

★ Roll Call Number

Agenda Item Number

51B

Date December 16, 2019

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-4.3.8, 135-4.3.11, 135-4.3.12, 135-9.1.4, 135-9.2.2, 135-9.2.3, 135-9.2.4, 135-10.1.3, 135-10.6, and 135-12.8, and Tables 135-2.2-2, 135-4.1-2, 135-5.5-3, by correcting numbering for Sections 135-9.3.7, 135-9.3.8, 135-9.3.9, and by adding Figure 135-4.3-H, to protect and preserve the rights, privileges, and property of the City of Des Moines and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents",

which was considered and voted upon for the first time under Roll Call No. 19- 1958 of December 2, 2019, and considered and voted upon for the second time under Roll Call No. 19- 1967 of December 9, 2019, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

51B

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-4.3.8, 135-4.3.11, 135-4.3.12, 135-9.1.4, 135-9.2.2, 135-9.2.3, 135-9.2.4, 135-10.1.3, 135-10.6, and 135-12.8, and Tables 135-2.2-2, 135-4.1-2, 135-5.5-3, by correcting numbering for Sections 135-9.3.7, 135-9.3.8, 135-9.3.9, and by adding Figure 135-4.3-H, to protect and preserve the rights, privileges, and property of the City of Des Moines and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That Chapter 135 of the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-4.3.8, 135-4.3.11, 135-4.3.12, 135-9.1.4, 135-9.2.2, 135-9.2.3, 135-9.2.4, 135-10.1.3, 135-10.6, and 135-12.8, and Tables 135-2.2-2, 135-4.1-2, 135-5.5-3, by correcting numbering for Sections 135-9.3.7, 135-9.3.8, 135-9.3.9, and by adding Figure 135-4.3-H, as follows:

Chapter 135 PLANNING AND DESIGN

Sec. 135-2.13.3 HOUSE A REGULATIONS

Column Headings:.... N2a (column heading revised) | N2b (column added)

.....
A. **Building Siting....** *(all columns)*
2. Required Accessory Building
Accessory Building Locations.... Garage for single-unit houses,
minimum 288 square feet. Rear or side yard.

..... **N2b | N2a (columns only)**
8. Minimum Lot Width (ft).... 75 | 60
Minimum Lot Area (sq ft).... 9,000 | 7,500

A. **Building Siting....** **N2b (column only)**
1. Multiple Principal Buildings.... Not permitted

.....		
3. Minimum Front Setback (ft)....	25, front setback averaging applies	
4. Minimum Street Side Setback (ft)....	15	
5. Minimum Interior Side Setback (ft)....	7, 15 total for both	
6. Minimum Rear Setback (ft)....	30	
7. Minimum Building Width (ft)....	none	
.....		
9. Maximum Building Coverage	35%	
Maximum Impervious Area	50%	
Additional Semi-Pervious Area....	15%	
10. Attached Garage Entrance Location....	Any facade, maximum 65% of front facade width; 3rd stall recessed 3 ft	
11. Permitted Driveway Access....	One paved driveway per lot; circular drop-off drive permitted with minimum lot width of 100 ft	
B. Height....	N2b (column only)	
12. Minimum Overall Height....	1 story	
13. Maximum Overall Height....	2.5 stories	
14. All Stories....		
Minimum Height (ft)	9	
Maximum Height (ft)	12	
C. Uses....	N2b (column only)	
15. All Stories....	Any permitted use; N2-2 allows up to 2 units; N2-4 allows up to 4 units	
16. Required Occupied Space....	Minimum 20-foot depth on all full floors on at least 50% of front facade	
17. Parking within Principal Building....	Maximum 50% of any story	
D. Street Facade & Roof Requirements....	N2b (column only)	
18. Minimum Transparency per Each Story & any Half Story....	15%; blank wall limitations apply to street facades except garage doors	
19. Principal Entrance Number....	Minimum one per building	
Principal Entrance Location....	Front street facade	
20. Required Entrance Configuration....	Stoop or porch	
	N2b N2a (columns only)	
21. Permitted Roof Types....	Parapet, pitched, flat; Tower permitted	

.....
E. Additional Regulations/Notes
.....

2. 2-Unit House A. Where designated on the zoning map with a “-2” extension to the district name, the House A building may be configured with two adjacent houses as follows:

.....
b. The minimum lot width in N1a is 120 feet, in N1b is 100 feet, and in N2a is 100 feet and in N2b is 80 feet.

.....
3. 4-Unit House A. Where designated on the zoning map with a “-4” extension to the district name, the House A building may be configured with up to four internal units as follows:

- a. The four units shall be incorporated into a single-house design in N1a and N1b districts. The four units shall be incorporated into a single-house design or side-by-side design in N2a and N2b districts.
- b. The minimum lot width in N2a is 100 feet and in N2b is 80 feet.

.....
5. Basement Requirement. A full basement shall be required for each House A building and each unit of a 2-unit House A building for property located in an A, N1a, N1b or N2a district. The minimum house size required by section 135-2.13.3.E.6 shall exclude the area of the full basement. A Type 2 design alternative is required for reduction in size of basement or waiver of full depth basement requirement; however, a Type 1 design alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.

6. Minimum House Size.

- a. In zoning districts N1a, A, N1b and N2a, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:
 - i. Single-story unit shall be a minimum of 1,400 square feet.
 - ii. One-and-a-half story unit shall be a minimum of 1,600 square feet.
 - iii. Two-story unit shall be a minimum of 1,800 square feet.
- b. In zoning district N2b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum

square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
- ii. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.
- iv. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
- v. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
- vi. Two-story unit without a full basement shall be a minimum of 1,600 square feet.

Sec. 2.14.3. HOUSE B REGULATIONS

.....
B. Height....

.....
12. Minimum Overall Height 1 story

.....
E. Additional Regulations/Notes

.....
3. Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House B building, and each unit of a 2-unit House B, thereon.

.....

5. Minimum House Size.

- a. Single-unit and two-unit House Type B buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type B lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
- b. For House B building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-2.15.3. HOUSE C REGULATIONS

A. Building Siting....

.....

- 2. Required Accessory Building
 Accessory Building Locations Garage for single-unit houses, minimum 288 square feet. Rear or side yard.

.....

B. Height....

.....

- 12. Minimum Overall Height

N3b, N3c (<i>column</i>)	1 story
N4 (<i>column</i>)	1.5 story
NX1 (<i>column</i>)	1 story

.....

E. Additional Regulations/Notes

.....

- 4. Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design

alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House C building, and each unit of a 2-unit House C, thereon.

.....

6. Minimum House Size.

- a. Single-unit and two-unit House Type C buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type C buildings on lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
- b. For House C building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-2.16.3. HOUSE D REGULATIONS

.....

B. Height....

- | | |
|-----------------------------|-----------|
| 12. Minimum Overall Height | |
| N5 (<i>column</i>) | 1.5 story |
| NX1 (<i>column</i>) | 1.5 story |
| NX2, NX2a (<i>column</i>) | 2 story |

E. Additional Regulations/Notes

.....

5. Garage Requirement. A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House D building, and each unit of a 2-unit House D, thereon.

.....

7. Minimum House Size.

- a. Single-unit and two-unit House Type D buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type D buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.

- ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement.
- b. For House D building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-4.3.8. GARAGE DOORS

The following applies to all garage doors on principal buildings located on street-facing facades.

A. Row and House Building Types. On any Row or House building, garage doors located on street facades, where permitted, shall meet the following requirements:

1. No garage door may project more than ten feet from the entrance facade or a covered porch or covered stoop protruding from the entrance facade, whichever is closer to the street frontage, on the same building facing the same street.

.....

Sec. 135-4.3.11. HOUSE BUILDING TYPE FACADE REQUIREMENTS

Vinyl siding may be allowed on more than 65% of the first story of the street facade for House building types, except those in N4 or NX2 districts, as a Type 1 design alternative as follows:

A. Architectural Options. A design that does not meet the requirements of allowed minor facade materials for vinyl siding pursuant to Table 135-4.1-2 of this article may be approved as a Type 1 design alternative if it is determined by the community development director that the overall building design adds emphasis to other facade elements and articulation that reduce attention, visibility, or dominance of single materials, including elements pursuant to Figure 135-4.3-H such as:

1. A front porch of not less than 60 square feet;
2. Appropriate size and number of gables, defined by accent, shake, or similar architectural elements;
3. Appropriate size and design of finished columns; and
4. Other appropriate change in articulation or pattern of materials.

B. Design Alternative. A Type 1 design alternative may also be submitted for approval as otherwise allowed by this article.

Sec. 135-4.3.12. ARCADE DESIGN

As shown in Figure 135-4.3-I, the following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story.

.....

Sec. 135-9.1.4. PROHIBITED RELIEF

.....

B. Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the design alternative percentages and measurement numbers set forth in this article or elsewhere in this chapter; and

.....

Sec. 135-9.2.2. DESIGN ALTERNATIVES GENERALLY

.....

B. Intent and Criteria.

1. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
2. Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - a. An evaluation of the character of the surrounding neighborhood, such as:
 - i. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - ii. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - b. The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;

- c. Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- d. Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- e. Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- f. Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

Sec. 135-9.2.3. TYPE 1 DESIGN ALTERNATIVES

.....
A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in Article 14 2 of this chapter:

-
- 8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.
 - 9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:
 - a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each applicable House building, and each unit of a 2-unit applicable House building, thereon.
 - 10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.

- 11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.

B. Other Type 1 Design Alternatives

-
- 2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
 - 3. Modify building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.

-
- 6. Waive or modify applicable building type regulations of Article 2 of this chapter related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
 - 7. Waive or modify applicable building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.

Sec. 135-9.2.4 TYPE 2 DESIGN ALTERNATIVES

A. Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:

- 1. Except as noted in subsection 135-9.2.3.A of this article, a reduction by more than 30% of any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
- 2. Except as noted in subsection 135-9.2.3.A of this article, an increase by more than 30% of any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.

-
- 5. Design alternatives to any numerical regulation established in the building type regulations of Article 2 of this chapter when the proposed construction is not subject

to site plan review under chapter 135 of this code and when the design alternative does not exceed 50% of the applicable numerical regulation.

-
- 10. Reduce applicable minimum square footage requirements for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House Type A building to contain less than 1,000 square feet of above grade finished floor area or any House Type B, C or D building to contain less than 1,000 square feet of finished floor area.
 - B. As part of the public hearing site plan review process, the plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are not expressly authorized for processing as Type 1 design alternatives, and to hear and decide reviews of the community development director's decision on any Type 1 design alternative. The plan and zoning commission is also authorized to approve those Type 2 design alternatives that are expressly authorized in this chapter.
 - C. In addition to all other requirements of this article, the plan and zoning commission's decision to approve, approve the conditions, or deny a request for a Type 2 design alternative as part of the public hearing site plan review process must be based on the commission's determination of whether:

-
- 3. The requested design alternative will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter.

Sec. 135-9.3.7 PERMITS AND CONTINUING COMPLIANCE

.....

Sec. 135-9.3.8 RESUBMISSIONS AND AMENDMENTS

.....

Sec. 135-9.3.9 REQUEST FOR REVIEW

.....

Sec. 135-10.1.3. DETERMINATION OF PRE-EXISTING STATUS

.....

Sec. 135-10.6. PRE-EXISTING SITE ELEMENTS

.....

Sec. 135-12.8. TERMS BEGINNING WITH "F"

Finished floor area: areas with finished ceilings, floors, and walls, that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets, and hallways.

.....

Table 135-2.2-2

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) delete N2 column and replace with N2a, N2b column.

Table 135-4.1-2

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) revise “Minor Facade Material” column, “Vinyl Siding” row, as follows:
minimum 0.042 inches thick; where **not** prohibited by local historic district regulations
- (ii) revise “Maximum Amount on Each Facade” column, “Vinyl Siding” row, “House Type” subsection, as follows:
65% of first story of street facade, 100% on all other facades

Table 135-5.5-3

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

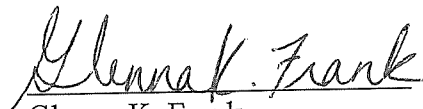
- (i) delete N2 column and replace with N2a, N2b column.

Figure 135-4.3-H

Figure, “Example of Architectural Options”, added as shown on attachment hereto, and by this reference made a part hereof.

Section 2. This ordinance shall be in full force and effect from and after the later of (i) its passage and publication as provided by law or (ii) December 16, 2019.

FORM APPROVED:



Glenna K. Frank
Assistant City Attorney

51B
40D

DRAFT

135-2. BUILDING TYPES

General

TABLE 135-2.2-2. BUILDING TYPES BY DISTRICTS

BUILDING TYPES	N, NX, NM, A, P DISTRICTS														Reference	
	N1a	N1b	N2a, N2b	N3a	N3b	N3c	N4	N5	NX1	NX2, NX2a	NX3	NM	A	P1		P2
Downtown Storefront																135-2.3
Downtown General																135-2.4
Storefront																135-2.5
Commercial Cottage																135-2.6
General Building											●			●		135-2.7
Commercial Center																135-11.8
Workshop/Warehouse														●		135-11.9
Civic Building									●	●	●			●	●	135-11.10
Principal-Use Parking Structure														●		135-11.17
Flat Building										●	●					135-11.11
Row Building									●	●	●					135-11.12
House A	●	●	●											●		135-11.13
House B				●	●											135-11.14
House C					●	●	●		●							135-11.15
House D								●	●	●						135-11.16

KEY: ●=permitted by right | ○=required on primary frontages | ⊙=permitted only on corner lots, maximum 150 feet in length

135-2. BUILDING TYPES

General

DRAFT

of a conditional use or use variance or amendment thereto, pursuant to chapter 134 of this code. Variation from the depth, location within a building that does not affect or impact a separation distance required by chapter 134 of this code, percentages of square footage, or percentages of facade requirements related to permitted uses may be approved by Type 1 or Type 2 design alternatives, as applicable per variation, pursuant to this chapter.

H. Design Alternatives. Section 135-9.2 of this chapter defines design alternatives applicable to the building type regulations. Additional design alternatives may be noted throughout this article.

2.1.5 TREATMENT OF YARDS

Paved vehicular areas are limited to specific locations in accordance with the applicable building type regulations. The following further defines the permitted treatments of the yard areas around the buildings.

A. Landscape, Patio, Sidewalks. All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Yard area may not exceed the maximum levels of imperviousness and semi-perviousness set for each building type.

B. Driveways. Refer to section 135-6.12 of this chapter for driveway design and location requirements. Driveways may cross through yards as follows:

1. Front and Corner Yards. Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards. Circular drop-off drives may be permitted per the building type requirements.
2. Perpendicular Crossing of Side and Rear Yards. In all districts except N districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.
3. Parallel Crossing of Side and Rear Yards. In N and NX districts, driveways accessing rear yard garages are permitted within the side or rear yard setback, up to the property line. If the driveway is shared, the minimum side yard must be provided outside the driveway.

C. Side Yard Parking Lots. Some building types permit side yard parking lots. Side yard parking lots may not encroach on the front yard and may not encroach upon the minimum side setback.

D. Rear Yards. Paved vehicular areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear

yard setbacks also apply to parking lots.

2.1.6 PRIMARY FRONTAGES

A primary frontage establishes the fronts of lots and buildings and where to locate the principal entrance to the building. A primary frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Primary frontages must be provided as follows:

A. Primary Street Frontages.

1. Mapped Street Frontages. Primary frontage requirements shall be met along those locations where a primary street is designated on the primary street map. The primary street map is maintained as a geographic coverage layer with the city's geographic information system (GIS), under the direction of the community development director.
2. Residential Street Frontages. In N and NX districts, primary frontage is defined by streets with a majority of front doors fronting the street.
3. Lots with a Single Street Frontage. For lots with only one street frontage, primary frontage requirements shall be met along the street frontage even if that street is not designated as a primary street.
4. Lots with Narrow Street Frontage. For lots with street frontage less than 30 feet in width and access required off that same frontage, the community development director shall determine the primary frontage requirements.

B. Open Space. Where a lot or parcel contains or abuts open space designated as a P1 district, the frontage of a building abutting the open space shall meet primary frontage requirements.

C. River Frontage. Any facade facing a river shall be treated as a primary frontage.

D. Other Public Ways. Pedestrian ways and paseos to parking lots through parcels, blocks, or buildings shall be treated as primary street frontage, unless a Type 1 design alternative per section 135-9.2 of this chapter is approved for a reduction in transparency and facade materials.

E. Multiple Primary Frontages. If multiple primary frontages and no other non-primary frontages exist for a lot, up to two primary frontages may be treated as a non-primary frontage for the building type requirements if the following is met:

1. Approval of the community development director;

135-2.13 House A Building Type

2.13.1 DESCRIPTION AND INTENT

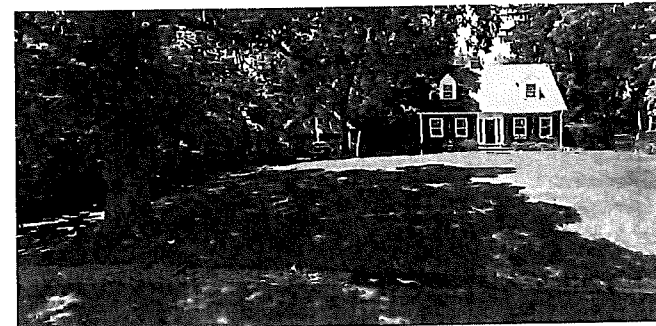
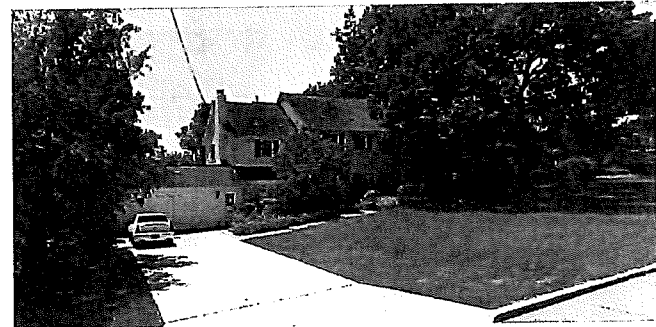
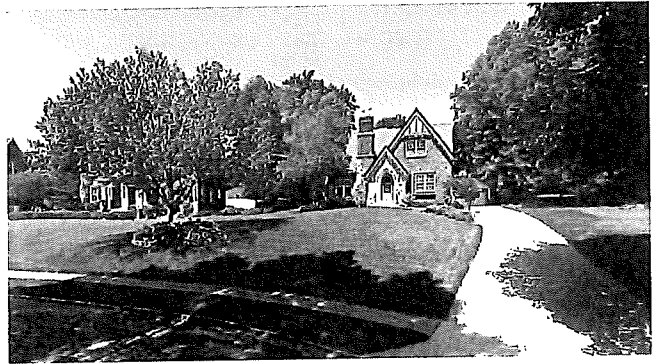
The House A building is the most flexible house type -- flexible in different districts for different reasons. This building type allows a wide range of heights, more roof types, and garages on the front facade.

In the N1 estate neighborhoods, the lots are wider and the setbacks are deeper. In these neighborhoods, the houses can range widely in style and design as the large front yards create the neighborhood character. Also, with wider lots, the houses tend to be wider, so front facade garage doors can be accommodated without dominating facade designs.

In other neighborhoods, the lots may be smaller, have shallower setbacks, but the character of the neighborhood is such that front-facing garages are common.

2.13.2 ILLUSTRATIVE IMAGES

The images shown in Figure 135-2.13-A are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.



Examples of House A on large lots in N2 district.

Examples of House A on large lots in N1 district.

Figure 135-2.13-A. Example Illustrations of Existing House A Building Type

135-2. BUILDING TYPES

DRAFT

House A Building Type

2.13.3 HOUSE A REGULATIONS

	N1a, A	N1b	N2a	N2b	REFERENCES
A. Building Siting. Refer to Figure 135-2.13-B					
① Multiple Principal Buildings	Not permitted	Not permitted	Not permitted	Not permitted	See Note 5 for minimum building size.
② Required Accessory Building Accessory Building Locations	Garage for single-unit houses, minimum 288 square feet. Rear or side yard.				See 135-2.22.2 for accessory buildings. See Note 4 for accessory building requirement.
③ Minimum Front Setback (ft)	45, front setback averaging applies	30, front setback averaging applies	25, front setback averaging applies	25, front setback averaging applies	See 135-3.4 for front setback averaging.
④ Minimum Street Side Setback (ft)	25	20	15	15	
⑤ Minimum Interior Side Setback (ft)	10, 25 total for both	10, 25 total for both	7, 15 total for both	7, 15 total for both	
⑥ Minimum Rear Setback (ft)	30	30	30	30	
⑦ Minimum Building Width (ft)	24	24	none	none	See 135-3.2 for measurement. See Note 2 and Note 3 for 2- and 4-unit buildings, where permitted.
⑧ Minimum Lot Width (ft) Minimum Lot Area (sq ft)	80 10,000	60 8,000	75 9,000	60 7,500	See Note 2 and Note 3 for 2- and 4-unit buildings, where permitted.
⑨ Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	25% 40% 15%	30% 50% 15%	35% 50% 15%	35% 50% 15%	See 135-3.6 for measurement. See Note 1 for maximum front yard coverage. See Note 5 for minimum building size.
⑩ Attached Garage Entrance Location	Any facade, maximum 30% of front facade width	Any facade, maximum 30% of front facade width	Any facade, maximum 65% of front facade width; 3rd stall recessed 3 ft	Any facade, maximum 65% of front facade width; 3rd stall recessed 3 ft	See 135-4.3.8 for additional garage door requirements on primary frontage facades.
⑪ Permitted Driveway Access	One paved driveway per lot; circular drop-off drive permitted with minimum lot width of 100 ft				See 135-6.12 for additional driveway regulations.

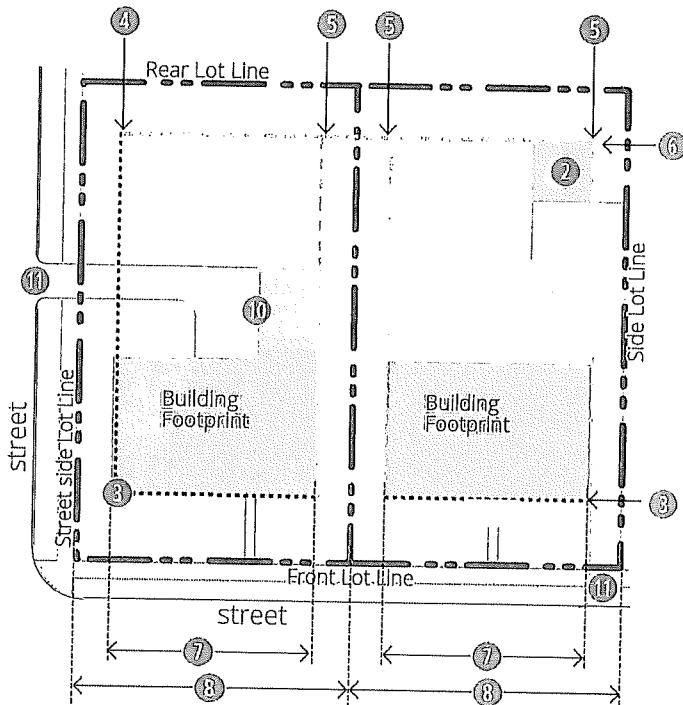


Figure 135-2.13-B. House A: Building Siting

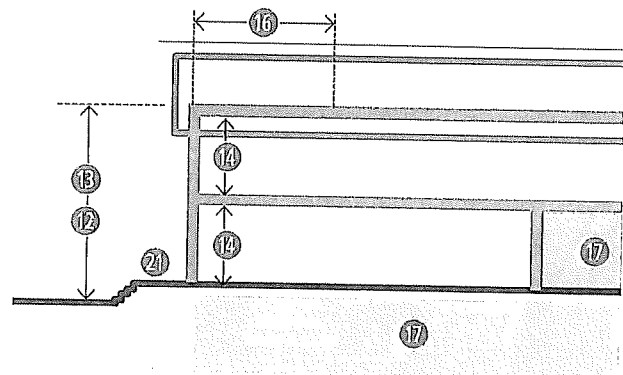


Figure 135-2.13-C. House A: Height & Uses Requirements

135-2. BUILDING TYPES

House A Building Type

	N1a, A	N1b	N2a	N2b	REFERENCES
B. Height. Refer to Figure 135-2.13-C					
12 Minimum Overall Height	1 story plus full basement required	1 story plus full basement required	1 story plus full basement required	1 story	See 135-3.7 for measurement information. Story heights are measured floor to floor. See Note 2 and Note 3 for minimum heights of multi-unit houses.
13 Maximum Overall Height	3 stories	3 stories	2.5 stories	2.5 stories	
14 All Stories; (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 14	9 14	9 12	9 12	
C. Uses. Refer to Figure 135-2.13-C					
15 All Stories	Any permitted use; N1a-2 allows up to 2 units	Any permitted use; N1b-2 allows up to 2 units; N1b-4 allows up to 4 units	Any permitted use; N2-2 allows up to 2 units; N2-4 allows up to 4 units		See chapter 134, article 3 for permitted uses per zoning district and definition of uses. See Note 2 and Note 3 for 2- and 4-unit configuration requirements.
16 Required Occupied Space		Minimum 20-foot depth on all full height stories on at least 60% of front facade	Minimum 20-foot depth on all full floors on at least 50% of front facade		See 135-12.1 for definition of occupied space.
17 Parking within Principal Building		Maximum 30% of any story	Maximum 50% of any story		Refer to occupied space requirement above. Refer to 135-4.3.8 for design of garage doors.
D. Street Facade & Roof Requirements. Refer to Figure 135-2.13-D					
18 Minimum Transparency per Each Story & any Half Story	12%	12%; blank wall limitations apply to front street facades	15%; blank wall limitations apply to street facades except garage doors		See 135-3.8 for measurement information and definition of blank wall limitations.
19 Principal Entrance Number		Minimum one per building			See Note 2 and Note 3 for 2- and 4-unit building entrance requirements. See 135-12.1 for definition of stoop and porch.
20 Principal Entrance Location		Front street facade			
20 Required Entrance Configuration		Stoop or porch			
21 Permitted Roof Types		Parapet, low pitched, pitched, flat; Tower permitted	Parapet, pitched, flat; Tower permitted	Parapet, pitched, flat; Tower permitted	See 135-2.20 for roof types.

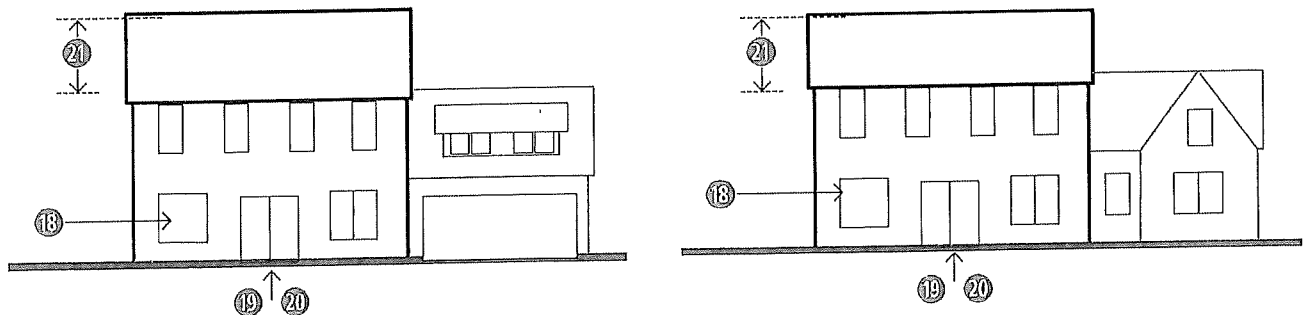


Figure 135-2.13-D. House A: Facade Requirements

135-2. BUILDING TYPES

DRAFT

House A Building Type

E. Additional Regulations/Notes

1. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
2. 2- Unit House A. Where designated on the zoning map with a "-2" extension to the district name, the House A building may be configured with two adjacent houses as follows:
 - a. The two units shall be a side-by-side configuration with a common wall between them and perpendicular to the front lot line.
 - b. The minimum lot width in N1a is 120 feet, in N1b is 100 feet, and in N2a is 100 feet and in N2b is 80 feet.
 - c. For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.
 - d. Each unit shall meet all requirements of the building type.
3. 4-Unit House A. Where designated on the zoning map with a "-4" extension to the district name, the House A building may be configured with up to four internal units as follows:
 - a. The four units shall be incorporated into a single-house design in N1a and N1b districts. The four units shall be incorporated into a single-house design or side-by-side design in N2a and N2b districts.
 - b. The minimum lot width in N2a is 100 feet and in N2b is 80 feet.
 - c. The minimum building width is 60 feet.
 - d. For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for minimum interior setbacks for the lot lines associated with common walls.
 - e. Up to two exterior front doors are permitted. One front door is required on the front facade and a second entrance may be located on the side facade.
 - f. Each unit shall be entered directly from a front door or from a common interior hallway accessed from a front door.
 - g. Additional rear or side doors are permitted for each unit.
 - h. All other requirements of the building type shall be met.
4. Garage Requirement. A minimum 288 square feet garage is required for each House A building and each unit of a 2-unit House A. A Type 2 design alternative is required for reduction in size of garage size or waiver of garage requirement.
5. Basement Requirement. A full basement shall be required for each House A building and each unit of a 2-unit House A building for property located in an A, N1a, N1b or N2a district. The minimum house size required by section 135-2.13.3.E.6 shall exclude the area of the full basement. A Type 2 design alternative is required for reduction in size of basement or waiver of full depth basement requirement; however, a Type 1 design alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.
6. Minimum House Size.
 - a. In zoning districts N1a, A, N1b and N2a, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:
 - i. Single-story unit shall be a minimum of 1,400 square feet.
 - ii. One-and-a-half story unit shall be a minimum of 1,600 square feet.
 - iii. Two-story unit shall be a minimum of 1,800 square feet.
 - b. In zoning district N2b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design

135-2. BUILDING TYPES

House A Building Type

alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
- ii. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.
- iv. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
- v. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
- vi. Two-story unit without a full basement shall be a minimum of 1,600 square feet.

Remainder of page blank intentionally.

135-2. BUILDING TYPES

House A Building Type

DRAFT

Page blank intentionally.

51B
40D

DRAFT

135-2. BUILDING TYPES

House B Building Type

N3a, N3b

REFERENCES

B. Height. Refer to Figure 135-2.14-C

12	Minimum Overall Height	1 story
15	Maximum Overall Height	2 stories
14	All Stories: (Measured floor-to-floor)	
	Minimum Height (ft)	7
	Maximum Height (ft)	9

See 135-3.7 for measurement information. Story heights are measured floor to floor.
See Note 2 for minimum heights of multi-unit houses.

C. Uses. Refer to Figure 135-2.14-C

15	All Stories	Any permitted use; N3a-2 and N3b-2 allows up to 2 units
16	Required Occupied Space	Minimum 20-foot depth on all full height stories on at least 60% of front facade
17	Parking within Principal Building	Maximum 50% of basement; Maximum 30% of first floor

See chapter 134, article 3 for permitted uses per zoning district and definition of uses. See Note 2 for 2- unit configuration requirements.
See 135-12.1 for definition of occupied space.
Refer to occupied space requirement above. Refer to 135-4.3.8 for design of garage doors.

D. Street Facade & Roof Requirements. Refer to Figure 135-2.14-D

18	Minimum Transparency per each Full Story and any Visible Basement	12%
19	Principal Entrance Number	Minimum one per building;
	Principal Entrance Location	Front street facade
20	Required Entrance Configuration	Stoop or porch
21	Permitted Roof Types	Low pitched
22	Street Facade Eave Height (ft)	1 story: maximum 8.5 1.5 to 2 story: maximum 16

See 135-3.8 for measurement information and definition of blank wall limitations. See 135-4.3.2 for window design.
See Note 2 and Note 3 for 2- and 4-unit building entrance requirements.
See 135-12.1 for definition of stoop and porch.
See 135-2.20 for roof types.
Measured from top of foundation to below eave.

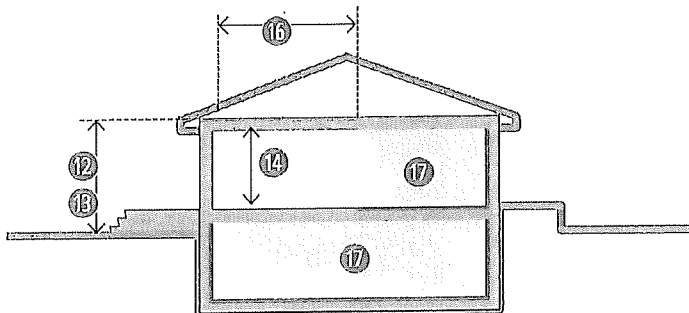


Figure 135-2.14-C. House B: Height and Uses Requirements

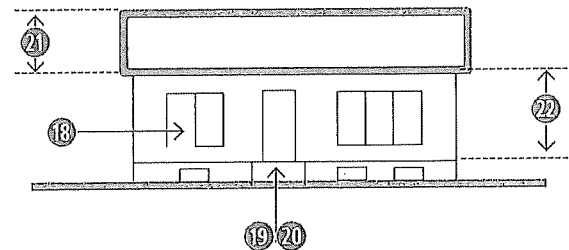


Figure 135-2.14-D. House B: Facade Requirements

135-2. BUILDING TYPES

DRAFT

House B Building Type

E. Additional Regulations/Notes

1. Maximum impervious plus semi-pervious area in any front yard is 25% total.
2. 2-Unit House B. Where designated on the zoning map with a "-2" extension to the district name, the House B building may be configured with two adjacent houses as follows:
 - a. The two units shall be a side-by-side configuration with a common wall between them, perpendicular to the front lot line.
 - b. Minimum building width is 45 feet and maximum building width is 60 feet.
 - c. The minimum lot width in N3a and N3b is 85 feet.
 - d. One garage door no wider than 16 feet or two garage doors each no wider than nine feet is permitted on the front facade.
 - e. Minimum height is two stories.
 - f. Each unit shall meet all requirements of the building type.
 - g. For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.
3. Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:
 - a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House B building, and each unit of a 2-unit House B, thereon.

4. RESERVED.
5. Minimum House Size.
 - a. Single-unit and two-unit House Type B buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type B lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
 - b. For House B building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

135-2. BUILDING TYPES

House C Building Type

135-2.15 House C Building Type

2.15.1 DESCRIPTION AND INTENT

House C is a small-scale building type, typically 1.5 stories with a steeply pitched, gable roof. Floor-to-floor heights of this building are on par with House B. Garages are typically located in the rear of the lot.

Roofs are a dominant feature of this house type. When the ridge runs parallel to the street, dormers are located along the roof. Gable ends often face the street for all or most of the width of the building.

2.15.2 ILLUSTRATIVE IMAGES

The images shown in Figure 135-2.15-A are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

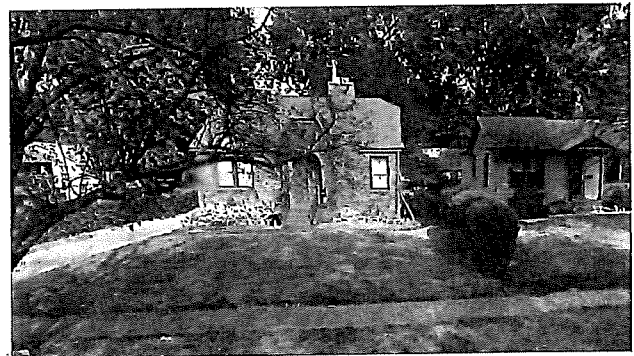
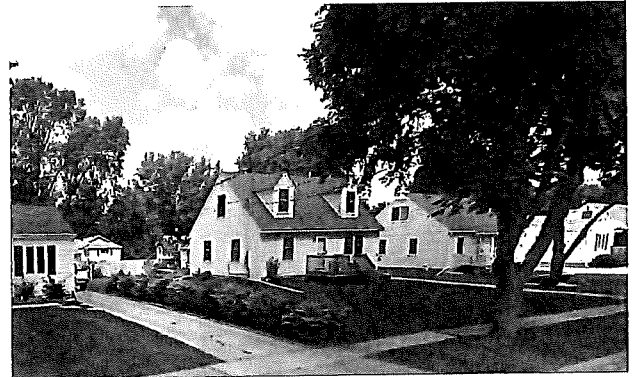


Figure 135-2.15-A. Example Illustrations of House C Building Type.

135-2. BUILDING TYPES

DRAFT

House C Building Type

2.15.3 HOUSE C REGULATIONS

N3b, N3c	N4	NX1	REFERENCES
----------	----	-----	------------

A. Building Siting. Refer to Figure 135-2.15-B.

① Multiple Principal Buildings	Not permitted	Not permitted	Permitted	See Note 1 for House C Court
② Required Accessory Building Accessory Building Locations	Garage for single-unit houses, minimum 288 square feet. Rear or side yard.			See 135-2.22.2 for accessory buildings. See Note 4 for garage requirement.
③ Minimum Front Setback (ft)	25, front setback averaging applies	35, front setback averaging applies	25, front setback averaging applies	See 135-3.4 for front setback averaging.
④ Minimum Street Side Setback (ft)	20	20	15	
⑤ Minimum Interior Side Setback (ft)	7, 15 total for both	7, 15 total for both	7, 15 total for both	
⑥ Minimum Rear Setback (ft)	40	40	30	
⑦ Minimum Building Width (ft)	24	24	20	See 135-3.2 for measurement. See Note 3 for 2-unit buildings, where permitted.
⑧ Minimum Lot Width (ft) Minimum Lot Area (sq ft)	50 6,000	50 6,000	40 4,800	See Note 1 for maximum front yard coverage. See Note 5 for minimum building size.
⑨ Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	35% 55% 15% [see note 2]	35% 55% 15% [see note 2]	35% 55% 15% [see note 2]	See 135-3.6 for measurement.
⑩ Attached Garage Entrance Location	Rear or side facade; Front facade on sloped sites permitted with Type 1 design alternative per 135-9.2 of this chapter			See 135-4.3.3 for additional garage door requirements on primary frontage facades.
⑪ Permitted Driveway Access	Improved alley; If no improved alley exists, one driveway per lot; Shared driveways encouraged			See 135-6.12 for additional driveway regulations.

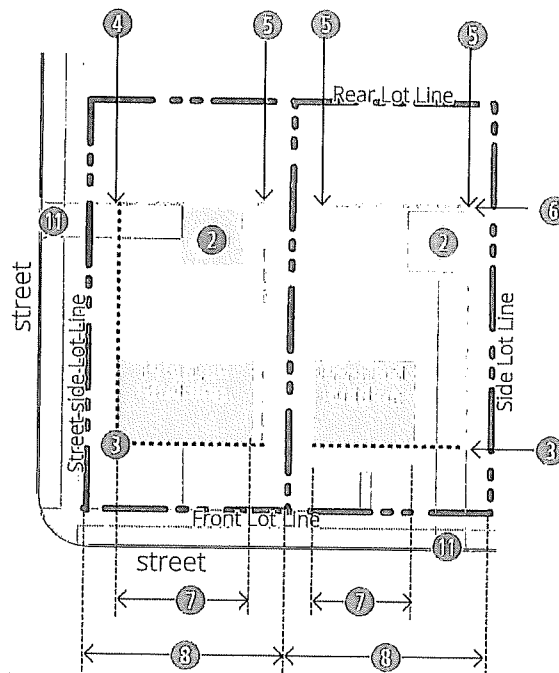


Figure 135-2.15-B. House C Building; Building Siting

135-2. BUILDING TYPES

House C Building Type

	N3b, N3c	N4	NX1	REFERENCES
B. Height. Refer to Figure 135-2.15-C				
12 Minimum Overall Height	1 story	1.5 story	1 story	See 135-3.7 for measurement information. Story heights are measured floor to floor. See Note 3 for minimum heights of multi-unit houses.
13 Maximum Overall Height	2 stories	2 stories	2 stories	
14 All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	8.5 10	8.5 10	8.5 10	
C. Uses. Refer to Figure 135-2.15-C.				
15 All Stories	Any permitted use; N3b-2 and N3c-2 districts allow up to 2 units			See chapter 134, article 3 for permitted uses per zoning district and definition of uses. See Note 3 for 2-unit configuration requirements.
16 Required Occupied Space	Minimum 20-ft depth all full height stories on front facade			See 135-12.1 for definition of occupied space.
17 Parking within Principal Building	Fully in any basement or in the rear of the ground story			Refer to occupied space requirement above.
D. Street Facade & Roof Requirements. Refer to Figure 135-2.15-D				
18 Minimum Transparency per each Full Story and any Visible Basement	12%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front facade	15%; blank wall limitations apply to street facades	See 135-3.8 for measurement information and definition of blank wall limitations.
19 Principal Entrance Number Principal Entrance Location	Minimum 1 per building; Front street facade			See Note 2 and Note 3 for 2- and 4-unit building entrance requirements.
20 Required Entrance Configuration	Stoop or porch			See 135-12.1 for definition of stoop and porch.
21 Specific Permitted Major Building Materials	Finished wood, brick, stone, fiber cement board, hard coat stucco			See 135-4.2 for facade and roof materials.
22 Permitted Roof Types	Pitched gable roof for 1 and 1.5 stories, preferably 12:12; Low pitched roof for 2 stories; Other roof types permitted with a Type 1 design alternative per 135-9.2 of this chapter.			See 135-2.20 for roof types.
23 Dormers and Gables	On 1 and 1.5 story buildings, where the ridge line is parallel to the street, at least 1 dormer or gable end is required for every 24 feet of continuous ridgeline.			See 135-12.1 for definition of dormer.
24 Street Facade Horizontal Eave Height (ft)	1 story; maximum 8.5 1.5 to 2 story; maximum 18			Measured from top of foundation to below eave.

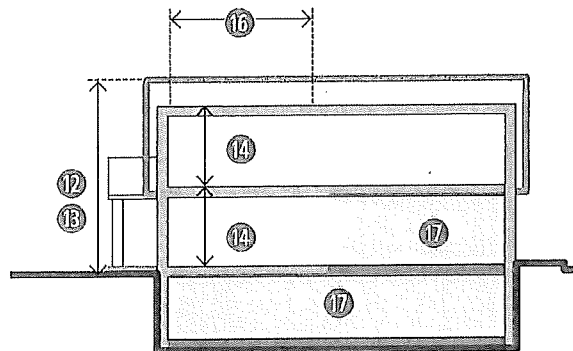


Figure 135-2.15-C. House C Building: Height and Use Requirements

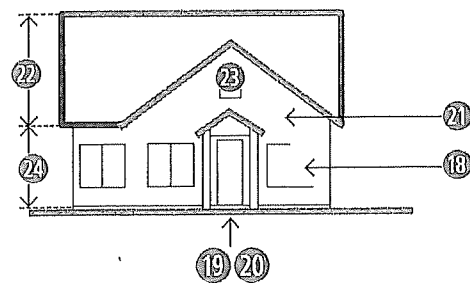


Figure 135-2.15-D. House C Building: Facade Requirements

135-2. BUILDING TYPES

DRAFT

House C Building Type

E. Additional Regulations/Notes

1. Cottage Court. When permitted by district and multiple houses are planned for one development site, for every House C fronting the street, up to three units may front a courtyard or adjacent park or open space and the following applies:
 - a. The courtyard shall be defined on three sides by units and open to the street. Refer to section 135-12.1.5 of this chapter for definition of courtyard.
 - b. Refer to Figure 135-2.15-E for one example of multiple House C building types on a development site.
 - c. Houses on courtyard shall align with the House C buildings on the street.
 - d. Side and rear setbacks shall apply between buildings for each building. For example, with a five-foot side setback, 10 feet is required between buildings.
 - e. Street facade requirements shall apply to courtyard facades.
2. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
3. 2-Unit House C. In NX1 or where designated on the zoning map with a -2 extension to the district name, the House C building may be configured with two adjacent houses as follows:
 - a. The two units shall be in a side-by-side configuration with a common wall between them, oriented generally parallel or perpendicular to the street.
 - b. The minimum lot width in N3b or N3c is 65 feet, and in N4 is 80 feet.
 - c. For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.
 - d. Each unit shall meet all other requirements of the building type.
4. Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the

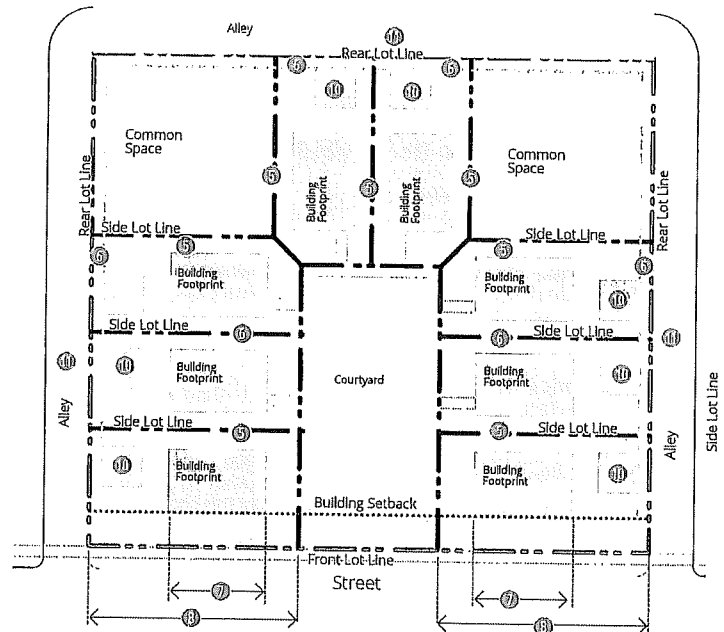


Figure 135-2.15-E, House C Court: Multiple Principal House C Buildings

required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed

135-2. BUILDING TYPES

House C Building Type

consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House C building, and each unit of a 2-unit House C, thereon.

5. RESERVED.
6. Minimum House Size.
 - a. Single-unit and two-unit House Type C buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type C buildings on lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
 - b. For House C building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Remainder of page blank intentionally.

135-2. BUILDING TYPES
House C Building Type

DRAFT

Page blank intentionally.

461
SIB

DRAFT

135-2. BUILDING TYPES

House D Building Type

	N5	NX1	NX2, NX2a	REFERENCES
B. Height. Refer to Figure 135-2.16-C				
12 Minimum Overall Height	1.5 story	1.5 story	2 story	See 135-3.7 for measurement information. Story heights are measured floor to floor. See Note 4 for multiple-unit buildings, where permitted.
13 Maximum Overall Height	2.5 stories	2.5 stories	2.5 stories	
14 All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 12	9 12	9 12	
C. Uses. Refer to Figure 135-2.16-C.				
15 All Stories	Any permitted use; N5-2 district allows up to 2 units; N5-4 district allows up to 4 units	Any permitted use except multiple-household is limited to no more than 4 units	Any permitted use except multiple-household is limited to no more than 6 units	See chapter 134, article 3 for permitted uses per zoning district and definition of uses. See Note 4 for multiple-unit buildings, where permitted.
16 Required Occupied Space	Minimum 20-ft depth on all full floors on front facade			See 135-12.1 for definition of occupied space.
17 Parking within Principal Building	Fully in the basement or in the rear of the ground story			Refer to occupied space requirement above.
D. Street Facade & Roof Requirements. Refer to Figure 135-2.16-D				
18 Minimum Transparency per each Full Story and any Visible Basement	15%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front and street side facade	See 135-3.8 for measurement information and definition of blank wall limitations.
19 Principal Entrance Number Principal Entrance Location	Minimum one per building Front street facade			See Note 4 for multiple-unit buildings, where permitted.
20 Required Entrance Configuration	Stoop, enclosed porch, or porch	Porch	Porch	See 135-12.1 for definition of stoop and porch.
21 Specific Permitted Major Building Materials	Finished wood, brick, stone, fiber cement board, hard coat stucco			See 135-4.2 for facade and roof materials.
22 Permitted Roof Types	Pitched gable or hipped roof; Low pitched on 2 story buildings; Tower permitted			See 135-2.20 for roof types.
23 Minimum Eave Depth (in)	14			
24 Dormers and Gables	On 1 and 1.5 story buildings, where the ridge line is parallel to the street, at least 1 dormer or gable end is required for every 24 feet of continuous ridgeline.			See 135-12.1 for definition of dormer.

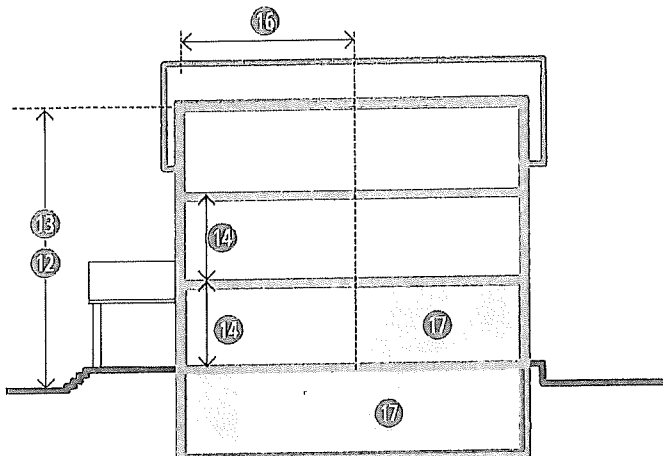


Figure 135-2.16-C. House D Building: Height and Use Requirements

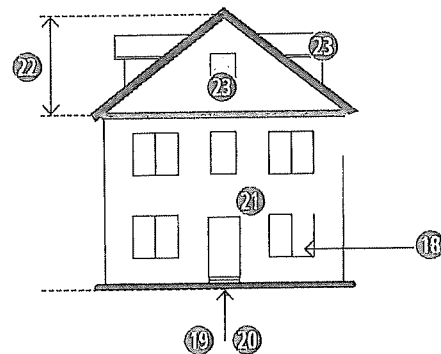


Figure 135-2.16-D. House D Building: Facade Requirements

135-2. BUILDING TYPES

DRAFT

House D Building Type

E. Additional Regulations/Notes

1. House D Court. When permitted by district and multiple houses are planned for one development site, for every House D fronting the street, up to three units may front a courtyard or adjacent park or open space and the following applies:
 - a. The courtyard must be lined by units on three sides and be open to the street on one side. Refer to [Figure 135-2.16-F](#) of this article for House D Court.
 - b. Houses on the courtyard must align with House D buildings on the street.
 - c. Side and rear setbacks apply between buildings for each building. For example, with a five-foot minimum side setbacks, at least 10 feet is required between buildings.
 - d. Street facade requirements apply to courtyard facades.
2. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
3. In NX1, NX2, and NX2a, a zero-foot side yard setback is permitted on one side of the lot, allowing for no more than two House D buildings side-by-side, each unit on their own lot. All other requirements must be met.
4. Multiple-Unit House D. In NX1, in NX2, in NX2a, and where designated on the zoning map with a "-2" or "-4" extension to the district name, the House D building may be configured with multiple units as follows:
 - a. Multiple units are allowed only in new construction built for multiple units or existing buildings originally constructed for the number of units.
 - b. The "-2" extension to the district name permits up to two units and the "-4" extension to the district permits up to four units within the House D principal building.
 - c. In NX1, up to six units may be incorporated into the House D principal building where located on a corner parcel. Up to two of those six units may be incorporated into an accessory outbuilding pursuant to [section 135-2.22.2.C of this chapter](#).
 - d. In NX2 and NX2a, up to six units may be incorporated into the House D principal building. Up to two of those six units may be incorporated into an accessory outbuilding

pursuant to [section 135-2.22.2.C of this chapter](#).

- e. The minimum lot width for two, three, and four units in N5, NX1, NX2, and NX2a is 50 feet for two stacked units, 70 feet for side-by-side units, and 70 feet for up to four units.
- f. The minimum lot width for up to six units in NX1, NX2, and NX2a is 80 feet.
- g. In N5, NX2, and NX2a, maximum building width for multiple units is 80 feet.
- h. Minimum height is two stories.
- i. Each unit shall be entered directly from an exterior door located on the front or side facade or from a common interior hallway accessed from an exterior door located on the front or side facade. No unit shall enter only from the rear, unless located in an accessory outbuilding, as permitted.

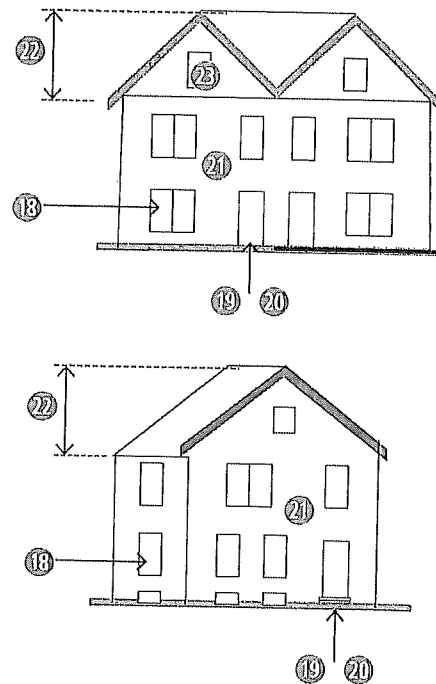


Figure 135-2.16-E. House D Building: Multi-Unit Elevation Examples

135-2. BUILDING TYPES

House D Building Type

- j. Exterior stairs on not permitted on any street facade or within the front yard.
 - k. All other requirements of the building type shall be met.
 - l. For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for minimum interior setbacks for the lot line associated with a common wall.
5. **Garage Requirement.** A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House D building, and each unit of a 2-unit House D, thereon.

6. RESERVED.

7. **Minimum House Size.**

- a. Single-unit and two-unit House Type D buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type D buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
- ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
- iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
- v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
- vi. Two-story unit without a full basement

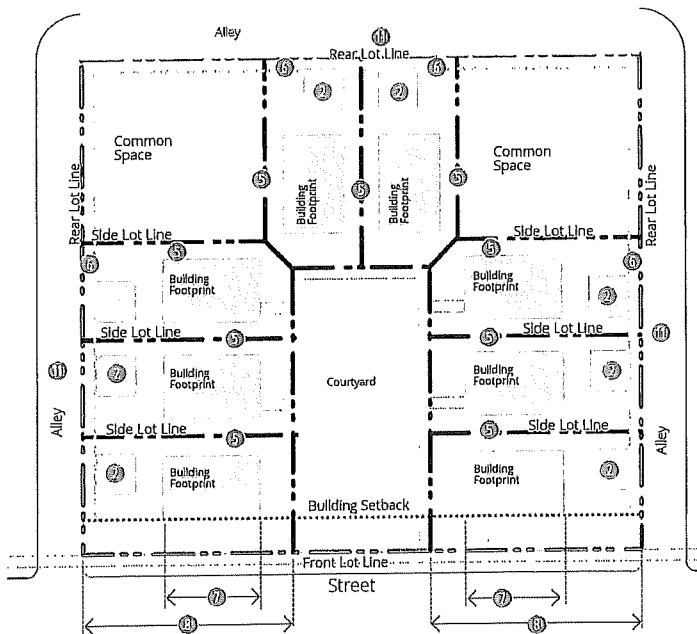


Figure 135-2.16-F. House D Court: Multiple Principal House D Buildings

135-2. BUILDING TYPES

House D Building Type

DRAFT

shall be a minimum of 1,400 square feet.

- b. For House D building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

135-2.17 Parking Structure

2.17.1 DESCRIPTION AND INTENT

The parking structure building type is intended to define the characteristics of any parking structure fronting on a street, whether a stand-alone principal structure, an accessory structure, or a portion of another building type. The characteristics of this building type are meant to primarily address the facade of the building along the streetscape, the negative impact of the vehicle headlights on adjacent buildings, and the comfort and accessibility for both pedestrians along the street and people leaving and entering the structure.

2.17.2 ILLUSTRATIVE IMAGES

The image shown in Figure 135-2.17-A is intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.



Figure 135-2.17-A. Example Illustration of Parking Structure along Street

135-2. BUILDING TYPES

Parking Structure

DRAFT

2.17.3 PARKING STRUCTURE REGULATIONS

	DX	All Other Districts	REFERENCES
A. Building Siting. Refer to Figure 135-2.17-B			
① Multiple Buildings	Not permitted; No accessory building permitted on lot		
② Location	Not permitted fronting a primary street except with an approved Type 1 design alternative		See 134-3.5.14 for non-accessory parking use regulations.
③ Minimum Front Setback (ft)	5 or at least 5 feet less than the front setback of adjacent building, whichever is greater		
④ Minimum Street Side Setback (ft)	5 or at least 5 feet less than the front setback of adjacent building, whichever is greater		
⑤ Minimum Interior Side Setback (ft)	0, 5 at alley	10, 5 at alley	0 allowed at the alley subject to approval of the community development director and city engineer.
⑥ Minimum Rear Setback (ft)	0, 5 at alley	15, 5 at alley, 20 abutting any N or NX district	0 allowed at the alley subject to approval of the community development director and city engineer.
⑦ Maximum Impervious Area Additional Semi-Pervious Area	75% 25%	75% 15%	See 135-3.6 for measurement.
⑧ Garage Entrance Location	Non-primary street, side, or rear facade; Primary street with a Type 1 design alternative		See 135-4.3.8 for additional garage door requirements on primary frontage facades.
⑨ Permitted Driveway Access	Improved alley or non-primary street frontage; Primary street with a Type 1 design alternative		See 135-6.12 for additional driveway regulations.
⑩ Number of Access Points	No more than 2 access points shall be located on any 1 street, totaling no more than 24 feet of drives crossing sidewalk		See 135-6.12 for additional driveway regulations.
B. Height. Refer to Figure 135-2.17-C			
⑪ Maximum Overall Height	1 story less than any other permitted building type in the district		
⑫ All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 12		See 135-3.7 for measurement information. Story heights are measured floor to floor.
⑬ Sloped Floors	Not permitted on primary street facades; to the extent practicable, sloped floors shall be located on non-street facades.		

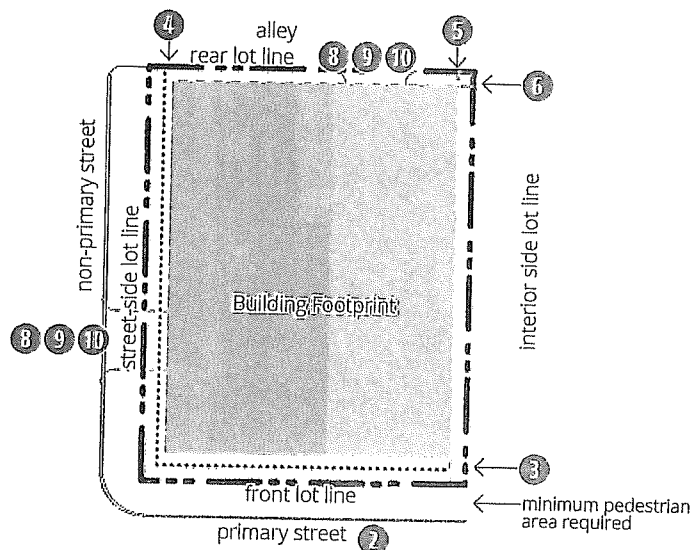


Figure 135-2.17-B. Parking Structure: Building Siting

135-2. BUILDING TYPES

Parking Structure

	DX	All Other Districts	REFERENCES
C. Uses. Refer to Figure 135-2.17-C.			
14 All Stories	Parking and associated accessory uses (parking office, car wash, storage) only		See chapter 134, article 3 for permitted uses per zoning district and definition of uses. Where any other use is incorporated, a building type permitted in the district must be utilized.
D. Street Facade & Roof Requirements. Refer to Figure 135-2.17-D			
15 Wall Requirement to Block Headlights	Solid wall, min. 3 ft in height, along all street and alley facades	Solid wall, min. 3 ft in height, along all street and alley facades and along any side or rear facade located more than 5 ft from an abutting building.	See 135-3.8 for measurement information and definition of blank wall limitations.
General Blank Wall Limitations	30%; blank wall limitations apply to front facade		
16 Principal Entrance Number Principal Entrance Location	A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the public sidewalk. If the space is enclosed, transparent windows are required a rate of 65%.		See 135-4.3.6 for principal entryway design requirements.
17 Street Facades of Ground Story Elevation	Within 30 inches vertically of adjacent sidewalk elevation OR between 30 inches and 5 ft with visible basement (transparency required)		
18 Mid-Building Pedestrianway	For buildings greater than 250 ft in length, a pedestrian entrance and pedestrianway through the structure is required.		
19 Vertical Divisions	Every 30 feet, extending to the full height of the structure. Divisions shall be a minimum of 2 ft in width with a minimum projection of 2 inches.		
20 Permitted Major Building Materials	See 135-4.2 for facade and roof materials		
21 Permitted Roof Types	The top story of the parking structure shall include a parapet or other roof type along street facades. Towers are permitted.		See 135-2.20 for roof types.

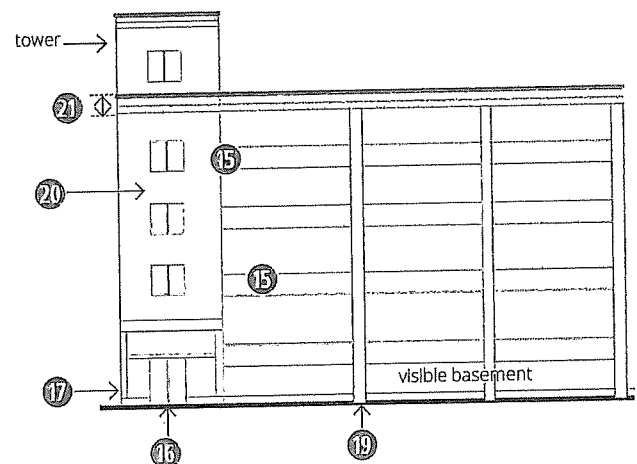
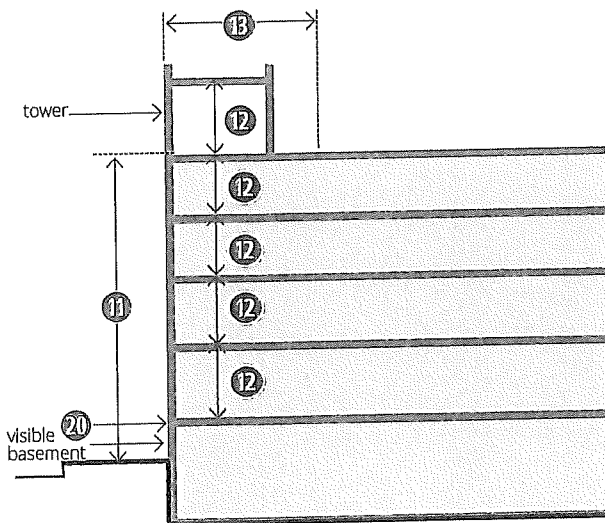


Figure 135-2.17-C. Parking Structure: Height and Uses Requirements

Figure 135-2.17-D. Parking Structure: Facade Requirements

135-2. BUILDING TYPES

DRAFT

Parking Structure

E. Additional Regulations/Notes

1. MX District Deck and Patio. Any deck or patio associated with a non-residential use in any MX district shall be located in the rear, side, or corner side yard. A deck or patio in the front yard may be approved through a Type 1 design alternative, either subject to primary frontage coverage or with a Type 1 design alternative to primary frontage coverage.

Remainder of page blank intentionally.

135-2. BUILDING TYPES

Capitol Dominance Area

135-2.18 Capitol Dominance Area

2.18.1 PURPOSE

The Iowa State Capitol is a source of pride and inspiration to the citizens of the state. The dramatic appearance and recognition of the Capitol results in substantial part from the inspiring manner in which it physically dominates the Capitol environs and the eastside downtown commercial district. The Capitol serves as a focal point for inspiring vistas from prominent public viewing points throughout the City of Des Moines and the surrounding area. The panoramic view outward from the Capitol across the city and state is symbolic of the statewide importance of the Capitol and of the state offices therein.

The Iowa Legislature has recognized the statewide importance of preserving and protecting the dominance of the Capitol and the view of the Capitol from prominent public viewing areas by its enactment of legislation specifically delegating to the City of Des Moines authority to protect such dominance and view by regulating and restricting the height and size of buildings and other structures within the city. The protection of the dominant height of the Capitol and the view of the Capitol from prominent public viewing areas is not only a concern for the citizens of the city, but for all citizens of the state, for the Capitol is a financial, cultural, and aesthetic investment and resource of the entire citizenry.

For the foregoing reasons, the city council of the City of Des Moines declares its intent to preserve and protect the dominant height of the Iowa State Capitol in relation to surrounding structures, the view of the Capitol from prominent public viewing areas, and the view outward across the city and state from the Capitol. In addition to the regulations otherwise imposed by the zoning ordinance, construction of new structures and the expansion and remodeling of existing structures within the capitol dominance area shall be subject to the height limitations imposed by this section.

2.18.2 HEIGHT LIMITATIONS

A. MAXIMUM BUILDING HEIGHT. Any lot within the highlighted area in Figure 135-2.18-A shall have a maximum height of 75 feet. Refer to the city's GIS system for specific location.

B. HEIGHTS OF TOWERS, UTILITIES, AND OTHER APPURTENANCES. Within the boundaries of the capitol dominance area established by this section, no structure shall be constructed or enlarged to a height in excess of the maximum elevation established. Chimneys, cooling towers, elevator bulkheads, antennas, and necessary mechanical appurtenances extending above the roof of a building may exceed the maximum elevation established for such district by not more than 15 feet provided they are set back at least 15 feet from all faces of the building adjacent to a street.

2.18.3 TYPE 2 DESIGN ALTERNATIVE

A Type 2 design alternative may be requested for the height limitations with the following considerations:

- A. Compliance with the purpose statement above in this section.
- B. The applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum:
 1. Proximity to the Capitol;
 2. Proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan;
 3. Impact on views to and from the Capitol; and
 4. Any other illustrations as required by the community development director.



Figure 135-2.18-A. Capitol Dominance Area.

135-2. BUILDING TYPES

Sherman Hill Neighborhood Build-to Zones

DRAFT

135-2.19 Sherman Hill Neighborhood Build-to Zones

The following table defines build-to zones for the Sherman Hill neighborhood by block face.

BLOCK FACE	Build-to Zone	
	Minimum from street lot line (feet)	Maximum from street lot line (feet)
Block face lying west of and adjoining 20th Street between Woodland and Pleasant	17	25
Block face lying east of and adjoining 20th Street between Woodland and Pleasant	22	25
Block face lying west of and adjoining 20th Street between Pleasant and Center	16	25
Block face lying east of and adjoining 20th Street between Pleasant and Center	17	25
Block face lying west of and adjoining 19th Street between Woodland and Pleasant	15	30
Block face lying east of and adjoining 19th Street between Woodland and Pleasant	20	25
Block face lying west of and adjoining 19th Street between Pleasant and Center	14	25
Block face lying east of and adjoining 19th Street between Pleasant and Center	12	25
Block face lying west of and adjoining 19th Street between Center and Crocker	12	25
Block face lying east of and adjoining 19th Street between Center and district boundary south of Crocker	14	20
Block face lying west of and adjoining 19th Street between Olive and School	17	25
Block face lying west of and adjoining 18th Street between Woodland and Pleasant	20	30
Block face lying east of and adjoining 18th Street between Woodland and Pleasant	20	27
Block face lying west of and adjoining 18th Street between Pleasant and Center	15	25
Block face lying east of and adjoining 18th Street between Pleasant and Center	14	25
Block face lying west of and adjoining 18th Street between Center and district boundary south of Crocker	15	25
Block face lying east of and adjoining 18th Street between Center and district boundary south of Crocker	20	30
Block face lying west of and adjoining 18th Street between Crocker and Olive	24	30
Block face lying east of and adjoining 18th Street between Crocker and district boundary north of Olive	16	25
Block face lying west of and adjoining 17th Street between Woodland and Pleasant	16	25
Block face lying east of and adjoining 17th Street between Woodland and Pleasant	25	30

44081B

DRAFT

135-2. BUILDING TYPES

Sherman Hill Neighborhood Build-to Zones

BLOCK FACE	Build-to Zone	
	Minimum from street lot line (feet)	Maximum from street lot line (feet)
Block face lying west of and adjoining 17th Street between Pleasant and Center	15	20
Block face lying east of and adjoining 17th Street between Pleasant and Center	17	25
Block face lying west of and adjoining 17th Street between Center and district boundary south of Crocker	14	24
Block face lying east of and adjoining 17th Street between Center and district boundary south of Crocker	7	20
Block face lying west of and adjoining 16th Street between Woodland and Pleasant	15	20
Block face lying east of and adjoining 16th Street between Woodland and Pleasant	0	30
Block face lying west of and adjoining 16th Street between Pleasant and Center	15	25
Block face lying east of and adjoining 16th Street between Pleasant and Park	10	15
Block face lying east of and adjoining 16th Street between Park and Center	8	10
Block face lying west of and adjoining 16th Street between Center and Crocker	17	25
Block face lying east of and adjoining 16th Street between Center and Crocker	15	25
Block face lying west of and adjoining 15th Street between Woodland and Pleasant	17	20
Block face lying west of and adjoining 15th Street between Pleasant and Park	5	15
Block face lying west of and adjoining 15th Street between Park and Center	20	20
Block face lying west of and adjoining 15th Street between Center and Crocker	15	20
Block face lying south of and adjoining Woodland between 15th and 16th	5	15
Block face lying north of and adjoining Woodland between 15th and 16th	200	200
Block face lying south of and adjoining Woodland between 16th and 17th	0	12
Block face lying north of and adjoining Woodland between 16th and 17th	25	35
Block faces lying south of and adjoining Woodland between 17th and 19th	0	25
Block face lying north of and adjoining Woodland between 17th and 18th	21	23
Block face lying north of and adjoining Woodland between 18th and 19th	0	20

135-2. BUILDING TYPES

Sherman Hill Neighborhood Build-to Zones

DRAFT

BLOCK FACE	Build-to Zone	
	Minimum from street lot line (feet)	Maximum from street lot line (feet)
Block face lying south of and adjoining Woodland between 19th and district boundary to the west	0	25
Block face lying north of and adjoining Woodland between 19th and 20th	0	10
Block face lying north of and adjoining Woodland between 20th and district boundary to the west	15	15
Block face lying south of and adjoining Pleasant between 15th and 16th	5	5
Block face lying north of and adjoining Pleasant between 15th and 16th	5	30
Block face lying south of and adjoining Pleasant between 16th and 17th	30	30
Block face lying north of and adjoining Pleasant between 16th and 17th	20	30
Block face lying south of and adjoining Pleasant between 17th and 18th	12	20
Block face lying north of and adjoining Pleasant between 17th and 18th	2	18
Block face lying south of and adjoining Pleasant between 18th and 19th	5	15
Block face lying north of and adjoining Pleasant between 18th and 19th	7	10
Block face lying south of and adjoining Pleasant between 19th and 20th	5	20
Block face lying north of and adjoining Pleasant between 19th and 20th	7	20
Block face lying south of and adjoining Pleasant between 20th and district boundary to the west	5	5
Block face lying north of and adjoining Pleasant between 20th and district boundary to the west	5	10
Block face lying south of and adjoining Park between 15th and 16th	0	15
Block face lying north of and adjoining Park between 15th and 16th	15	15
Block face lying south of and adjoining Center between 15th and 16th	10	15
Block face lying north of and adjoining Center between 15th and 16th	38	55
Block face lying south of and adjoining Center between 16th and 17th	5	10
Block face lying north of and adjoining Center between 16th and 17th	28	40
Block face lying south of and adjoining Center between 17th and 18th	2	15

135-2. BUILDING TYPES

Sherman Hill Neighborhood Build-to Zones

BLOCK FACE	Build-to Zone	
	Minimum from street lot line (feet)	Maximum from street lot line (feet)
Block face lying north of and adjoining Center between 17th and 18th	20	20
Block face lying south of and adjoining Center between 18th and 19th	12	15
Block face lying north of and adjoining Center between 18th and 19th	14	22
Block face lying south of and adjoining Center between 19th and 20th	0	20
Block face lying south of and adjoining Center between 20th and district boundary to the west	8	8
Block face lying north of and adjoining Center between 19th and West 19th Street Place	0	12
Block face lying south of and adjoining Leyner between 19th and 19th Street Place	5	5
Block face lying north of and adjoining Leyner between 19th and 19th Street Place	15	15
Block face lying south of and adjoining Crocker between 19th and 19th Street Place	5	5
Block face lying south of and adjoining Crocker between 17th and 16th	0	10
Block face lying south of and adjoining Crocker between 16th and 15th	10	15
Block face lying south of and adjoining Olive between 18th and district boundary to the east	5	5
Block face lying north of and adjoining Olive between 18th and district boundary to the east	5	5
Block face lying west of and adjoining 16th between Woodland and district boundary to the south	8	10
Block face lying east of and adjoining 16th between Woodland and district boundary to the south	8	12
Block face lying east of and adjoining 17th between Woodland and district boundary to the south	0	15
Block face lying west of and adjoining 17th between Woodland and district boundary to the south	0	5
Block face lying east of and adjoining 19th between Woodland and district boundary to the south	10	15
Block face lying west of and adjoining 19th between Woodland and district boundary to the south	0	0

135-2. BUILDING TYPES

Roof Types

DRAFT

135-2.20 Roof Types

The major components of any roof must meet the requirements of one of the roof types permitted per building type. Roofs for bay or bow windows and dormers are not required to meet a roof type.

2.20.1 ROOF TERRACES

Roof terraces are permitted upon any roof type, provided either a tower is permitted for access or the height allows for access.

- A. Any wall around the roof terrace that is located within five feet of the street face of the building shall meet the requirements of a parapet.
- B. Any overhead structures shall be located a minimum 30 feet back from a street facade, unless a Type 1 design alternative pursuant to section 135-9.2 of this chapter is approved and the overhead structure is designed as a component of the overall building design.

2.20.2 SPECIAL ROOF TYPES

Special cap designs not otherwise defined in this section may be approved through a Type 1 design alternative pursuant to section 135-9.2 of this chapter during the site plan or alternate design document review process with the following requirements:

- A. The building must warrant a separate status from the majority of buildings in the district, with a correspondence between the form of the cap and

the building use, such as a dome for a planetarium, a dome for a place of worship, a steeple for a place of worship, or a unique roof for a more distinctive city hall or community center.

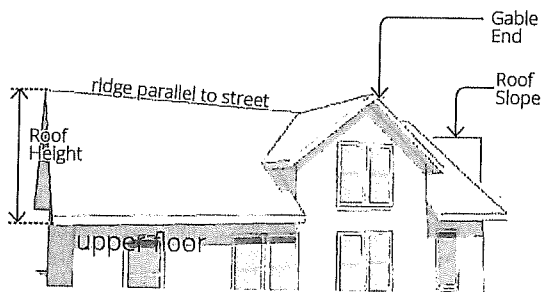
- B. The roof type may not create additional occupiable space beyond that permitted by the building type.
- C. The shape of the roof must be different from those defined in this section, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.

2.20.3 PITCHED ROOF TYPE

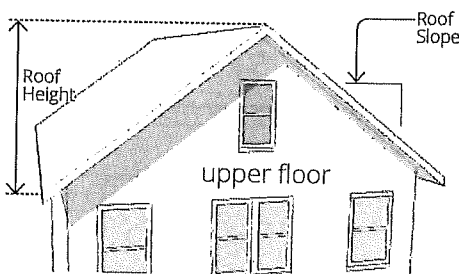
Refer to Figure 135-2.19-B. This roof type is a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

A. Low Pitched and Pitched.

1. Low Pitched. The low pitched roof must be pitched between 3:12 and 8:12 (rise:run).
2. Pitched. The pitched roof must be sloped more than 5:12, for one and 1.5 story buildings. Slopes less than 8:12 are permitted on any two story building.

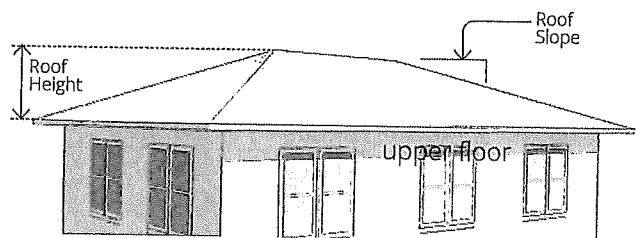
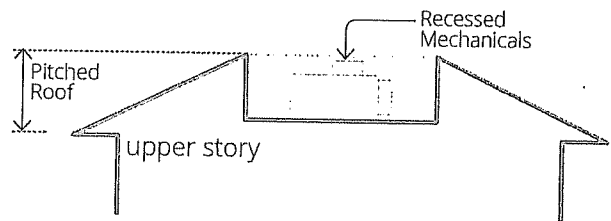


Parallel Pitched



Pitched Roof Type (Gable Roof)

Figure 135-2.19-B. Examples of Pitched Roof Type



Low Pitched Roof Type (Hip Roof)

135-2. BUILDING TYPES

Roof Types

- B. Configurations.** The following configurations are permitted, unless otherwise expressly stated in the applicable building type regulations.
1. Hipped, gabled, and combination of hips and gables are permitted.
 2. Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of eight feet, including overhang.
 3. Gambrel roofs are permitted on House D only and the main ridge must be perpendicular to the street.
 4. Mansard roofs are not permitted on any building.
- C. Parallel Ridge Line.** When the main ridge line runs parallel to the front lot line, a gabled end or perpendicular ridge line must occur at least every 100 feet of roof, unless expressly defined by the applicable building type regulation as shown in Figure 135-2.19-B.
- D. Eaves Required.** Eaves are required on all pitched roofs. The depth of the eave is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 12 inches on all building types, unless otherwise noted in the building type regulations.
- E. Roof Height.** Roofs without occupied space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor-to-floor height utilized on the building.
- F. Occupied Space.** Occupied space may be incorporated behind this roof type. If used, the space counts as a half story.
- G. Rooftop Appurtenances.** With the exception of solar panels and wireless telecommunications equipment if compliance is not technologically possible, any rooftop appurtenances must be recessed within the pitched roof with no visibility on any street elevation drawing. See section 135-4.5 of this chapter for screening of rooftop appurtenances.

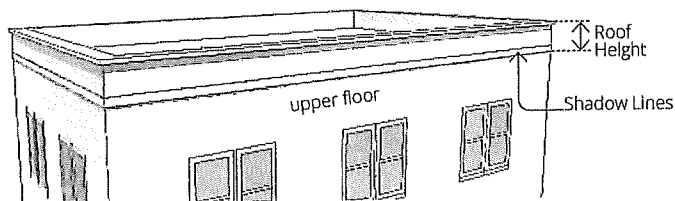


Figure 135-2.20-A. Example of a Parapet Roof Type

2.20.4 PARAPET ROOF TYPE

A parapet is a low wall projecting above a building's roof along the perimeter of the building as shown in Figure 135-2.20-A.

- A. Parapet Height.** Height is measured from the top of the upper story to the top of the parapet. Minimum height is two feet with a maximum height of six feet.
- B. Horizontal Shadow Lines.** A shadow line must define the parapet from the upper stories of the building and must also define the top of the cap. See section 135-12.1.21 of this chapter for definition of shadow line.
- C. Occupied Space.** Occupied space may not be incorporated behind this roof type.
- D. Rooftop Appurtenances.** With the exception of solar panels and wireless telecommunications equipment if compliance is not technologically possible, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. See section 135-4.5 of this chapter for screening of rooftop appurtenances.

2.20.5 FLAT ROOF TYPE

This roof type is a visibly flat roof with overhanging eaves as shown in Figure 135-2.20-B.

- A. Configuration.** The roof may not have a visible slope from the street and eaves are required on all primary and non-primary frontage facades.
- B. Eave Depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 14 inches.
- C. Eave Thickness.** Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves must be a minimum of six inches thick.
- D. Interrupting Vertical Walls.** Vertical wall planes

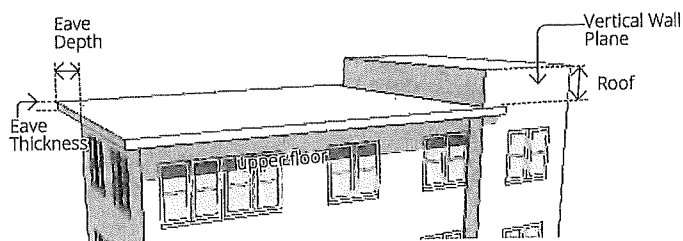


Figure 135-2.20-B. Example of a Flat Roof Type

135-2. BUILDING TYPES

Roof Types

DRAFT

may interrupt the eave and extend above the top of the eave with no discernible cap.

1. No more than one-third of the front facade may consist of an interrupting vertical wall.
2. Vertical walls may extend no more than eight feet above the top of the eave.

E. Occupied Space. Occupied space may not be incorporated behind this roof type.

F. Rooftop Appurtenances. With the exception of solar panels and wireless telecommunications equipment if compliance is not technologically possible, any rooftop appurtenances must be located behind the interrupting vertical wall with no visibility on any street elevation drawing. See section 135-4.5 of this chapter for screening of rooftop appurtenances.

2.20.6 TOWER

A tower is a vertical element, polygonal (simple), rectilinear, or cylindrical in plan that may be used only in addition to other roof types as shown in Figure 135-2.20-C.

A. Quantity. The number of towers permitted on each building type is specified in the building type tables. Tower locations may be located on the front of the building, visible from the street, or may be functional towers located beyond the facade.

B. Tower Height. Tower height is measured from the top of the parapet or eave to the top of the tower shaft not including the tower roof. Maximum height of the tower is equal to the height of one upper floor of the building to which the tower is applied. Tower height is additional to the maximum height of the building type.

C. Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

D. Tower Spacing. Towers must be spaced a minimum of 60 feet apart in any direction and a minimum of 120 feet along any street frontage facade.

E. Transparency. Towers that meet the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade must meet the minimum transparency requirements of the building.

F. Horizontal Shadow Lines. A shadow line is required between the fourth and fifth stories of any tower and below the roof of the tower.

G. Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the

building type to which it is applied, unless otherwise expressly stated in this ordinance.

H. Rooftop Appurtenances. No rooftop appurtenances are permitted on tower roofs, other than wireless telecommunications equipment if alternate placement is not technologically possible.

I. Tower Roof. The tower may be capped by the parapet, pitched, or flat roof types.

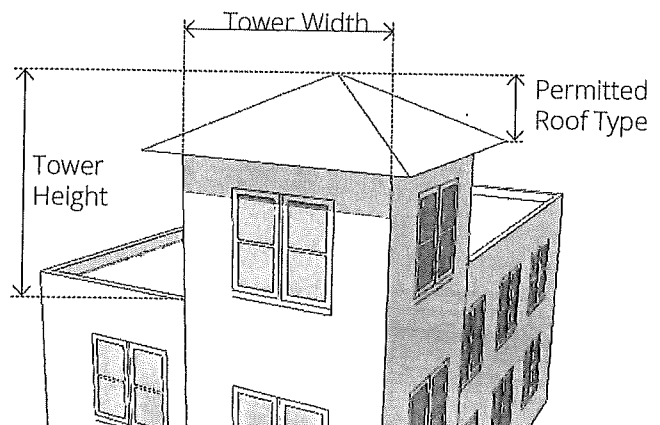


Figure 135-2.20-C. Example of a Tower

135-2. BUILDING TYPES

Mobile Home Parks

135-2.21 Mobile Home Parks

The following applies to any mobile home development in the NM district, other than to pre-existing manufactured, modular, or mobile homes, or pre-existing site-built household units, when the continuation of the lawful nonconforming use is required under section 134-7.2.9 of this code.

2.21.1 BUILDINGS, SPACE, AND MOBILE HOME REQUIREMENTS

- A. Building Types.** Mobile homes are exempt from building type requirements, but may only occur in the NM district.
- B. Total Minimum Area.** Minimum 10 acres required for submittal of a mobile home park.
- C. Minimum Street Setback.** Minimum 50 feet.
- D. Side and Rear Setback.** 50 feet, minimum, when adjacent to any other N district; 30 feet, minimum, when adjacent to any other district.
- E. Mobile home space area.** 4,500 square feet, minimum, per space.
- F. Mobile home space, front yard.** 10 feet, minimum, measured from the edge of the closest park street to the closest point of the lower face of the mobile home.
- G. Mobile home space rear yard.** 10 feet, minimum, measured from the rear space line to the closest point of the lower face of the mobile home.
- H. Mobile homes side yard separation.** 15 feet, minimum.
- I. Permitted Buildings.** Buildings shall be not more than two stories in height and shall have minimum 25 foot setbacks on all sides, unless otherwise stated.
- J. Garages and Storage Structures.** Garages and structures used for occupant storage facilities and located on mobile home spaces shall be not more than 17 feet and one story in height, and shall observe the following minimum setbacks:
 1. Front yard setback: 17 feet from the edge of the closest park street.
 2. Rear yard setback: two feet from the rear space line.
 3. Side yard setback: two feet from the side space line. However, unless the accessory building is located such that at least one-half of its depth is to the rear of the mobile home, the accessory

building shall also observe a 15-foot separation from any structure on an adjoining mobile home space.

2.21.2 LAYOUT REQUIREMENTS

- A. Minimum number of spaces.** No mobile home park nor any initial stage thereof shall contain less than 50 mobile home spaces.
- B. Recreation areas.** Not less than 8% of the gross area of every mobile home park shall be developed as recreation areas easily accessible to all park residents. Recreation areas may include but are not limited to such facilities as recreation buildings, adult recreation areas, child play areas, and swimming pools.
- C. Off-street loading and parking.** In addition to the provisions of article 6 of this chapter, the following shall apply:
 1. Two parking spaces shall be required for each mobile home space.
 2. Off-street parking and storage shall be provided for storing of park occupants' boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-fourths ton pickup size, and items of a similar nature, if permitted in the park, in addition to and separate from the parking required elsewhere in this chapter. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand but shall not exceed seven days.
- D. Streets.** Streets shall be provided as follows:
 1. Entrance streets shall be not less than 35 feet wide. Interior streets shall be not less than 25 feet wide.
 2. Every dead-end street shall be provided with a cul-de-sac with not less than an 80-foot turning diameter.
 3. All streets shall be paved and constructed with a curb to provide for drainage.
 4. The location and design of all intersections of access streets with public streets shall be approved by the city's traffic engineer.
- E. Walks.** Walks shall be provided as follows:
 1. Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities. The sidewalks shall be at least four feet wide and of asphaltic or

135-2. BUILDING TYPES

DRAFT

Mobile Home Parks

Portland cement binder pavement.

- Individual walks shall be provided to connect all mobile home stands to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least two feet wide and of asphaltic or Portland cement binder pavement.

F. Lighting. The park street system shall be furnished with lighting units so placed and equipped to provide the following average minimum maintained levels of illumination:

- Upon all parts of the park street system, 0.2 footcandle.
- Upon potentially hazardous locations including major street intersections and park entrances, 0.4 footcandle.

G. Anchorage and skirting. Anchorage and skirting shall be required as follows:

- Tiedowns or anchors shall be provided as needed on every mobile home stand. Each tiedown or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.
- Skirting of a permanent type material and construction sufficient to provide substantial resistance to high winds shall be installed within 90 days after the placement of the mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and the appearance of the mobile home park.

H. Solid waste receptacles. Refuse collection stands consisting of a holder or rack elevated at least 12 inches above ground or on an impervious slab at ground level shall be provided for all solid waste receptacles.

I. Sewage disposal. Before the preliminary development plan is approved by the commission or council, the developer must show that sanitary sewer facilities of sufficient capacity to accommodate the development are accessible. The design of the sanitary sewer facilities shall be approved by the city

engineer.

J. Traffic control at entrances and exists. If turning lanes or other forms of traffic controls at entrances and exists to and from the mobile home park are deemed necessary by the council, the developer shall provide the necessary improvements, subject to the approval of their location and design by the department of engineering.

K. Underground electric and telephone lines. All electric lines and telephone lines shall be buried underground.

L. Independent mobile homes. Only independent mobile homes shall be used for residence purposes in mobile home parks. An independent mobile home is a mobile home which:

- Is designed for longterm occupancy and contains a flush toilet, a tub or shower bath and kitchen facilities.
- Requires a connection to outside sewer and water systems because a waste holding tank and a water storage tank are not integral parts of the mobile home.
- Is over 32 feet in body length exclusive of trailer hitch when factory equipped for the road.
- Is not built on a self-propelled motor chassis.
- Is not identified as a recreational vehicle such as a camping trailer, travel trailer, motor home, or truck camper by the manufacturer.

135-2. BUILDING TYPES

Accessory Structures

135-2.22 Accessory Structures

Accessory structures are allowed on lots only in connection with a principal use. Accessory structures are subordinate and incidental to the principal use.

2.22.1 ACCESSORY STRUCTURES TABLE

- A. Table.** Table 135-2.22:1 of this article establishes the permitted accessory structures in each district.
- B. Categories.** Accessory structures are divided into three categories: Accessory Buildings, Accessory Outdoor Structures, and Accessory Utility Structures.
- C. Development Standards Apply.** Each accessory structure allowed in the districts in which it is listed, provided that it is developed utilizing any development standards detailed below.
- D. General Development Standards.** All accessory structures shall fulfill the following development standards, unless otherwise stated in this section 135-2.22 of this article.
1. **Yard.** Accessory structures shall be located in the side and rear yards unless located within the P1 district.
 2. **Parking Spaces.** Accessory structures shall not be located upon required parking spaces per article 6 of this chapter without a Type 1 design alternative pursuant to section 135-9.2 of this chapter.
 3. **Setback.** Accessory structures shall comply with the following setbacks:
 - a. **Front and Corner Lot Lines.** Accessory structures shall not extend closer to the front or corner lot line than the principal structure. Refer to building siting requirements of the associated building type.
 - b. **Side and Rear Lot Lines.** Minimum setback of an accessory structure shall be five feet.
 - c. When a principal structure is not required in association with a P1 district, an accessory structure shall be set back from all lot lines a minimum of 10 feet.
 4. **Impervious Area.** All accessory structures with roofs contribute to maximum building coverage, and all other structures or impervious paving contribute to the maximum impervious area for the site, as noted in the associated building type.
 5. **Height.** The maximum height is 17 feet, except where a higher different height is otherwise expressly permitted or required.

6. **Roof Type.** Roof type should match that of the principal structure when the accessory structure is greater than 300 square feet. Refer to the roof type requirements of the associated building type.
7. **Materials.** Materials shall match those of the principal structure when the accessory structure is greater than 300 square feet. Refer to the building material requirements of the associated building type.

2.22.2 ACCESSORY BUILDINGS

Accessory buildings shall be fully enclosed, unless otherwise stated. The following are classified as accessory buildings:

- A. Construction Structures.** Temporary structures associated with a construction project, including: temporary buildings used to house offices associated with construction or sales and marketing for the development; and temporary storage and waste containers.
1. Construction Structures are permitted in all yards.
 2. Construction Structures are only permitted in conjunction with open building permits and shall be removed when building permits are closed.
 3. Wheels and chassis on temporary buildings shall be screened from the street by skirting.
 4. Construction trailers are not required to meet roof types.
- B. Kiosk.** An accessory building with limited space for the proprietor and associated goods and no space for customers to enter the structure, with the exception of bathrooms.
1. **Yard.** Permitted in all yards.
 2. **Use.** A kiosk may house consumer goods, restaurant including a coffee shop, sandwich shop, or personal service.
 3. **Area.** Maximum of 500 square feet floor area.
 4. **Height.** Maximum of one story or 15 feet.
 5. **Facade Requirements.** A kiosk shall fulfill the following facade requirements:
 - a. Front and corner facades shall have a minimum transparency of 20% pursuant to section 135-3.8 of this chapter.
 - b. The kiosk shall be oriented toward the front of corner lot line. The primary sales or service windows or principal entrance shall

135-2. BUILDING TYPES

Accessory Structures

DRAFT

TABLE 135-2.22-1. ACCESSORY STRUCTURE TABLE

CATEGORY	DISTRICTS																	Reference				
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4	N5	NX1	NX2, NX2a		NX3	NM	P1	P2
ACCESSORY BUILDINGS																						
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Kiosk	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	●*	135-2.22.2
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Accessory Household Unit	-	-	-	-	-	-	-	-	-	-	-	-	Ⓣ*	Ⓣ*	●*	●*	●*	●*	-	-	-	135-2.22.2
ACCESSORY OUTDOOR PAVING & STRUCTURES																						
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Dog Run	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	●*	●*	●*	●*	●*	135-2.22.3
Drive-Through Facility	-	-	-	-	-	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	-	-	-	135-2.22.3
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Fuel Station	-	-	●*	●*	-	●*	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.3
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
ACCESSORY UTILITY STRUCTURES																						
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Rainwater Collection/Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Building-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Freestanding	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Freestanding	●*	-	-	-	-	-	-	-	-	●*	●*	●*	-	-	-	-	-	-	-	●*	●*	135-2.22.4

KEY: ●*=permitted with development standards | - =prohibited | Ⓣ*=permitted with development standards where district includes "-2" or "-4" extension

135-2. BUILDING TYPES

Accessory Structures

be located on the front or corner facade.

6. Roof Type. Pitched roof type is required.
7. Permanent Structure. No wheels, hitch, or chassis shall be located on a kiosk.
8. Materials. Permitted materials include durable, natural materials, such as stone, brick, stucco, metal, concrete, and painted or stained wood.

C. Outbuilding and Detached Garage. A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated. Typical outbuildings include detached garages, pool houses, workshops, barns, or sheds.

1. Side and Rear Setback. Minimum side and rear setback of an outbuilding shall be five feet.
2. Alley. Where a garage is accessed off an alley with pavement narrower than 20 feet, the garage shall be set back from the alley lot line to allow 24 feet from the opposite edge of alley pavement to the garage door.
3. Height. The maximum height of the outbuilding may be no taller than one-half story less than the principal building; however, in the event that the principal building is one story in height, the outbuilding may not exceed the height of the principal building.
4. Residential Districts. The lot coverage of all accessory structures, including an outbuilding, shall not exceed 576 square feet or 25% of the rear yard, whichever is greater, on a lot zoned Neighborhood (N) or Neighborhood Mix (NX).
5. Character. The outbuilding shall be compatible in color and character with the primary structure on the lot.
6. Accessory Household Unit. If a permitted AHU is contained within an outbuilding, then the requirements of subsections 4, 5, and 8 of section 135-2.22.2.F of this article shall also apply.

D. Parking Structure. A stand alone accessory structure for decked, multi-level parking. A parking structure is not necessarily fully enclosed.

1. Location. An accessory parking structure shall be located as follows:
 - a. Parking structures shall be located in the rear yard only and shall be screened from view from the front of the lot or any primary street by the principal building.

- b. Parking structures may be located in the center of a double frontage lot, screened from all primary streets by buildings.

2. Design. See section 135-2.17.3 of this article for regulations for parking structure street frontages.

E. Temporary Building. A temporary structure typically associated with a temporary event, such as a circus or temporary sale.

1. Yard. Permitted in all yards.
2. Requires a temporary use approval in accordance with chapter 134 of this code.
3. Temporary buildings associated with a temporary event shall be removed within 24 hours of the close of the event.
4. Wheels and chassis shall be screened by skirting.
5. Tents are considered a type of Temporary Building.
6. Height shall not exceed that of the permitted building type(s) pursuant to section 135-2.3 of this article through section 135-2.17 of this article.

F. Accessory Household Unit (AHU) Building. A stand alone accessory structure for a permitted accessory household unit(s) use.

1. Location. AHU buildings must be located in the rear yard.
2. Setback. AHU buildings shall be setback a minimum of five feet from any lot line.
3. Height. The maximum height is 17 feet, except where a higher maximum height is otherwise expressly permitted.
4. Roof Type. Roof type should match that of the principal structure. Refer to the roof type requirements of the associated building type.
5. Materials. Materials shall match those of the principal structure. Refer to the building material requirements of the associated building type.
6. Character. AHU buildings shall be compatible with the color and character of the primary structure on the lot.
7. Maximum Lot Coverage. The lot coverage of all accessory structures on a lot, including an AHU building, may not exceed 576 square feet or 25% of the rear yard, whichever is greater.
8. Parking. One additional off-street parking space must be provided per AHU.

135-2. BUILDING TYPES

DRAFT

Accessory Structures

2.22.3 ACCESSORY OUTDOOR PAVING AND STRUCTURES

The following accessory paving and structures are classified as Accessory Outdoor Paving and Structures.

- A. Ball Court.** Athletic facilities such as tennis and basketball courts.
- B. Deck and Patio.** An unenclosed outdoor space that could be roofed.
 1. Yards. Permitted in all yards. Refer to building type regulations pursuant to section [135-2.3 of this article](#) through section [135-2.16 of this article](#) for impervious cover limits.
- C. Dog Run.** An enclosed outdoor area intended for containment or exercise of dogs and other domestic animals.
 1. A dog run must be screened from view of the street by the principal structure or through fencing or landscape buffers.
 2. A dog run must be associated with a multi-household residential use containing nine or more units, or with any commercial animal service use that complies with section [134-3.5.2 of this code](#).
 3. Dog runs must be located a minimum of 200 feet from any N or NX1 district.

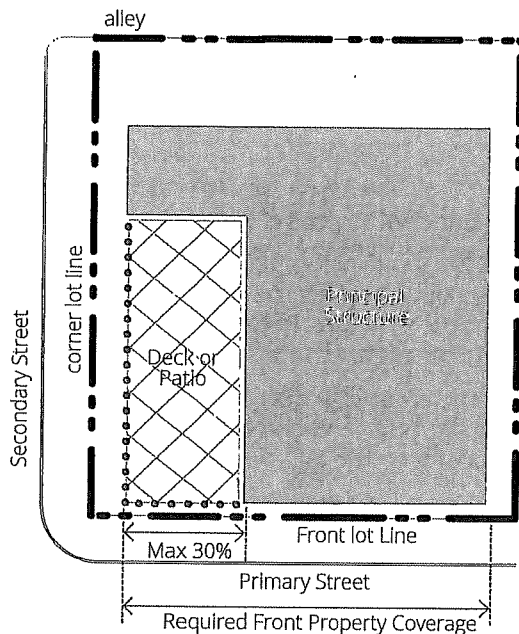


Figure 135-2.22-B. Deck and Patio for Non-Residential Use

D. Drive-Through Facility. Refer to section [134-3.9.3 of this code](#) for drive-through uses in accessory uses. A drive-through facility is a structure or portion of a building that permits patrons to purchase goods or services while remaining in their vehicle. Refer to [Figure 135-2.22-C](#) for one illustration of a compliant drive-through facility.

1. Location. The drive-through shall be located on the rear of the building, fully screened by the building from the primary street, except in MX3, the drive-through is permitted on the interior side of the building.
2. Stacking. Stacking of cars shall be accommodated in the rear or interior side yard.
3. Where the rear of the lot abuts an N district, the drive-through facility shall be located a minimum of 70 feet from the rear lot line. A side and rear buffer per section [135-7.8 of this chapter](#) is required.
4. Drive-through canopies and roofs shall match the roof of the principal building. Materials used for the drive-through supports or other features shall be repeated from the principal building design.
5. Lighting. See section [135-4.3.14 of this chapter](#) for building and canopy-mounted lighting.

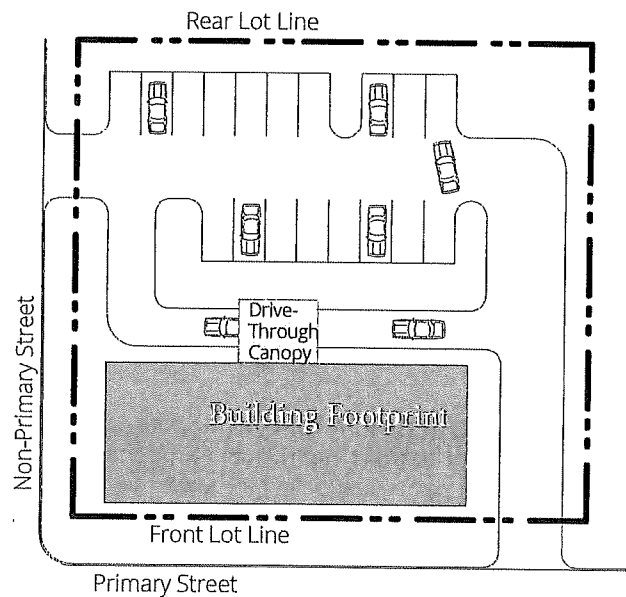


Figure 135-2.22-C. Example of Drive-Through Facility Layout.

135-2. BUILDING TYPES

Accessory Structures

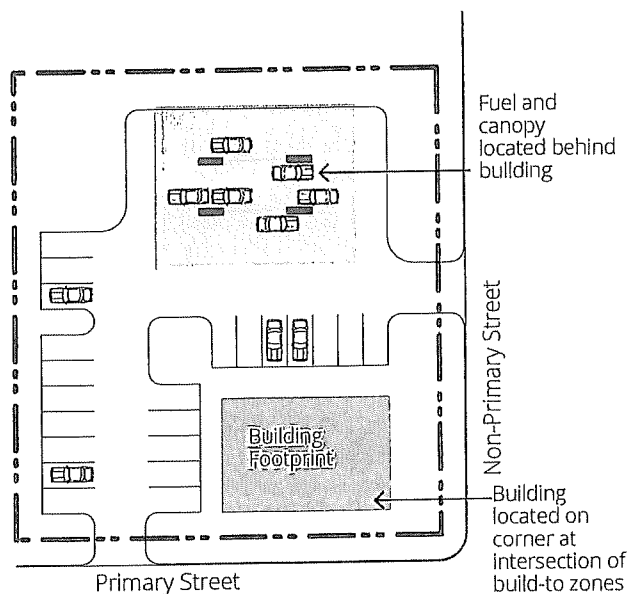
E. Flag Pole. A freestanding pole, usually constructed of wood or metal.

1. Yard. Permitted in all yards.
2. Height. A flag pole shall not exceed the following height limits:
 - a. MX1, RX1, N, NX Districts. The maximum height is 15 feet.
 - b. All Other Districts. The maximum height is 60 feet.
3. Setback. A setback of 10 feet from all lot lines is required.
4. Flag Size. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed 50% of the vertical height.
5. Quantity of Flagpoles. No more than two flagpoles are permitted on a household lot. No more than three flagpoles are permitted on all other lots.

F. Fuel Stations and Car Washes. Refer to section 134-3.5.19.A of this code and Table 134-3.1-1 of chapter 134 of this code for fuel stations and car wash uses in addition to the applicable building type requirements. All fuel stations and car washes shall meet the following requirements as shown in Figure 135-2.22-D for one illustration of a compliant fuel

station.

1. Location. Any fueling location shall be in the rear or interior side yard.
2. Canopy. The roof of the canopy shall be similar to the building in style and material.
 - a. Maximum overall height of canopy is 18 feet with minimum clearance of 13 feet, nine inches.
 - b. Columns and supports shall be clad in a major material used on the building facade.
3. Lighting. See section 135-4.3.14 of this chapter for building and canopy-mounted lighting requirements.
4. Outdoor Displays. See section 134-3.9.5 of this code for outdoor display requirements.
5. Open Space. Minimum open space is based on the applicable building type.
6. Additional Incidental Structures. For incidental structures less than five cubic feet in size, including such items as air pumps and can redemption storage, see section 135-4.5.7 of this chapter for requirements.
7. Car Wash Facility.
 - a. Any car wash facility shall be located in the rear of the lot.
 - b. Vehicle entrance doors may be located on



Example of Fuel Station

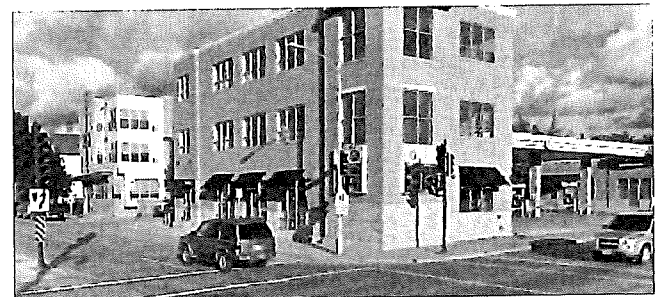


Figure 135-2.22-D. Examples of Fuel Station Layout

135-2. BUILDING TYPES

DRAFT

Accessory Structures

the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through a Type 2 design alternative per section 135-9.2 of this chapter. Vehicular entrances should be oriented away from residential uses.

- c. Building materials shall be the same as any major material used on the principal building. Refer to section 135-4.2 of this chapter for allowed materials.

8. Additional Drive Entrance. One driveway entrance, in addition to the driveways permitted by building type, is permitted on the lot, maximum width 22 feet. With a Type 2 design alternative per section 135-9.2 of this chapter, the additional driveway may be located on the primary street.

G. Gazebo. A freestanding, roofed structure with open sides.

1. Yard. Permitted in all yards.
2. Setback. Must be set back at least 15 feet from front and street-side lot lines.

H. Landscape Features.

1. Definitions. This category of residential recreational and aesthetic landscape outdoor structures includes the following:
 - a. Play Equipment. Recreational equipment for children, such as a sandbox, slide, climbing apparatus, skate board ramp, or swings.
 - b. Ponds. Water gardens or fish ponds; small ponds that consistently contain water during the summer and warmer months; and any pond containing plants or aquatic life.
 - c. Swimming Pool or Hot Tub. Any basin or other structure containing a minimum of two feet of water at any point in time for use by the resident, their family or guests. Temporarily erected plastic, canvas, or rubber pools that do not fulfill the depth requirement do not apply.
2. Yard. Permitted in all yards.
3. Setback. Must be set back at least 15 feet from front and street-side lot lines.

I. Temporary Storage Container. Temporary and transportable container for personal storage.

1. The container's size is limited to no greater than

825 cubic feet or covering an area no greater than 180 square feet of area.

2. Only one storage container is permitted per lot at a time.
3. Unless being used in conjunction with a valid building permit, the container may be located on a lot for no more than 10 consecutive days, no more than twice in a calendar year.
4. Any container may be temporarily stored in any yard. Any container shall be placed upon a paved surface, such as asphalt, concrete, or pavers.

2.22.4 ACCESSORY UTILITY STRUCTURES

The following accessory structures are classified as Accessory Utility Structures:

A. Antenna and Satellite Dish. An apparatus, detached or attached to the exterior of a building, together with any supporting structure, for sending or receiving electromagnetic waves, excluding all wireless telecommunications structures which are regulated by chapter 134, article 4 of this code.

1. Size. The smallest practical size shall be used for any Antenna or Satellite Dish.
2. A stand-alone antenna or satellite dish shall not exceed a maximum of 10 feet in its outside diameter.
3. An antenna or satellite dish that is attached to the exterior of a building shall not be larger than 36 inches in diameter.
4. Additional size may be approved through the Type 1 design alternative pursuant to section 135-9.2 of this chapter.
5. Location. Antennae and Satellite Dishes shall be located as follows:
 - a. Stand-alone antennae and satellite dishes shall be located in the side and rear yards.
 - b. Antennae and satellite dishes may be attached to the roof and side and rear facades of buildings.
 - c. If these permitted locations will not allow the antenna or satellite dish to fully function, it may be located in the front or street-side yards or on the front or corner facades.
 - d. Evidence shall be provided to the community development director prior to installation in the front or corner yards or on the front or corner facades that the antenna or satellite dish cannot fully

135-2. BUILDING TYPES

Accessory Structures

function in either the side or rear yards or on the side or rear facades.

6. When a stand-alone antenna or satellite dish occurs adjacent to a residential district, the side and rear landscape buffer with a solid fence is required.

B. Electric Vehicle Charging Stations. An electric vehicle charging station is a public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

1. Types
 - a. Level 1, slow charging, operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
 - b. Level 2, medium charging, operates on a 40 to 100 amp breaker on a 208 volt or 240 volt AC circuit.
 - c. Level 3, fast or rapid charging, operates on a 60 amp or higher breaker on a 480 volt or higher 3-phase circuit with special grounding equipment.
2. Siting and Setbacks. The siting and setbacks for stations shall be the same as the parking facility within which they are associated.
3. Design. Except when located in one, two, and three unit household locations, stations shall be reserved for parking and charging of electric vehicles only, with signage as described below.
4. Accessibility. All stations shall comply with federal regulations for accessibility.
5. Equipment.
 - a. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
 - b. Charging station outlets and connector shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.
 - c. Equipment shall be protected by wheel stops or concrete-filled bollards.
 - d. Stations located within parking lots or garages may be included in the calculation

of the minimum required parking spaces required.

6. The station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each station.
7. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement, or create safety hazards on sidewalks.
8. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment.

C. Mechanical Equipment. Heating and air conditioning equipment and outdoor utility equipment stored on the ground for the ordinary function of a building or use. See section 135-4.5 of this chapter for screening requirements.

D. Cistern and Rainwater Collection System.

Systems for the collection and reuse of rainwater.

1. A rainwater collection system is exempted from inclusion in the site impervious area calculation.
2. Below ground systems may be located in any yard.

E. Solar - Building-Mounted. A solar energy system that is affixed to or an integral part of a principal or accessory building, including but not limited to photo-voltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

1. Quantity. The total square footage may not exceed the total area of roof surface of the structure to which the system is attached.
2. Flush Mounted System. The bottom of the system should be four inches or less from the roof surface whenever possible.
3. Height
 - a. Systems shall not extend beyond three feet parallel to the roof surface of a pitched roof.
 - b. Systems shall not extend beyond six feet parallel to the roof surface of a flat roof.
 - c. Systems shall not extend more than five feet above the highest peak of a pitched roof.
4. Location on Structure. Allowed on the following:
 - a. Any roof face.
 - b. Side and rear building facades.
 - c. Roof of any parking canopy.

135-2. BUILDING TYPES

DRAFT

Accessory Structures

5. Projection. The system may project off a roof edge or building facade as follows.
 - a. May project laterally from a building facade or roof edge a maximum of seven feet.
 - b. May project into an interior side or interior rear setback, but shall be no closer than five feet to the interior side or interior rear property line.
6. Signs. Signage or writing of any kind is not permitted on any portion of system, other than required manufacturer plates, installer plate, and safety labeling.

F. Solar - Freestanding. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

1. Output. The system shall produce less than one megawatt of electricity.
2. Size. A system in any MX, N, or NX district shall not exceed either the area of 50% of the principal building footprint or 600 square feet, whichever is greater.
3. Maximum Height. The system shall be as close to the ground as practicable, and not taller than 20 feet on lots of at least five acres, 10 feet on lots of at least five acres, all measured from the grade at the base of the pole to the highest edge of the system.
4. Clearance. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is three feet.
5. Location. Allowed in the interior side yard and rear yard only. Other locations may be approved through a Type 1 design alternative.
6. For any property designated as historic or located within a historic district, such system shall be located in the rear yard.
7. Setbacks. All parts of the freestanding system shall be set back a minimum of five feet from the interior side and interior rear property lines and shall not be located in a public utility easement.
8. Materials. Such system shall not include any unfinished lumber.

G. Wind - Roof-Mounted. Small wind energy systems that are attached to the roof of a building.

1. Quantity. One turbine is allowed for every 750 square feet of the combined roof area of all structures on a zoning lot. For a pitched roof,

each surface of the roof shall be included in the roof area calculation.

2. Rated Capacity. A maximum rated capacity of three kilowatts per turbine is allowed.
3. Height
 - a. The maximum height of 15 feet is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any pitches 10:12 or greater.
 - b. The system shall not extend more than five feet above the highest peak of a pitched roof.
4. Location. Roof-mounted wind energy systems are only permitted on structures that are a minimum of four stories tall or 40 feet.
5. Roof-mounted wind energy systems must be set back from the roof or parapet wall one foot for every foot in height of the device above the roof or parapet wall.
6. Roof-mounted wind energy systems shall only be permitted on roofs with a slope of one inch per foot or less.
7. A roof-mounted wind energy system shall not be visible from the street when installed on any property designated as historic or located within a historic district.
8. Installation. Roof-mounted wind energy systems shall be installed only by professional installers certified to install wind turbines, and only pursuant to manufacturer specifications.

H. Wind - Freestanding. Small wind energy systems that stand independent of a building structure.

1. Output. The system shall produce less than one megawatt of electricity.
2. Height. The height of any component of a small wind energy system shall not exceed 200 feet, as measured from the ground to highest point of the blade arc.
3. Permitted Yard Location. Allowed only in the interior side and interior rear yards, unless allowed in front, exterior side, and exterior rear yards in non-residential districts with a Type 1 design alternative provided there are no residential districts within 120 feet of any property line of the zoning lot where the turbine will be located.
4. System shall not be visible from the street when

- installed on any property designated as historic or located within a historic district.
5. Setbacks. The base of the system shall be setback 1.1 times the height of the highest edge of the system from all property lines, overhead utility line poles, public sidewalks or trails, and public rights-of-way. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district
 6. Installation. Small wind energy systems shall be installed only with the appropriate permits, and only pursuant to manufacturer specifications.
 7. Signs. Signage or writing of any kind is not permitted on any portion of any wind turbine, other than required manufacturer plates or safety labeling.
 8. Lighting. Small wind energy systems shall provide lighting per Federal Aviation Administration (FAA) regulations. Lighting shall be red and may not be of the incandescent variety, unless FAA regulations otherwise allow or require.
 9. Clearance. Minimum clearance between the lowest tip of the rotor or blade and the ground is 10 feet.
 10. Access. Climbing access, such as rungs or foot pegs, to the tower shall not start until 12 feet above grade to prevent unauthorized access.

135-2. BUILDING TYPES

Accessory Structures

DRAFT

Page blank intentionally.

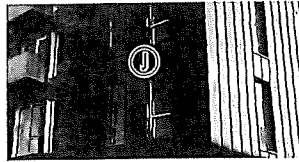
135-4. DESIGN REQUIREMENTS

Facade and Roof Materials

TABLE 135-4.1-2. ALLOWED MINOR FACADE MATERIALS

All allowed major facade materials may be used for minor facade materials, unless otherwise listed as prohibited in Table 135-4.1-5 of this article.

MINOR FACADE MATERIAL (alphabetical)	Allowed on Buildings in These Districts	Allowed Facades	Maximum Amount on Each Facade
Brick economy size (larger than 3 inches in height)	All	Non-street facades only	100%
Brick thin, veneer	All	Non-street facades only	100%
Concrete Surfaces unfinished, finished stained, painted, treated	All	All, below first floor	20%
Concrete Masonry Units minimum 3 inch depth, split-faced, bur- nished/ground face, glazed, or honed	All except N3, N4, N5 and Commercial Cottage	Non-street facades only	100%
(H) Fiber Cement Board, Composite finished panels	All	All, except a major material is required at grade up to 2 feet and adjacent to entrances.	40%
Glass glass block	All	Non-street facades only	20%
Stucco synthetic or with elastomeric finishes	All	N District: Only 2nd or higher stories all facades. All Other Districts: Only 3rd story or higher of non-street facades.	40%
(I) Metal architectural panel system	All except N districts	All, except a major material is required at grade up to 2 feet and adjacent to entrances.	60%
Metal, Composite aluminum composite materials (ACM) or panels (ACP)	All	Non-street facades only	40%
(J) Metal, Corten panels or panel systems, not ribbed or corrugated	All	All	40%
Terra Cotta or Ceramic tiles or panels	All	All	20%
Vinyl Siding minimum 0.042 inches thick; where not prohibited by local historic district regulations	All House Types, except those in N4 or NX2 districts All Commercial Cottage, General Buildings, Flat Buildings, and Row Buildings, containing 3 or more household units, located in MX1, MX3, RX1, RX2, NX1, NX2, and NX3 districts	All	65% of first story of street facade, 100% on all other facades
(K) Wood natural, aged lap siding, shingles, rainscreen system	All except N districts	All	40%
(L) Wood, Composite rainscreen system	All except N districts	All	40%



135-4. DESIGN REQUIREMENTS

DRAFT

Facade and Roof Materials

TABLE 135-4.1-4. ALLOWED DETAIL AND ACCENT MATERIALS (all facades)

All permitted major and minor facade materials may be used for details, trim, and accents, unless otherwise listed as prohibited in Table 135-4.1-5 of this article.

- (K) Concrete Details**
precast stone ornamentation, lintels, sills, banding, columns, beams
- Fiber Cement Details**
trim, soffits
- (L) Metal Details**
trim, ornamentation, lintels, beams, columns
- Wood and Wood Composite Details**
painted/treated trim, soffits, other approved details
- Vinyl Details**
(M) limited to soffits, window trim; minimum 0.042 inches thick

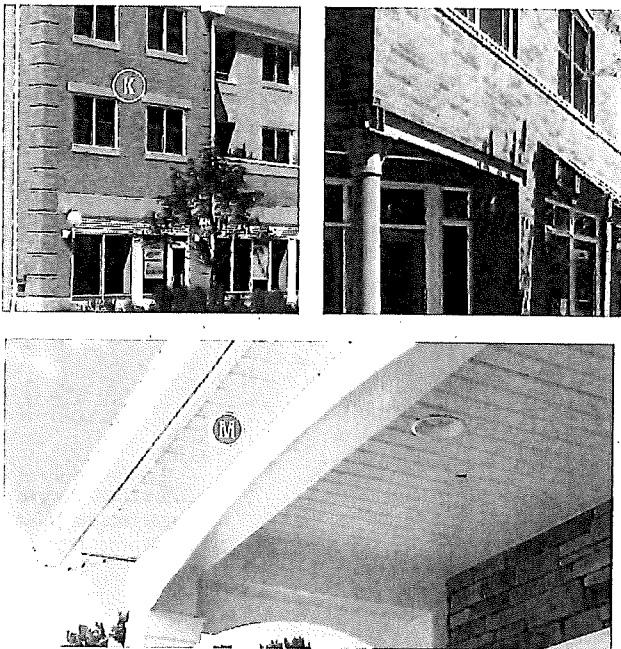


TABLE 135-4.1-5. PROHIBITED MATERIALS (all facades)

- Fiberglass and Acrylic Panels**
all
- Hardboard, High-Density Fiberboard**
Non-cementitious compressed wood fiberboard (Masonite or similar)
- (N) Plastic Panels**
all, including high-density polyethylene and polycarbonate panels
- (O) Stucco Mouldings or Synthetic Stucco Mouldings**
trim, sills, cornices, banding, columns, pilasters or other 3-dimensional details
- Wood**
Unfinished, untreated plywood and wood panels

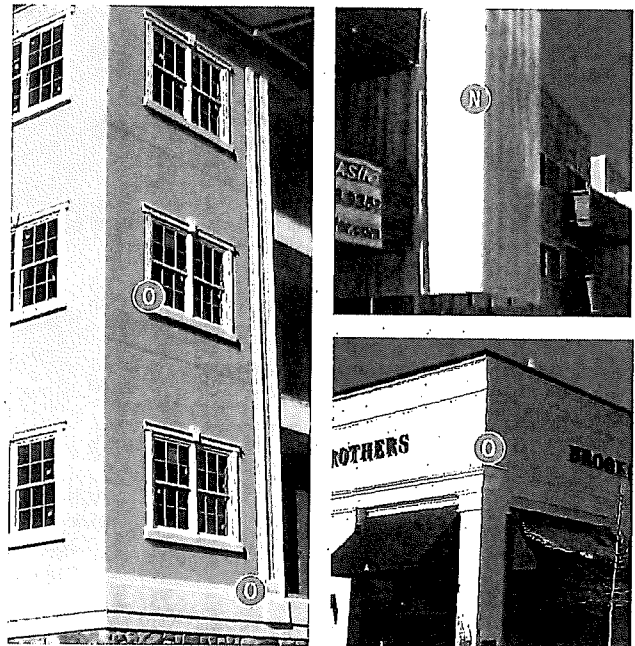


TABLE 135-4.1-3. ALLOWED PITCHED ROOF MATERIALS

- Asphalt Shingles**
Dimensional, composite
- Wood Shingles**
Wood and composite wood shingles and shakes
- Metal**
metal tiles, or standing seam sheet metal
- Slate**
slate stone and engineered slate shingles
- Ceramic Tile**
ceramic tile shingles

135-4. DESIGN REQUIREMENTS

Building Facade Elements

A. Row and House Building Types. On any Row or House building, garage doors located on street facades, where permitted, shall meet the following requirements:

1. No garage door may project more than ten feet from the entrance facade or a covered porch or covered stoop protruding from the entrance facade, whichever is closer to the street frontage, on the same building facing the same street.
2. Any garage door to a third non-tandem parking space on a front facade or primary frontage facade of a household shall be recessed a minimum of three feet from the adjacent garage facade or the building facade adjacent to the garage door to a third non-tandem parking space.

B. Other Building Types. For all building types except all Row buildings, House buildings, and the Workshop/Warehouse located in EX and I districts, garage doors shall meet the following requirements:

1. Garage doors are permitted on any street facade for patio access or open-air dining where such use is allowed under chapter 134 of this code. Garage doors for such use located on the primary facade shall have a minimum transparency of 55%, as measured between 2 and 8 feet.
2. Garage doors located on non-primary streets shall be clad with materials consistent with the design of the building.

C. A design that does not meet the above standards may be approved as a Type 1 design alternative if it is determined that the overall building design adds emphasis to other facade elements that reduce attention, visibility, or dominance of the garage doors.

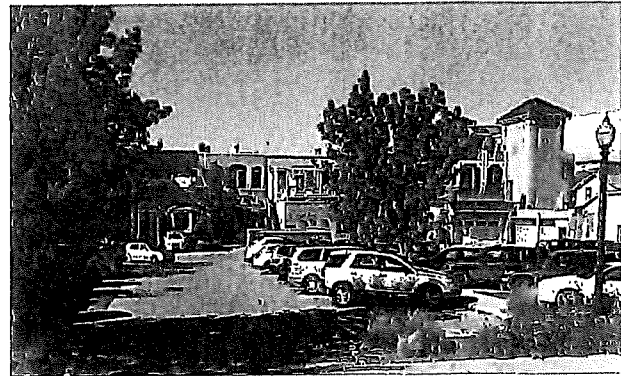


Figure 135-4.3-F. Examples of Rear Facade Treatment on Parking Lots

4.3.9 BUILDING ARTICULATION

The following applies to all building types.

A. Building Facade Variety.

1. Downtown buildings 300 feet in width and all other buildings 120 feet in width or greater along any public way frontage shall fulfill the following requirements:
 - a. Increments. Each public way facade shall be varied in segments less than or equal to 60 feet pursuant to [Figure 135-4.3-G](#).
 - b. Requirements. Each facade segment shall vary by the type of dominant material or by color, scale, or orientation of that material, and by at least two of the following:

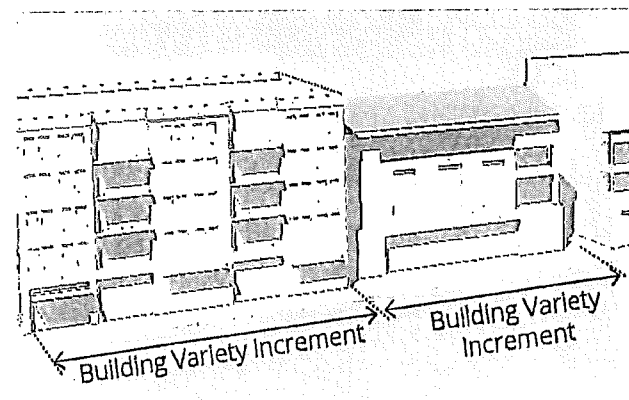


Figure 135-4.3-G. Building Variety

135-4. DESIGN REQUIREMENTS

DRAFT

Building Facade Elements

- i. The proportion of recesses and projections, within the build-to zone.
 - ii. The location of the entrance and window placement, unless storefronts are utilized.
 - iii. Roof type, plane, or material, unless otherwise stated in the building type requirements.
 - iv. Building heights.
2. House Types. Where new construction includes two or more new houses in an N or NX district within the same blockface, the houses shall vary by floor plan.
 3. Alternative Method of Compliance. The community development director may approve a Type 1 design alternative for a facade design that does not meet requirements of this subsection if the applicant demonstrates that the proposed design achieves the intent of the building articulation requirements of this section without meeting the building facade variety requirements.

B. Articulation of Stories. Stories shall be articulated on street facing facades by means such as:

1. Fenestration. Fenestration or window placement on street facades organized by stories.
2. Shadow Lines. Horizontal shadow lines and lintels over openings to delineate stories with minimum shadow lines required per building type.
3. Mezzanines. Mezzanines that fall within the range of floor to floor heights per building type articulated on the facade as a separate story.
4. Taller Spaces. Spaces exceeding the allowable floor to floor heights of the building type articulated as multiple stories on the street facade.

4.3.10 TREATMENTS AT TERMINAL VISTAS

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

- A. Open Space.** An open space type, as defined in the large-scale development requirements pursuant to section 135-5.5.3 of this chapter, shall be utilized at the terminus and a vertical element shall terminate the view. Acceptable vertical elements include, but are not limited to, a stand or grid of trees, a sculpture, a gazebo or other public structure, or a fountain.

B. Building Facade. If the parcel is not utilized as an open space, the facade of a building, whether fronting a primary street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard.

C. Parking. In no case, shall a parking structure or a surface parking lot terminate a vista.

4.3.11 HOUSE BUILDING TYPE FACADE REQUIREMENTS

Vinyl siding may be allowed on more than 65% of the first story of the street facade for House building types, except those in N4 or NX2 districts, as a Type 1 design alternative as follows:

A. Architectural Options. A design that does not meet the requirements of allowed minor facade materials for vinyl siding pursuant to Table 135-4.1-2 of this article may be approved as a Type 1 design alternative if it is determined by the community development director that the overall building design adds emphasis to other facade elements and articulation that reduce attention, visibility, or dominance of single materials, including elements pursuant to Figure 135-4.3-H such as:

1. A front porch of not less than 60 square feet;
2. Appropriate size and number of gables, defined by accent, shake, or similar architectural elements;
3. Appropriate size and design of finished columns; and
4. Other appropriate change in articulation or pattern of materials.

B. Design Alternative. A Type 1 design alternative may also be submitted for approval as otherwise allowed by this article.



Figure 135-4.3-H. Example of Architectural Options.

135-4. DESIGN REQUIREMENTS

Building Facade Elements

This portion of page blank intentionally.

4.3.12 ARCADE DESIGN

As shown in [Figure 135-4.3-1](#), the following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story.

- A. Depth.** An open-air public walkway shall be recessed from the principal facade of the building a minimum of eight feet and a maximum of 15 feet.
- B. Build-to Zone.** When the arcade is utilized, the outside face of the arcade shall be considered the front facade, located within the required build-to zone.
- C. Column Spacing.** Columns shall be spaced between 10 and 12 feet on center.
- D. Column Width.** Columns shall be a minimum of one foot eight inches and a maximum two foot four inches in width.
- E. Arcade Openings.** Openings shall not be flush with interior arcade ceiling and may be arched or straight.
- F. Horizontal Facade Division.** A horizontal shadow line shall define the ground story facade from the upper stories.
- G. Visible Basement.** A visible basement is not permitted.
- H. Design Alternative.** A Type 1 design alternative may be submitted for approval of an alternate arcade design.

4.3.13 GROUND STORY AT SLOPING FACADES

- A. Storefronts.** The following regulations apply to storefront facades along sloping streets:
 1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
 2. The interior floor level shall step to match the exterior grade within three feet. With a Type 1 design alternative, changes in grade may be accommodated by a storefront window display space.

135-5. LARGE-SCALE DEVELOPMENT

Zoning Districts

B. General Layout of Districts.

1. The same districts shall generally face each other across streets, including existing districts. Similar districts within the same district category may be located adjacent or across the street with approval of the community development director.
2. More Intense buildings and uses located on blocks with less Intense buildings and uses shall be located on block ends.
3. Changes in districts shall generally occur at a rear lot line, at an alley, or at corner parcels.
4. N districts shall not be located along major streets as defined in section 135-12.1.21 of this chapter.
5. A Type 1 design alternative may be requested for changes to the general layout of districts.

C. Minimum District Mix Requirements.

1. Each large-scale development type has area requirements for the mix of zoning districts.
2. Type 1 design alternatives may be applied for a reduction in any minimum area requirement up to 10,000 square feet and for any maximum requirement up to 10,000 square feet.

5.4.4 MIXED-USE LARGE-SCALE DEVELOPMENTS

Mixed-use large-scale developments are required on applicable parcels pursuant to section 135-5.1.2 of this article with an MX or CX zoning designation on the zoning map as shown in Table 135-5.5-3 of this article for the allowed zoning districts available for use in the large-scale development.

- A. MX1 District.** A minimum of 40,000 square feet of area shall be zoned MX1 when the existing zoning is MX1 pursuant to section 135-5.4.3 of this article for location and layout.
- B. MX2 District.** A minimum of 40,000 square feet of area shall be zoned MX2 when the existing zoning is MX2 pursuant to section 135-5.4.3 of this article for location and layout.
- C. MX3 District.** When at least 120,000 square feet of MX1 district area is designated, a maximum of 40,000 square feet of MX3 district is permitted, pursuant to section 135-5.4.3 of this article for location and layout.
- D. CX District.** When at least 120,000 square feet of MX district is designated, a maximum of 80,000 square feet of CX is permitted. A Type 1 design

alternative may be requested for an additional component of CX on sites over 40 acres.

E. Minimum Required District Mix.

1. Minimum Number of Districts. At least two districts are required for all development sites.
2. Minimum Required Residential Mix. With more than three gross acres of residential districts, at least two RX, N, or NX districts shall be designated.

F. Other Districts. Other districts are allowed per Table 135-5.5-3 of this article.

G. P1 Districts. P1 districts may be designated for open space as required in section 135-5.5 of this article.

5.4.5 OFFICE PARK LARGE-SCALE DEVELOPMENTS

Office Park large-scale developments are required on applicable parcels pursuant to section 135-5.1.2 of this article with an EX zoning designation on the zoning map and permitted on parcels with an RX zoning designation on the zoning map. Refer to Table 135-5.5-3 in this article for the allowed zoning districts available for use in the large-scale development.

A. EX District. A minimum of 120,000 square feet of area shall be zoned EX pursuant to section 135-5.4.3 of this article for location and layout.

B. MX1 Districts. The MX1 district, allowed per Table 135-5.5-3 of this article, is limited to a node at one street intersection of no more than 40,000 square feet of area or 10% of the total net land area, whichever is greater pursuant to section 135-5.4.3 of this article for location and layout.

C. Other Limited Districts. Other districts allowed as shown in Table 135-5.5-3 of this article are limited to less than 50% of the total land area.

D. P1 Districts. P1 districts may be designated for open space as required in section 135-5.5 of this article.

5.4.6 MIXED RESIDENTIAL LARGE-SCALE DEVELOPMENTS

Mixed Residential large-scale developments are required on applicable parcels pursuant to section 135-5.1.2 of this article with an RX zoning designation on the zoning map as shown in Table 135-5.5-3 of this article for the allowed zoning districts available for use in the large-scale development.

A. RX1 District. A minimum of 80,000 square feet of area shall be zoned RX1 when the existing zoning

135-5. LARGE-SCALE DEVELOPMENT

DRAFT

Zoning Districts

Is RX1. Refer to section 135-5.4.3 of this article for location and layout.

B. RX2 District. A minimum of 80,000 square feet of area shall be zoned RX2 when the existing zoning is RX2 as shown in section 135-5.4.3 of this article for location and layout.

C. MX1 District. The MX1 district, allowed as shown in Table 135-5.5-3 of this article, is limited to a node at one street intersection of no more than 40,000 square feet of area or 10% of the total net land area, whichever is greater pursuant to section 135-5.4.3 of this article for location and layout.

D. N and NX Districts. N and NX districts are allowed as shown in Table 135-5.5-3 of this article. N districts are permitted only on developments over 15 acres in size.

E. P1 Districts. P1 districts may be designated for open space as required in section 135-5.5 of this article.

F. Minimum Required Residential Mix. With more than five gross acres of residential districts, at least two RX, N, or NX districts shall be designated and at least two building types shall be used.

5.4.7 NEIGHBORHOOD LARGE-SCALE DEVELOPMENTS

Neighborhood large-scale development are required on applicable parcels pursuant to section 135-5.1.2 of this article with an N, NX, or A zoning designation on the zoning map as shown in Table 135-5.5-3 of this article for the allowed zoning districts available for use in the large-scale development.

A. MX1 District. MX1 is allowed as shown in Table 135-5.5-3 of this article pursuant to section 135-5.4.3 of this article for location and layout.

1. For developments 40 acres or larger, a minimum of 20,000 square feet and a maximum of 40,000 square feet of MX1 shall be designated at any intersection identified as a "mixed-use node" per the future land use map of the city's comprehensive plan or as amended.
2. For developments less than 40 acres, MX1 is limited to a single node at one street intersection of no more than 20,000 square feet of area or 10% of the total net land area, whichever is greater.

B. N and NX Districts. N and NX districts are allowed as shown in Table 135-5.5-3 of this article.

1. Unless the existing zoning is NX, NX districts are limited to no more than 30% of the total net land area.

TABLE 135-5.5-3. TYPES OF LARGE-SCALE DEVELOPMENTS

Type	Existing Zoning District	Allowed Zoning Districts																	Refer to Section				
		DX2	DXR	MX1	MX2	MX3	CX	RX1	RX2	EX	N1a	N1b	N2a,	N2b	N3a	N3b	N3c	N4		N5	NX1	NX2	P1
Mixed-Use Development	MX1, MX3, CX			R		L	L	P			P				P	P	P		P	P	P	R	<u>135-5.4.4 of this article</u>
	MX2				R	L			P		P				P	P	P		P	P	P	R	
Office Park	EX, RX1, RX2			L				L		R										L	L	R	<u>135-5.4.5 of this article</u>
Mixed Residential	RX1			L				R		L				L	L	L		L	P	P	R	<u>135-5.4.6 of this article</u>	
	RX2			L					R									L	P	P	R		
Neighborhood	N, NX, A			L						P	P	P	P	P	P	P	P	P	P	P	P	R	<u>135-5.4.7 of this article</u>
Downtown Neighborhood	DX2	R	P			L			P										P	P	R	<u>135-5.4.8 of this article</u>	
	DXR	P	R			L			P										P	P	R		

R = Required per specific development type requirements in section 135-5.4 of this article.
 P = Allowed or permitted per specific development type requirements in section 135-5.4 of this article.
 L = Allowed but limited per specific development type requirements in section 135-5.4 of this article.

135-9. REVIEW AND APPROVAL PROCEDURES

Site Design and Design Alternatives

the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the value of the structure at the date of adoption of this chapter, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;

3. Routine maintenance and minor repairs, such as painting, replacing roof shingles or lining to match existing, replacement of gutters to match existing, to any part of a building when there is no change in appearance;
 4. One and two household detached houses;
 5. Refuse and recycling enclosures being added to an existing site;
 6. Replacement or addition of mechanical equipment and screening;
 7. Changes to approved plant species;
 8. Sheds 120 square feet and under in N districts;
 9. Parking lot restriping; and
 10. Modification, not elimination, of pedestrian route.
 11. Other projects expressly exempted by this chapter.
- B.** Activities exempt from submitting a formal site plan may be subject to provision of alternate design documentation when required by, and in a form acceptable to, the community development director. When alternate design documentation is required for exempt activities, such documentation shall be reviewed pursuant to the site plan review processes as set forth in section 135-9.3 of this article.
- C.** Activities exempt from submitting a formal site plan shall comply with the design regulations of this chapter. Variations from applicable design regulations for exempt activities are subject to consideration as either Type 1 or Type 2 design alternatives, as applicable, in accordance with sections 135-9.2 and 135-9.3 of this article.

9.1.4 PROHIBITED RELIEF

No relief may be granted by any authorized decision-maker for any of the following:

- A.** Waiver, modification, variation or action to preempt a condition of approval or requirement imposed by plan and zoning commission or city council, unless expressly authorized by this chapter; and
- B.** Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the design alternative

percentages and measurement numbers set forth in this article or elsewhere in this chapter; and

- C.** Waiver, modification or variation of the applicability and approval process for large-scale development review and approval set forth in section 135-5.1 of this chapter.

135-9.2 Site Design and Design Alternatives

9.2.1 GENERAL SITE DESIGN PRINCIPLES

The general site design principles of this section are necessary to ensure the orderly and harmonious development of property in such a manner as will safeguard the public health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or deny a proposed site plan, or alternate design documentation provided for exempt activities under section 135-9.1.3.B of this article, or any Type 1 or Type 2 design alternative associated therewith, must be based in part on whether the site plan or documentation for design, as applicable, complies with the following general site design regulations:

- A.** The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater runoff control plan in compliance with section 106-136 of this code, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those expressly set forth in this article.
- B.** The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the term "use and enjoyment of adjoining property" shall

135-9. REVIEW AND APPROVAL PROCEDURES

DRAFT

Site Design and Design Alternatives

mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which such adjoining property is located.

- C. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.
- D. To such end as may be necessary and proper to accomplish the standards in paragraphs A., B. and C. of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.
- E. All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.
- F. The proposed development shall conform to all applicable provisions of federal and state law and all applicable sections of the municipal code.
- G. If the private property is connected to the existing skywalk system, as shown on the official skywalk map, or the applicant intends to connect to the planned skywalk system, as shown on the skywalk system plan map, the proposed development shall have such connections to the existing and planned skywalk system and such internal skywalk system pattern as will best permit the optimal expansion of the skywalk system to serve the greatest number of properties possible and best provide for the expected skywalk system traffic through the property. If the private property is not connected to the existing skywalk system, as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.
- H. The proposed development shall provide landscaping, including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans.
- I. The proposed development shall comply with the requirements of the tree removal and mitigation

ordinance codified in chapter 42, article X of this code.

- J. The stormwater runoff control facilities installed in compliance with the stormwater runoff control plan shall be maintained in compliance with section 106-136 of this code.
- K. Direct light trespass beyond property lines is prohibited. Lighting is intended to enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass, excess site brightness or excess sky glow. Lighting shall not be allowed to create a nuisance or a hazard.

9.2.2 DESIGN ALTERNATIVES GENERALLY

A. General. This section acknowledges that there may be requests for design alternatives to the regulations of this chapter. These design alternative regulations are divided into two categories:

- 1. Type 1 design alternatives reviewed and approved by the community development director pursuant to section 135-9.2.3 of this chapter; and
- 2. Type 2 design alternatives, reviewed and approved by the plan and zoning commission pursuant to section 135-9.2.4 of this chapter.

B. Intent and Criteria.

- 1. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- 2. Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - a. An evaluation of the character of the surrounding neighborhood, such as:

135-9. REVIEW AND APPROVAL PROCEDURES

Site Design and Design Alternatives

- i. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- ii. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

- b. The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- c. Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- d. Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- e. Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- f. Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

C. Burden of Proof or Persuasion. The burden is on the applicant to demonstrate that the requested design alternative meets the criteria for approval or demonstrate that the result of the design alternative would equal or exceed the results of strict compliance with the subject regulation.

D. Notice of Request for Design Alternatives.

Requested design alternatives must be noted on the required application for site plan or alternate design documentation review, as applicable. The application

must include a written statement explaining why the design alternative is necessary and all efforts that will be employed to mitigate adverse impacts resulting from approval of the design alternative request.

E. Zoning Relief Not Authorized. Design alternatives may not be used to grant relief from the zoning regulations of chapter 134 of this code. Relief from zoning regulations may be granted only in accordance with the applicable zoning procedures of [article 6 of chapter 134 of this code](#).

F. Cumulative Measurement. All design alternatives shall be measured cumulatively from the effective date of this chapter, using all building permits issued by the city's permit and development center, county assessor records, and other documentation determined necessary by the community development director.

9.2.3 TYPE 1 DESIGN ALTERNATIVES

During the site plan or alternate design documentation review process, as applicable, the community development director is authorized to approve the Type 1 design alternatives of this section [135-9.2.3 of this chapter](#) and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section [135-9.2.2.B of this article](#):

A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in [Article 2 of this chapter](#):

1. Build-to Zone
 - a. Increase the maximum primary frontage build-to-zone or setback requirement by 30% or one foot, whichever is greater.
 - b. Increase the maximum non-primary frontage build-to-zone or setback requirement by 30% or 2.5 feet, whichever is greater.
2. Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by 30% or three feet, whichever is greater.
3. Building Setbacks.
 - a. Decrease the minimum interior side setback by up to 30% or one foot, whichever is greater.
 - b. Decrease the minimum rear by up to 30% or one foot, whichever is greater.

135-9. REVIEW AND APPROVAL PROCEDURES

DRAFT

Site Design and Design Alternatives

4. Building Coverage. Increase the maximum total impervious coverage allowance by up to 30% , provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage.
 5. Height.
 - a. Increase or decrease the ground story minimum or maximum height for House A, B, C and D building types by up to 1.5 feet.
 - b. Increase or decrease the non-ground floor stories minimum or maximum height for House A, B, C and D building types by up to one foot.
 - c. Decrease the ground story minimum height up to 10% for all Building Types other than House A, B, C and D building types.
 - d. Decrease the non-ground story minimum height by up to 10% for all Building Types other than House A, B, C and D building types.
 6. Transparency. Reduce minimum transparency requirements by up to 30%.
 7. Roof Type. Allow any roof type on a building.
 8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.
 9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:
 - a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each applicable House building, and each unit of a 2-unit applicable House building, thereon.
10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.
 11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to 30% any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter, that are expressed as a dimension or distance.
2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
3. Modify building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.
4. Allow the owner of an existing, lawfully established single-household use to carry outbuilding expansions and renovations

135-9. REVIEW AND APPROVAL PROCEDURES

Site Design and Design Alternatives

following the House type regulations that most closely match the existing building, regardless of whether that House type, or the most closely matching House type, is permitted within the subject district.

5. Allow an addition to a pre-existing building design or off-street parking area or lot to extend along the same building line or off-street parking area or lot as the pre-existing building or surface parking lot.
6. Waive or modify applicable building type regulations of Article 2 of this chapter related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
7. Waive or modify applicable building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.
8. Design alternatives to the accessory utility structure regulations for electric vehicle charging stations in section 135-2.22.4.B of this chapter and for building-mounted solar regulations in section 135-2.22.4.E of this chapter and freestanding solar regulations in section 135-2.22.4.F of this chapter.
9. Design alternatives to minimum bicycle parking ratios and to bicycle parking location and design regulations.
10. Design alternatives to minimum or maximum motor vehicle off-street parking ratio pursuant to section 135-6.1 of this chapter.
11. Design alternatives to parking lot geometrics not to exceed 30% of a numerical standard subject to review by the community development director and city engineer.
12. Design alternatives to the landscape regulations of article 7 of this chapter.
13. Any other design alternatives identified in this chapter as a Type 1 design alternative.

9.2.4 TYPE 2 DESIGN ALTERNATIVES

- A. Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:
 1. Except as noted in subsection 135-9.2.3.A of this article, a reduction by more than 30% of any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
 2. Except as noted in subsection 135-9.2.3.A of this article, an increase by more than 30% of any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
 3. Design alternatives to allow required parking spaces for residential uses to be provided off-site.
 4. Design alternatives to allow off-site parking on a lot where non-accessory parking and the use to be served by the off-site parking are not allowed, as expressly stated in section 135-6.6 of this chapter.
 5. Design alternatives to any numerical regulation established in the building type regulations of Article 2 of this chapter when the proposed construction is not subject to site plan review under chapter 135 of this code and when the design alternative does not exceed 50% of the applicable numerical regulation.
 6. Non-compliant street configuration, subject to concurrence by the community development director, fire chief, and city traffic engineer, unless otherwise approved by city council resolution.
 7. Reduction in depth of or elimination of the required occupied space.
 8. Reduction in size of garage or waiver of garage requirement for House types A.
 9. Any other design alternatives identified in this chapter as a Type 2 design alternative and any other variations from the regulations of this chapter, unless explicitly prohibited herein, that are not expressly identified as a Type 1 alternative.
 10. Reduce applicable minimum square footage requirements for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House Type

135-9. REVIEW AND APPROVAL PROCEDURES

DRAFT

Review Process

A building to contain less than 1,000 square feet of above grade finished floor area or any House Type B, C or D building to contain less than 1,000 square feet of finished floor area.

- B. As part of the public hearing site plan review process, the plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are not expressly authorized for processing as Type 1 design alternatives, and to hear and decide reviews of the community development director's decision on any Type 1 design alternative. The plan and zoning commission is also authorized to approve those Type 2 design alternatives that are expressly authorized in this chapter.
- C. In addition to all other requirements of this article, the plan and zoning commission's decision to approve, approve the conditions, or deny a request for a Type 2 design alternative as part of the public hearing site plan review process must be based on the commission's determination of whether:
 - 1. The requested design alternative is consistent with the general intent statement of section 135-9.2.2.B of this article;
 - 2. The requested design alternative is consistent with the comprehensive plan and any adopted area plan; and
 - 3. The requested design alternative will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter.

B. Public Hearing Site Plans. All site plan applications that include one or more requests for a Type 2 design alternative, pursuant to section 135-9.2.4 of this article, are referred to as "public hearing site plans" and must follow a two-step approval process:

1. Review by the community development director as an administrative site plan; and
2. Review and final action by the plan and zoning commission as a public hearing site plan.

9.3.2 PRE-APPLICATION MEETING

- A. Before submitting an application for site plan review, applicants must schedule and attend a pre-application meeting with community development department staff to discuss applicable procedures and regulations. Pre-application meetings are not required for the following:
 1. Activities that are exempt from submitting a formal site plan, pursuant to section 135-9.1.3 of this article; and
 2. Residential accessory uses and structures.
- B. The community development director is authorized, but not required, to allow alternatives to face-to-face pre-application meetings, such as telephone conversations and email correspondence.

9.3.3 APPLICATION SUBMITTAL

- A. Applications for site plan review may be filed only with the consent of all record titleholders, or with the consent of all record contract purchasers when applicable, of the real property on which the review is requested. For sites owned by more than five individuals owners, applications not containing such consent may be filed subject to alternative documentation acceptable to the community development director.

135-9.3 Review Process

9.3.1 REVIEW AND DECISION-MAKING AUTHORITY

- A. **Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include alternate design documentation for activities that are exempt pursuant to section 135-9.1.3 of this article or that include one or more requests for a Type 1 design alternative, pursuant to section 135-9.2.3 of this article, are referred to as "administrative site plans" and must follow a one-step approval process: review and final action by the community development director.

135-9. REVIEW AND APPROVAL PROCEDURES

DRAFT

Review Process

B. Applications for site plan review must be determined to be a complete submittal as indicated by the requirements on the site plan review submittal checklists before the community development department is required to review the application. An application will be considered complete and ready for processing only if it is submitted in the required number and form, is accompanied by the required application filing and notification fees in accordance with the schedule of fees adopted by the city council, and is accompanied by the following information when applicable:

1. Site Plan, or alternate design documentation for exempt activities pursuant to section 135-9.1.3 of this article;
2. Traffic Impact Analysis or Study;
3. Stormwater Pollution Prevention Plan;
4. Stormwater Run-off Control Plan;
5. Grading Plan;
6. Architectural Building Elevations;
7. Photometric Analysis;
8. Utility Plan;
9. Landscape Plan;
10. For properties containing two or more acres or 10 or more combined household, commercial, or other similar units allowed by the zoning district, proposed construction phasing if applicable, including:
 - i. Identification of phased areas by mapping and phase number, and
 - ii. commencement and completion dates listed per phase number, which completion dates may not exceed 10 years after original submittal of the site plan or alternate design documentation;
11. An approval statement and signature block as provided by the community development director; and
12. Other information as required by the community development director.

C. To be considered a complete submittal, a site plan must show all major information, such as dimensions, setbacks, square footage, number of employees, proposed use, contours, detention calculations, and hazardous materials to be stored on site, unless specifically waived by the pre-application conference.

D. If board of adjustment review is required pursuant to chapter 134 of this code for a use requiring a site plan, the site plan shall not be processed until all necessary relief has been approved unless authorized by the community development director.

E. The community development director must make a determination of application completeness within 10 business days of application filing.

F. If a site plan application is determined to be incomplete, the community development director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

9.3.4 PLAN REVIEW

A. General. Following determination that an application is complete, the community development director must promptly distribute the application for review by any city departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

B. Administrative Site Plans

1. The community development director shall provide administrative review comments to the applicant within 30 days of acceptance of a complete site plan submittal package, or within 15 days of acceptance of a complete submittal package for activities exempt under section 135-9.1.3 of this article for which alternate design documentation is required.
2. If an administrative site plan requires revisions for approval, including revisions that eliminate the Type 1 or Type 2 design alternatives, the applicant may revise the site plan in accordance with administrative review comments. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed no later than 60 days after the written administrative comments are issued.
3. Within 15 days after receipt of a complete site plan resubmittal package, or within 10 days of receipt of a complete resubmittal package for activities exempt under section 135-9.1.3 of this article for which alternate design documentation is required, the community development director must provide any written administrative review comments that require further revision or

135-9. REVIEW AND APPROVAL PROCEDURES

Review Process

provide acknowledgment that all administrative review comments have been satisfied.

4. If a revised administrative site plan has satisfied all administrative comments, staff will request that the applicant submit a signed and dated digital, reproducible copy. The community development department will provide written confirmation of approval, along with the date of such approval.
5. The community development department will retain the duly certified copy of approved administrative site plans in the department's permanent electronic file storage. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to obtain building and other permits in accordance with this code and state law.
6. If an administrative site plan, or Type 1 design alternative(s) related thereto, are denied, or if an administrative site plan is determined to require one or more Type 2 design alternatives after the administrative review, this final determination must be provided through written administrative comment, either electronically or by regular mail, and such correspondence must detail the aspects of the administrative site plan that are not in compliance with applicable regulations. Any request for further review shall be submitted to the community development director within 30 days after issuance of a final determination. Request for further review shall be processed as a public hearing site plan pursuant to this section.

C. Public Hearing Site Plans

1. Request for further review regarding the denial of an administrative site plan, or a Type 1 design alternative associated therewith, or consideration of a Type 2 design alternative contained in an administrative site plan, which are collectively referred to in this section as a "public hearing site plan", must include the following:
 - a. Written response to all administrative site plan review comments;
 - b. Written narrative explaining the rationale for consideration of approval; and
 - c. Other documentation as requested by the community development director.
2. Within 30 days of acceptance of a complete submittal package for a public hearing site plan, the community development director must

provide any written administrative comments that require further revision or establish a date for a public hearing by the plan and zoning commission.

3. The plan and zoning commission must take action to approve the proposed public hearing site plan, approve the proposed public hearing site plan subject to conditions, or deny the proposed public hearing site plan at the time of the public hearing, unless a continuance of the public hearing is otherwise deemed necessary by the commission.
4. If an application for public hearing site plan is denied by the plan and zoning commission, a new application may be submitted for further consideration or the denial may be appealed in accordance with section 135-9.3.9.B of this article.
5. If a public hearing site plan is approved subject to specific conditions and all administrative review comments, the applicant must revise the site plan in accordance with those conditions and comments and resubmit the plan for review within 30 days from the date of the plan and zoning commission approval. The community development director must act on all resubmitted public hearing site plans within 15 days of their receipt.
6. If a public hearing site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the community development director, and the community development director must provide written verification of approval, along with the date of approval.
7. The community development department must retain the duly certified copy in the department's permanent files. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to obtain building and other permits in accordance with this code and state law.

9.3.5 EFFECTIVE DATE OF APPROVAL

An approved site plan or alternate design documentation becomes effective upon certification by the community development director. If a request for review is filed, a site plan or alternate design documentation does not become effective until all reviews have been decided.

135-9. REVIEW AND APPROVAL PROCEDURES

Review Process

9.3.6 LAPSE OF APPROVAL

- A. The approval of any site plan or alternate design documentation required by this article that does not contain proposed construction phasing, and the approval of the first phase of any site plan or alternate design documentation that contains proposed construction phasing, remains valid for two years after the date that the site plan or alternate design documentation is certified as approved, after which time the site plan or alternate design documentation lapses and is of no further effect unless the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for its first phase shall no longer be valid for any subsequent phase thereof.
- B. The approval of any second or subsequent phase included in a site plan or alternate design documentation required by this article remains valid for two years after the completion date of the applicable phase as stated in the certified and approved plan or documentation, after which time the site plan or alternate design documentation lapses and is of no further effect unless the applicable phase of the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for any second or subsequent phase shall no longer be valid for any subsequent phase thereof. In no event shall a completion date for a phase identified in a site plan or alternate design documentation exceed 10 years from the date that said plan or documentation is certified as approved.
- C. For the purpose of this section, "actual construction" means that the installation of permanent construction materials has commenced and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading and excavation, or stockpiling of materials on the site does not constitute actual construction.

9.3.7 PERMITS AND CONTINUING COMPLIANCE

- A. No permit may be issued for any development requiring site plan or alternate design documentation approval until a site plan or alternate design documentation has been submitted and certified as approved for such development in accordance with this article.

- B. No permanent certificate of design compliance or certificate of occupancy may be issued for such development by the community development director until all terms and conditions of the approved site plan or alternate design documentation have been satisfactorily completed or provided for.
- C. Construction, grading, or other development activities may be carried out only in compliance with the certified approved site plan or alternate design documentation.
- D. No building or development requiring site plan or alternate design documentation approval shall be erected, structurally altered, occupied, used, or changed, in whole or in part for any purpose whatsoever, until a site plan or alternate design documentation is approved in accordance with this article.
- E. When a site plan or alternate design documentation has been approved for property pursuant to this article, the property must be used and maintained in compliance with the approved site plan or alternate design documentation. No person may use property in a manner or physical condition that does not conform to the approved site plan for such property.
- F. Unless the community development director determines that a non-certified site plan or alternate design documentation is substantially complete, phased permits may be issued for limited construction purposes.

9.3.8 RESUBMISSIONS AND AMENDMENTS

- A. Resubmission of any site plan or alternate design documentation due to changes required or made to the site plan or alternate design documentation as previously submitted may be made in accordance with schedule of fees adopted by the city council.
- B. An approved site plan or alternate design documentation may be amended in accordance with the site plan or alternate design documentation review procedures of this section. However, the community development director is authorized to waive applicable review and approval procedures if the community development director determines that a proposed amendment involves only a minor change in the approved site plan or alternate design documentation. Any such waiver by the community development director must be in writing. Minor changes include the following:

135-9. REVIEW AND APPROVAL PROCEDURES

DRAFT

Review Process

1. A change in building entrance and exit locations that remain fully compliant with chapter 135 of this code.
 2. A change to move building walls within the confines of the smallest rectangle that would have enclosed each originally approved building or to relocate building entrances or exits or to shorten building canopies.
 3. A change from a permitted use to another permitted use where the site is fully compliant with chapter 135 of this code.
 4. A change in angle of parking or in aisle width, in accordance with all provisions of chapter 135 of this code.
 5. A change in location of ingress and egress drives, provided such change is required by the city engineer.
 6. Substitution of plant species, provided a certified nursery person or landscape architect certifies the substituted species is similar in nature and in screening effects and allowed for planting in the city as approved by the community development director.
 7. A change in type and design of lighting fixtures, provided there will be no increase in the intensity of light at the property boundary.
 8. Expansion of peripheral yards for conforming uses that is compliant with chapter 135 of this code.
- C. If a site plan or alternate design documentation is resubmitted for final approval that, as interpreted by the community development director, does not comply with conditions required by the community development director for an administrative site plan, or by the plan and zoning commission for a public hearing site plan, the applicant may elect to either:
1. Revise the site plan or alternate design documentation to comply with required conditions in accordance with the interpretation of the conditions by the community development director; or
 2. Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan or alternate design documentation, as applicable.
1. The applicant may request review of any interpretation or final decision of the community development director, other than enforcement procedures set forth in section 135-11.2 of this chapter or site plans or alternate design documentation being processed through plan review procedures in section 135-9.3.4 of this article, by filing a written notice of and reasons for the review with the community development director no later than 30 days after the date of the action from which the review is sought.
 2. All reviews of interpretations or final decisions of the community development director must be placed on an upcoming regularly scheduled agenda of the plan and zoning commission within 60 days of the date that written notice of the appeal review was filed with the community development director. Except as otherwise expressly stated in chapter, the affirmative vote of at least eight plan and zoning commission members is required to overturn or modify the action from which review is sought.

B. Review of Plan and Zoning Commission Decisions

1. To be considered for further review of any final decision of the plan and zoning commission, the applicant must submit the site plan or alternate design documentation to be considered and the following documentation to the community development director no later than 30 days from the final determination of the public hearing site plan review:
 - a. Written narrative explaining any requests and rationale for modification of the final decision by the plan and zoning commission; and
 - b. Other documentation as requested by the community development director.
2. All reviews of final decisions of the plan and zoning commission must be placed on an upcoming regularly scheduled agenda of the city council within 60 days of the date that notice of the request for further review was filed with the community development director.

9.3.9 REQUEST FOR REVIEW

A. Review of Community Development Director Interpretations and Decisions

Chapter 135. Planning and Design

ARTICLE 10. PRE-EXISTING SITUATIONS

135-10.1	GENERAL.....	135-10-2
10.1.1	Intent.....	135-10-2
10.1.2	Authority to Continue	135-10-2
10.1.3	Determination of Pre-Existing Status.....	135-10-2
10.1.4	Repairs and Maintenance.....	135-10-2
10.1.5	Change of Tenancy or Ownership	135-10-2
10.1.6	Cumulative Measurement.....	135-10-2
10.1.7	Pre-Existing Situations Within Manufactured Home Community or Mobile Home Park.....	135-10-2
135-10.2	PRE-EXISTING LOTS	135-10-2
10.2.1	Description	135-10-2
10.2.2	Lots in Agricultural or Neighborhood Districts.....	135-10-3
135-10.3	PRE-EXISTING BUILDINGS.....	135-10-3
10.3.1	Description	135-10-3
10.3.2	Intent.....	135-10-3
10.3.3	Movement.....	135-10-3
10.3.4	Expansion or Enlargement	135-10-3
10.3.5	Damage or Destruction.....	135-10-4
10.3.6	Manufactured Housing Units.....	135-10-4
135-10.4	PRE-EXISTING STRUCTURES	135-10-4
10.4.1	Description	135-10-4
10.4.2	Movement.....	135-10-4
10.4.3	Alteration, Enlargement or Expansion.....	135-10-5
10.4.4	Damage or Destruction.....	135-10-5
135-10.5	EFFECT OF CONDEMNATION	135-10-5
135-10.6	PRE-EXISTING SITE ELEMENTS	135-10-5
10.6.1	Description	135-10-5
10.6.2	Repairs and Maintenance.....	135-10-6
10.6.3	Movement.....	135-10-6
10.6.4	Alteration, Enlargement or Expansion.....	135-10-6
10.6.5	Damage or Destruction.....	135-10-6

135-10. PRE-EXISTING SITUATIONS

DRAFT

General

135-10.1 General

10.1.1 INTENT

Pre-existing situations are created when the planning and design regulations that apply to a particular property are changed to no longer allow buildings, structures or other development features that have already been lawfully established. The regulations governing pre-existing situations are intended to explain the effect of this pre-existing status and help differentiate pre-existing situations, which have legal status under this chapter, from violations, which are illegal and subject to penalties and enforcement action. The regulations of this article are also intended to:

- A. Recognize the interests of landowners in continuing to use buildings and structures that were lawfully established;
- B. Promote maintenance and rehabilitation of existing buildings and structures; and
- C. Place reasonable limits on pre-existing structures and development features that have the potential to adversely affect surrounding properties.

10.1.2 AUTHORITY TO CONTINUE

Any pre-existing building, structure or other development feature that existed on the effective date specified in section 135-1.2 of this chapter or any situation that becomes pre-existing upon adoption of any amendment to this chapter or any change to the applicable building type regulations created by an amendment of the zoning map pursuant to chapter 134 of this code after the effective date specified in section 135-1.2 of this chapter may be continued, subject to the regulations of this article.

10.1.3 DETERMINATION OF PRE-EXISTING STATUS

- A. The burden of proving that a pre-existing situation exists, as opposed to a violation, rests entirely with the subject property owner.
- B. The community development director is authorized to determine whether reliable evidence of pre-existing status has been provided by the subject property owner.
- C. Building permits, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of a lot or structure constitute conclusive evidence of pre-existing status.

10.1.4 REPAIRS AND MAINTENANCE

- A. Repairs and normal maintenance necessary to keep a pre-existing structure in sound condition are permitted unless the work increases the extent of the pre-existing situation or is otherwise expressly prohibited by this chapter.
- B. If a pre-existing structure becomes unsafe or dangerous, or when a structure is found unfit for human occupancy or otherwise deemed to be a public nuisance, it may not thereafter be restored, repaired, or rebuilt except in compliance with the provisions of this chapter.
- C. Nothing in this article is intended to prevent pre-existing situations from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

10.1.5 CHANGE OF TENANCY OR OWNERSHIP

Pre-existing status runs with the land and is not affected by changes of tenancy, ownership or management.

10.1.6 CUMULATIVE MEASUREMENT

All calculations in this article shall be measured cumulatively from the effective date of this chapter, unless otherwise specified in this article, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation determined necessary by the community development director.

10.1.7 PRE-EXISTING SITUATIONS WITHIN MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

This article applies to pre-existing manufactured, modular, or mobile homes, and pre-existing site-built household units, within a manufactured home community or a mobile home park if any of the conditions set forth in section 134-7.2.9.D of this code apply to said homes and units.

135-10.2 Pre-Existing Lots

10.2.1 DESCRIPTION

A pre-existing lot is a lawfully created lot, shown on a plat recorded in the office of the county recorder prior to the effective date of this chapter, that does

135-10. PRE-EXISTING SITUATIONS

Effect of Condemnation

10.4.2 MOVEMENT

A pre-existing structure may be moved in whole or in part to another location on the same lot only if the movement or relocation complies with this chapter.

10.4.3 ALTERATION, ENLARGEMENT OR EXPANSION

A pre-existing structure may not be enlarged or altered in a way which increases its pre-existing situation. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the pre-existing situation.

10.4.4 DAMAGE OR DESTRUCTION

If a pre-existing structure is damaged or destroyed, by any means, including repair, alteration, replacement or upgrade, to the extent of 50% or more of its replacement cost at time of damage or destruction, the pre-existing structure may not be re-established. If the structure is damaged or destroyed to the extent of less than 50% of its replacement cost at the time of damage or destruction, the pre-existing structure may be re-established to the extent it existed before the damage or destruction, provided that a permit application to allow the re-establishment is filed within six months of the damage or destruction.

135-10.5 Effect of Condemnation

10.5.1 If a portion of a lot is conveyed to the state, the city, or any other political subdivision of the state through condemnation or under threat of condemnation, and the conveyance results in a lot or structure becoming pre-existing or increasing the extent of the pre-existing situation, then notwithstanding any provisions to the contrary in this article, if the pre-existing structure or structure on the pre-existing lot is thereafter damaged to any extent or is totally destroyed by any means, the structure may be repaired, restored, or rebuilt to its prior condition, if all of the following conditions are satisfied:

- A. The pre-existing situation was created by the conveyance through condemnation or under threat of condemnation;
- B. Appropriate relief was obtained in accordance with this chapter or prior code for any pre-existing situation with the applicable planning and design requirements, to the extent that such noncompliance predated the condemnation or conveyance;

- C. The repair, restoration or rebuilding of the structure does not create any additional pre-existing situations of the structure beyond that originally created by such conveyance or allowed by any relief granted in accordance with this chapter or prior code;
- D. A permit application to allow the repair, restoration, or rebuilding is filed within six months of such damage and is diligently pursued to completion; and
- E. One of the following conditions are satisfied:
 1. The acquisition document for such conveyance contains language stating substantially as follows: "The provisions of section 135-10.5 of this article apply to this acquisition"; or
 2. The community development director determines after consultation with the real estate division of the engineering department, that the circumstances of such conveyance affirmatively support a finding that any resulting pre-existing situations were not considered in determining the compensation paid for such conveyance.

10.5.2 If a portion of a lot is conveyed to the state, the city, or any other political subdivision of the state through condemnation or under threat of condemnation, and the conveyance results in a single household upon the remaining lot becoming pre-existing or increasing the extent of the pre-existing situation with setback or lot size requirements, then the remaining lot will be treated as a pre-existing lot pursuant to section 135-10.2 of this article.

10.5.3 Any adjustment to the minimum lot area made under authority of this section automatically lapses and is of no further effect if the lot is combined with other abutting land under common ownership and such combination results in a lot that meets applicable minimum lot area requirements.

10.5.4 Any adjustment to a required setback made under authority of this section lapses and is of no further effect if the lot is combined with other abutting land under common ownership and such combination results in a lot that meets applicable minimum setback requirements.

135-10.6 Pre-Existing Site Elements

10.6.1 DESCRIPTION

Pre-existing site elements are components of a site, other than a lot, structure or building, that were lawfully established but no longer comply with the applicable provisions of this chapter because of the adoption or amendment of zoning, building type or design

135-10. PRE-EXISTING SITUATIONS

DRAFT

Pre-Existing Site Elements

regulations after the site elements were established. Examples of site elements include driveways, parking and loading areas, and berms and landscaping. The date of cumulative value or floor area for purposes of pre-existing site elements shall be March 22, 2004, in accordance with articles 7 and 8 of this chapter.

are damaged or destroyed to the extent of less than 50% of the replacement cost at the time of damage or destruction, the pre-existing site elements may be re-established to the extent they existed before the damage or destruction, provided that the re-establishment commences within six months of the damage or destruction.

10.6.2 REPAIRS AND MAINTENANCE

- A. Repairs and normal maintenance necessary to keep pre-existing site elements in sound condition are permitted unless the work increases the extent of the pre-existing situation or is otherwise expressly prohibited by this chapter.
- B. Pre-existing gravel drives or parking areas constitute pre-existing site elements and must be maintained with a surface area consisting of a uniform layer of gravel evenly distributed, and must be free of bare spots, ruts, and vegetation. The consistency of the surface must be tightly bound and consistently graded. All defects must be repaired with clean fill material consistent with the existing drive or parking area that does not contain dirt, sticks, construction debris or other foreign material.
- C. If pre-existing site elements becomes unsafe or dangerous, or when site elements are found unfit or otherwise deemed to be a public nuisance, it may not thereafter be restored, repaired, or re-installed except in compliance with the provisions of this chapter.

10.6.3 MOVEMENT

Pre-existing site elements may be moved in whole or in part to another location on the same lot only if the movement or relocation complies with this chapter.

10.6.4 ALTERATION, ENLARGEMENT OR EXPANSION

Pre-existing site elements may not be enlarged or altered in a way which increases the pre-existing situation. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the pre-existing situation.

10.6.5 DAMAGE OR DESTRUCTION

If pre-existing site elements are damaged or destroyed, by any means, including repair, alteration, replacement or upgrade, to the extent of 50% or more of the replacement cost at time of damage or destruction, the pre-existing site elements may not be re-established, unless otherwise approved through design alternatives in compliance with this chapter. If the site elements

135-12. DEFINITIONS

Terms Beginning with "D"

Carport: a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building is considered a part of the principal building and subject to all yard requirements in this chapter.

Car-Share Program: a system in which a fleet of cars, or other motor vehicles, is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and seven days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

Car-Share Vehicle: a motor vehicle from a car-share program fleet.

Court or Courtyard: An outdoor area enclosed by building on at least three sides, open from the ground to the sky, and the fourth side is open to a public way, street, or open space and park.

135-12.6 Terms Beginning with "D"

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of household units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, river, stream, lake, pond, woodlands, wetland, endangered species habitat, aquifer or other resource area.

Dwelling: any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home.

Dwelling unit: See "Household unit".

Dormer: a roof projection no wider than eight feet from an attic space containing a window.

135-12.7 Terms Beginning with "E"

Electric Vehicle: any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle"

includes:

1. battery electric vehicles; and
2. plug-in hybrid electric vehicles.

Electric Vehicle (EV) Charging Station: a public or private parking space that is served by battery charging station equipment.

Electric Vehicle Parking Space: any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

135-12.8 Terms Beginning with "F"

Finished floor area: areas with finished ceilings, floors, and walls, that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets, and hallways.

Foot-candle: a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

135-12.9 Terms Beginning with "G"

Gable: the vertical triangular end of a building from cornice or eaves to ridge.

Gambrel roof: a roof with a lower steeper slope and an upper less steep one on each of its two sides.

Garage, private: an enclosed structure intended for and used for the parking of the private motor vehicles of the household residents upon the premises.

Grade, average: the average of the high and low ground elevation along a facade measured five feet from the base of the applicable building facade.

135-12.10 Terms Beginning with "H"

Household: one or more persons, functioning as a single housekeeping unit, occupying a single dwelling unit in compliance with the occupancy limitations set forth in the International Property Maintenance Code. The number of occupants per household shall not exceed the number of occupants permitted by the minimum area requirements of the occupancy limitations set forth in the International Property Maintenance Code.

Household unit or dwelling unit: a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one household containing bathroom and kitchen facilities.

135-12.11 Terms Beginning with "I"

Impervious Surface or Cover: any surface that cannot effectively absorb or infiltrate rainfall, including

135-12. DEFINITIONS

Terms Beginning with "J"

driveways, sidewalks, patios, swimming pools, and areas of a site covered by buildings.

International Property Maintenance Code: the International Property Maintenance Code, published by the International Code Council, as adopted and amended in chapter 60 of this code.

135-12.12 Terms Beginning with "J"

RESERVED

135-12.13 Terms Beginning with "K"

RESERVED

135-12.14 Terms Beginning with "L"

Lawfully established: a building, structure, lot, or site element that was established in conformance with all applicable regulations in effect at the time of its establishment.

Lot: a parcel of land which may or may not have been created by subdivision plat or plat of survey. Such lot may consist of:

1. A single pre-existing lot;
2. A portion of a pre-existing lot;
3. A combination of complete pre-existing lots; of complete pre-existing lots and portions of pre-existing lots; or of portions of multiple pre-existing lots; or
4. A parcel of land described by metes and bounds.

Lot, corner: a lot abutting upon two or more streets at their intersection.

Lot, depth: the mean horizontal distance between the front and rear lot lines.

Lot, double frontage: a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, flag: a lot with only enough width along the street for a driveway and full lot width behind another lot.

Lot, pre-existing: a lawfully created lot, shown on a plat recorded in the office of the county recorder prior to the effective date of this code.

Lot frontage: the portion of a lot which abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lot frontage.

Lot, interior: a lot other than a corner lot.

Lot lines: the lines bounding a lot.

Lot width: the width of a lot measured at the required

front setback line and at right angles to its depth. The minimum lot width shall be maintained from the required front yard setback line to the front of the principal building.

135-12.15 Terms Beginning with "M"

Manufactured home: a factory-built, single-household structure, which is manufactured or constructed under the authority of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of this chapter, a manufactured home shall be considered the same as any site-built single-household detached dwelling.

Mobile home: any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons but the term also includes any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes." Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

Mobile home park or trailer park: any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations. Mobile home parks are subject to the regulations of section 135-2.21 of this chapter.

Modular home: factory-built housing certified as meeting the state building code as applicable to modular housing. Once certified by the state, modular