - Section 430-63.1.

307-2.5 Parks - Section 430-97.

307-2.6 Recycle Drop Box - Section 430-113.

307-2.7 Single-Family Accessory Dwelling Unit - Section 430-117.1.

307-2.8 Temporary Use - Section 430-135.1.

307-2.9 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1.

307-2.10 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-76.

307-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

307-2.12 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.

307-3 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.

307-3.1 Ambulance Service - Section 430-9.1.

307-3.2 Attached Dwelling Units.

307-3.3 Boarding House - Section 430-19.

307-3.4 Detached Dwelling Unit, not otherwise permitted by Section 307-2.9 - Section 430-37.1.

307-3.5 Flag Lot - Section 430-45.

307-3.6 Home Occupation - Section 430-63.2.

307-3.7 Parks - Section 430-97.

307-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.

307-3.9 Temporary Use - Section 430-135.2 A.

307-3.10 Zero Lot Line Development - Section 430-147.

307-3.11 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

307-3.12 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.

307-3.13 Manufactured Home, not otherwise permitted by Section 307-2.10 - Section 430-76 and Section 430-37.1 B.(1-3).

307-3.14 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

307-4 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.

307-4.1 Group Care - Section 430-53.1 through 53.5.

307-4.2 Heliport (Personal use only) - Section 430-59.

307-4.3 Kennel - Section 430-73.

307-4.4 Neighborhood Commercial Use - Section 430-83.

307-4.5 Park and Ride Facility - Section 430-89.

307-4.6 Professional Office - Section 430-101.

307-4.7 Public Building - Section 430-103.

307-4.8 Public Utility - Section 430-105.

307-4.9 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

307-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

307-4.11 Special Recreation Use - Section 430-131.

307-4.12 Transit Center - Section 430-137.

307-5 Prohibited Uses

307-5.1 Structures or uses not specifically authorized by Section 307.

307-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized in Sections 307-2.8, 307-2.10, 307-3.9, or 307-3.13.

307-5.3 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.

307-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.

307-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.

307-5.6 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.

307-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

307-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

307-5.9 Auto wrecking yards.

307-6 Density

307-6.1 The permitted density in the R-25+ District is as follows:

A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than twenty-five (25) units per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2, 307-6.1 B., or 307-6.1 C.

B. R-25+ property which meets the following criteria shall develop at no more than forty (40) units per acre and no less than thirty-two (32) units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.

(1) The subject property is within one-quarter (¼) mile of the Transit Service with twenty (20) minute headways during peak hours;

(2) The subject property is within one-quarter (¼) mile of a developed Community Business District or Transit Oriented Retail Commercial District, or equivalent level in a city; and

(3) The subject property is within one-half (½) mile of an existing or planned employment center with a minimum of two-hundred and fifty (250) employees.

C. To develop over forty (40) units per acre, to a maximum of one-hundred (100) units per acre, in addition to the criteria of Section 307-6.1 B., the following criteria must be met:

(1) An additional ten (10) percent of the site shall be devoted to Open Space;

(2) At a minimum, the average unit size shall be eight-hundred (800) square feet;

(3) The maximum height shall be one-hundred (100) feet except as provided in Section 419; and

(4) The maximum lot coverage for residential structures shall be forty (40) percent, not including accessory structures or parking.

307-6.2 For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

307-7 Dimensional Requirements

307-7.1 Lot Area:

A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.

B. The minimum lot area for attached units shall be one-thousand three-hundred (1,300) square feet. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.

307-7.2 Yard (Setback) Requirements.

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

(1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;

(2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;

(3) Eight (8) foot street side yard;

(4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear

of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

(5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of(6) below and Section 430-117.2 F.; and

(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, shall be:

(1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;

(2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;

(3) Eight (8) foot street side yard, except as necessary to comply with (6) below;

(4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

(5) Twelve (12) foot rear, except as necessary to comply with (7) below;

(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.

(7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.

C. The minimum yard requirements for all other uses (e.g., single-family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:

(1) Twenty (20) foot front yard;

(2) Twenty (20) foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;

(3) Twenty (20) foot rear yard;

(4) Side yards:

(a) Five (5) foot - one (1) story;

(b) Seven (7) foot - two (2) stories or ten (10) foot when adjacent to lower density district;

(c) Ten (10) foot - three (3) stories;

(d) Fifteen (15) foot - four (4) stories;

(e) Twenty (20) foot - five (5) stories;

(f) Ten (10) foot street side yard except as specified in (d) or (e) above;

(g) To determine the minimum setback for a different primary Land Use District adjacent to this District, a ten (10) foot minimum shall be used.

D. Additional setbacks may be required as specified in Sections 411 and 418.

E. Required yards shall be horizontally unobstructed except as provided in Section 418.

307-7.3 Height:

A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code.

B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of the Code.

C. The maximum height for all other structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.

D. 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 or the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.

E. 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.

307-7.4 Lot Dimensions:

A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:

(1) Average lot width - one hundred (100) feet;

(2) Average lot depth - one hundred (100) feet; and

(3) Lot width at the street - forty (40) feet except as allowed through Section 430-45 (flag lots).

B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:

(1) For attached units:

(a) Average lot width - fourteen (14) feet;

(b) Average lot depth - sixty (60) feet; and

(c) Lot width at the street - fourteen (14) feet.

(2) For detached units:

(a) Average lot width - twenty-three (23) feet;

(b) Average lot depth - sixty (60) feet;

(c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (flag lot); and

(d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

307-7.5 Required Outdoor Yard Area

A minimum contiguous rear or side yard (does not include a street side yard) outdoor area of two-hundred and fifty (250) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

The required outdoor area may be reduced to one-hundred and forty (140) square feet when the following standards are met:

A. The outdoor area shall consist of one-hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. The outdoor area shall be located within a side or rear yard;

B. The development site is located within one-thousand (1,000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and

C. Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

307-8 Building Facade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

307-8.1 Garage Frontage

A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or

B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or

C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:

(1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and

(2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade; and

(3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or

D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.

E. The above garage frontage standards do not apply to lots on non-through streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

307-9 Parking Requirements

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

307-10 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.