

Division 23-3C-3: Residential House-Scale Zones

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23-3C-3010 Purpose

- (A) This division establishes the requirements for land use and building form requirements within the Residential House Scale zones. The requirements implement the Comprehensive Plan. These requirements are intended to ensure that proposed development is compatible with existing development, and to produce an environment of desirable character that is consistent with the Comprehensive Plan and any other applicable area plan.

23-3C-3020 Applicability

- (A) The requirements in this division apply to a site within Residential House-Scale zones.
- (B) The uses allowed in Residential House-Scale zones are subject to the requirements of this division and any applicable regulations within Article 23-3D (Supplemental to Zones).
- (C) In addition to the requirements included within this division and Article 23-3D (Supplemental to Zones), a lot or use may also be subject to the following provisions of this Title:
 - (1) Division 23-3D-6 (Building Design Standards);
 - (2) Division 23-3D-8 (Outdoor Lighting);
 - (3) Division 23-3D-10 (Additional General Standards);
 - (4) Article 23-4C (Urban Forest Protection and Replanting);
 - (5) Article 23-4D (Water Quality);
 - (6) Article 23-4E (Affordable Housing);

- (7) Chapter 23-7 (Signage); and
 - (8) Article 23-9E (Drainage).
- (D) The provisions identified in Subsection (C) may not be a complete list of requirements to a lot or use. Failure to include a specific provision in Subsection (C) or anywhere else in this division does not exempt the lot or use from complying with the provision.

23-3C-3030 Allowed Land Uses and Permit Requirements

- (A) **Allowed Land Uses.** Table 23-3C-3030(A) (Allowed Uses in Residential House-Scale Zones) establishes the land uses allowed in each Residential House-Scale zone.
- (1) Each land use listed is defined in Division 23-3C-2 (Land Use Definitions).
- (B) **Permit Required.** If Table 23-3C-3030(A) (Allowed Uses in Residential House-Scale Zones) identifies a permit requirement for the land use, then a property may not be used until the property owner or property operator obtains a permit.
- (C) **Additional Requirements.** If a land use is subject to additional requirements, Table 23-3C-3030(A) (Allowed Uses in Residential House-Scale Zones) identifies the section within Division 23-3D-1 (Specific to Use) that applies.
- (D) **Uses Not Allowed.** If a land use is marked with “—” or is not included in Table 23-3C-3030(A) (Allowed Uses in Residential House-Scale Zones), it is not allowed in the Residential House-Scale zone.

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Bed and Breakfast	23-3D-1100	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P
Co-housing		P	P	P	P	P	P	P	P
Cottage Court	23-3D-1160	—	—	—	—	—	—	P	P
Duplex	23-3D-1180	P	P	—	P	P	P	P	P
Group Residential		—	—	—	—	—	—	P	P
Home Occupations	23-3D-1220	P	P	P	P	P	P	P	P
Multi-family		—	—	—	—	—	—	P	P
Senior/Retirement Housing	23-3D-1370	P	P	P	P	P	P	P	P
Single-Family		P	P	P	P	P	P	P	—
Single-Family Attached		—	—	—	P	P	—	P	—
Short-term Rental									
Type 1	23-3D-1380	P	P	P	P	P	P	P	P
Townhouse	23-3D-1420	—	—	—	—	—	—	P	P
(2) Residential Support									
No Residential Support uses allowed									
COMMERCIAL									
(3) Services									
Adult Care									
Small ≤6		P	P	P	P	P	P	P	P
Large 7 ≥ and ≤20		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Commercial ≥21		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Childcare									
Small ≤12		P	P	P	P	P	P	P	P
Large 13 ≥ and ≤36		CUP	CUP	CUP	CUP	CUP	CUP	P	P
Commercial ≥37		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

Notes for Table 23-3C-3030(A)

¹Allowed only through utilization of the Preservation Incentive.

Key for Table 23-3C-3030(A)

P Permitted Use
 MUP Minor Use Permit Required
 P/CUP Permitted Use or Conditional Use Permit Required. See Division 23-3D-1 (Specific to Use).
 — Not Allowed
 CUP Conditional Use Permit Required

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones (continued)									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
(4) Office									
No Office uses allowed									
(5) Automobile Related									
No Automobile Related uses allowed									
(6) Retail									
Food Sales	23-3D-1190	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
(7) Restaurant and Bar									
No Restaurant and Bar uses allowed									
(8) Entertainment and Recreation									
Recreation									
Indoor ≤ 5,000 sf	23-3D-1310	—	CUP	CUP	CUP	CUP	CUP	CUP	MUP
Indoor > 5,000 sf	23-3D-1310	—	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Outdoor, Formal	23-3D-1310	P	CUP	CUP	CUP	CUP	CUP	CUP	MUP
Outdoor, Informal	23-3D-1310	P	P	P	P	P	P	P	P
Outdoor, Natural	23-3D-1310	P	P	P	P	P	P	P	P
INDUSTRIAL									
(9) Industrial									
No Industrial uses allowed									
(10) Innovation and Technology									
No Innovation and Technology uses allowed									

Key for Table 23-3C-3030(A)	
P	Permitted Use
MUP	Minor Use Permit Required
P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-3D-1 (Specific to Use).
—	Not Allowed
CUP	Conditional Use Permit Required

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones (continued)									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
AGRICULTURAL									
(11) Agriculture									
Community Agriculture	23-3D-1130	P	P	P	P	P	P	P	P
Stables		—	CUP	—	—	—	—	—	—
CIVIC									
(5) Civic and Public Assembly									
Library, Museum, or Public Art Gallery		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Meeting Facility (public or private)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public Safety Facility		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Religious Assembly Facility		P	P	P	P	P	P	P	P
School									
Business or Trade	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
College or University	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Private Primary	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Private Secondary	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public Primary	23-3D-1360	P	P	P	P	P	P	P	P
Public Secondary	23-3D-1360	P	P	P	P	P	P	P	P
OTHER									
(13) Other									
Accessory Uses	23-3D-1050	P	P	P	P	P	P	P	P
Communications	23-3D-1120	P	P	P	P	P	P	P	P
Utilities									
Local		P	P	P	P	P	P	P	P
Telecommunications	23-3D-1380	P/CUP	P	P	P	P	P	P	P
Special Uses	23-3D-1390	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

Key for Table 23-3C-3030(A)

P	Permitted Use	—	Not Allowed
MUP	Minor Use Permit Required	CUP	Conditional Use Permit Required
P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-3D-1 (Specific to Use).		

23-3C-3040 Parking Requirements

- (A) **Parking Required.** The off-street parking requirements for each use allowed within Residential House-Scale Zones is established in Table 23-3C-3040 (A) (Parking Requirements for Residential House Scale Zones).
- (B) **Maximum Number of Parking Spaces.**
- (1) Developments over 10,000 square feet in floor area or containing 25 or more residential units may not exceed 1.75 times the minimum number of parking spaces required. Maximum is calculated prior to any applicable parking reductions.
 - (2) Lots with frontage on a Corridor or wholly or partially located within a Center may not exceed 1.25 times the minimum number of parking spaces required. Maximum is calculated prior to any applicable parking reductions.
 - (3) The director may approve an administrative modification permitting parking in excess of the maximum number of parking spaces required by this subsection if:
 - (a) The parking is part of a shared off-site parking facility and noted as a condition on the site plan; and
 - (b) The director finds that excess parking is supported by market conditions and does not undermine established planning policies for the area.
- (C) **Garage Parking Placement.**
- (1) **Applicability.** This section applies to a single-family residential use, single-family attached use, or a duplex use.
 - (2) In this section:
 - (a) **BUILDING FACADE** means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and the term excludes the building facade of the portion of the principal structure designed or used as a parking structure. Projections from front-facing exterior walls, including, but not limited to, eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.
 - (b) **PARKING STRUCTURE** means a garage or carport, either attached or detached from the principal structure.
 - (3) **Parking Structure.** A parking structure with an entrance that faces the front yard abutting right-of-way:
 - (a) May not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade; and
 - (b) May not be closer to the front lot line than 18 feet; and
 - (c) For a lot width greater than 45 feet:
 - (i) If the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot;

- (d) For a lot width less than 45 feet, but more than 30 feet:
 - (i) If the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 100 percent the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot.
- (e) Subsection (C)(3)(c) and (d) do not apply to lots if the lot width is less than 30 feet.
- (4) **Parking Space.** A motor vehicle may only be parked or stored on a driveway or paved parking space inside the property line. A parking space may not be located in a front yard, except for a parking space in a driveway when:
 - (a) The driveway is approximately 90 degrees to the street right-of-way; or
 - (b) The driveway is 45 to 90 degrees to the street right-of-way for circular driveways. A circular driveway is only permitted when the primary street is a Corridor, or the director determines that backing a motor vehicle onto the adjacent roadway is unsafe.
- (5) **Front Yard Impervious Cover.**
 - (a) For a lot width greater than 45 feet:
 - (i) The impervious cover in a front yard may not exceed 45 percent.
 - (b) For a lot width less than 45 feet:
 - (i) The impervious cover in a front yard may not exceed 50 percent.
 - (c) Subsection 23-3D-3040 (C)(5)(a) and (b) do not apply to lots if the lot width is less than 30 feet.
 - (d) The director may waive Subsection 23-3C-3040(C)(5)(a)-(b) if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.
- (D) **Parking Reductions.** See Section 23-3D-2050 (Off-street Motor Vehicle Parking Reductions) for standards for parking adjustment from Table 23-3C-3040(A) (Parking Requirements for Residential House-Scale Zones).

Table 23-3C-3040(A) Parking Requirements for Residential House-Scale Zones	
Use Type	Off-Street Parking Requirement
RESIDENTIAL	
(1) Residential	
Accessory Dwelling Unit - Residential	None required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 3 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Home Occupations	None required
Senior/ Retirement Housing	0.8 per unit
All other allowed Residential uses	1 per unit
(2) Residential Support	
No Residential support uses allowed	
COMMERCIAL	
(3) Services	
All allowed Service uses	1 per 1000 sf
(4) Office	
No office uses allowed	
(5) Automobile Related	
No Automobile Related uses allowed	Use not allowed in zones
(6) Retail	
Food Sales	1 per 350 sf
All other allowed Retail uses	As determined by the director
(7) Restaurant and Bars	
No Restaurant and Bar uses allowed	Use not allowed in zones
(8) Entertainment and Recreation	
All allowed Entertainment and Recreation uses	As determined by the director
INDUSTRIAL	
(9) Industrial	
No Industrial uses allowed	Use not allowed in zones
(10) Innovation and Technology	
No Innovation and Technology uses allowed	Use not allowed in zones
AGRICULTURAL	
(11) Agriculture	

Table 23-3C-3040(A) Parking Requirements for Residential House-Scale Zones (continued)	
Use Type	Off-Street Parking Requirement
All allowed Agriculture uses	≤ 5,000 sf - None required > 5,000 sf - As determined by director
CIVIC	
(12) Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 500 sf
All other allowed Civic and Public Assembly uses	As determined by the director
OTHER	
(13) Other	
All allowed Other uses	As determined by the director

23-3C-3050 General to Residential House-Scale Zones

- (A) **Applicability.** The standards of this section apply to all development in the Residential House-Scale zones, unless otherwise provided in this section. When in conflict, the standards of this section supersede the standards of the base zone.
- (B) **Height.**
 - (1) **Top Plate.** Top plate height refers to the maximum height to top of top plate within 10 feet of the property line on all sides of the lot.
 - (2) **Maximum Height.** Beyond 10 feet of the property line, the structure may reach the maximum overall height allowed by the base zone.
 - (3) **Restrictions.** The following restrictions apply to all roof structures that extend above the top of top plate within 10 feet of the property line:
 - (a) The total width of a side-gabled roof structure may not exceed 30 feet on each side of the structure.
 - (b) A shed roof is not permitted.
 - (c) A dormer may not exceed a width of 15 feet on each side of the structure.
 - (4) For a stepped or terraced building, the top of the top plate and the overall height of each segment is determined individually.
 - (5) Overall height shall be measured from natural grade if the site is located within the 100-year floodplain.
- (C) **Units Permitted.**
 - (1) **Single-Family Use.** Only one single-family structure may be built per site.
 - (a) **Exception.** Additional single-family units may be allowed in compliance with the House-Scale Preservation Incentive in Section 23-3C-3060 if single-family use is permitted by the base zone.

- (2) **Accessory Dwelling Unit.** Only one ADU may be built per site, and the total dwelling units per lot shall not exceed the density permitted by the base zone.
 - (a) **Exception.** Additional ADU units may be allowed in compliance with the House-scale Preservation Incentive in Section 23-3C-3060.
 - (3) **All Other Uses.** All other Residential Uses are permitted to be built per site in any number or configuration. The total dwelling units per lot shall not exceed the density permitted by the base zone.
- (D) **Floor Area Ratio.**
- (1) **Floor Area Ratio Calculation.** Floor area shall be calculated according to 23-12A-1030 (Definitions) with the following modifications: garages, carports with habitable space above them, porches with habitable space above them, and attics count as floor area.
 - (a) **Exemptions.**
 - (i) **Garage.** Up to 200 square feet per dwelling unit of floor area is excluded from floor area for all garages, detached or attached.
 - (ii) **Carport.** Up to 200 square feet per dwelling unit of floor area is excluded from floor area for a carport with habitable space above it.
 - (iii) **Porch.** Up to 200 square feet per dwelling unit of floor area is excluded from floor area for a porch with habitable space above it. Porches without habitable spaces above do not count as Floor Area.
 - (iv) **Double Height Space.** An area with a ceiling height greater than 15 feet is counted twice.
 - (v) **Stair.** 60 square feet of floor area is excluded from floor area for a staircase that connects two floors, limited to one staircase per story.
 - (vi) **Attic.** Up to 400 square feet per dwelling unit of floor area is excluded from floor area for an attic.
 - (2) **Maximum Floor Area Ratio.**
 - (a) The maximum FAR for a lot may not exceed the highest FAR allowed in the zone for a permitted use, unless:
 - (i) Additional FAR is obtained by participation in a density bonus program; or
 - (ii) Additional FAR is obtained by utilization of the Preservation Incentive.
 - (3) **Accessory Dwelling Unit.**
 - (a) The floor area of an accessory dwelling unit counts against the FAR limit for the principal use on the lot.
- (E) **Unified Development.** No more than two lots may be joined together through a unified development agreement.

23-3C-3060 House-Scale Preservation Incentive**(A) Purpose and Applicability.**

- (1) By providing development incentives for maintaining certain existing structures, this section encourages preservation of the City's older housing stock while increasing opportunities for new housing.
- (2) This section applies to all residential development on sites within a Residential House-Scale Zone.

(B) Administration and Enforcement.

- (1) To request a development incentive under this section, an applicant must submit a request on a form provided by the director concurrent with a development application. The request must include information required by the director to determine whether the proposed development and the existing structure sought to be preserved comply with all applicable requirements.
- (2) The director may establish requirements for administering and enforcing this section, including procedures for:
 - (a) Determining whether an existing structure meets the requirements for preservation under Subsection (D)(1); and
 - (b) Monitoring compliance with limitations on altering or expanding a preserved structure under Subsection (D)(2).

(C) Preservation Incentives.

- (1) If the director approves a request to preserve an existing structure under Subsection (D), the following incentives apply to development located on the same site as the preserved structure:
 - (a) Development may exceed the maximum number of units allowed on a site in the base zone by one unit;
 - (b) The preserved structure does not count towards the maximum floor area allowed for a site in the base zone;
 - (c) Additional units are not subject to minimum parking requirements; and
 - (d) Within the Residential-2A (R2A), Residential-2B (R2B), and Residential-3 (R3) zones, development may not exceed a maximum impervious cover of:
 - (i) 45 percent, if the site contains two units;
 - (ii) 50 percent, if the site contains three units; and
 - (iii) 55 percent, if the site contains four units.
- (2) Except as provided in Subsection (C)(1), development approved under this section must comply with all applicable requirements of this Title.

- (D) Preservation Requirements.** The preservation incentive established under Subsection (C) applies to proposed development only if the director determines that all applicable requirements of this subsection are met.

- (1) **Eligibility Requirements.** The director shall approve a request to apply the preservation incentive established under Subsection (C) if:
 - (a) For at least 30 years, the structure has existed as the principal use on the site and has remained in the same location;
 - (b) All of the existing structures on the site of the proposed development were constructed in compliance with City Code; and
 - (c) The site complies with all applicable requirements of this Title, including Article 23-2H (Nonconformity); and
 - (d) The proposed development for which the incentive is sought will increase density on the site by at least one dwelling unit.
- (2) **Alterations to Original Structure.** The preserved structure may not be modified or altered except as follows:
 - (a) **Expansion of Structure.** The preserved structure may not be modified or altered to exceed the maximum floor-to-area ratio allowed for the use in the applicable base zone.
 - (b) **Wall Demolition and Removal.**
 - (i) Except as provided in Paragraph (iii), no more than 50 percent of exterior walls and supporting structural elements, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate, of an existing structure may be demolished or removed. For purposes of this requirement, exterior walls and supporting structural elements are measured in linear feet and do not include interior or exterior finishes.
 - (ii) The exterior wall of the preserved structure must be retained, except that a private frontage, per Section 23-3D-5 (Private Frontages), may be added to a preserved structure that does not have a private frontage.
 - (iii) Structural elements, including framing, may be replaced or repaired if necessary to meet health and safety standards. A repair or replacement of a structural element is necessary to meet minimum health and safety standards when the repair or replacement is required by the building official, the code official, the Building and Standards Commission, or a court of competent jurisdiction.
 - (c) **Roof Alterations.**
 - (i) If the structure has a side-gabled, cross-gabled, hipped, or pyramidal roof form, the addition must be set behind the existing roof's ridgeline or peak.
 - (ii) If the structure has a front-gabled, flat, or shed roof form, the addition must be set back from the front wall one-half of the width of the front wall.
 - (iii) Retention of the original roof configuration and pitch up to the greater of:
 - 15' feet from the front façade; or
 - The ridgeline of the original roof.
 - (d) **Alteration or Replacement of Foundation.** Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.
 - (e) **Relocation Prohibited.** A preserved structure may not be relocated.