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Commission Members  
Steve Rice, Chairperson  
Ken Dozer, Vice Chairperson  
Kasey McCrary  
Maurice Young  
Kyle Souleyrette

## **CITY OF ELIZABETHTOWN PLANNING AND DEVELOPMENT**

Elizabethtown Planning Commission  
Regular Meeting Agenda  
April 8, 2025  
6:00 p.m.  
Pritchard Community Center, 404 S. Mulberry Street

1. Call to Order
2. Approval of Minutes – March 25, 2025
3. Continuation of Public Hearing 2025-PC-07  
Residential Zoning Text Amendments
4. Commission Member Items
5. Adjournment



**MEETING MINUTES OF THE ELIZABETHTOWN PLANNING COMMISSION  
MARCH 25, 2025**

A meeting of the Elizabethtown Planning Commission was held on March 25, 2025 at 6:00 p.m. at the Pritchard Community Center, 404 South Mulberry Street, Elizabethtown.

**Commission members present:**

Steve Rice, Chairperson  
Ken Dozer, Vice Chairperson  
Kasey McCrary  
Kyle Souleyrette  
Mika Tyler, City Council Representative (non-voting member)

**Commission Members absent:**

Maurice Young

**Staff members present:**

Joe Reverman, Planning Director  
Aaron Hawkins, Planner II  
Madeline Drake, Planner I  
Commission Attorney Matt Hess

The following matters were considered:

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**APPROVAL OF MINUTES**

**MARCH 11, 2025, PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion made by Commissioner McCrary, seconded by Commissioner Dozer, the following resolution was adopted.

**RESOLVED**, that the Elizabethtown Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on March 11, 2025.

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, and Souleyrette

**NOT PRESENT:** Commissioner Young

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**DEVELOPMENT PLAN AND COMMERCIAL DESIGN GUIDELINES for 4601 North Dixie Avenue**

Request: Development Plan & Commercial Design Guidelines  
Project Name: Dixie Business Center, Phase 3  
Location: 4601 North Dixie Avenue  
Owner: TDA Properties, LLC  
Applicant: Keyes Architects and Associates

**Agency Testimony:**

The Chairperson introduced the agenda item. Madeline Drake presented the staff report and accompanying PowerPoint presentation. He oriented the Commission with the location of the property and identified nearby zoning classifications and uses. The applicant is proposing to construct ten new buildings on this site as the final phase of the business center. Access will come from one existing point on North Dixie Avenue and one proposed off South Wilson Road, which will be shared with the adjoining property owner to the north. Stormwater will be handled with the detention basin that is on site. Utilities exist and are available. A landscape plan has been submitted and is currently under review. No waivers are being requested. Staff recommends approval of the development plan with conditions.

Ms. Drake reviewed the commercial design guidelines describing materials, color scheme, and elevations. These buildings are proposed to match the existing building on site. The top portion of each building is proposed to be ribbed vertical metal panels, which will be fox gray in color, and bottom portion of each building will be ribbed horizontal metal panels which are charcoal gray in color. Black canvass awnings will be located above each entrance.

Three waivers are being requested. Section 154.134(A)(1) - Materials and Colors, to allow ribbed metal panels as the predominant material of the proposed building facades. Section 154.134(B)(2) - Facades and Exterior Walls, to allow a lack of wall projections on all facades and a lack of animating features on the sides and rear facades of each building. Section 154.134(D)(2) - Roofs, to allow a lack of roofline variations on each building. Staff recommends approval of the commercial design guidelines with requested waivers.

Commissioner McCrary asked staff if there were any discussions with the applicant about using more appropriate materials on the buildings facing North Dixie Avenue and South Wilson Road. Ms. Drake stated while there were no discussions on changing the materials for those buildings, the applicant will be required to have additional landscaping due to their visibility from the road.

**Those speaking in favor of the request:**

No one spoke in favor of the request.

**Those speaking in opposition to the request:**

No one spoke in opposition to the request.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Commercial Design Guidelines for Dixie Business Center, Phase 3, located at 4601 North Dixie Avenue**

On a motion by Commissioner McCrary, seconded by Dozer, the following resolution was adopted based on staff analysis and testimony heard today.

**Waiver of Section 154.134(A)(1) - Materials and Colors**

**Waiver of Section 154.134(B)(2) - Facades and Exterior Walls**

**Waiver of Section 154.134(D)(2) – Roofs**

**WHEREAS**, there are special circumstances with the requested waivers because the first building was not required to go through commercial design review, and the second building was granted these exact waivers in order to match the appearance of the first; and

**WHEREAS**, the proposed buildings will be of better quality in both design and appearance than the adjacent residential storage metal buildings to the north and the block bowling alley to the south; and

**WHEREAS**, the North Dixie Sub Area (Sub Area 2) guidelines say that underutilized properties impact the character of the community, pose safety issues if abandoned and reduce the property tax that could be generated. As a flea market, this site was underutilized and negatively impacted the character of the community. The developer is redeveloping this site to enhance one of the most northern parcels in the City. The guidelines further state that some flexibility on one or more uses could be considered that complement or are compatible with regional commercial uses.

**RESOLVED**, that the Elizabethtown Planning Commission does hereby **APPROVE** the Commercial Design Guidelines for Dixie Business Center, Phase III, with the following waivers:

- Waiver of Section 154.134(A)(1) - Materials and Colors, to allow ribbed metal panels as the predominant material of the proposed building facades.
- Waiver of Section 154.134(B)(2) - Facades and Exterior Walls, to allow a lack of wall projections on all facades and a lack of animating features on the sides and rear facades of each building.
- Waiver of Section 154.134(D)(2) - Roofs, to allow a lack of roofline variations on each building.

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, and Souleyrette

**NOT PRESENT:** Commissioner Young

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Development Plan for Dixie Business Center, Phase 3, located at 4601 North Dixie Avenue**

On a motion by Commissioner Dozer, seconded by Souleyrette, the following resolution was adopted based on staff analysis and testimony heard today.

Now, therefore be it **RESOLVED**, that the Elizabethtown Planning Commission does hereby **APPROVE** the Development Plan for the Dixie Business Center, Phase 3, located at 4601 North Dixie Avenue, with the following conditions:

1. No access shall be permitted to South Wilson Road until such time as access is shared and combined with 6796 South Wilson Road.
2. Work with staff to finalize landscape plan to comply with requirements of the Elizabethtown Zoning Ordinance.

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, and Souleyrette

**NOT PRESENT:** Commissioner Young

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**PUBLIC HEARING No. 2025-PC-05**

Request: Zoning Map Amendment, C-3 to R-6, Development Plan, and Sidewalk Waiver  
Project Name: Roanoke Apartments Zone Change  
Location: 475 Hodgenville Road  
Owner: Roanoke Co, LLC  
Applicant: Grady Stewart

The Chairperson introduced the agenda item and opened the public hearing at 6:17 p.m. and presented the hearing procedures. Matt Hess administered the oath to all those intending to testify at the hearing.

**Agency Testimony:**

Madeline Drake presented the staff report and accompanying PowerPoint presentation. Ms. Drake oriented the Commission with the location of the property and identified nearby zoning classifications and uses. The request for a change in zoning is to allow a multifamily development to be constructed on the site. The current C-3 zoning designation does not allow residential development as a principal use. Staff recommends approval of the zone change request from C-3, Regional Commercial to R-6, High Density Residential, as it is found to be in compliance with the community-wide development policies and guidelines, the sub area guidelines and the targeted planning area guidelines of the Elizabethtown comprehensive plan.

The development plan shows 11 three-story apartment buildings, with 288 total units. Amenities such as a dog park, clubhouse, playground, pool, maintenance building, and car wash, will also be located on site. Access will come from two points off an existing private street that intersects with Hodgenville Road and Lincoln Parkway. The access street will remain private but officially be named Edwards Street, after the late Allen Edwards, and all buildings in this development will be addressed off it. Parking will line both sides of the internal drive lane. Utilities are available on site. Stormwater will be directed to the regional detention basin to the northeast.

One waiver is being requested. A waiver of Section 154.250(F)(1)(a) – Sidewalk Installation Requirements, to waive the requirement of a sidewalk along Hodgenville Road and Lincoln Parkway.

Staff recommends approval of the development plan and requested waiver with no conditions.

**Those speaking in favor of the request:**

Nick Pregliasco, 1000 North Hurstbourne Parkway, Louisville, KY 40223  
Derek Triplett, 503 Washburn Avenue, Louisville, KY 40222

**Summary of those speaking in favor of the request:**

Nick Pregliasco representing the applicant, discussed the development, describing the site and amenities that will be offered to renters. Derek Triplett, Land Design and Development, discussed the design and layout of the development and access.

**Those speaking in opposition:**

No one spoke in opposition to the request.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Hearing No. 2025-PC-05**

**Zoning Map Amendment for 475 Hodgenville Road**

On a motion by Commissioner McCrary, seconded by Commissioner Dozer, the following resolution was adopted based on staff analysis and testimony heard today.

**WHEREAS**, the Elizabethtown Planning Commission (Commission) finds the proposed zoning map amendment from C-3, Regional Commercial to R-6, High Density Residential complies with the Envision Elizabethtown 2040 Comprehensive Plan (Plan); and

**WHEREAS**, the Commission finds that the proposed zoning map amendment complies with the Community-Wide Development Policies of the Plan, that the size and scale of a multifamily development would be compatible with nearby commercial developments and multifamily units in the residential developments to the east, that access to the property will come from two points off an existing private street, that water and sewer are available on the property, and that water supply and pressure are adequate for the proposed development; and

**WHEREAS**, the Commission finds the proposal complies with the Recommended Land Use Plan of the Plan, that the Recommended Land Use Map designates this property as Regional Commercial, that multi-family residential is compatible with, and supports, adjacent and nearby commercial developments, that high density residential would provide an appropriate transition of uses from the adjacent commercial developments to nearby residential developments, that the proposed zoning of R-6, High Density Residential, allows a maximum of 20 units per acre, which would provide an adequate transition from adjacent commercial uses to nearby residential uses; and

**WHEREAS**, the Commission finds the proposal complies with the Community-Wide Guidelines of the Plan, that the requested zoning map amendment to a residential zoning classification would allow appropriate development of an existing city lot that has public services (water, sewer, gas) nearby, that the size and scale of a high-density multifamily development would be compatible with nearby commercial developments and nearby residential developments, that this development provides a transition from the intense commercial and industrial uses along Lincoln Parkway and Hawkins Drive to the residentially zoned properties to the east, that development of the lot would utilize the existing street network which provides adequate and appropriate connectivity, that a sidewalk will be required to be constructed along the developer's portion of Edwards Street with connections to the development and walkways connecting all buildings within the development, and that water and sewer are available on the property with sufficient capacity; and

**WHEREAS**, the Commission finds the proposal complies with the Sub Area Guidelines of Sub Area 12 of the Plan, that this development provides a transition from the intense commercial and industrial uses along Lincoln Parkway and Hawkins Drive to the residentially zoned properties to the east; and

**WHEREAS**, the Commission finds the property is not located within a Targeted Area within Sub Area 12.

**RESOLVED**, that the Elizabethtown Planning Commission **RECOMMEND** to the Elizabethtown City Council that the zoning map amendment for 475 Hodgenville Road from C-3, Regional Commercial, to R-6, High Density Residential, by **APPROVED**.



**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

**NOT PRESENT:** Commissioner Young

**Development Plan and Sidewalk Waiver of Section 154.250(F)(1)(a) for Roanoke Apartments, 475 Hodgenville Road**

On a motion by Commissioner McCrary, seconded by Commissioner Souleyrette, the following resolution was adopted based on staff analysis and testimony heard today.

**WHEREAS**, the natural topography and vegetation pre-existing the proposed project along Hodgenville Road prevent installation of a functional sidewalk. There is a 30' topographic drop from the edge of the tree-line on this property to the Hodgenville Road right-of-way. Lincoln Parkway is a four-lane controlled-access highway with limited pedestrian activity and transitions into the Western Kentucky Parkway, which is not required to have sidewalks, just west of this property; and

**WHEREAS**, the steep grade of the area along Hodgenville Road is an exceptional topographic condition that makes installation of a sidewalk infeasible; and

**WHEREAS**, the location of Lincoln Parkway's transition into a sidewalk-exempted right-of-way, the Western Kentucky Parkway, being just 1200' west of this property's Lincoln Parkway frontage means that any sidewalk installed on this property's frontage would never have a connection to the west.

**RESOLVED**, that the Elizabethtown Planning Commission does hereby **APPROVE** the Development Plan and Sidewalk Waiver for Roanoke Apartments, 475 Hodgenville Road, with the following waiver:

- Waiver of Section 154.250(F)(1)(a) – Sidewalk Installation Requirements, to waive the requirement of a sidewalk along Hodgenville Road and Lincoln Parkway

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, and Souleyrette

**NOT PRESENT:** Commissioner Young

The Chairperson closed the hearing at 6:44 p.m.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**PUBLIC HEARING No. 2025-PC-06**

Request: Zoning Map Amendment, R-1 to R-6 and C-3, and Conceptual Development Plan  
Project Name: Yun Development  
Location: 707 Saint John Road  
Owner: Hanna Yun  
Applicant: Hanna Yun

The Chairperson introduced the agenda item and opened the public hearing at 6:45 p.m. Matt Hess addressed the Commission and those in attendance stating staff discovered an adjoining property owner was omitted from the notification mailing list in error. Mr. Hess recommended the Commission hear the case with testimony, without taking any action and tabling the hearing until a later date so proper notice may be sent to the adjoining property owner. The property owner in question was not present at the meeting.

**Agency Testimony:**

Aaron Hawkins presented the staff report and accompanying PowerPoint presentation. Mr. Hawkins oriented the Commission with the location of the property and identified nearby zoning classifications and uses. The request for a change in zoning is to allow a mixed-use development. The current R-1 zoning does not allow commercial or multi-family developments as a principal use. Staff recommends approval of the zone change request from R-1, Suburban Residential, Limited to R-6, High Density Residential and C-3 Regional Commercial, as it is found to be in compliance with the community-wide development policies and guidelines, the recommended land use plan, the sub area guidelines and the targeted planning area guidelines of the Elizabethtown comprehensive plan.

The conceptual development plan shows the construction of a roundabout on Saint John Road at the entrance of this development. Access to this development would be limited to a single leg of the proposed roundabout. KYTC has given preliminary approval. Utilities are currently available and have sufficient capacity for this development. Stormwater will be handled at the development plan stage. No waivers are being requested. Staff recommends approval of the conceptual development plan with conditions.

Chairperson Rice asked if there are any plans to close University Drive where it intersects with Saint John Road. Mr. Hawkins stated not at this time.

**Those speaking in favor of the request:**

Jay Park, 3850 Wilshire Boulevard, Los Angeles, CA 90010  
Heric Silva, 40101 Monterey Ave, Rancho Mirage, CA 92270

**Summary of those speaking in favor:**

Jay Park, architect, discussed the development stating it will be a mixture of commercial and residential uses, with a clubhouse on site. Mr. Park also discussed access to the development, noting discussions are still taking place regarding the roundabout and the possible realignment of University Drive. Commissioner Dozer asked how many rooms are proposed for the hotel. Mr. Park stated the hotel will be split into four separate buildings with a total of 114 guest rooms.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Questions of those in attendance:**

Brett Henson, 110 Deer Grove Court, Elizabethtown, KY 42701

Celia Thomas, 717 Saint John Road, Elizabethtown, KY 42701

Dennis Dvorjak, 597 Rue La Grande, Elizabethtown, KY 42701

**Summary of questions:**

Brett Henson asked Mr. Park if there were currently any plans for development for the rear portion of the property. Mr. Park stated there are currently no plans for development. Celia Thomas asked for clarification on the location of the hotel buildings, noting one of the buildings is close to a barn that is located on her property. Dennis Dvorjak asked if the proposed project was being built specifically for BlueOval SK employees. Mr. Park responded no, however, the apartments may be occupied by anyone.

**Those speaking in opposition to the request:**

Celia Thomas, 717 Saint John Road, Elizabethtown, KY 42701

Mary Jo Young, 719 Saint John Road, Elizabethtown, KY 42701

Jim Shaw, 616 Yale Drive, Elizabethtown, KY 42701

**Summary of those speaking in opposition:**

Celia Thomas does not believe the proposed project is appropriate for the area. Ms. Thomas also has concerns about noise and light pollution, safety and security, the increase in traffic, and the potential for her property to decrease in value due to the proposed buildings being premanufactured and assembled on-site. Mr. Park stated these are not typical premanufactured buildings and by using these types of buildings it cuts down on construction time. Heric Silva stated the proposed buildings being premanufactured are due to how they are assembled, and the exterior of the buildings and materials used are not related to how they are constructed. Mary Young also does not believe the proposed development is appropriate for the area and has concerns this development could disrupt the greenspace and natural beauty of the area. Jim Shaw shared concerns about light and noise pollution. Mr. Shaw, referencing the Comprehensive Plan, gave reasons why he believes the Plan does not support an R-6 or C-3 zoning designation for this property.

**Deliberation:**

Vice Chairperson Dozer asked how many acres are remaining undeveloped in the rear of the property. Mr. Park stated approximately 6 acres. Commissioner McCrary has concerns with C-3 being adjacent to R-1. Chairperson Rice shared traffic concerns and is not certain the proposal is appropriate for the area.

**Hearing No. 2025-PC-06**

**Zoning Map Amendment for 707 Saint John Road**

On a motion by Commissioner McCrary, seconded by Commissioner Souleyrette, the following resolution was adopted based on staff analysis and testimony heard today.

**RESOLVED**, that the Elizabethtown Planning Commission does hereby **TABLE** the Zoning Map Amendment for 707 Saint John Road, until the April 22, 2025 meeting.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**The vote was as follows:**

**YES:** Commissioners Rice, Dozer, McCrary, and Souleyrette

**NOT PRESENT:** Commissioner Young

Chairperson Rice calls for a recess at 8:06 p.m.

Chairperson Rice calls the meeting back to order at 8:12 p.m.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**PUBLIC HEARING No. 2025-PC-07**

Request: Zoning Text Amendment  
Project Name: Zoning Text Amendment related to residential development regulations  
Applicant: City of Elizabethtown

Chairperson Rice introduced the agenda item and opened the public hearing at 8:12 p.m.

**Agency Testimony:**

Joe Reverman presented the staff report and accompanying PowerPoint presentation. Upon direction from the Elizabethtown Planning Commission, Planning & Development staff evaluated the zoning ordinance for necessary amendments to align with the Envision Elizabethtown 2040 Comprehensive Plan, and to facilitate development in accordance with the current housing market. The amendments proposed are intended to both implement the goals and objectives of the Comprehensive Plan and accommodate the changing market demand for housing in the region.

A focus group was conducted with key stakeholders in July 2024. Some of the topics discussed at the meeting were the desire for smaller lots, the need for more affordable housing, variety of housing types, and more mixed-use developments.

Mr. Reverman reviewed the text amendments which includes eliminating the definition of “Family” and amending it to “Dwelling Unit”, while also adding definitions such as “Accessory Dwelling Unit” (ADU) and “Recovery Residence”. Other amendments include a reduction in lot sizes in certain zoning districts, allowing ADU’s in all residential zoning districts with provisions, allowing residential development in commercial zoning districts, new development types, and expanding the allowance for Non-Owner Occupied Short Term Rentals.

The Commission discussed conservation developments, open spaces in new developments and who would maintain them, ADU’s and parking requirements, and short term rentals and how they will be allowed and regulated.

**Those speaking in favor of the request:**

No one spoke in favor of the request.

**Those speaking in opposition:**

No one spoke in opposition to the request.

**Those speaking neither for nor against the request:**

Todd Edlin, 185 Edlin Lane, Elizabethtown, KY 42701

**Summary:**

Todd Edlin shared concerns with some of the amendments regarding ADU’s and short-term rentals specifically the 600ft distance requirement between rentals.

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Hearing No. 2025-PC-07**

**Zoning Text Amendment related to residential development regulations**

On a motion by Commissioner Dozer, seconded by Commissioner Souleyrette, the following resolution was adopted based on staff analysis and testimony heard today.

Now, therefore be it **RESOLVED** that the Elizabethtown Planning Commission does hereby **TABLE** the Zoning Text Amendments related to residential development regulations, to the April 8, 2025, meeting.

The vote was as follows:

**YES:** Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

**NOT PRESENT:** Commissioner Young

**PLANNING COMMISSION MINUTES  
MARCH 25, 2025**

**Commission Member Items:**

The Chairperson introduced the agenda item. There were no items to discuss.

**Adjournment:**

There being no further items to discuss, Commissioner Souleyrette made a motion to adjourn with a second by Commissioner Dozer. The Vice Chairperson declared the meeting adjourned at 9:37 p.m.

Prepared by:

\_\_\_\_\_  
Janet Rodgers, Administrative Secretary  
Planning & Development

Attachment & Exhibits  
DVD of the meeting available for review

ADOPTED AND APPROVED

\_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Steve Rice, Chairperson  
Elizabethtown Planning Commission



## Public Hearing 2025-PC-07

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# Residential Zoning Text Amendments





**Staff Report Addendum**  
Elizabethtown Planning Commission  
April 8, 2025

**2025-PC-07**

**REQUEST**

Zoning Text Amendment related to residential development regulations

**APPLICANT**

City of Elizabethtown

**SUMMARY**

These proposed amendments were presented to the Planning Commission on March 25, 2025. The Commission continued the request to April 8<sup>th</sup> for continued discussion. Following is a list of discussion topics discussed by the Commission and interested parties.

1. Conservation Developments and Open Space
  - a. The Commission had questions on how open space required with conservation developments would be maintained. Staff explained that when subdivisions provide open space or other amenities that require ongoing maintenance, the subdivision regulations require a homeowner's association to be established with management and maintenance standards and recorded with the subdivision plat.
2. Accessory Dwelling Units (ADUs) and Parking
  - a. The Commission questioned how parking requirements are enforced for residential uses. Staff explained that driveways, garages and carports can all count toward meeting minimum parking requirements for residential uses.
3. Short Term Rentals
  - a. It was noted that non-owner occupied short-term rentals were allowed with approval of a Conditional Use Permit (CUP) in the R-3, R-4, R-5 & R-6 zoning districts. The question was asked why they were not allowed in the R-1 and R-2 zoning districts.
    - i. The proposal is to allow these with a CUP in "urban" residential zoning districts, which include R-3, R-4, R-5 & R-6. The Commission may discuss further whether to allow this CUP in the R-1 & R-2 zoning districts.
  - b. It was stated that short term rentals should be allowed in accessory dwelling units (ADUs) in urban zoning districts.
    - i. This proposal does permit ADUs on lots with an owner-occupied short term rental.
    - ii. The proposal restricts an accessory dwelling unit (ADU) on lots with a non-owner occupied short-term rental.
    - iii. A possible solution would be to allow the Board of Zoning Adjustment or Planning Commission consider all occupiable units on a lot when considering a CUP for a non-owner occupied short-term rental.
  - c. There were questions about the 600 ft separation requirement proposed between non-owner occupied short-term rentals.
    - i. Currently, non-owner occupied short-term rentals are only permitted in R-6 and C-5 zoning districts. The proposal adds non-owner occupied short-term rentals as a CUP

in the R-3, R-4, & R-5 zoning districts, and moves the R-6 use from permitted by right, to requiring a CUP. Non-owner occupied short-term rentals are considered commercial uses with this proposal, therefore a separation requirement is proposed to prevent over-densification of these types of commercial uses in a residential zoning district.

- ii. Additional language was added to clarify that the Board of Zoning Adjustment or Planning Commission can grant a waiver of the separation requirement under special circumstances.

**2025-PC-07**  
**Proposed Zoning Ordinance Text Amendments**

~~**ACCESSORY APARTMENT.** A dwelling unit that has been added onto, or created within, a single-family home.~~

**DEVELOPMENT, CONSERVATION.** A development type consisting of smaller lots than conventional development that are clustered together to provide for common civic and open spaces. The common open space may be set-aside for resource features such as private parks, recreation areas, woodlands, creeks, streams, and their riparian areas, floodplains, and similar features. Cluster development may be used to preserve environmental resources by clustering lots on the buildable portions of the property.

**DEVELOPMENT, CONVENTIONAL.** A development using the standard dimensional requirements of the zoning district for lot size and setbacks. Conventional developments do not include conservation developments, cottage court developments, or townhouse developments when used to obtain smaller lot sizes.

**DEVELOPMENT, COTTAGE COURT.** A type of development where COTTAGE COURT DWELLINGS are clustered around a shared pedestrian courtyard.

**DWELLING, DUPLEX.** A residential building containing two dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, or an un-pierced floor in the case of stacked units and located on one parcel.

**DWELLING, MULTI-UNIT.** A building or buildings containing three or more units, including units that are located adjacent to or one over the other and on the same parcel.

**DWELLING, SINGLE-UNIT ATTACHED.** A building containing two or more single dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, and each being located on a separate parcel.

**DWELLING, SINGLE-UNIT DETACHED.** A residential use designed as a single residential dwelling unit located on its own lot and not attached to any other dwelling. This definition does not include a patio home, manufactured home, or mobile home. Detached single-unit dwellings may be constructed off-site (e.g. modular home or manufactured home).

**DWELLING, TOWNHOUSE.** A residential use divided into in a series of units that are attached horizontally in a linear arrangement under a common roof with a common exterior wall and separated from one another by single partition walls without openings from basement to roof. Each unit of a townhouse includes a separate walk-up access from the street or common open space. This definition includes rowhouses. For the purposes of this Code, a single-unit attached dwelling is not considered a townhouse.

**DWELLING UNIT, ACCESSORY.** A dwelling unit established on a parcel with a primary dwelling unit, but clearly subordinate to the primary dwelling unit. Accessory dwelling units do not count toward the maximum density requirements allowed within the applicable zoning district.

~~**DUPLEX.** A building containing two single-family dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, or an un-pierced floor in the case of stacked units and located on one parcel.~~

~~**FAMILY.** One or more persons occupying a single dwelling unit, as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over six persons, including any roomers, boarders and/or domestic servants. A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single housekeeping unit for not more than six resident elderly or disabled persons (mentally and/or physically impaired) with at least one, but not more than two resident staff persons shall be considered a **FAMILY**.~~

~~**HOME OCCUPATION.** An occupation or professional service operated from a dwelling unit, or an accessory building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of the building, excluding barber shops and beauty shops with more than one station/chair, but only when said~~

~~occupations are performed under all of the following conditions:~~

- ~~— (a) The use is clearly incidental and secondary to use for dwelling purposes;~~
- ~~— (b) The use is conducted entirely within the dwelling unit or enclosed accessory structure;~~
- ~~— (c) The use does not require external alteration of the dwelling unit;~~
- ~~— (d) The use is carried on only by residents of the dwelling unit; may have employees but they may not work from the dwelling unit;~~
- ~~— (e) The use does not entail any exterior display of merchandise or product;~~
- ~~— (f) The use does not generate traffic in greater volumes than would normally be expected in a neighborhood;~~
- ~~— (g) The use creates no nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance; and~~
- ~~— (h) One commercial vehicle, less than 7,500 GVW, associated with the business use, may be located at the residence.~~

**HOMELESS SHELTER.** A facility providing temporary housing to indigent, needy, homeless or transient persons; may also provide ancillary services such as counseling, vocational training and similar services.

**MANUFACTURED HOUSING.** A factory built, single-family unit structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. **MANUFACTURED HOUSING** is further divided into two sub types:

(a) **TYPE 1.** Structures meeting the above definition of manufactured housing.

(b) **TYPE 2.** A transportable structure suitable for year round single-family unit occupancy and having water, electrical and sewage connections similar to those of conventional dwellings and having a permanent hitch and axle integral to the chassis structure. The removal of the hitch and axle does not render the structure a Type 1 structure.

**MANUFACTURED HOUSING DEVELOPMENT.** A parcel of land, containing spaces with required improvements and utilities for the long term placement of Type 2 manufactured housing for non-transient use that may include services and facilities for the residents. The spaces may be rented, owned individually or sold as condominiums. Recreational vehicles, campers and trailers are not permitted to be ~~uses~~ used as housing.

~~**MULTI-FAMILY DWELLING.** A building or buildings containing three or more units, including units that are located adjacent to or one over the other and on the same parcel.~~

**RECOVERY RESIDENCE.** Any premises, place, or building that:

(a) Holds itself out as a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances;

(b) Provides a housing arrangement for a group of unrelated individuals who are recovering from substance use disorders or to a group of parents who are recovering from a substance use disorder and their children, including peer-to-peer supervision models; and

(c) Is not licensed or otherwise approved by the Cabinet or any other agency of state government to provide any medical, clinical, behavioral health, or substance use treatment service for which a license or other approval is required under state law.

~~**SINGLE-FAMILY ATTACHED DWELLING.** A building containing two or more single-family dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, and each being located on a separate parcel.~~

~~**TWO-FAMILY.** A building containing two single family dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, or an un-pierced floor in the case of stacked units and located on one parcel.~~

**§ 154.042 ZONING DISTRICTS.**

(A) ~~These regulations establish the following zoning districts as a means to implement the stated purpose of the zoning regulations: Generally, This Section divides the City into the districts set forth in Table 154.042-1, Zoning Districts, below. The purpose statements and development type combination, as applicable, are included within each zoning district:~~

<b>Residential Zones</b>	
Suburban Residential, Limited	R-1
Suburban Residential, General	R-2
Urban Residential, Limited	R-3
Urban Residential, General	R-4
Urban Residential, Mixed	R-5
High Density Residential	R-6
<b>Commercial Zones</b>	
Neighborhood Office	C-1
Neighborhood Commercial	C-2
Regional Commercial	C-3
General Service Commercial	C-4
Downtown Mixed Use	C-5
<b>Industrial Zones</b>	
General Industrial	I-1
Regional Industrial	I-2
<b>Specialized Use Zones</b>	
<u>Planned Development</u>	<u>PDD</u>
Planned Neighborhood Residential 1	PNR-1
Planned Neighborhood Residential 2	PNR-2
Planned Neighborhood Commercial	PNC
Woodland Corridor District	WCD
Municipal Airport Zone	MAZ
Agri-Business	AGB
Future Development Holding	FDH
<b>Overzones</b>	
Interstate Highway Service and Business Overzone	IHSB
Floodplain Overzone	FP
Freeman Lake Overzone	FLO
National Register Historic District	NRHD
Commercial Transition Overzone	CTO

**§ 154.055 R-1 SUBURBAN RESIDENTIAL-1.**

(A) *Generally.* This district is composed of single-family unit low density, up to two dwelling units per acre. This district should be limited in scope of implementation to those areas that are environmentally sensitive, have areas of substantial slope or by the absence of adequate infrastructure should be developed at the lowest density possible. This zone is primarily applied to areas away from the town center and open space areas.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(b) Government operated parks; ~~and~~

(c) Communications towers/poles or collocations of equipment for the same, when erected by or on property owned by a public entity or public utility; ~~and~~

(d) Community Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(b) Residential care facility; ~~and~~

(c) ~~Single family detached residences~~ Dwelling, Single Unit Detached;

(d) Conservation Development, subject to the provisions of Section 154.078; and

(e) Recovery Residence.

(C) *Accessory uses.*

(1) Uses and structures which are customarily accessory, clearly incidental and subordinate to principal uses.

(2) Residential uses:

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth's Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU's.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(E) *Special provisions.*

~~(7) For short term rental, owner occupied, the dwelling unit is limited to one short term rental contract at a time; the number of occupants in the dwelling unit during a short term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short term rental days each calendar year.~~

(F) *Lot criteria.*

Minimum lot frontage	150 ft.
—Exception: corner lots, minimum frontage	175 ft. each street frontage
Minimum lot area	21,780 sq. ft.
Minimum front yard setback	40 ft.
Minimum side yard setback	15 ft.
Minimum side yard setback, assembly and commercial	30 ft.
Minimum rear yard setback	25 ft.
Minimum rear yard setback, assembly and commercial	30 ft.
Maximum building height, residential	35 ft.
Maximum building height, commercial and assembly	75 ft.
Maximum impervious surface ratio (I.S.R.) commercial and assembly uses	.70
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable lot frontage, lot area and setbacks for each yard	

	<u>Residential</u>		<u>Assembly and Commercial</u>
	<u>Single-Unit</u>	<u>Conservation</u>	
<u>Maximum Density</u>	<u>2 du/acre</u>	<u>2 du/acre</u>	<u>N/A</u>
<u>Minimum Lot Area</u>	<u>21,780 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>21,780 ft.</u>
<u>Minimum Lot Width</u>	<u>150 ft.</u>	<u>75 ft.</u>	<u>150 ft.</u>
<u>Minimum Front Yard Setback</u>	<u>40 ft.</u>	<u>25 ft.</u>	<u>40 ft.</u>
<u>Minimum Side Yard Setback</u>	<u>15 ft.</u>	<u>10 ft.</u>	<u>30 ft.</u>
<u>Minimum Rear Yard Setback</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>30 ft.</u>
<u>Maximum Building Height</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>75 ft.</u>
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	<u>N/A</u>	<u>N/A</u>	<u>0.70</u>
Note: Conservation Developments are subject to the standards of Section 154.078			

(H) *Parking, R-1 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

<b><i>R-1 Parking Standards</i></b>		
<b><i>Land Use</i></b>	<b><i>Parking Required</i></b>	<b><i>Notes</i></b>
Residential, single-family unit	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>

**§ 154.056 R-2 SUBURBAN RESIDENTIAL-2.**

(A) *Generally.* This district is composed of single-family unit, with a maximum density of five six dwelling units per acre. This zone is primarily applied to areas away from the town center.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(d) Community Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(b) Residential care facility; ~~and~~

(c) ~~Single-family detached residences~~ Dwelling, Single Unit Detached;

(d) Conservation Development, subject to the provisions of Section 154.078; and

(e) Recovery Residence

(C) *Accessory uses.*

(1) Uses which are customarily accessory, clearly incidental and subordinate to principal uses.

(2) Residential uses:

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth’s Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU’s.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(E) *Special provisions.*

~~(7) For short term rental, owner occupied, the dwelling unit is limited to one short term rental contract at a time; the number of occupants in the dwelling unit during a short term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short term rental days each calendar year.~~

(F) *Lot criteria.*

<del>Minimum lot frontage</del>	<del>100 ft. when abutting R-1 zone</del>
	<del>85 ft. when abutting all other zones</del>
<del>—Exception: corner lots, minimum frontage</del>	<del>100 ft. each street frontage</del>
<del>Minimum lot frontage, assembly and commercial</del>	<del>100 ft.</del>
<del>—Exception: corner lots, minimum frontage</del>	<del>150 ft. each street frontage</del>



Minimum lot area	14,520 sq. ft. when abutting R-1 zone
Minimum lot area	8,712 when abutting all other zones
Minimum front yard setback	30 ft.
Minimum front yard setback, assembly and commercial	40 ft.
Minimum side yard setback	10 ft.
Minimum side yard setback, assembly and commercial	30 ft.
Minimum rear yard setback	25 ft.
Minimum rear yard setback, assembly and commercial	30 ft.
Maximum building height, residential	35 ft.
Maximum building height, commercial and assembly	75 ft.
Maximum impervious surface ratio (I.S.R.) commercial and assembly uses	.70
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable lot frontage, lot area and setbacks for each yard	

	<u>Residential</u>		<u>Assembly and Commercial</u>
	<u>Single-Unit</u>	<u>Conservation</u>	
<u>Maximum Density</u>	6 du/acre	6 du/acre	N/A
<u>Minimum Lot Area</u>	7,260 sq. ft.	5,000 sq. ft.	7,260 sq. ft.
<u>Minimum Lot Width</u>	75 ft.	50 ft.	75 ft.
<u>Minimum Front Yard Setback</u>	30 ft.	25 ft.	40 ft.
<u>Minimum Side Yard Setback</u>	10 ft.	5 ft.	10 ft.
<u>Minimum Rear Yard Setback</u>	25 ft.	25 ft.	30 ft.
<u>Maximum Building Height</u>	35 ft.	35 ft.	75 ft.
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	N/A	N/A	0.70
Note: Conservation Developments are subject to the standards of Section 154.078			

(H) *Parking, R-2 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

<b>R-2 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
Residential, single-family unit	2 spaces/D.U.	1 additional space for an Accessory Dwelling Unit

**§ 154.057 R-3 URBAN RESIDENTIAL-3.**

(A) *Generally.* This zone is composed of ~~single-family and two-family~~ primarily residential uses with a maximum density of eight dwelling units per acre. This zone is encouraged in areas closer to the city core.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(c) Community Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(c) ~~Single-family attached residences (two residences)~~ Dwelling, Single-Unit Attached;

(d) ~~Single-family detached residences~~ Dwelling, Single Unit Detached; ~~and~~

(e) ~~Two-family residences.~~ Dwelling, Duplex;

(f) Cottage Court Development, subject to the standards of Section 154.079; and

(g) Recovery Residence.

(C) *Accessory uses.*

(2) Residential uses:

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth's Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU's.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(2) Commercial uses:

(d) Short-Term Rental, Non-Owner Occupied. Subject to the standards of Section 154.077.E specific to non-owner occupied short-term rentals.

(E) *Special provisions.*

(1) More than one principal structure per lot or parcel of land shall not be permitted; except that an attached duplex dwelling may be located on one lot along with an Accessory Dwelling Unit.

~~(8) For short term rental, owner occupied, the dwelling unit is limited to one short term rental contract at a time; the number of occupants in the dwelling unit during a short term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short term rental days each calendar year.~~

(F) *Lot criteria.*

Minimum lot frontage, single-family detached	75 ft.
—Exception: corner lots, minimum frontage	100 ft. each street frontage
Minimum lot frontage, single-family attached (2 residences) and two-family	40 ft./DU
—Exception: corner lots, minimum frontage	65 ft. each street frontage
Minimum lot frontage, assembly and commercial	100 ft.
—Exception: corner lots, minimum frontage	150 ft. each street frontage
Minimum lot area, single-family and two-family	8,712 sq. ft./D.U. when abutting R-1
	7,260 sq. ft. when abutting R-2
	5,445 when abutting all other zones
Minimum front yard setback	25 ft.
Minimum front yard setback, assembly and commercial	40 ft.
Minimum side yard setback, single-family	10 ft. each side yard
Minimum side yard setback, single-family detached zero lot line	15 ft. one side yard, 0 ft. other side yard.
Minimum side yard setback, single-family attached (2 residences) and two-family	10 ft. for each end wall, 0 ft. for common wall
Minimum side yard setback, assembly and commercial	30 ft.
Minimum rear yard setback	15 ft.
Minimum rear yard setback, assembly and commercial	30 ft.
Maximum building height, single-family and two-family	35 ft.
Maximum building height, commercial and assembly	75 ft.
Maximum impervious surface ratio (I.S.R.) commercial and assembly uses	.70
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable setbacks for each yard	

	<u>Residential</u>		<u>Assembly and Commercial</u>
	<u>Single-Unit and Duplex</u>	<u>Cottage Court<sup>2</sup></u>	
<u>Maximum Density</u>	<u>8 du/acre</u>	<u>8 du/acre</u>	<u>N/A</u>
<u>Minimum Lot Area</u>	<u>5,445 sq. ft.</u>	<u>None</u>	<u>5,445 sq. ft.</u>
<u>Minimum Lot Width</u>	<u>60 ft. or 40 ft. for single-unit attached</u>	<u>None</u>	<u>100 ft.</u>
<u>Minimum Front Yard Setback</u>	<u>25 ft.</u>	<u>25 ft.<sup>1</sup></u>	<u>40 ft.</u>
<u>Minimum Side Yard Setback</u>	<u>5 ft.</u>	<u>25 ft.<sup>1</sup></u>	<u>30 ft.</u>
<u>Minimum Side Yard Setback, Common Wall</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>
<u>Minimum Rear Yard Setback</u>	<u>15 ft.</u>	<u>25 ft.<sup>1</sup></u>	<u>30 ft.</u>

<u>Maximum Building Height</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>75 ft.</u>
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	<u>N/A</u>	<u>N/A</u>	<u>0.70</u>
<u>Notes:</u> 1. <u>Cottage Court Development setbacks for front, side and rear yards are relative to the perimeter of the development site, but not common wall side setbacks.</u> 2. <u>Cottage Court Developments are subject to the standards of Section 154.079</u>			

(H) *Parking, R-3 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ [154.175](#) through [154.192](#).

<b>R-3 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
Residential, single-family <u>unit</u>	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>
Residential, two-family <u>unit</u>	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>

(I) *Landscaping, R-3 Zone.* Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ [154.150](#) through [154.164](#).

<b>R-3 Buffering Requirements</b>		
<b>Landscape Buffer Area Category</b>	<b>Buffering Use Classification</b>	
	<b>Buffered Use</b>	<b>Buffering Use</b>
Category A	R-1, R-2	R-3, R-4, R-5, R-6 <u>Assembly and Commercial uses</u> <u>Cottage Court Developments</u>

**§ 154.058 R-4 URBAN RESIDENTIAL-4 GENERAL.**

(A) *Generally.* This zone is composed of ~~single family, two family~~ primarily residential uses with a maximum density of ten dwelling units per acre. This district is primarily encouraged in areas closer to the city core.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(b) Government operated parks; ~~and~~

(c) Communications towers/poles or collocations of equipment for the same, when erected by or on property owned by a public entity or public utility; ~~and~~

(d) Community Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(c) ~~Single family detached residences;~~ Dwelling, Single Unit Detached;

(d) ~~Single family attached residences (two residences; and~~ Dwelling, Single-Unit Attached;

(e) ~~Two family residences;~~ Dwelling, Duplex;

(f) Cottage Court Developments, subject to the standards of Section 154.079;

(g) Townhouse Developments subject to the standards of Section 154.080; and

(h) Recovery Residence.

(C) *Accessory uses.* Uses which are customarily accessory, clearly incidental and subordinate to principal uses.

(1) Residential uses:

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth's Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU's.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(2) Commercial uses:

(b) Outdoor commercial recreation facilities such as zoos, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds; ~~and~~

(c) Temporary real estate sales office for the sale of lots located only within the subdivision, to be removed or converted to a principal use when all lots are sold, but not for use as a general real estate sales or rentals; and

(d) Short-Term Rental, Non-Owner Occupied. Subject to the standards of Section 154.077.E specific to non-owner occupied short-term rentals.

(E) *Special provisions.*

~~(3) No subdivision or re-subdivision of a lot that results in a lot fronting on a right of way of less than 30 feet in width shall be permitted.~~

~~(4)~~(3) Single-family unit detached zero lot line developments are required to designate on the subdivision plat which side yard will have zero-foot setback. All single-family unit detached zero lot line developments shall have maintenance/access/use easements and when necessary, drainage easements, provided on adjacent lots and at a width of not less than ten feet. Adjacent lots shall not place any building within this easement.

~~(5)~~(4) The minimum frontage for corner lots may be reduced to the minimum lot frontage criteria when access is restricted along the street frontage of the lot.

~~(6)~~(5) **EVENTS CENTERS** are defined as a restricted use of a residential property for the conduct of special events of a limited size and number. **SPECIAL EVENTS** are defined as wedding receptions, luncheons, meetings, fundraising proceedings for not-for-profit organizations or similar activities. The space utilized in a residential dwelling unit shall not exceed 3,500 square feet. The number of events held may not exceed 75 per year. To qualify as an event center use, the residential dwelling unit must be located within the Downtown Neighborhood Sub-Area as identified in the comprehensive plan.

~~(7) For short-term rental, owner occupied, the dwelling unit is limited to one short-term rental contract at a time; the number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short-term rental days each calendar year.~~

(F) *Lot criteria.*

<del>Minimum lot frontage, single family detached</del>	75 ft.
<del>Minimum lot frontage, single family detached</del>	60 ft.
<del>—Exception: Corner lots, minimum frontage</del>	100 ft. each street frontage
<del>Minimum lot frontage, single family attached (2 residences) and two family</del>	30 ft. D.U.
<del>—Exception: Corner lots, minimum frontage</del>	65 ft. each street frontage
<del>Minimum lot frontage, assembly and commercial</del>	100 ft.
<del>—Exception: Corner lots, minimum frontage</del>	150 ft. each street frontage
<del>Minimum lot area, per dwelling unit</del>	8,712 sq. ft. when abutting R-1
<del>-</del>	5,124 sq. ft. when abutting R-2
<del>-</del>	4,356 sq. ft. when abutting all other zones
<del>Minimum front yard setback</del>	25 ft.
<del>Minimum front yard setback, assembly and commercial</del>	35 ft.
<del>Minimum side yard setback, single family</del>	10 ft.
<del>Minimum side yard setback, single family detached zero lot line</del>	15 ft. one side yard, 0 ft. other side yard
<del>Minimum side yard setback, single family attached (2 residences) and two family</del>	10 ft. each end wall, 0 ft. each common wall
<del>Minimum side yard setback, assembly and commercial</del>	25 ft.
<del>Minimum rear yard setback, single family, two family</del>	15 ft.
<del>Minimum rear yard setback, assembly and commercial</del>	25 ft.
<del>Maximum building height, single family, and two family</del>	35 ft.

Maximum building height, commercial and assembly	75 ft.
Maximum impervious surface ratio (I.S.R.) Commercial and assembly uses	.70
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable setbacks for each yard	

	<b>Residential</b>			<b>Assembly and Commercial</b>
	<b>Single-Unit and Duplex</b>	<b>Cottage Court<sup>4</sup></b>	<b>Townhouse<sup>5</sup></b>	
<u>Maximum Density</u>	<u>10 du/acre</u>	<u>10 du/acre</u>	<u>10 du/acre</u>	<u>N/A</u>
<u>Minimum Lot Area</u>	<u>4,356 sq. ft.</u>	<u>None</u>	<u>None</u>	<u>4,356 sq. ft.</u>
<u>Minimum Lot Width</u>	<u>50 ft. or 40 ft. for single-unit attached<sup>1</sup></u>	<u>None</u>	<u>None</u>	<u>100 ft.</u>
<u>Minimum Front Yard Setback</u>	<u>25 ft.<sup>2</sup></u>	<u>25 ft.<sup>3</sup></u>	<u>15 ft.</u>	<u>40 ft.</u>
<u>Minimum Side Yard Setback</u>	<u>5 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>10 ft.</u>	<u>30 ft.</u>
<u>Minimum Side Yard Setback, Common Wall</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>
<u>Minimum Rear Yard Setback</u>	<u>15 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>25 ft.</u>	<u>30 ft.</u>
<u>Maximum Building Height</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>75 ft.</u>
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0.70</u>

**Notes:**

1. Minimum lot width for single-unit detached and single-unit attached may be reduced to 30 feet in width if driveway access is provided from a rear alley, and the primary façade is facing the public street.
2. Minimum front yard setbacks for single-unit detached and single-unit attached may be reduced to 15 feet if driveway access is provided from a rear alley, and the primary façade is facing the public street.
3. Cottage Court Development setbacks for front, side and rear yards are relative to the perimeter of the development site, but not common wall side setbacks.
4. Cottage Court Developments are subject to the standards of Section 154.079.
5. Townhouse Developments are subject to the standards of Section 154.080.

(H) *Parking, R-4 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

<b>R-4 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>

Residential, single-family unit	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>
Residential, two-family unit	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>

(l) *Landscaping, R-4 Zone.* Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ [154.150](#) through [154.164](#).

<b>R-4 Buffering Requirements</b>		
<b>Landscape Buffer Area Category</b>	<b>Buffering Use Classification</b>	
	<b>Buffered Use</b>	<b>Buffering Use</b>
Category A	R-1, R-2	R-3, R-4, R-5, R-6 <u>Assembly and Commercial uses</u> <u>Cottage Court and Townhouse Developments</u>



**§ 154.059 R-5 URBAN RESIDENTIAL MIXED.**

(A) *Generally.* This zone is composed of ~~single-family, two-family and multi-family~~ primarily residential uses with a maximum density of 12 dwelling units per acre. This district is primarily encouraged in area closer to the city core.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(a) Assisted living facilities when located in an existing building;

(b) Government operated parks; ~~and~~

(c) Communications towers/poles or collocations of equipment for the same, when erected by or on property owned by a public entity or public utility; ~~and~~

(d) Community Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(a) Agricultural uses excluding open or enclosed feedlot operations;

(b) ~~Multi-family residences~~ Residential care facility;

(c) ~~Residential care facility~~ Dwelling, Single Unit Detached;

(d) ~~Single-family attached residences (two residences)~~ Dwelling, Single-Unit Attached;

(e) ~~Single-family attached residences (three or more residences)~~ Dwelling, Duplex;

(f) ~~Single-family detached residences; and~~ Dwelling, Multi-Unit;

(g) ~~Two-family residences.~~ Cottage Court Development, subject to the standards of Section 154.079;

(h) Townhouse Development subject to the standards of Section 154.080; and

(i) Recovery Residence

(C) *Accessory uses.* Uses which are customarily accessory, clearly incidental and subordinate to principal uses.

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth's Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU's.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(2) Commercial uses:

(b) Outdoor commercial recreation facilities such as zoos, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds; ~~and~~

(c) Temporary real estate sales office for the sale of lots located only within the subdivision, to be removed or converted to a principal use when all lots are sold, but not for use as a general real estate sales or rentals; and

(d) Short-Term Rental, Non-Owner Occupied. Subject to the standards of Section 154.077.E specific to non-owner occupied short-term rentals.

(E) *Special provisions.*

~~—(1) Single family attached and multi family residences shall not contain more than four units per building.~~

~~(2)~~(1) When new construction or additions are made to an existing structure, the structure or addition may be located on the lot with setbacks the same as other similar residential structures on parcels within 500 feet.

~~(3)~~(2) All multi-family unit structures shall provide foundation plantings along areas visible from parking areas or street rights-of-way.

~~(4)~~(3) No parking for multi-family unit shall be allowed in the required front yard.

~~(5)~~(4) Structures are encouraged to place the front facade of the building facing the primary street frontage.

~~(6)~~(5) No subdivision or re-subdivision of a lot that results in a lot fronting on a right-of-way of less than 30 feet in width shall be permitted.

~~(7)~~(6) Single-family unit detached zero lot line developments are required to designate on the subdivision plat which side yard will have zero-foot setback. All single-family unit detached zero lot line developments shall have maintenance/access/use easements and when necessary, drainage easements, provided on adjacent lots and at a width of not less than ten feet. Adjacent lots shall not place any building within this easement.

~~(8)~~(7) If all parking and maneuvering areas are placed to the rear of the structure the front yard setback may be decreased to 15 feet.

~~—(9) If a multi family development in the R-5 zone is adjacent to publicly owned open space containing a minimum of two and one-half acres then the minimum lot area per dwelling unit shall be calculated to allow the maximum allowed density, disregarding the zoning of the abutting properties.~~

~~—(10) The minimum frontage for corner lots may be reduced to the minimum lot frontage criteria when access is restricted along the street frontage of the lot.~~

~~(11)~~(8) **EVENTS CENTERS** are defined as a restricted use of a residential property for the conduct of special events of a limited size and number. **SPECIAL EVENTS** are defined as wedding receptions, luncheons, meetings, fundraising proceedings for not-for-profit organizations or similar activities. The space utilized in a residential dwelling unit shall not exceed 3,500 square feet. The number of events held may not exceed 75 per year. To qualify as an event center use, the residential dwelling unit must be located within the Downtown Neighborhood Sub-Area as identified in the comprehensive plan.

~~—(12) For short term rental, owner occupied, the dwelling unit is limited to one short term rental contract at a time; the number of occupants in the dwelling unit during a short term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short term rental days each calendar year.~~

(F) *Lot criteria.*

Minimum lot frontage, single family detached	50 ft.
<del>—Exception: Corner lots, minimum frontage</del>	<del>100 ft. each street frontage</del>
Minimum lot frontage, single family attached and two family	30 ft. D.U.
<del>—Exception: Corner lots, minimum frontage</del>	<del>65 ft. each street frontage</del>

Minimum lot frontage, multi-family	100 ft.
—Exception: Corner lots, minimum frontage	185 ft. each street frontage
Minimum lot frontage, single-family attached (3 or more residences)	20 ft. D.U.
—Exception: Corner lots	65 ft. each street frontage
Minimum lot frontage, assembly and commercial	100 ft.
—Exception: Corner lots, minimum frontage	150 ft. each street frontage
Minimum lot area, per dwelling unit, except multifamily	8,712 sq. ft. when abutting R-1
	5,124 sq. ft. when abutting R-2
	3,630 sq. ft. when abutting all other zones
Minimum lot area, per dwelling unit, multifamily	3,630 sq. ft.
Minimum front yard setback	25 ft.
Minimum front yard setback, assembly and commercial	30 ft.
Minimum side yard setback, single-family detached	10 ft.
Minimum side yard setback, single-family detached zero lot line	15 ft. one side yard, 0 ft. other side yard
Minimum side yard setback, single-family attached (2 residences)	10 ft. each end wall, 0 ft. each common wall
Minimum side yard setback, multi-family and single-family attached (3 or more residences)	20 ft. each end wall, 0 ft. each common wall
Minimum side yard setback, assembly and commercial	20 ft.
Minimum rear yard setback, single-family and single-family attached (2 residences)	15 ft.
Minimum rear yard setback, multi-family and single-family attached (3 or more residences)	30 ft.
Minimum rear yard setback, assembly and commercial	20 ft.
Maximum impervious surface ratio (I.S.R.), multi-family, single-family attached (3 or more residences), commercial and assembly uses	.80
Maximum building height, single-family, and two-family	35 ft.
Maximum building height, multi-family	45 ft.
Maximum building height, commercial and assembly uses	75 ft.
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable setbacks for each yard	

	<b>Residential</b>				<b>Assembly and Commercial</b>
	<b>Single-Unit and Duplex</b>	<b>Multi-Unit</b>	<b>Cottage Court<sup>4</sup></b>	<b>Townhouse<sup>5</sup></b>	
<b>Maximum Density</b>	12 du/acre	12 du/acre	12 du/acre	12 du/acre	N/A
<b>Minimum Lot Area</b>	3,630 sq. ft.	3,630 sq. ft.	None	None	3,630 sq. ft.
<b>Minimum Lot Width</b>	50 ft. <sup>1</sup> or 40 ft for single-unit	50 ft.	None	None	50 ft.

	<u>attached</u>				
<u>Minimum Front Yard Setback</u>	<u>25 ft.<sup>2</sup></u>	<u>25 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>10 ft.</u>	<u>30 ft.</u>
<u>Minimum Side Yard Setback</u>	<u>5 ft.</u>	<u>10 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>10 ft.</u>	<u>20 ft.</u>
<u>Minimum Side Yard Setback, Common Wall</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>
<u>Minimum Rear Yard Setback</u>	<u>15 ft.</u>	<u>25 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>25 ft.</u>	<u>30 ft.</u>
<u>Maximum Building Height</u>	<u>35 ft.</u>	<u>45 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>75 ft.</u>
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0.80</u>

Notes:

1. Minimum lot width for single-unit and duplex may be reduced to 25 feet in width if driveway access is provided from a rear alley, and the primary façade is facing the public street.
2. Minimum front yard setbacks for single-unit and duplex may be reduced to 15 feet if driveway access is provided from a rear alley, and the primary façade is facing the public street.
3. Cottage Court Development setbacks for front, side and rear yards are relative to the perimeter of the development site, but not common wall side setbacks.
4. Cottage Court Developments are subject to the standards of Section 154.079.
5. Townhouse Developments are subject to the standards of Section 154.080.

(H) *Parking, R-5 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

<b><i>R-5 Parking Standards</i></b>		
<b><i>Land Use</i></b>	<b><i>Parking Required</i></b>	<b><i>Notes</i></b>
Residential, single-family <u>unit</u>	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>
Residential, two-family <u>unit</u>	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>

(I) *Landscaping, R-5 Zone.* Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ 154.150 through 154.164.

<b><i>R-5 Buffering Requirements</i></b>	
	<b><i>Buffering Use Classification</i></b>

<b><i>Landscape Buffer Area Category</i></b>	<b><i>Buffered Use</i></b>	<b><i>Buffering Use</i></b>
Category A	R-1, R-2	R-3, R-4, R-5, R-6 <u>Assembly, Commercial, and Multi-Unit uses</u> <u>Cottage Court and Townhouse Developments</u>

**§ 154.060 R-6 HIGH DENSITY RESIDENTIAL.**

(A) *Generally.* This zone is composed of ~~single-family, two-family and multi-family residences~~ primarily residential uses at a maximum density of 20 units per acre. This zone is primarily applied to areas accessible to infrastructure, adjacent to existing similar development patterns that can serve as transitional uses from lower density and intensity uses.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(2) Commercial uses:

(b) Government operated parks; ~~and~~

(c) Communications towers/poles or collocations of equipment for the same, when erected by or on property owned by a public entity or public utility; ~~and~~

(d) Garden. See Section 154.076.B for standards specific to community gardens.

(3) Residential uses:

(c) ~~Multi-family residences;~~ Residential care facility;

(d) ~~Residential care facility;~~ Dwelling, Single Unit Detached;

(e) ~~Single-family attached residences (two residences);~~ Dwelling, Single-Unit Attached;

(f) ~~Single-family attached residences (three or more residences)~~ Dwelling, Duplex;

(g) ~~Single-family detached residences~~ Dwelling, Multi-Unit;

(h) ~~Two-family residences~~ Cottage Court Development, subject to the standards of Section 154.079; ~~and;~~

(i) ~~Short term rental, non-owner occupied.~~ Townhouse Development subject to the standards of Section 154.080; and

(j) Recovery Residence.

(C) *Accessory uses.* Uses which are customarily accessory, clearly incidental and subordinate to principal uses.

(1) Residential uses:

(a) Childcare centers, in home. Centers shall comply with all requirements as regulated by the commonwealth's Department of Families and Children;

(b) Home occupations; see Section 154.076.C for standards specific to home occupations;

~~(c) Keeping of not more than two roomers or boarders without kitchen facilities;~~

~~(d) Living quarters with cooking facilities and not rented for guests and employees of the premises;~~

~~(e)(c)~~ Private garages, private storage sheds and private parking areas;

~~(f)(d)~~ Private swimming pools and tennis courts, private non-commercial parks and open spaces; ~~and~~

~~(g)(e)~~ Short-term rental, owner occupied, see section 154.076.D for standards specific to owner-occupied short-term rentals; and

(f) Dwelling Unit, Accessory (ADU). See Section 154.076.A for standards specific to ADU's.

(D) *Conditional uses.* Uses permitted only with Board approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the comprehensive plan. Subject to the Conditional Use Standards in Section 154.077.

(2) Commercial uses:

(c) Residential storage facility; ~~and~~

(d) Temporary real estate sales office for the sale of lots located only within the subdivision, to be removed or converted to a principal use when all lots are sold, but not for use as a general real estate sales or rentals; ~~and~~

(e) Short-Term Rental, Non-Owner Occupied. Subject to the standards of Section 154.077.E specific to non-owner occupied short-term rentals.

(E) *Special provisions.*

~~—(5) No subdivision or re-subdivision of a lot that results in a lot fronting on a right-of-way of less than 30 feet in width shall be permitted.~~

~~(6)~~(5) Single-family unit detached zero lot line developments are required to designate on the subdivision plat which side yard will have zero-foot setback. All single-family unit detached zero lot line developments shall have maintenance/access/use easements and when necessary, drainage easements, provided on adjacent lots and at a width of not less than ten feet. Adjacent lots shall not place any structure within this easement.

~~(7)~~(6) If all parking and maneuvering areas are placed to the rear of the structure the front yard setback may be decreased to 15 feet.

~~—(8) If a multi-family development in the R-6 zone is adjacent to publicly owned open space containing a minimum of two and one-half acres then the minimum lot area per dwelling unit shall be calculated to allow the maximum allowed density, disregarding the zoning of the abutting properties.~~

~~—(9) The minimum frontage for corner lots may be reduced to the minimum lot frontage criteria when access is restricted along the street frontage of the lot.~~

~~(10)~~(7) **EVENTS CENTERS** are defined as a restricted use of a residential property for the conduct of special events of a limited size and number. **SPECIAL EVENTS** are defined as wedding receptions, luncheons, meetings, fundraising proceedings for not-for-profit organizations or similar activities. The space utilized in a residential dwelling unit shall not exceed 3,500 square feet. The number of events held may not exceed 75 per year. To qualify as an event center use, the residential dwelling unit must be located within the Downtown Neighborhood Sub-Area as identified in the comprehensive plan.

~~—(11) For short term rental, owner or non-owner occupied, the dwelling unit is limited to one short term rental contract at a time and the number of occupants in the dwelling unit during a short term rental shall not exceed two times the number of bedrooms plus four individuals notwithstanding restrictions of the applicable building or property maintenance code.~~

(F) *Lot criteria.*

<del>Minimum lot frontage, single-family detached</del>	<del>50 ft.</del>
<del>—Exception: Corner lots, minimum frontage</del>	<del>100 ft. each street frontage</del>
<del>Minimum lot frontage, single-family attached (2 residences) and two-family</del>	<del>30 ft. D.U.</del>
<del>—Exception: Corner lots, minimum frontage</del>	<del>65 ft. each street frontage</del>
<del>Minimum lot frontage, multi-family</del>	<del>100 ft.</del>
<del>—Exception: Corner lots, minimum frontage</del>	<del>185 ft. each street frontage</del>
<del>Minimum lot frontage, single-family attached (3 or more residences)</del>	<del>20 ft. D.U.</del>
<del>—Exception: Corner lots</del>	<del>65 ft. each street frontage</del>
<del>Minimum lot frontage, assembly and commercial</del>	<del>100 ft.</del>
<del>—Exception: Corner lots, minimum frontage</del>	<del>150 ft. each street frontage</del>
<del>Minimum lot area, per dwelling unit, except multifamily</del>	<del>8,712 sq. ft. when abutting R-1</del>

	5,124 sq. ft. when abutting R-2
	3,960 sq. ft. when abutting R-3
	3,630 sq. ft. when abutting R-4
	2,178 when abutting all other zones
Minimum lot area, per dwelling unit, multifamily	2,178 sq. ft.
Minimum front yard setback	25 ft.
Minimum front yard setback, assembly and commercial	30 ft.
Minimum side yard setback, single-family detached	40 ft.
Minimum side yard setback, single-family detached zero lot line	15 ft. one side yard, 0 ft. other side yard
Minimum side yard setback, single-family attached (2 residences) and two-family	10 ft. each end wall, 0 ft. each common wall
Minimum side yard setback, multi-family and single-family attached (3 or more residences)	20 ft. each end wall, 0 ft. each common wall
Minimum side yard setback, assembly and commercial	20 ft.
Minimum rear yard setback, single-family, single-family attached (2 residences) and two-family	15 ft.
Minimum rear yard setback, multi-family and single-family attached (3 or more residences)	30 ft.
Minimum rear yard setback, assembly and commercial	20 ft.
Maximum impervious surface ratio (I.S.R.), multi-family, single-family attached (3 or more residences) – commercial and assembly uses	.80
Maximum building height, single-family and two-family	35 ft.
Maximum building height, multi-family	45 ft.
Maximum building height, commercial and assembly	75 ft.
Note: For the purposes of this chapter abutting shall address each lot line to determine applicable setbacks for each yard	

	<u>Residential</u>				<u>Assembly and Commercial</u>
	<u>Single-Unit and Duplex</u>	<u>Multi-Unit</u>	<u>Cottage Court<sup>4</sup></u>	<u>Townhouse<sup>5</sup></u>	
<u>Maximum Density</u>	<u>20 du/acre</u>	<u>20 du/acre</u>	<u>20 du/acre</u>	<u>20 du/acre</u>	<u>N/A</u>
<u>Minimum Lot Area</u>	<u>2,178 sq. ft.</u>	<u>2,178 sq. ft.</u>	<u>None</u>	<u>None</u>	<u>2,178 sq. ft.</u>
<u>Minimum Lot Width</u>	<u>50 ft.<sup>1</sup> or 40 ft for single-unit attached</u>	<u>50 ft.</u>	<u>None</u>	<u>None</u>	<u>50 ft.</u>
<u>Minimum Front Yard Setback</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>10 ft.</u>	<u>30 ft.</u>
<u>Minimum Side Yard Setback</u>	<u>5 ft.</u>	<u>10 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>10 ft.</u>	<u>20 ft.</u>
<u>Minimum Side Yard Setback, Common</u>	<u>N/A</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>



<u>Wall</u>					
<u>Minimum Rear Yard Setback</u>	<u>15 ft.</u>	<u>25 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>25 ft.</u>	<u>30 ft.</u>
<u>Maximum Building Height</u>	<u>35 ft.</u>	<u>45 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>75 ft.</u>
<u>Maximum Impervious Surface Ratio (I.S.R.)</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0.80</u>

Notes:

1. Minimum lot width for single-unit and duplex may be reduced to 25 feet in width if driveway access is provided from a rear alley, and the primary façade is facing the public street.
2. Minimum front yard setbacks for single-unit and duplex may be reduced to 15 feet if driveway access is provided from a rear alley, and the primary façade is facing the public street.
3. Cottage Court Development setbacks for front, side and rear are relative to the perimeter of the development site, but not common wall side setbacks.
4. Cottage Court Developments are subject to the standards of Section 154.079.
5. Townhouse Developments are subject to the standards of Section 154.080.

(H) *Parking, R-6 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

<b>R-6 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
Residential, single-family unit	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>
Residential, two-family unit	2 spaces/D.U.	<u>1 additional space for an Accessory Dwelling Unit</u>

(I) *Landscaping, R-6 Zone.* Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ 154.150 through 154.164.

<b>R-6 Buffering Requirements</b>		
<b>Landscape Buffer Area Category</b>	<b>Buffering Use Classification</b>	
	<b>Buffered Use</b>	<b>Buffering Use</b>
Category A	R-1, R-2	R-3, R-4, R-5, R-6 <u>Assembly, Commercial, and Multi-Unit uses</u> <u>Cottage Court and Townhouse Developments</u>

**§ 154.061 C-1 NEIGHBORHOOD OFFICE.**

(A) *Generally.* This district is primarily for professional office uses. This district should be used to buffer more intense business districts from residential neighborhoods. Applied to areas where transitional uses are seen as desirable.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(3) Residential uses:

(a) Community residence; ~~and~~

(b) Halfway house; ~~;~~

(c) Dwelling, Single-Unit Attached

(d) Dwelling, Single-Unit Detached

(e) Dwelling, Duplex

(f) Recovery Residence

(C) *Accessory uses.*

(3) Residential uses:

(a) Dwelling Unit, Accessory (ADU) associated with a single-unit or duplex dwelling. See Section 154.076.A for standards specific to ADU's;

(b) Short-term rental, owner occupied. See Section 154.076.D for standards specific to owner-occupied short-term rentals.

(E) *Special provisions.*

(8) For short-term rental, owner occupied, the dwelling unit is limited to one short-term rental contract at a time; the number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and the dwelling unit is limited to ten short-term rental days each calendar year.

(9) No more than two residential units shall be permitted per lot or parcel of land, except that an Accessory Dwelling Unit may be permitted on a lot with a duplex dwelling unit.

(H) *Parking, C-1 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ [154.175](#) through [154.192](#).

<b>C-1 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
<u>Residential, single- unit</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>
<u>Residential, duplex</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>

**§ 154.062 C-2 NEIGHBORHOOD COMMERCIAL.**

(A) *Generally.* This district is primarily for professional office and limited service business uses. This district should be used for those businesses that do not require large amounts of daily traffic.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(3) Residential uses:

(a) Community residence; ~~and~~

(b) Halfway house; ~~;~~

(c) Dwelling, Single-Unit Attached;

(d) Dwelling, Single-Unit Detached;

(e) Dwelling, Duplex;

(f) Dwelling, Multi-unit (maximum 12 du/acre); and

(g) Recovery Residence.

(C) *Accessory uses.*

(3) Residential uses:

(a) Dwelling Unit, Accessory (ADU) associated with a single-unit or duplex dwelling. See Section 154.076.A for standards specific to ADU's;

(b) Short-term rental, owner occupied. See Section 154.076.D for standards specific to owner-occupied short-term rentals.

(H) *Parking, C-2 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ [154.175](#) through [154.192](#).

<b>C-2 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
<u>Residential, single- unit</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>
<u>Residential, duplex</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>
<u>Residential, multi- unit, 10 or fewer units</u>	<u>2 spaces/D.U.</u>	-
<u>Residential, multi-unit, more than 10 units</u>	<u>1.5 spaces/D.U.</u>	-

**§ 154.063 C-3 REGIONAL COMMERCIAL.**

(A) *Generally.* This district is composed of areas to be used for businesses which require a high volume of passing vehicular traffic to provide the support necessary for successful operations. These are commonly retail and other uses which are necessary for the economic viability of the community and the region. Applied to areas with high traffic capacities and high visibility, as well as areas where infrastructure necessary to support this type and scale of use is in place.

(B) *Principal uses.* Uses substantially similar to those listed herein shall also be permitted, in light of the above described purposes of this zoning district and the comprehensive plan.

(4) Residential uses:

(a) Community residence; ~~and~~

(b) Halfway house; ~~;~~

(c) Dwelling, Single-Unit Attached;

(d) Dwelling, Single-Unit Detached;

(e) Dwelling, Duplex;

(f) Dwelling, Multi-unit (maximum 20 du/acre); and

(g) Recovery Residence.

(C) *Accessory uses.*

(3) Residential uses:

(a) Dwelling Unit, Accessory (ADU) associated with a single-unit or duplex dwelling. See Section 154.076.A for standards specific to ADU's;

(H) *Parking, C-3 Zone.* Additional information and standards for parking as well as specific requirements are found in §§ [154.175](#) through [154.192](#).

<b>C-3 Parking Standards</b>		
<b>Land Use</b>	<b>Parking Required</b>	<b>Notes</b>
<u>Residential, single- unit</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>
<u>Residential, duplex</u>	<u>2 spaces/D.U.</u>	<u>1 additional space for an Accessory Dwelling Unit</u>
<u>Residential, multi- unit, 10 or fewer units</u>	<u>2 spaces/D.U.</u>	-
<u>Residential, multi-unit, more than 10 units</u>	<u>1.5 spaces/D.U.</u>	-

## **§ 154.068 PDD PLANNED DEVELOPMENT DISTRICT**

(A) Generally. The Planned Development District is intended to implement the goals and objectives of the Comprehensive Plan by incentivizing dense and compact developments, developing open space and parks within walking distance of residents, and developing neighborhoods with a high quality of design. The District encourages flexibility and innovation in site design including a mix of uses, pedestrian friendly streetscapes, common open space, and a variety of housing types, lot sizes and densities.

(1) A Planned Development District should only be used where the proposed design could not be largely or substantially achieved using a residential or commercial zoning district, and should not be used for the sole purpose of circumventing the requirements of the zoning code.

(B) Procedures. Applications for a PDD zoning district shall be processed, reviewed, and approved using the procedures of the zoning map amendment process established in Section 154..018, Map Amendment Procedures, including concurrent approval of a Master Plan, as established in Section 154.115, Master Plan, Planned District. The Master Plan shall meet the requirements of this Section and shall become part of the PDD ordinance.

(C) PDD Master Plan. Before approving a PDD zoning district, the City Council shall find that the application for zoning map amendment and the Master Plan comply with the Comprehensive Plan and the following standards.

(1) Establish a statement of goals that is consistent with the comprehensive plan and purposes of the individual PDD zoning district

(2) Establish a list of principal, accessory, and temporary uses permitted in the zoning district. Any use listed in a residential or commercial zoning district in this ordinance may be proposed for a PDD zoning district as long as they are organized in a manner that conforms to the goals and objectives of the Comprehensive Plan.

(3) Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units, and non-residential floor area.

(4) Show the general location of public and private roadways and access easements pursuant to the development standards established in section (D).

(5) Establish building setbacks and height standards, and other dimensional standards that apply to the PDD pursuant to the development standards established in section (D).

(6) Establish site design standards for the location of buildings, parking, and driveway access pursuant to the development standards established in section (D).

(7) Establish sign standards, including size, height, and style.

(8) Establish access management standards for driveway access within the PDD zoning district pursuant to the development standards established in section (D).

(9) Establish streetscape standards for all types of streets to be used within the PDD zoning district pursuant to the development standards established section (D).

(10) Establish parking and loading standards for the development site, including bicycle parking and facilities.

(11) Establish building design standards for all use types permitted within the PDD zoning district pursuant to the development standards established in section (D).

(12) Establish standards for landscaping, screening and buffering to ensure appropriate transitions between uses within the development site.

(13) Establish standards for screening and buffering along the perimeter of the PDD zoning district to ensure appropriate transitions and compatibility with adjacent or nearby development.

(14) Establish the general location, amount, and type of open space pursuant to the development standards established in section (D).

(15) Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands.

(16) Identify the general location of water, sewer, gas, and stormwater drainage facilities.

(17) Establish standards for lighting within the development site, including street lighting.

(D) Amendments to a PDD Master Plan

(1) Amendments to a PDD Master Plan shall go through the same the same process for the initial approval of the Master Plan. This includes a public hearing by the Planning Commission and final action by the City Council.

(E) PDD Development Guidelines. Development within the Planned Development shall comply with the following guidelines. These guidelines are not intended to be strict requirements, but are instead intended to provide guidance for a high quality design.

(1) Lot Layout.

(a) Lots should be configured in an efficient manner that provides appropriate easements for utilities and vehicular and pedestrian access.

(b) Lots must comply with standards with the Subdivision Regulations.

(2) Environmental.

(a) The site should respect the natural topography, protect environmentally sensitive lands, wildlife habitats, and waterway corridors.

(b) Healthy trees should be preserved to the greatest extent possible. Especially trees near waterway corridors.

(3) Site Design.

(a) Buildings should be located in close proximity to abutting roadways.

(b) Parking areas should be located to the rear of buildings with access from an alley or secondary street.

(b) Pedestrian access should be provided from abutting streets to a clearly defined entry.

(d) Site distance triangles of the zoning ordinance are applicable within PDD developments.

(4) Building Design.

(a) Building should provide a clearly defined entry oriented toward an abutting roadway.

(b) Building should provide direct pedestrian access from the clearly defined entry to the public sidewalk.

(c) Predominant exterior building materials should use brick, stone, wood, or sturdy siding, such as Hardie. Vinyl should be avoided.

(d) Building facades should be articulated to provide visual interest and designed for a human scale.

(e) Building should provide a variation in roofline.

(5) Signs.

(a) Sign size should be minimized and not distract from the overall design of buildings and site.

(b) Signs should be monument style and generally constructed of materials similar to the building in which it is advertising.

(c) Off-site advertising signs should be highly discouraged within a PDD development site, unless it advertises a business within the PDD development site and is modest in size.

(5) Screening.

(a) A minimum of a 10 ft buffer shall be provided on non-residential lots along boundaries adjacent to residential lots.

(b) The buffer shall consist of an evergreen screening of at least 6 feet in height at maturity, or a solid wooden, masonry or metal fence at least 6 feet in height.

(c) Other buffer as approved by the Planning Commission that provides adequate screening and buffering of adjacent land uses.

(6) Streetscape.

(a) Streetscape design should include sidewalks on both sides of the street with a minimum width of five (5) feet.

(b) Sidewalks along commercial developments should be a minimum of seven (7) feet in width.

(c) Streetscapes should include trees or other barriers between the curb and the sidewalk of a sufficient distance to protect pedestrians.

(d) Streetscapes should include lighting.

(e) If on-street parking is provided, curb extensions should be provided at intersections to reduce pedestrian crossing distances.

(f) Intersections should be provided at short intervals to reduce speeds and provide many opportunities for safe pedestrian crossings.

(g)

(7) Access Management.

(a) Driveway access from public and private roads should be minimized

(b) When feasible, driveway and parking lot access should be provided from alleys or secondary roadways.

(c) Driveway access from public and private roads should be minimized

(8) Open Space.

(a) Open space for recreation and community gathering should be provided on the PDD development site for the enjoyment of the general public.

(b) Open space should be identified and dedicated on a subdivision plat.

(c) Maintenance and funding of common open space should be established through an association, or other common ownership method as provided for in the Subdivision Regulations. These documents should be recorded along with the plat. Alternatively, open space may be conveyed to a public body that agrees to accept and maintain the open space.

§ ~~154.068~~ 154.069 PNR-1 PLANNED NEIGHBORHOOD RESIDENTIAL-1.

§ ~~154.069~~ 154.070 PNR-2 PLANNED NEIGHBORHOOD RESIDENTIAL-2.

§ ~~154.070~~ 154.071 PNC PLANNED NEIGHBORHOOD COMMERCIAL.

§ ~~154.071~~ 154.072 WCD-1, WCD-2 WOODLAND CORRIDOR DISTRICT.

§ ~~154.072~~ 154.073 MAZ MUNICIPAL AIRPORT ZONE.

§ ~~154.073~~ 154.074 AGB AGRI-BUSINESS.

§ ~~154.074~~ 154.075 FDH FUTURE DEVELOPMENT HOLDING.

## § 154.076 USE-SPECIFIC STANDARDS.

### (A) Accessory Dwelling Use (ADU).

(1) General Standards for All Accessory Uses and Structures . All accessory uses and accessory structures shall generally comply with the standards set forth in § 154.265, Accessory Structure Location Requirements.:

(2) Accessory Dwelling Units (ADUs). Where permitted, accessory dwelling units shall be subject to the standards in this section.

(3) Integrated ADUs. Integrated ADUs are located within a permitted principal structure and shall comply with the standards for principal structures established in the zoning districts of this Zoning Code.

(a) Integrated ADUs may be established by dividing space within a principal building, or by adding floor area to an existing building.

(b) Integrated ADUs shall have direct access from the outside of the building.

(c) Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious.

(d) Any exterior stairs that serve as an entrance to the ADU shall be located on the side or rear of the principal structure and are prohibited from being located on the front of the principal structure.

(e) If a principal building is expanded to accommodate an integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.

(4) Detached ADUs are dwelling units that are located inside of an accessory structure, such as a detached residential garage (See (C) in Figure 154.075-1, below) or detached structure (D).

(5) An ADU shall not be located on a lot where any non-owner occupied short-term rental exists.

(6) ADUs may not be established within manufactured homes or structures and vehicles that do not have a permanent foundation, including, but not limited to recreational vehicles, travel trailers, or campers.

(7) Maximum Floor Area of the ADU.

(a) Measurement. The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.

(b) The floor area of an ADU shall not exceed 25 percent of the total square footage of the principal residential building to which it is accessory, or 800 square feet, whichever is greater.

(8) Required Parking for ADUs. In the R-1 through R-6 districts, in addition to the parking requirements for the principal residential use set out in the zoning district, one (1) off-street parking space for the ADU shall be provided.

### (B) Community Garden.

(1) No sale of any items may take place on-site.

(2) Storage of equipment and materials shall be inside a structure or fully screened.

(3) Compost storage, if utilized, shall have a setback of a minimum of thirty (30) feet from the front property line, and ten (10) feet from any side or rear property line. Compost storage shall be used only to support onsite operations.

(4) Community gardens that have ceased permanent operation or been abandoned, shall be cleared, all associated structures removed, and the area re-vegetated no more than 30 days after the date of discontinued operations, unless otherwise specified by the Planning Director.

### (C) Home Occupation.



- (1) The use shall be clearly incidental and secondary to use for dwelling purposes.
  - (2) The use shall be conducted entirely within the dwelling unit or enclosed accessory structure.
  - (3) The use shall not require external alteration of the dwelling unit.
  - (4) The use shall be carried on only by residents of the dwelling unit. The use may have employees but they may not work from the dwelling unit.
  - (5) The use shall not entail any exterior display or storage of merchandise or product.
  - (6) The use shall not generate traffic in greater volumes than would normally be expected in a neighborhood.
  - (7) The use shall create no nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance.
  - (8) One commercial vehicle, less than 7,500 GVW, associated with the business use, may be located at the residence.
  - (9) A barber shop/beauty salon use shall have a maximum of one chair.
- (D) Short-Term Rental, Owner-Occupied.
- (1) Each dwelling unit is limited to one short-term rental contract at a time;
  - (2) The number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals, notwithstanding restrictions of the applicable building or property maintenance code; and
  - (3) The dwelling unit is limited to ten short-term rental days each calendar year.

#### **§ 154.077 CONDITIONAL USE STANDARDS.**

- (A) Generally. The following standards shall apply to all conditional uses, in addition to the specific standards in this Section. If a use requires a Conditional Use Permit and has no associated specific standards in this Section, then the Director and the Planning Commission shall consider the following standards when making a recommendation or decision on a conditional use:
- (1) The proposed conditional use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
  - (2) The proposed conditional use will incorporate provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements;
  - (3) The proposed conditional use must have adequate public services (e.g. streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, and police and fire protection) available without the reduction of services to any existing uses;
  - (4) If, in the opinion of Planning Commission or City Council, the conditional use becomes a nuisance, the Conditional Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit;
  - (5) The proposed conditional use will incorporate design features to sufficiently protect adjacent uses that may include but are not limited to service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, lighting, screening and buffering, fencing, and building placement; and
  - (6) The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale, use and intensity, and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.

- (B) Private Club. Shall not be located on a site that is within:

(1) 1,000 feet of a site that contains another private club use;

(2) 200 feet of a property in a district in which a residential use is allowed or located; or

(3) The use may not be co-located in the same structure as other uses.

(C) Resort Hotel. In the R-1 and R-2 districts, resort hotels shall only be permitted when associated with a golf course.

(D) Restaurant. In the R-1 and R-2 districts, restaurants shall only be permitted when associated with a golf course.

(E) Short-Term Rental, Non-Owner Occupied.

(1) Rental Limit. The dwelling unit is limited to one short-term rental contract at a time.

(2) Maximum Guests. The number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals notwithstanding restrictions of the applicable building or property maintenance code.

(3) Tenure. A short-term rental tenant shall not stay for more than 30 consecutive days in duration.

(4) Signs. There shall be no outdoor signage which identifies the short-term rental use.

(5) Insurance. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.

(6) Separation Requirement. No non-owner occupied short-term rental shall be permitted within 600 feet from another non-owner occupied short-term rental.

(a) This provision may be waived by the Board of Zoning Adjustment or Planning Commission if the Board or Commission finds there is no adverse effect on the neighborhood.

(7) Additional Review Criteria. The review for Conditional Use Permit approval of a non-owner occupied short-term rental shall consider but not be limited to the following factors:

(a) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate.

(b) Setbacks and proximity to other dwellings.

(c) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management.

(d) Vehicle access and onsite parking and the number of parking spaces available.

(e) Compliance with all state, county, and city ordinances, laws, rules, and regulations including the City's building and fire codes.

(f) Maintaining the appearance of the property as a residential use compatible with the surrounding neighborhood.

(F) Wireless Telecommunications Facility. Communications towers/poles or collocations of equipment for the same, when erected by or on property owned by a public entity or public utility.

#### **§ 154.078 CONSERVATION DEVELOPMENT**

(A) Description. A conservation development consists of smaller lots than are generally permitted by the zoning district that are clustered together in order to provide for more common open space. The common open space may be set-aside for resource features such as public or private parks, recreation areas, woodlands, creeks, streams, and similar features.

(B) Minimum Site Area. The minimum site area required for a conservation development is 5 acres.

(C) A minimum buffer of 100 feet shall be provided along the perimeter of the development, and shall be maintained in a natural state (e.g. trees, riparian buffer, etc.).

(1) Exception. Conservation development lots directly abutting an existing single-unit residential development shall provide setbacks equal to or greater than those of the existing, adjacent lots.

(D) Common Open Space. Conservation Development shall be required to have common open space subject to the following requirements.

(1) A minimum of 30% of the total development site shall be provided as common open space.

(2) A minimum of 25% of the common open space requirement shall be useable and open to the public.

(3) Common open space at the periphery of the development shall consist of natural areas open space.

(4) Common open space shall be integrated into the development design to bring access to the maximum number of properties; provided, however, that physical access may be limited if such limitation would materially enhance natural resource management.

(5) Perimeter buffers may count toward required common open space requirement.

Figure 154.078-1, Conservation Development Type



### **§ 154.079 COTTAGE COURT DEVELOPMENT**

(A) Purpose. A Cottage Court development type, as depicted in Figure 154.076-3, Cottage Court Development, broadens the diversity of housing options available in the city to provide accessible, adequate, and affordable housing. This development type contains dwelling units arranged around an internal courtyard, and may include a community center as an amenity space.

(B) Development Standards.

(1) Maximum Density. The maximum density for a Cottage Court neighborhood shall be as established in the base zoning districts.

(2) Minimum lot size and setbacks shall be as established within the base zoning district.

(3) The development shall be oriented around an internal courtyard, and may contain additional common open space.

(a) The internal courtyard and common open space shall combine for a minimum of 30 percent of the development site.

(b) The internal courtyard shall be a minimum of 30 feet in width.

(b) Minimum 5-foot pedestrian walkways shall be provided in the internal courtyard and common open space connecting each dwelling unit to a community-wide sidewalk network, and shared parking areas or garages.

(c) If a community center is provided as a required open space, it shall serve all residents of the cottage court development, and its gross floor area shall be no greater than 10 percent of the site area. A common building may include a kitchen and meeting or indoor recreation facilities but shall not contain bedrooms.

(d) The internal courtyard and common open space shall not contain parking spaces or areas.

(e) A minimum of one side of the internal courtyard shall be open to, and visible from, an adjacent public street.

(4) A minimum of 50% of dwelling units shall be oriented toward the internal courtyard.

(5) Each dwelling unit shall have direct access to, and contain livable space on, the ground level of the development.

(6) Garages.

(a) Garages shall be accessed via a private drive or alley.

(b) Garages shall not be oriented toward a public street.

(c) Garages shall not be oriented toward an internal courtyard.

(c) Garage buildings shall be consistent in architecture, materials, and color to the principal dwellings.

(7) Cottage court developments shall provide parking as required by the base zoning district.

Figure 154.079-1, Cottage Court Development Type



## **§ 154.080 TOWNHOUSE DEVELOPMENT**

(A) Purpose. A Townhouse development type, as depicted in Figure , broadens the diversity of housing options available in the city to provide accessible, adequate, and affordable housing. This development type contains dwelling units with at least one common sidewall, typically more than one story in height.

(B) Development Standards.

(1) Maximum Density. The maximum density for a Townhouse development shall be as established in the base zoning districts.

(2) Townhouse developments shall contain a minimum of three (3), and a maximum of eight (8) attached units.

(3) Minimum lot size and setbacks shall be as established within the base zoning district.

(3) Each dwelling unit shall be oriented toward a public street.

(4) Each dwelling unit shall have direct access to, and contain livable space on, the ground level of the development.

(5) Garages.

(a) Garages shall be accessed via a rear private drive or alley.

(b) Garages shall not be oriented toward a public street.

(6) Townhouse developments shall provide parking as required by the base zoning district.