Planning and Building Agency
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R3 (MULTIPLE-FAMILY RESIDENCE)

Sec. 41-258. **Purpose.** The purpose of this division is to regulate the development of land for multiple-family residential purposes in the city. It is the intent of this division to set forth standards for the development of superior quality multiple-family housing development in a setting which is sensitive to the impacts on adjacent properties. It is further the intent of this division to create housing development which will be of such utility and function that it will remain liveable and usable for an extended period of years. It is also the intent of this division to provide functional and nonmonotonous orientation of buildings with a maximum of usable open space around each.

Sec. 41-258.5. **Scope.** This division applies to developments which are used solely for residential purposes and uses incidental thereto and which include one (1) or more multifamily dwellings. It does not apply to buildings which are used partly for dwelling units and partly for commercial or office uses (other than sales or management activities pertaining to dwelling units on the same site). It does apply to single-family and two-family dwellings which are part of a development which includes multiple-family dwellings. One-family dwellings that are not part of a development which includes multiple-family dwellings shall be subject to the design and development standards set forth in Division 3 of this article. Two-family dwellings that are not part of a development which includes multiple-family dwellings shall be subject to the design and development standards set forth in Division 4 of this article. Townhouses are subject to the standards set forth in Division 6 of this article instead of those set forth in this division. Nonresidential uses shall be subject to the design and development standards set forth in Division 12 of this article.

Sec. 41-259. **Uses permitted in the R3 district.** The following uses are permitted in the R3 district:

(a) All uses permitted in the R2 district pursuant to section 41-247.

(b) Multiple-family dwellings.

Sec. 41-259.5. **Uses subject to a conditional use permit in the R3 district.** The following uses may be permitted in the R3 district subject to the issuance of a conditional use permit:

(a) Any use which may be permitted in the R2 district subject to the issuance of a conditional use permit pursuant to section 41-247.5.

(b) Lodging houses, care homes, fraternity houses, and sorority houses.

(c) Sanitariums and hospitals.

Sec. 41-260. **Classification of multiple-family dwelling developments.** For purposes of this division, multiple-family dwelling developments are classified as follows:

Class I - Developments having a density of twenty-two (22) or less dwelling units per acre.

Class II - Developments having a density of more than twenty-two (22) dwelling units per acre but not more than thirty-five (35) dwelling units per acre.

Class III - Developments having a density of more than thirty-five (35) dwelling units per acre but not more than sixty (60) dwelling units per acre.

Class IV - Developments having a density of more than sixty (60) dwelling units per acre.

The density of a multiple-family dwelling development is determined by multiplying the number of dwelling units in the development by a fraction, the numerator of which is forty-three thousand five hundred sixty (43,560) square feet and the denominator of which is the number of square feet in the development site.

Sec. 41-261. **Density.** The density of a multiple-family dwelling development, as determined pursuant to section 41-260, shall not exceed the density limit, if any, prescribed by the general plan of the city for the area of the city in which the development is located.

Sec. 41-262. **Site size limitation.**

(a) The number of dwelling units in a multiple-family dwelling development having less than standard site size, as hereinafter defined, shall not exceed its site size limitation, as hereinafter defined. The definitions hereinafter set forth are for purposes of this section only.

(b) *Standard site size* means:

(1) For class I developments: Twelve thousand (12,000) square feet.

(2) For class II developments: Twenty-one thousand seven hundred (21,700) square feet.

(3) For class III developments: Forty-three thousand five hundred (43,500) square feet.

(4) For class IV developments: Sixty-five thousand three hundred (65,300) square feet.

(c) *Conformance quotient* means the number obtained by dividing the actual size of the development site, expressed in square feet, by its standard site size.

(d) *Base density* means:

(1) For class I developments: Fifteen (15) dwelling units per acre.

(2) For class II developments: Twenty-two (22) dwelling units per acre.

(3) For class III developments: Thirty-five (35) dwelling units per acre.

(4) For class IV developments: Sixty (60) dwelling units per acre.

(e) *Potential additional density* means:

(1) For class I developments: Seven (7) dwelling units per acre.

(2) For class II developments: Thirteen (13) dwelling units per acre.

(3) For class III developments: Twenty-five (25) dwelling units per acre.

(4) For class IV developments: Thirty (30) dwelling units per acre.

(f) *Actual additional density* means the number of dwelling units per acre obtained by multiplying a development's potential additional density by its conformance quotient.

(g) *Allowable site size density* means the number obtained by adding a development's actual additional density to its base density.

(h) *Site size limitation* means the number of dwelling units obtained by multiplying a development's allowable site size density by a fraction, the numerator of which is the actual size of the development site, expressed in square feet, and the numerator of which is forty-five thousand five hundred sixty (45,560) square feet.

Sec. 41-263. **Density bonuses.** The limitations of sections 41-261 and 41-262 may be exceeded as appropriate to allow a density bonus authorized or required by state law.

Sec. 41-264. **Minimum street frontage.** The primary street frontage of any multiple-family dwelling development shall have an extension equal to or greater than the following:

(1) Class I developments: Seventy-five (75) feet.

(2) Class II developments: One hundred thirty-five (135) feet.

(3) Class III developments: One hundred thirty-five (135) feet.

(4) Class IV developments: Two hundred (200) feet.

Sec. 41-265. **Building setbacks generally.**

(a) As used in sections 41-266 and 41-267, the term "absolute minimum setback" means the minimum required distance between any part of a building and any part of the nearest property line thereto. No part of any multiple-family dwelling shall encroach into any absolute minimum setback.

(b) As used in sections 41-266 and 41-267, the term "minimum average setback" means the minimum required average distance between a face of a building and the property line nearest thereto. Private decks and balconies may encroach into a minimum average setback.

(c) The front yard building setback requirements in sections 41-266 and 41-267 apply to all buildings within a multiple-family dwelling development, including accessory buildings such as garages, carports and recreational buildings. The rear and side yard building setback requirements in such sections apply only to buildings in which dwelling units are located; provided, however, that if an accessory building is located within a rear or side yard building setback area, the distance between such accessory building and the nearest dwelling unit building shall equal or exceed that building setback requirement.

Sec. 41-266. **Building setback requirements for class I developments.**

(a) The front yard building setback requirements for class I developments are as follows:

(1) The absolute minimum setback is twenty (20) feet.

(2) If a building is more than ten (10) feet high but not more than twenty (20) feet high, its minimum average setback is twenty-five (25) feet.

(3) If a building is more than twenty (20) feet high but not more than thirty (30) feet high, its minimum average setback is twenty-five (25) feet plus six (6) inches for each foot by which the building's height exceeds twenty (20) feet.

(4) If a building is thirty (30) feet high or higher, its minimum average setback is thirty (30) feet.

(b) The side yard building setback requirements for class I developments are as follows:

(1) The absolute minimum setback is six (6) feet, except that, for any side yard facing on a street, the absolute minimum setback for the ground level story shall be ten (10) feet or the average depth of the front yards of residential buildings on such street in the vicinity of the development, whichever is greater.

(2) If a building is more than ten (10) feet high but not more than twenty (20) feet high, its minimum average setback is eight (8) feet.

(3) If a building is more than twenty (20) feet high but not more than twenty-eight (28) feet high, its minimum average setback is eight (8) feet plus six (6) inches for each foot by which the buildings height exceeds twenty (20) feet.

(4) If a building is twenty-eight (28) feet high or higher, its minimum average setback is twelve (12) feet.

(c) The rear yard absolute minimum setback is fifteen (15) feet.

Sec. 41-267. Building setback requirements for class II developments.

(a) The front yard building setback requirements for class II developments are as follows:

(1) The absolute minimum setback is fifteen (15) feet.

(2) If a building is more than ten (10) feet high but not more than twenty (20) feet high, its minimum average setback is twenty (20) feet.

(3) If a building is more than twenty (20) feet high but not more than forty (40) feet high, its minimum average setback is twenty (20) feet plus six (6) inches for each foot by which the building's height exceeds twenty (20) feet.

(4) If a building is forty (40) feet high or higher, its minimum average setback is thirty (30) feet.

(b) The rear and side yard setback requirements for class II developments are the same as those specified in section 41-266 for class I developments.

Sec. 41-268. Building setback requirements for class III and class IV developments.

(a) The absolute minimum setbacks for buildings in class III or class IV developments and the minimum average setbacks for all such buildings which are not more than forty-five (45) feet high are the same as those specified in section 41-267 for class II developments.

(b) The front yard minimum average setback for a building more than forty-five (45) feet high in a class III or class IV development is as follows:

(1) If the building is less than sixty (60) feet high, the minimum average setback is thirty (30) feet plus six (6) inches for each foot by which the building's height exceeds fifty (50) feet.

(2) If the building is sixty (60) feet high or higher, the minimum average setback is thirty-five (35) feet.

(c) The side yard minimum average setback for a building more than forty-five (45) feet high in a class III or class IV development is as follows:

(1) If the building is less than fifty (50) feet high, the minimum average setback is twenty-two and one-half (22½) feet plus six (6) inches for each foot by which the building's height exceeds forty-five (45) feet.

(2) If the building is fifty (50) feet high or higher, the minimum average setback is twenty-five (25) feet.

(d) The rear yard minimum average setback for a building more than forty-five (45) feet high in a class III or class IV development is as follows:

(1) If the building is less than fifty (50) feet high, the minimum average setback is twenty-seven and one-half (27½) feet plus six (6) inches for each foot by which the building's height exceeds forty-five (45) feet.

(2) If the building is fifty (50) feet high or higher, the minimum average setback is thirty (30) feet.

Sec. 41-269. Building height.

(a) Buildings in class I, class II or class III developments shall not exceed the following height limitations.

(1) In class I developments: Thirty-five (35) feet.

(2) In class II developments: Forty-five (45) feet.

(3) In class III developments: Sixty (60) feet.

(b) There is no height limitation on buildings in a class IV development.

(c) Mechanical and other appurtenances to buildings may extend above the height limitations imposed by this section, subject to screening standards and height and size limitations adopted pursuant to section 41-272.06.

(d) The filing with the city of development plans for any development including one (1) or more buildings more than three (3) stories high shall be accompanied by the filing of a shade and shadow analysis and diagram showing such building's impact on surrounding properties.

Sec. 41-270. Open spaces.

(a) Usable open space shall be provided at the rate of two hundred fifty (250) square feet of area for each residential unit. Such usable space shall be divided between (1) passive common open space and (2) active open space and (3) private open space, as follows:

(1) *Passive common open space:*

a. Passive common open space shall be provided at the rate of at least one hundred (100) square feet per residential unit, and there shall be at least one (1) area of passive common open space in each project that is at least seven hundred fifty (750) square feet in size and has minimum dimensions of twenty (20) feet in each direction.

b. Passive common open space shall be undisturbed soil at natural grade and shall be a minimum of forty (40) per cent of the total open space required within the project.

c. Passive common open space shall consist of ground level open space which s primarily sod-covered or landscaped and which may provide such amenities as barbecue grills and picnic furniture.

(2) *Active open space:*

a. There shall be at least one (1) area of active open space that is at least five hundred (500) square feet in size and has a minimum dimension of at least twenty (20) feet in each direction.

b. Active open space shall be a minimum of forty (40) per cent of the total open space required within the project.

c. Active open space shall consist of such amenities as swimming pools, jacuzzis and tennis courts. These facilities may only be used to satisfy the active open space requirement.

d. An enclosed room for recreational purposes may be provided to satisfy the active open space requirements, subject to the following standards:

1. A maximum of twenty (20) per cent of the total open space required within the project may be counted for recreational building space.

2. Recreational building space shall consist of such amenities as recreation rooms, exercise facilities and saunas. Recreational building space may be constructed within a structure or at some point other than ground level.

3. Recreational building space must be maintained in perpetuity within the project and shall not be converted to alternative uses other than a different recreational use.

(3) *Private open space:*

a. Private open space provided within an individual unit shall be no less than ninety (90) square feet and shall have a minimum dimension of six (6) feet in each direction.

b. Only interior courtyards and interior balconies may be counted in satisfying this open space requirement.

c. Exterior balconies that face a public street, alley or arterial street shall not be considered in satisfying this open space requirement.

(b) The requirements of subsection (a) of this section are in addition to the building setback requirements of sections 41-265 through 41-268. That portion of the site which lies between a property line and the minimum building setback distance measured from such property line shall not be included in the determination of open space for purposes of such subsection.

(c) For calculation purposes, the yard setback area which is contiguous to the passive common open space may be included in the total requirement of passive common open space for the project. Either the total side yard or the rear yard or the front yard (up to the footage equal to the rear yard) may be involved in those calculations. This area must be easily accessible to all units through public areas.

(d) Class III and class IV developments are subject to the following additional requirements: Not more than sixty (60) per cent of the development site area shall be devoted to main or accessory buildings, covered or open parking areas, driveways and other nonopen space uses. The remaining parcel area shall be devoted to passive or active open space, including landscaped activity areas, game courts, swimming pools, putting greens, walkways and passive recreational uses, amenities or other features for the exclusive use of project residents and their guests.

Sec. 41-271. Balconies and decks.

(a) Any balcony or deck which is constructed as an appurtenance to a dwelling unit shall be not less than ninety (90) square feet in size and have dimensions of at least six (6) feet in each direction, and shall be screened from view from outside the building to up to the minimum height for a guardrail for such balcony or deck as established by the Uniform Building Code.

(b) Courtyards and interior balconies may be counted in satisfying the private open space requirement. Exterior balconies that face a public street or arterial street shall not be considered in satisfying the private open space requirement.

Sec. 41-272. **Storage space.** For each dwelling unit, there shall be a separate, enclosed, lockable storage space area reserved for the occupants of such dwelling unit. Such storage space may be located in the garage space allocated to such unit or elsewhere within the development, but may not be directly accessible from the dwelling unit. Such storage space shall be at least two hundred fifty (250) cubic feet in size and shall have minimum dimensions of four (4) feet by eight (8) feet.

Sec. 41-272.01. **Size of dwelling units.**

(a) The gross floor area of each dwelling unit shall equal or exceed the following standards:

(1) Bachelor units: Four hundred fifty (450) square feet.

(2) One-bedroom units: Five hundred fifty (550) square feet.

(3) Two-bedroom units: Seven hundred fifty (750) square feet.

(4) Three-bedroom units: Nine hundred fifty (950) square feet.

(b) The gross floor area of a dwelling unit shall be calculated exclusive of garages, carports, private balconies and/or private open space.

Sec. 41-272.02. **Off-street parking.** Off-street parking shall be provided in accordance with Article XV of this chapter. All such parking spaces, except spaces for visitor parking, must be covered and screened from neighboring properties.

Sec. 41-272.03. **Landscaping.**

(a) An area equal or greater in depth to the required building setback along every portion of the property line of a multiple-family dwelling development that abuts a street shall be completely landscaped, except for vehicular and pedestrian accessways.

(b) Prior to the issuance of any building permit for the construction of a multiple-family dwelling development, the developer shall submit to the city, and the planning division shall approve, a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(c) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(d) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

Sec. 41-272.04. **Determination of number of bedrooms in dwelling unit**. For purposes of determining the minimum dwelling unit size pursuant to section 41-272.01 and the number of required off-street parking spaces required for a development pursuant to Article XV of this chapter, the planning division may determine that any area shown

on the floor plan of a dwelling unit shall be deemed a bedroom even though not designated as such on such plan, provided such area exceeds eighty (80) square feet and is reasonably usable as a bedroom or is readily convertible to use as a bedroom by the construction of a single partition wall and/or an additional doorway.

Sec. 41-272.05. **Restriction on division of developments.** No site which has been developed as a multiple-family dwelling development shall thereafter be divided into two (2) or more parcels under separate ownership unless each parcel which would result from such division complies on its own with all the requirements of this division.

Sec. 41-272.06. **Supplementary regulations and specific development objectives.**

(a) The planning commission is authorized to adopt regulations supplementary to and consistent with the provisions of this division in order to clarify the general application of such provisions.

(b) The planning commission is further authorized to set development objectives for individual proposed multiple-family dwelling developments. Such objectives shall be consistent with the provisions of this division and shall be for the purpose of clarifying the application of such provisions specifically to the proposed development and promoting the purposes of this division.

(c) Development project plans approved pursuant to sections 41-668 through 41-674 for multiple-family dwelling developments shall be consistent with any and all regulations or development objectives established pursuant to this section which are applicable to such development, subject to the appeal process set forth in such sections.