

# CHAPTER THREE

## ZONING

### 3.1 PURPOSE

The City is zoned into areas referred to as zones or districts. The purpose of establishing zones is to:

- A. Implement the Growth Plan;
- B. Encourage the most appropriate use of land throughout the City and to ensure logical and orderly growth and development of the physical elements of the City;
- C. Prevent scattered, haphazard growth and guide orderly transition of urban areas;
- D. Conserve and enhance economic, social and aesthetic values;
- E. Protect and maintain the integrity and character of established neighborhoods;
- F. Facilitate provision of adequate public facilities and services, such as transportation, water, sewerage, schools and parks;
- G. Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;
- H. Provide for adequate light and clean air;
- I. Aid in preventing traffic congestion in the streets and public ways of the City;
- J. Prevent unduly noisome and/or injurious substances, conditions and operations;
- K. Secure safety from fire, panic and other dangers; and
- L. Promote the public health, safety and welfare.

### 3.2 DIMENSIONAL STANDARDS

- A. Table 3.2 lists the dimensional standards that apply within zoning districts. These are base standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Code or site-specific conditions may further limit development on a site. The standards apply to all uses unless expressly exempted.

**Table 3.2**  
**ZONING DISTRICTS DIMENSIONAL STANDARDS**

Zoning District	Minimum Lot Size <sup>12,13</sup>		Minimum Street Frontage <sup>12</sup>	Minimum Setbacks <sup>1</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width <sup>11</sup> (ft.)		Front <sup>8</sup> (ft.)	Side (ft.)	Rear <sup>8</sup> (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
<b>Urban Residential Zoning Districts</b>									
R-R	5 Acres	150	50 <sup>2</sup>	20/25	50/50	50/50	5	0.40 <sup>3</sup>	35
R-E	2 Acres	100	50 <sup>2</sup>	20/25	15/5	30/10	15	0.40 <sup>3</sup>	35
R-1	1 Acres	100	50 <sup>2</sup>	20/25	15/3	30/10	20	0.40 <sup>3</sup>	35
R-2	17,000	100	50 <sup>2</sup>	20/25	15/3	30/5	30	0.40 <sup>3</sup>	35
R-4	8,000	75	20	20/25	7/3	25/5	50	0.40 <sup>3</sup>	35
R-5	6,500	60	20	20/25	5/3	25/5	60	0.40 <sup>3</sup>	35
R-8	4,000	40	20	20/25 <sup>14</sup>	5/3	10/5	70 <sup>15</sup>	0.45 <sup>3</sup>	35
R-12	2,500	30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.50 <sup>3</sup>	40
R-16	2,000	30	20	20/25 <sup>14</sup>	5/3	10/5	75 <sup>15</sup>	0.60 <sup>3</sup>	40
R-24	2,000	30	20	20/25 <sup>14</sup>	5/3	10/5	80 <sup>15</sup>	0.60 <sup>3</sup>	40
<b>Nonresidential Zoning Districts</b>									
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 <sup>5</sup>	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 <sup>7</sup>	0/0 <sup>5,10</sup>	0/0 <sup>5</sup>	N/A	8.00	65 <sup>4</sup>
C-1	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	1.00	40 <sup>6</sup>
C-2	0.5 Acre	50	N/A	15/25	0/0 <sup>5</sup>	10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 <sup>6</sup>
I-1	1 Acre	100	N/A	15/25	5/5 <sup>5,10</sup>	10/10	N/A	2.00	40

### Nonresidential Zoning Districts, continued

<b>I-2</b>	1 Acre	100	N/A	15/25	0/0 <sup>10</sup>	10/10	N/A	2.00	40
<b>CSR</b>	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 <sup>4</sup>
<b>M-U</b>	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 <sup>9</sup>

**GENERAL NOTE:** See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

**FOOTNOTES:**

- 1 Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- 2 Minimum street frontage on cul-de-sac is thirty feet (30').
- 3 FAR (Floor Area Ratio) applies only to nonresidential uses.
- 4 Maximum height is forty feet (40') if adjacent to any residential zoning district.
- 5 10/5 foot setback if abutting a residential zone or use.
- 6 Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- 7 Setbacks may be reduced to zero feet (0') by the Director.
- 8 The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- 9 Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.
- 10 A minimum side yard setback of six feet (6') will be required where perimeter side yard landscaping is required.
- 11 For all lots created after October 22, 2006, garage doors cannot exceed 45% of the width of the street facing façade on single family detached dwellings, two-family dwellings, or duplex dwellings in the R-8, R-12, R-16 and R-24 zone districts. The garage door(s) can be up to a maximum of 60% of the street facing façade if the garage door is recessed at least 4' behind the front façade of the house.
- 12 Minimum lot size, minimum lot width, and minimum street frontage does not apply to single family attached dwellings or multifamily dwellings in R-8, R-12, R-16 and R-24 zone districts. See Section 6.3.B.7 for outdoor living area requirements.
- 13 Minimum lot size and lot width for a duplex or stacked unit shall be one and one-half times the standards shown for the R-8, R-12, R-16 and R-24 zone districts.
- 14 For all dwellings in the R-8, R-12, R-16 and R-24 zone districts, the front yard setback shall be a minimum of twenty (20) feet for principal structures with street facing garages and fifteen (15) feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.
- 15 Maximum lot coverage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

**B. Lot Area Measurement.**

1. Lot area means the amount of net land area contained within the property lines of a lot or parcel, not including street right-of-way. Lots that were legally created prior to adoption of this Code that are smaller than required may be developed if they meet the other provisions of this Code.
2. Essential unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. While coverage requirements shall not apply, all landscaping, screening and other requirements shall apply.
3. If the following conditions are met, Minimum Lot Size may be reduced by the Director on lots abutting “tracts” (as defined below) to the extent the abutting tract provides for a portion of the minimum lot size:
  - a. The abutting “tract” includes one or more of the following:
    - (i) a trail for the use of the general public;
    - (ii) public water or public sewer lines;
    - (iii) a landscape buffer required pursuant to this Code;
    - (iv) a drainage facility required by this Code; or
    - (v) open space (whether required by this Code or otherwise established), which is land within a development designed for and perpetually limited to the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas.
  - b. only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the reduction in minimum lot size;
  - c. the reduction in minimum lot size is less than or equal to the open area provided by the tract;
  - d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot size.
  - e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
  - f. the tract will not provide any part of or be used in any part to establish a setback pursuant to Section 3.2.E.5;
  - g. the tract is part of the subdivision or development that is the subject of the application.

**C. Lot Width.**

1. Lot width is measured between side lot lines along a line that is parallel to the front lot line located at the minimum front setback distance from the front lot line.
2. Minimum Lot Width may be varied by the Planning Commission on irregularly shaped lots.
3. If the following conditions are met, Minimum Lot Width may be varied by the Director on lots abutting “tracts” (as defined below) to the extent the

abutting tract provides for a portion of the minimum lot width:

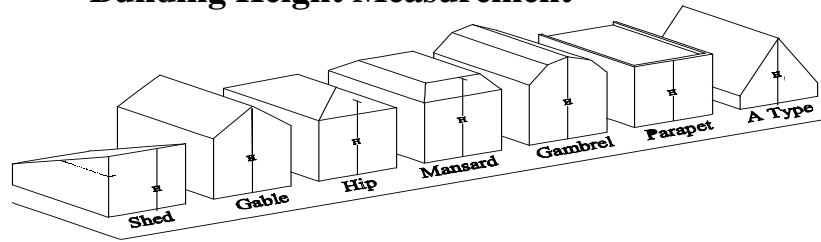
- a. the abutting “tract” includes one or more of the following:
    - (i) a trail for the use of the general public;
    - (ii) public water or public sewer lines;
    - (iii) a landscape buffer required pursuant to this Code;
    - (iv) a drainage facility required by this Code; or
    - (v) open space (whether required by this Code or otherwise established) which is land within a development designed for and perpetually limited to, the common use or enjoyment of the residents or occupants of the development and/or public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas;
  - b. only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the reduction in minimum lot width;
  - c. the reduction in minimum lot width is less than or equal to the open area provided by the tract;
  - d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot width;
  - e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
  - f. the tract will not also provide any part of or be used in any part to establish a setback pursuant to Section 3.2.E.5;
  - g. the tract is part of the subdivision or development that is the subject of the application.
- D. **Street Frontage.** Street frontage is measured between side lot lines along the front lot line.
- E. **Setbacks.**
1. **Measurement.** Setbacks are measured as the unobstructed unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this Code.
  2. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:
    - a. Landscaping;
    - b. Bay windows, not to exceed three feet (3');
    - c. Chimneys, not to exceed two feet (2');
    - d. Clothesline posts;
    - e. Driveways, curbs and sidewalks;
    - f. Flagpoles;
    - g. Heating and cooling units, not to exceed three feet (3');
    - h. Mailboxes;
    - i. Overhanging roof, eave, gutter, cornice, or other architectural

- feature and awnings, not to exceed three feet (3');
  - j. Underground utilities;
  - k. Signs;
  - l. Open steps, stairs or fire escapes (nonenclosed), not to exceed six feet (6');
  - m. Uncovered, unenclosed terraces or porches not to exceed six feet (6'), but in no case closer than three feet (3') to any property line;
  - n. Fences or walls, if otherwise allowed by this Code;
  - o. Yard and service lighting fixtures and poles;
  - p. Required parking where not specifically prohibited;
  - q. Open carports, up to one-half (½) of the required side or rear yard setback for principal structures, but not closer than three feet (3') to the lot line; and
  - r. In-ground swimming pools.
3. **Setback Averaging.** Regardless of the minimum front setback required by the zoning district, a front setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback:
- a. Only the setbacks on the lots that abut a side of the subject lot at the street and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used; and
  - b. When one (1) abutting lot is vacant, or if the subject lot is a corner lot, then the average is calculated using the setback of the not vacant lot and the zoning district minimum setback.
  - c. Approval of setback averaging shall be in the form of a letter from the Director.
4. **The following special setbacks shall apply where noted:**
- a. On corner lots, in areas where an existing parkway strip exceeds ten feet (10') in width between a sidewalk and the curb, the front yard setback on a side street may be varied by the Director under the conditions and restrictions listed below. A side street shall be considered that street corresponding to the side yard of the majority of the structures on a block. In unusual or conflicting circumstances, the Director shall designate which street is the side street.
    - (1) No variance shall be approved to less than five feet (5') from property line.
    - (2) A variance may be approved only for a single family residential use.
    - (3) Any variance approved shall meet all other provisions of this Code, including sight distance requirements. No variance shall be granted unless the City Engineer finds, in writing, that the proposal will not create a danger to pedestrians or vehicle circulation.
    - (4) No vehicular access shall be allowed from a side street to any structure approved for a variance under the provisions of this

Section.

- (5) A variance shall only be effective if it is issued by the Director, contains the legal description and any terms and conditions, and is recorded by the applicant prior to issuance of a building permit.
  - b. More than one (1) contiguous parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures if such owner records an instrument, approved by the City Attorney which limits the uses and rights to convey (including for loans) the contiguous parcel.
5. If the following conditions are met, setbacks may be reduced by the Director on lots abutting “tracts” (as defined below) to the extent the abutting tract provides for a portion of the setback:
- a. the abutting “tract” includes one or more of the following:
    - (i) a trail for the use of the general public;
    - (ii) public water or public sewer lines;
    - (iii) a landscape buffer required pursuant to this Code;
    - (iv) a drainage facility required by this Code; or
    - (v) open space (whether required by this Code or otherwise established) which is land within a development designed for and perpetually limited to, the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas;
  - b. the abutting “tract” runs the full length of the applicable lot line for which a reduction in setback requirement is sought;
  - c. the reduction in setback is less than or equal to the open area provided by the tract;
  - d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is required to provide for the necessary area for the setback(s);
  - e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
  - f. the tract will not also provide any part of, or be used in any part to establish the minimum lot size pursuant to Section 3.2.B.3 or the minimum lot width pursuant to Section 3.2.C.3;
  - g. the tract is part of the subdivision or development that is the subject of the application.
- F. **Lot Coverage.** Lot coverage is measured as the percentage of the total lot area covered by buildings and other impervious surfaces. It is calculated by dividing the square footage of impervious surface by the square footage of the lot.
- G. **Floor Area Ratio (FAR).** FAR is the gross floor area of all buildings on a lot or parcel, divided by the lot area. See Section 3.6.B.

## Exhibit 3.2 Building Height Measurement



### H. Height.

1. Building height means the vertical distance between the mean finished grade between the lowest and highest grades along the foundation and the highest point of the roof or façade (see Exhibit 3.2).
2. Exceptions. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, windmills, flagpoles, chimneys, radio/television receiving antennas and chimney flues. (see Section 3.2.E.2) Height limits do not apply to any bulkhead, elevator, water tank, or to any similar structure or mechanical appurtenance or similar structure if total area of such structure(s) is less than twenty percent (20%) of the total area of the roof.
3. Any hazard or obstruction to aircraft as regulated by the FAA is prohibited. Buildings, belfries, towers, trees and flagpoles are examples of such hazards depending on location and height. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. Regulations adopted by the Federal Aviation Administration (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.
4. The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in R-R, R-E, R-1, R-2, R-4 and M-U, additional height shall only be granted by a variance. The following criteria shall be used in reviewing a request for an increase in height:
  - a. Has a substantial change in character occurred in the area, such as zone changes, new growth trends, deterioration, or development transitions?
  - b. Is the height increase compatible with the surrounding area or will there be adverse impacts, such as shadow, loss of light, views and privacy to adjacent uses?
  - c. Will there be benefits derived by the community or area in granting the height increase?
  - d. Is the height increase in conformance with the policies, intents and requirements of this Code and other adopted plans and policies?



### 3.3 RESIDENTIAL ZONING DISTRICTS

#### A. R-R: Residential - Rural

1. **Purpose.** To provide areas for low intensity agricultural operations and very low density single family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired. R-R zoning implements the *Rural and Estate* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-R district.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards of this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.* 0.2 dwelling unit per acre);
  - b. Minimum lot size shall be five (5) acres, except as provided in the cluster provisions; and
  - c. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be served by the Persigo sewer system. Rural road standards may apply.

R-R Summary	
Primary Uses	Detached Single-Family, Agricultural, Institutional & Civic
Max. Density	1 unit/5 acres (cluster allowed)

B. **R-E: Residential - Estate**

1. **Purpose.** To provide areas for low density, estate-type single-family residential development on lots of at least two (2) acres in size, R-E zoning implements the *Residential Low, Estate & Rural* future land use classifications of the GROWTH PLAN.

<b>R-E Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/2 acres (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the R-E District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed one (1) dwelling per two (2) acres (*i.e.*, 0.5 dwelling units per acre);
- b. Minimum lot size shall be two (2) acres, except as provided in Section 6.7.D.5 cluster provisions; and
- c. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.

4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be sewered by the Persigo sewer system. Rural road standards may apply.

C. **R-1: Residential - 1**

1. **Purpose.** To provide areas for low density residential uses in less intensely developed areas. R-1 tracts should abut or be in close proximity to existing large lot single family development, making R-1 an appropriate transition district between rural and higher density areas. This District implements the *Residential/Low Density* future land use classification of the GROWTH PLAN.

<b>R-1 Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/acre (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the R-1 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed one (1) dwelling per acre;
- b. Minimum lot size shall be one (1) acre, except as provided in the cluster provisions; and
- c. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.

D. **R-2: Residential - 2**

1. **Purpose.** To provide areas for medium-low density, single-family residential uses where adequate public facilities and services exist. R-2 zoning implements the *Residential Low Density* and *Residential Medium Low Density* future land use classifications of the GROWTH PLAN.

**R-2 Summary**

Primary Uses	Detached/Attached Single-Family, Civic
Max. Density	2 units/acre (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the R-2 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
- a. Maximum gross density shall not exceed two (2) dwellings per acre;
  - b. Minimum lot size shall be 17,000 square feet, except as provided in the cluster provisions; and
  - c. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

E. **R-4: Residential - 4**

1. **Purpose.** To provide for medium-low density single family uses where adequate public facilities and services are available. Duplex dwellings may be allowed under special conditions. R-4 implements the *Residential Medium-Low and Medium Density* future land use classifications of the GROWTH PLAN.

R-4 Summary	
Primary Uses	Detached/Attached Single-Family, Duplex, Civic
Max. Density	4 units/acre (cluster allowed)
Min. Density	2 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-4 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed four (4) dwellings per acre;
  - b. Minimum lot size shall be 8,000 square feet, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. In a R-4 district, a duplex may be built only on a corner lot and then only if:
    - (1) The minimum lot size is 15,000 square feet;
    - (2) The garage of each unit fronts on a different street;
    - (3) The main entry of each unit fronts on a different street;
    - (4) The gross density of the subdivision shall not exceed four (4) dwellings per acre;
    - (5) The streets are classified as local streets or a local street and a residential collector; and
    - (6) Driveway locations must be in accordance with TEDS.
  - b. No attached dwelling or duplex shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
  - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

F. **R-5: Residential - 5**

1. **Purpose.** To provide for medium density detached and attached dwellings, duplexes and townhouses in areas where large-lot development is discouraged and adequate public facilities and services are available. R-5 supports the GROWTH PLAN's principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the *Residential Medium Density* future land use classification of the GROWTH PLAN.

<b>R-5 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Civic
Max. Density	5 units/acre (cluster allowed)
Min. Density	2 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-5 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed five (5) dwellings per acre;
  - b. Minimum lot size shall be 6,500 square feet for the first dwelling unit plus 5,000 square feet for each additional unit on the same lot, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
  - b. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

G. **R-8: Residential - 8**

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, two family dwelling, stacked dwelling and multifamily units. R-8 is a transitional district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. R-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.

R-8 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-8 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed eight (8) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for each single family detached and two family dwellings, and 6,000 square feet for a duplex and stacked dwelling. Two family dwellings require that each dwelling unit be located on a separate lot of a minimum of 4,000 square feet per lot;
- c. Minimum net density shall not be less than four (4) dwellings per acre; and
- d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.**

- a. No attached unit shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
- b. For the purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
- c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.
- d. Minimum lot size, minimum lot width and minimum lot frontage

does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

H. **R-12: Residential - 12**

1. **Purpose.** To provide for high density development allowing several types of residential units within specified densities. R-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. R-12 implements the *Residential Medium High and High Density* future land use

R-12 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-12 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed twelve (12) dwellings per acre;
  - b. Minimum lot size shall be 2,500 square feet for single family detached and two family dwellings and 3,750 square feet for a duplex and stacked dwelling;
  - c. Minimum net density shall not be less than eight (8) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on parcels smaller than five (5) acres, one-half (½) of the land area of all adjoining rights-of-way may be included in the gross lot area.
  - b. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
  - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- d. Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

I. **R-16: Residential - 16**

1. **Purpose.** To provide for high density development allowing several types of residential unit types. R-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. R-16 implements the *Residential Medium High and High Density*

R-16 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-16 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
  - b. Minimum lot size shall be 2,000 square feet for single family detached and two family dwellings and 3,000 square feet for a duplex and stacked dwelling;
  - c. Minimum net density shall not be less than twelve (12) dwellings per acre; and
  - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on any parcel, one-half (½) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
  - b. No right-of-way shall be counted to meet minimum lot area requirements.
  - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- d. Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

J. **R-24: Residential - 24**

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. R-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in the neighborhood.

R-24 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Two Family Dwelling, Stacked Dwelling, Multifamily, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the R-24 District.
  3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
    - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
    - b. Minimum lot size shall be 2,000 square feet for single family detached and two family dwellings and 3,000 square feet for a duplex and stacked dwelling;
    - c. Minimum net density shall not be less than sixteen (16) dwellings per acre; and
    - d. Density shall also conform to the minimum and maximum densities identified in the Growth Plan.
  4. **Performance Standards.**
    - a. For purpose of calculating density on any parcel, one-half (½) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
    - b. No right-of-way shall be counted to meet minimum lot area requirements.
    - c. The creation of a duplex via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two (2) manufactured homes shall not constitute a duplex.

- d. Minimum lot size, minimum lot width and minimum lot frontage does not apply to single family attached dwellings or multifamily dwellings. See Section 6.3.B.7 for outdoor living area requirements.

### 3.4 NONRESIDENTIAL ZONING DISTRICTS

#### A. RO: Residential Office

1. **Purpose.** To provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. RO implements the medium, medium-high and high residential density and *Commercial* future land use classifications of the GROWTH PLAN in transitional corridors between single-family residential and more intensive uses.

RO Summary	
Primary Uses	Professional Offices, Attached and Detached Single Family, Duplex, Townhouse, Multifamily, Civic
Max. Intensity	0.4 FAR, 16 units/acre
Max. Bldg. Size	10,000 sq. ft.
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RO District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
  - b. Minimum lot size shall be 5,000 square feet for the first use on any lot, whether the use is nonresidential or an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;
  - c. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.4;
  - d. Maximum building size shall not exceed 10,000 square feet, unless a conditional use permit is issued; and
  - e. Minimum net density shall not be less than four (4) dwellings per acre if the property is developed exclusively for residential use. Minimum density does not apply to mixed use properties.
4. **Performance Standards.** New construction, including additions and rehabilitations, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.
5. **Site Design, Layout and Operational Considerations.**
  - a. **Parking.** Business uses in the RO District shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall,

- fence or vegetation having a height of not less than four feet (4') nor more than six feet (6') [vegetation may exceed six feet (6') in height].
- b. **Service Entrances.** Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.
  - c. **Use of Front Yard.** Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage. Parking for nonresidential uses shall be located outside of the front yard setback area.
  - d. **Hours of Business.** No uses in this district shall open earlier than 7:30 AM and shall close no later than 8:00 PM.
  - e. **Outdoor Storage and Display.** Outdoor storage and display areas associated with nonresidential uses are prohibited.
  - f. **Mixed Use.** Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.
  - g. **Outdoor Lighting.** Outdoor lighting shall comply with the lighting provisions in this Code.
6. **Architectural Considerations.**
- a. **Building Alignment along Streets.** Every new building and addition shall be located so that it aligns with existing neighborhood buildings. "Aligns" means elevation (*e.g.*, horizontal lines of peaks of roofs, cornices, window sills) and plan (*e.g.*, setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).
  - b. **Building Orientation/Style.** Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many RO areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.
  - c. **Building Mass/Scale Proportion.** Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. Visually compatible means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.
  - d. **Height.** New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Two and one-half (2½) stories shall be the maximum subject to maximum height of thirty-five feet (35').

- e. **Roof Shape.** The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
- f. **Fenestration.** Structures shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of certain residential styles in RO District areas.
- g. **Materials.** The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible to materials used on the building facade.
- h. **Signage.** See Section 4.2.G.2 for sign standards in the RO District.

**B. B-1: Neighborhood Business**

1. **Purpose.** To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. B-1 implements the residential high density and *commercial* future land use classifications of the GROWTH PLAN.

B-1 Summary	
Primary Uses	Offices, Retail, Services
Max. Intensity	0.5 FAR, 16 units/acre
Max. Bldg. Size	30,000 sq. ft. for office 15,000 sq. ft. for retail
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the B-1 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code and other development standards in this Code, the following intensity and density provisions shall apply:

- a. Minimum lot size shall be 10,000 square feet, except where a continuous commercial center is subdivided with pad sites or other shared facilities;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.5;
- c. Unless a CUP is approved the maximum building size shall not exceed 30,000 square feet for office or any mixed uses, and 15,000 square feet for retail;
- d. Maximum gross density shall not exceed sixteen (16) dwellings per acre, excluding retail and office; and,
- e. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Location.** B-1 Zones are to be limited to the intersection of any arterial or collector street with another collector or arterial street; however, existing retail and office uses which form an existing center as of the effective date of this Code are allowed as B-1.
- b. **Parking.** Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
- c. **Hours of Business.** No use in this district shall open or accept deliveries earlier than 5:00 AM nor close later than 11:00 PM. "Close" includes no customers on-site, no deliveries and no illumination of signs.
- d. **Service Entrances.** Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

- e. **Mixed Use.** Any mix of residential and nonresidential uses on one (1) lot or parcel shall be located in the same structure.
- f. **Outdoor Storage and Display.** Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.
- g. **Rezone Application.** For the purpose of a rezone application to a B-1 district, the Planning Commission should consider the distance from other commercial and business zoning. New B-1 districts should be located at least eight-tenths (8/10<sup>th</sup>) of a mile from another business or commercial zone district.

C. **B-2: Downtown Business**

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.

B-2 Summary	
Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	8.0 FAR, No max residential density
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:

- a. There shall be no maximum gross density within the B-2 zone district;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 8.0; and
- c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on White Avenue, Rood Avenue, Main Street, Colorado Avenue or Ute Avenue between 1<sup>st</sup> Street and 8<sup>th</sup> Street if street-scaping exists or will be provided in the right-of-way.
- b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot (6') high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).
- c. **Mixed Use.** There shall be no maximum residential density for Mixed Use projects in a B-2 zone district.
- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots,

which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

6. **Open Space**

- a. **Public Parks and Open Space Fee.** The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required Parks Impact Fee.
- b. **Open Space Requirement.** Multifamily or mixed use developments in a B-2 zone district shall not be subject to the open space requirements of Section 6.3.B.7; but shall be required to pay 10% of the value of the raw land of the property as determined in Section 6.3.B.

D. **C-1: Light Commercial**

1. **Purpose.** To provide indoor retail, service and office Uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 District should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers

C-1 Summary	
Primary Uses	Offices, Retail, Services
Max. Intensity	1.0 FAR/ 24 units /acre
Max. Bldg. Size	80,000 sq. ft.
Min. Density	12 units/acre

- between uses. This District implements the *commercial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-1 District.
3. **Intensity/Density.** Subject to the density provision of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 1.0;
  - b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
  - c. Maximum building size shall not exceed 80,000 square feet, without a conditional use permit;
  - d. Maximum gross density shall not exceed twenty-four (24) dwellings per acre; and
  - e. Minimum net density shall not be less than twelve (12) dwellings per acre if the only use is residential, except in a manufactured home park.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
  - a. **Service Entrances.** Building entrances to service yard and loading areas shall be located only in the rear and side yard.
  - b. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automobile sales lots for which a CUP has been issued. Portable display of retail merchandise may be permitted subject to this Code.

E. **C-2: General Commercial**

1. **Purpose.** To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. The C-2 District is appropriate in locations designated for the *commercial* or

<b>C-2 Summary</b>	
Primary Uses	General Retail & Services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

- a. **commercial/industrial** future land use classifications in the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-2 District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
  - b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
  - c. Maximum building size shall be 150,000 square feet, unless a Conditional Use Permit is issued.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.** Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

F. **I-0: Industrial/Office Park**

1. **Purpose.** To provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses. This District implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

<b>I-0 Summary</b>	
Primary Uses	Light manufacturing, office, commercial services
Max. Intensity	0.75 FAR
Max. Bldg. Size	250,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-O District.

3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.75;
- b. Minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
- c. Maximum building size shall be 250,000 square feet, unless a conditional use permit is issued.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

a. **Retail Sale Area.** Areas devoted to retail sales shall not exceed: ten percent (10%) of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

b. **Loading Docks.** Loading docks shall be located only in the side or rear yards.

c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an I-0 District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.

(2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.

(3) **Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible

- from any lot, parcel or right-of-way.
- (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
  - (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
  - (6) **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.

G. **I-1: Light Industrial**

1. **Purpose.** To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 Zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers

I-1 Summary	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

- between uses. This district implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-1 district.
  3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
    - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
    - b. Minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided with pad sites or other shared facilities;
    - c. The maximum building size is 150,000 square feet, unless a conditional use permit is issued.
  4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
  5. **Performance Standards.** The performance standards of the I-0 district shall apply in the I-1 district, except that principal and accessory outdoor storage and display areas shall be permitted in accordance with Chapter Four, with the following exceptions:
    - a. Outdoor storage and displays shall not be allowed in the front yard setback;
    - b. Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
    - c. Unless required to buffer from an adjoining district, screening along all other property lines is not required;
    - d. Screening of dumpsters is not required; and
    - e. Outdoor storage areas may be established as a principal use without a conditional use permit.

H. **I-2: General Industrial**

1. **Purpose.** To provide areas of heavy and concentrated fabrication, manufacturing and industrial uses which are compatible with adjacent uses, easy semi-tractor trailer access to the state highway system and/or railroads and the availability of

<b>I-2 Summary</b>	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR

- public services and facilities. Conflicts between the I-2 District must be minimized with other uses by orderly transitions and buffers between Uses. This District implements the *industrial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-2 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0; and
  - b. The minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.** The performance standards for the I-1 district shall apply in the I-2 district except that the Director may approve outdoor storage as a principle use without requiring a conditional use permit.

I. **CSR: Community Services and Recreation**

1. **Purpose.** To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available.

CSR Summary	
Primary Uses	Parks, open space, schools, libraries, recreational facilities.
Max. Intensity	FAR 1.0 for public/Institutional FAR 0.4 for recreation/conservation uses
Max. Bldg. Size	80,000 sq. ft. (except subject to a CUP)

The CSR District would include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. This District implements the *parks, public, conservation* and *Institutional* land use classifications of the GROWTH PLAN. The District may also be used for public property, environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use classification.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the CSR district.
3. **Intensity/Density.** Subject to the development standards in this Code, the following intensity/density provisions shall apply:
- Nonresidential intensity shall not exceed an FAR of 1.0 for public/institutional uses and 0.4 for recreation/conservation uses;
  - Minimum lot size shall be one (1) acre;
  - The maximum building size shall be 80,000 square feet unless a conditional use permit is issued; and
  - Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.*, 0.2 dwellings per acre). One (1) caretaker dwelling unit per lot is not counted when calculating maximum density.
4. **Performance Standards.** Development shall conform to the standards established in this Code. Outdoor storage areas shall comply with the standards in Chapter Four, except that those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapters Four or Six in order to buffer from neighborhood uses or zones.

J. **M-U: Mixed Use**

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial, commercial/industrial, industrial* and *mixed use* future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.

<b>M-U Summary</b>	
Primary Uses	Employment, residential, limited retail, open space
Max. Intensity	Nonresidential: 0.50 FAR
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 8 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.50;
  - b. Nonresidential minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
  - c. Maximum building size shall be 150,000 square feet unless a Conditional Use Permit is issued;
  - d. Maximum gross residential density shall not exceed twenty-four (24) units per acre;
  - e. Minimum net residential density shall be eight (8) units per acre.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
  - b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
  - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.
    - (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible

vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.

- (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
- (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.

### 3.5 USE/ZONE MATRIX

- A. **Principal Uses.** The only uses allowed in any zone or district are those listed in Table 3.5. The use categories listed in the first column of Table 3.5 are described in Chapter Nine. The second column of the use matrix contains an abbreviated definition of the uses. In some cases, use-specific standards are referred to in the last column of the Table. These uses are permitted subject to particular requirements listed under each zone or district.
- B. **Allowed Uses.** An "A" indicates that the listed use is allowed by-right within the respective zoning district without the need for a public hearing. If compliance with all City, state and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this Code, applicable state and other City regulations and federal requirements supplement Table 3.5 and control if inconsistent or ambiguous. See the maximum building size indicated for each zone district. No person shall begin any use without a written approval of the Director.
- C. **Conditional Uses.** A "C" indicates that the listed use is allowed within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review procedures of Chapter Two. Conditional uses are subject to all other applicable standards of this Code.
- D. **Prohibited Uses.** A blank space indicates that the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this Code.













### 3.6 EXPLANATION OF USES

- A. **Uses Not Mentioned.** No building permit shall be issued for a use not specifically mentioned or described by category in Table 3.5. If a question or interpretation arises regarding the matrix in Table 3.5, the Director shall decide if a use not mentioned can reasonably be interpreted to fit into a Use Category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.
- B. **Density/Intensity.**
1. **Definitions.** The following definitions shall apply to all maximum and minimum density calculations for zoning and land use classifications, unless otherwise indicated.
  2. **Maximum Residential Density.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes the entire parcel or property at the time a Development Application is filed. The “gross residential Density” is calculated the same as maximum residential density.
  3. **Minimum Residential Density.** This calculation shall apply to the term “net minimum residential density” as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. “Net developable land area” means all portions of the parcel at the time a development application is filed, minus the following if they are to be left as open space:
    - a. Floodways and Floodplains;
    - b. As defined by the Clean Water Act: wetlands, surface waters, stream and river channels, banks and corridors;
    - c. Slopes of greater than thirty percent (30%) or other areas of unstable soils that are not suitable for development;
    - d. Clear Zones and Critical Zones;
    - e. Open Space or recreation areas to be dedicated to a public agency or to a private entity approved by the Director to perpetually maintain the open space;
    - f. Ridgeline setback areas in excess of any required setbacks;
    - g. Severely constrained and/or unsuitable for development areas identified through a site analysis performed in accordance with Chapter Six; and
    - h. Other areas that, in the opinion of the body reviewing the development, are similarly unsuitable for development.
  4. **Transitional Densities.** Larger lots or other screening and buffering areas that are provided as a transition for adjoining established neighborhoods may be excluded from the density calculations for purposes of determining minimum density on those parcels that are not large enough to accommodate the transition and meet minimum density.
  5. **Other Residential Density.** Density of group living facilities, such as

assisted care with congregate dining, shall be calculated as two (2) beds equal one (1) dwelling unit.

6. **Nonresidential Intensity.** The floor area ratio (FAR) for nonresidential intensity means the number calculated by dividing the gross floor area of all structures divided by the gross land area of the development parcel. “Gross floor area” means the sum of the area of each floor of the structure including mezzanines, penthouses, corridors, lobbies, stores, offices, *etc.*, that are enclosed. Included are all stories and areas that have floor surfaces and clear standing headroom of six feet-six inches (6'6"), regardless of use. Excluded are basements that are not habitable, carports, open porches, open breezeways, screened-in porches, or garages with ten (10) parking spaces or less. Half of the gross floor area of garages with more than ten (10) parking spaces shall be counted. The FAR shall be calculated to the nearest one hundredth (.01).
7. **Application of Density/Intensity Definitions.** The maximum and minimum residential density or nonresidential intensity requirements apply to all development except:
  - a. Those that are granted a density bonus (Section 3.6.B.10);
  - b. The density of development of ten (10) acres or less may be one-half (½) of the otherwise required minimum density;
  - c. Minimum density requirements shall not apply to a simple subdivision if one (1) or more lots can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code;
  - d. There shall be no minimum density requirement applicable to a major subdivision if all but two (2) of the resulting lots comply with the minimum density requirements and at least one (1) of the two (2) lots that do not comply can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code and no other development is allowed;
  - e. A mix of residential and nonresidential uses; and
  - f. If the minimum or maximum density requirements of the zone conflict with the minimum or maximum residential density requirements of the Growth Plan land use classification see Section 3.6.B.9.
8. **Mixed Use Density/Intensity.** The density of a lot with a mix of residential and nonresidential uses (“mixed use”).
  - a. **Mixed-Use Lot.** The density of a mixed-use lot shall be calculated by dividing the total number of dwellings on the lot by the gross land area of the lot. The gross residential density of the lot shall be the maximum density permitted in the underlying zoning district, provided the maximum FAR of the lot is not exceeded. The FAR of a mixed-use lot shall include all residential and nonresidential floor area and shall not exceed the maximum FAR permitted. There is no minimum density requirement for a mixed-use lot, if at least ten

percent (10%) of the gross floor area is used for nonresidential purposes.

- b. **Mixed-Use Subdivision.** In a mixed-use subdivision, the density and FAR shall be calculated for each lot, unless provided otherwise at the time of subdivision approval.

- 9. **Zone Density Conflicts with Growth Plan.** If the minimum and/or maximum residential density requirements of the zone conflicts with the growth plan land use classification for the property, the Director shall determine the density limit(s) guided by:

- a. Minimum density shall be no lower than eighty percent (80%) of the minimum residential density established by the Growth Plan.
- b. Maximum density shall be no higher than one hundred twenty percent (120%) of the maximum residential density established by the Growth Plan.

- 10. **Density Bonus Provisions.**

- a. An applicant may be granted a density bonus by providing any of the community benefits listed in Table 3.6. The total density bonus thus shall not exceed one hundred twenty percent (120%) of the maximum gross density of the underlying zone district or of the future land classification for the parcel in the adopted GROWTH PLAN.
- b. Bulk requirements shall be those for the zone that best fits the resulting lot size.

**Table 3.6**  
**DENSITY BONUS PROVISIONS**

<b>COMMUNITY BENEFIT</b>	<b>CRITERIA</b>	<b>DENSITY BONUS</b> <i>(total bonus not to exceed 20% of planned maximum Density.)</i>
Public Park Dedication	Dedication must satisfy park land design criteria. No credit for land or fees required to be dedicated pursuant to another requirement.	For each whole acre that satisfies the park land design criteria, a Density bonus equal to the maximum Density that would have been allowed on the acreage dedicated may be granted. (See example below)
Open Space Dedication	Applicant must provide for perpetual maintenance of Open Space. Area must exceed one (1) acre and comply with Open Space design criteria to receive bonus credit. No credit shall be granted for Open Space required by some other City requirement.	For each whole acre in excess of one (1) acre dedicated for Open Space, a Density bonus equal to one-half (½) of the units that would have been permitted on the land to be dedicated may be granted. To calculate the number of permitted units, all provisions of this code: severely constrained lands, such as those with wetlands, steep slopes or surface waters, would likely be permitted few, if any, units. Dedication of such lands would result in a small bonus.
Dedicated Off-Street Trail	Off-street trail must connect to existing or planned trail adopted in the Urban Trails Plan and be constructed to City standards. No credit for trail dedications required by some other City trail requirements.	For each 100 linear feet of improved hard surface trail provided through the proposed development, a Density bonus of one (1) unit may be granted.
Housing Units 1. Very Low Income 2. Low Income 3. Moderate Income	Monthly rent must be restricted in accordance with HUD or City Housing Authority standards if one is adopted. Restriction documentation must be approved by the City Attorney.	<ol style="list-style-type: none"> <li>1. One (1) bonus unit per restricted unit.</li> <li>2. One (1) bonus unit per two (2) restricted units</li> <li>3. One (1) bonus unit per four (4) restricted units</li> </ol>
Agricultural Preservation	Documents limiting Development of Agricultural land must be transferred through a mechanism approved by the City Attorney.	One (1) unit for each unit of Development potential transferred. Credit is based on allowable Density ( <i>e.g.</i> , if allowed Density on donor site is one (1) unit per five (5) acres, then one (1) unit may be transferred for every (5) acres dedicated or deeded.
<p><b>Table 3.6 Example:</b> A 10-acre tract is zoned for a maximum of four (4) dwelling units per acre. The owner dedicates two (2) acres for a Neighborhood park. In addition to paying a required park dedication fee, he gets bonus units equal to the maximum density permitted on the dedicated land [two (2) acres multiplied by four (4) units per acre equals eight (8) bonus units]. The applicant may build forty-eight (48) units rather than the forty (40) units otherwise allowed.</p>		

### 3.7 ZONING MAP

- A. **Establishment.** The boundaries of zones established by this Code shall be shown on map(s) entitled Zoning Map(s) of the City of Grand Junction. Such maps are, by this reference, made a part of this Code.
- B. **Boundaries.**
  - 1. **Zone Boundaries.** Usually zone boundaries shall be on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way or these lines extended. In cases where these lines are not used, the zone district lines shall be as determined by using the scale of the official Zoning District Map.
  - 2. **Zoning Standards.** If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Code or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.
  - 3. **Location and Maintenance.** The official zoning map(s) shall be located in, and maintained by, the Department of Community Development. All amendments to the zoning map(s) made in accordance with the requirements of this Code shall be shown on the maps.
  - 4. **District Boundary Disputes.** Disputes concerning the exact location of any zone district boundary line shall be decided in accordance with Chapter Two.

### 3.8 NONCONFORMING USES/STRUCTURES/SITES

- A. **Nonconforming Uses.**
  - 1. **Continuation.** A lawful use made nonconforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not expanded, increased or changed, as provided herein.
  - 2. **Nonresidential Uses.**
    - a. **Expansion.** In a nonresidential zone, an existing structure may be expanded up to twenty percent (20%) of the gross floor area. An outdoor operations/storage area may be expanded by up to twenty percent (20%) and permitted in any continuous five-year period, provided all other provisions of this Code are met. Any nonresidential use shall not be expanded in any residential zoning district.
    - b. **Change of Use.** No use shall be changed to a conforming use until the Director has determined that the requirements of the zone will be met. No other change to a nonconforming use is allowed, even if to a less intensive use.
    - c. **Abandonment.** A nonconforming use that has been discontinued for any twelve (12) month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property shall thereafter conform with all provisions of this Code. Evidence of intent to abandon is not required.
    - d. **Destruction.** A nonconforming use that is damaged may be rebuilt in accordance with the following:

- (1) A nonconforming structure or improvement damaged to less than fifty percent (50%) of its fair market value, may be rebuilt only if all portions of the structure being restored are wholly within the lot line; all restorative and other work is within adopted building codes; a building permit is issued within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued as provided by adopted codes.
    - (2) A nonconforming structure or improvement damaged to fifty percent (50%) or more of the fair market value, may be rebuilt only if the portion of the structure being restored is wholly within the lot lines; all restorative and other work is within adopted building codes; the structure remains within the original envelope; the structure and property are in compliance with all other regulations of this Code; a building permit is issued within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued as provided by adopted codes.
  - e. **Rebuilding.** All nonconforming, nonresidential structures and facilities damaged to fifty percent (50%) or more of the fair market value shall be rebuilt so as to comply with all other provisions of this Code, including, but not limited to, setbacks, building height, parking, landscaping and open space. A conditional use permit may be issued to vary a Code requirement, but in all circumstances the applicant shall demonstrate that the proposed redevelopment or building shall comply with the Code requirements to the maximum extent practical.
3. **Residential Uses.** As used in this Section, a “nonconforming residential structure” is a structure which contains more dwellings than allowed by the zone or dwelling(s) located in a nonresidential zone that does not permit residential uses.
- a. **Expansion.** In all zones, nonconforming dwellings may be expanded by the greater of either twenty percent (20%) of the gross floor area or twenty percent (20%) of the fair market value, in any continuous five-year period. In any event, an addition of up to 150 square feet shall be permitted regardless of existing dwelling size or value, if no additional dwelling units are created and all other provisions of this Code are met. Expansion of a structure which contains more than one (1) dwelling shall not include bathrooms or bedrooms and is limited to common areas only and limited to 300 square feet in any continuous five-year period.

b. **Abandonment.**

- (1) A nonconforming residential structure, other than a single family dwelling, that has not been occupied for a continuous period of twelve (12) months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied. Any further use on the property shall be in conformance with all applicable provisions of this Code. Evidence of intent to abandon the nonconforming structure is not required.
- (2) A nonconforming single family dwelling that has not been occupied for a continuous period of twelve (12) months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.
- (3) Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of twelve (12) months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this Code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

c. **Destruction.** Nonconforming residential structures that are damaged may be rebuilt in accordance with the following:

- (1) A structure damaged to less than fifty percent (50%) of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored provided the following criteria are met:
  - (A) All portions of the structure being restored are not and were not on or over a property line;
  - (B) The number of dwelling units does not increase;
  - (C) All construction is in compliance with current construction codes, such as the fire and building codes;
  - (D) A building permit is obtained within one (1) year from the date of the damage; and
  - (E) The certificate of occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.
- (2) A structure damaged to fifty percent (50%) or greater of its fair market value, based on a market appraisal performed by a certified appraiser, may be rebuilt to its existing density provided the following criteria are met:
  - (A) All portions of the structure being restored are not and were not on or over a property line;
  - (B) The number of dwelling units does not increase;

- (C) The structure and property are in compliance with all regulations of this Code, other than density;
  - (D) All construction is in compliance with current construction codes, such as the fire and building codes;
  - (E) A building permit is obtained within one (1) year from the date of the damage; and
  - (F) The certificate of occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.
- d. **Density Acceptance.** Owners who are unable to prove to the satisfaction of the Director that the density on their property was legally established may appeal to the City Council to be granted rebuilding rights under this Section 3.8.A. In deciding such appeals, the Council shall hold a public hearing and consider the following: any and all documentation available regarding the development history of the property, both permitted and unpermitted; the number, type and disposition of Code violations and criminal infractions on the property; the length of time the current owner has had the property and whether the density or violations preceded that ownership; the degree of nonconformity of density; the number and extent of any site nonconformities; and the potential impact granting indefinite rebuilding rights would have on surrounding properties and general neighborhood. Notice of the hearing shall be provided in the same manner as required for a variance before the Zoning Board of Appeals.
- e. **Rebuilding.** All structures damaged to fifty percent (50%) or greater of the fair market value shall comply with all provisions of this Code, other than density, including, but not limited to, setbacks, building height, parking, landscaping and open space. Although the property shall retain the right to reestablish the same number of dwelling units, changes may be required to the size and type of units and the configuration of the structures in order to meet the other Code requirements. If the property does not conform to all requirements of this Code, other than density, approval of a conditional use permit shall be required in order to vary from the requirements. In addition to complying with the Conditional Use Permit criteria, other than for density, the applicant shall demonstrate that the proposed redevelopment of the property complies with the Code requirements to the maximum extent practical, given it is the intent of this Code that the property be permitted to retain its density and remain viable.

**B. Nonconforming Structures and Sites.**

1. **Continuation.** A lawful structure or parcel of land existing as of the effective date of this Code that is nonconforming due solely to failure to meet the bulk requirements or performance standards and criteria of the underlying zone may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this Section.
2. **Maintenance and Restoration.** In any continuous twelve (12) month period, interior and exterior remodeling of nonconforming structures that requires a building permit shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering in accordance with this Section. The cost of the remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or an appraisal performed by a certified general appraiser licensed to do business in the State of Colorado utilizing the "cost" approach. This appraisal shall be performed at the applicant's expense.
  - a. Remodeling projects that cost twenty-five percent (25%) or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering other than what may be required by Fire and Building Codes.
  - b. Remodeling projects that cost more than twenty-five percent (25%), but less than seventy-five percent (75%) of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the parking, landscaping and screening/buffering requirements of this Code until the site achieves one hundred percent (100%) compliance. [For example, if a site has only twenty (20) of thirty (30) required parking spaces and the cost of the remodeling is thirty percent (30%) of the value of the building, then thirty percent (30%) of the required parking shall be provided, or nine (9) spaces.]
  - c. Remodeling projects that cost seventy-six percent (76%) or greater of the current fair market value of the structure shall require one hundred percent (100%) compliance with the parking, landscaping and screening/buffering requirements of this Code.
  - d. When five (5) or less additional parking spaces are needed due to a remodeling project, no additional parking shall be required.
  - e. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Site Design Exception Team.
3. **Expansion.** In any continuous five-year period, additions to structures on nonconforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.
  - a. Complete redevelopment or expansions which would result in a thirty-five percent (35%) or greater increase of the gross square

footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements of this Code. The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage/display, including expansions of existing parking lots.

- b. Expansions which would result in less than a thirty-five percent (35%) increase of the gross square footage of the existing structure(s) shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this Code until the site achieves one hundred percent (100%) compliance. The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage. [The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage/display. For example, if the addition, or outdoor display area is twenty-five (25%) of the size of the existing building and the site contains only fifty percent (50%) of the required landscaping, twenty-five percent (25%) of the required landscaping for the entire site must be provided, thereby bringing the site to seventy-five percent (75%) of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.]
- c. Expansions that necessitate an increase in the number of parking spaces shall be required to provide one hundred percent (100%) of the required parking spaces for the use in accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- d. For purposes of Section 3.8.B, the conversion of nonconforming commercial and/or residential structures and sites to condominiums shall be treated as an expansion of the nonconforming structure/site, requiring that the site be brought into compliance with all parking, lighting, and landscaping requirements of this Code.
- e. The rebuilding of any portion of a building that is demolished is considered new construction and expansion for purposes of determining the applicable percentage upgrade for applying landscaping, parking and screening and buffering requirements for nonconforming sites.
- f. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Site Design Exception Team.

4. **Site Design Exception Team.**

- a. A Site Design Exception Team, consisting of two representatives from the Public Works and Planning Department (a planner and an engineer), and a representative from the Fire Department and Parks and Recreation Department, shall be authorized to grant requests to vary from the required site upgrades. Required site upgrades may be

reduced or eliminated by the Site Design Exception Team for sites requiring upgrades because of Section 3.8.B.3.

- b. In considering a request, the following shall be considered by the Site Design Exception Team:
  - 1. Is the general intent of the requirement(s) being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
  - 2. Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building façade, relocating landscaping on-site, increasing planting sizes and/or planting density, public art, *etc.*?
  - 3. Will the proposed deviation result in a safe, efficient condition as determined by the Site Design Exception Team?
  - 4. What other alternatives have been considered that would meet the current standards?
- c. A request to deviate from the required parking, landscaping, screening and/or buffering improvements for nonconforming structures and sites must be submitted in writing on a form or application provided by the City to the applicant, for determination by the Site Design Exception Team.

5. **Change of Use.**

- a. Changes of use that necessitate an increase in the number of parking spaces shall be required to provide one hundred percent (100%) of the required parking spaces for the use in accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- b. Other nonstructural use, such as a new display, storage or operation lot, requires the entire lot or parcel meet all of the parking, landscaping and screening/buffering requirements of this Code.

5. **Destruction.** A nonconforming structure which is damaged to fifty percent (50%) or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within six (6) months from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within one (1) year of the issuance of the building permit. If damage exceeds fifty percent (50%) or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

- 6. **Nonconforming Lots.** A parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if:
  - a. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;

- b. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner's control; and
  - c. The use meets all other regulations prescribed for the zone prior to occupancy or use.
7. **Time Extensions.** The Zoning Board of Appeals may permit one (1) extension of up to twelve (12) additional months to the time periods for abandonment, obtaining a building permit and/or completing construction, provided the applicant can demonstrate circumstances out of his control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.
  8. **Signs.** This Section shall not apply to nonconforming signs (see Sign Regulations Section 4.2).
  9. **Variance.** The Zoning Board of Appeals may vary the provisions of this Section. Application and processing shall be in accordance with the provisions of Section 2.16.
  10. **Evidence of Status.** Evidence of the status of a nonconforming use or site shall be supplied by the owner of the property upon request of the Director.