

Division 23-3C-4: Residential Multi-Unit Zones

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23-3C-4010 Purpose

- (A) This division establishes the requirements for land use and building form for Residential Multi-Unit zones and reflects the community's vision to implement the Comprehensive Plan. These requirements are intended to ensure that proposed development is compatible with existing development and produces an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.

23-3C-4020 Applicability

- (A) The requirements in this division apply to a site within the Residential Multi-Unit zones.
- (B) The uses allowed in Residential Multi-Unit zones are subject to 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 site or use may also be subject to the following provisions in 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 that apply 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-4030 Allowed Land Uses and Permit Requirements

- (A) **Allowed Land Uses.** Table 23-3C-4030(A) (Allowed Uses in Residential Multi-Unit Zones) establishes the land uses allowed in each Residential Multi-Unit zone.
- (1) Each land use listed is defined in Division 23-3C-2 (Land Use Definitions).
- (B) **Permit Required.** If Table 23-3C-4030(A) (Allowed Uses in Residential Multi-Unit Zones) identifies a permit requirement for the land use, then a property may not be used in that manner 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-4030(A) (Allowed Uses in Residential Multi-Unit Zones) identifies the section within Division 23-3D-1 (Specific to Use) that applies.
- (D) **Uses Not Allowed.** If a land use is marked "—" or is not included in Table 23-3C-4030(A) (Allowed Uses in Residential Multi-Unit Zones), it is not allowed in a Residential Multi-Unit Zone.

Table 23-3C-4030(A) Allowed Uses in Residential Multi-Unit Zones							
Use Type	Specific to Use Requirements	RM1	RM2	RM3	RM4	RM5	MH
RESIDENTIAL							
(1) Residential							
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P	P	P	—
Bed and Breakfast	23-3D-1100	P	P	P	P	P	—
Co-housing		P	P	—	—	—	—
Cottage Court	23-3D-1160	P	—	—	—	—	—
Duplex	23-3D-1180	P	—	—	—	—	—
Group Residential		P	P	P	P	P	—
Home Occupations	23-3D-1220	P	P	P	P	P	P
Live/Work	23-3D-1230	P	P	P	P	P	—
Manufactured Home		—	—	—	—	—	P
Multi-Family		P	P	P	P	P	—
Senior/Retirement Housing	23-3D-1370	P	P	P	P	P	—
Single-Family Attached		P	—	—	—	—	—
Short-term Rental							
Types 1	23-3D-1380	P	P	P	P	P	P
Types 3	23-3D-1380	—	P	P	P	P	P
Townhouse	23-3D-1420	P	P	P	P	P	—

Key for Table 23-3C-4030(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).		

Allowed Land Uses and Permit Requirements

Table 23-3C-4030(A) Allowed Uses in Residential Multi-Unit Zones (continued)							
Use Type	Specific to Use Requirements	RM1	RM2	RM3	RM4	RM5	MH
(2) Residential Support							
Residential Care Facility		—	—	MUP	P	P	—
Transitional Housing		—	—	CUP	CUP	CUP	—
COMMERCIAL							
(3) Services							
Adult Care							
Small ≤6		P	P	P	P	P	P
Large 7 ≥ and ≤20		P	P	P	P	P	P
Commercial ≥21		CUP	CUP	CUP	CUP	CUP	CUP
Childcare							
Small ≤12		P	P	P	P	P	P
Large 13 ≥ and ≤36		P	P	P	P	P	P
Commercial ≥37		CUP	CUP	CUP	CUP	CUP	CUP
(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
(7) Restaurant and Bar							
Mobile Food Sales	23-3D-1250	—	CUP	CUP	CUP	CUP	—
(8) Entertainment and Recreation							
Recreation							
Indoor ≤ 5,000 sf	23-3D-1310	MUP	MUP	MUP	MUP	MUP	CUP
Indoor > 5,000 sf	23-3D-1310	MUP	MUP	MUP	MUP	MUP	CUP
Outdoor, Formal	23-3D-1310	CUP	CUP	CUP	CUP	CUP	CUP
Outdoor, Informal	23-3D-1310	P	P	P	P	P	P
Outdoor, Natural	23-3D-1310	P	P	P	P	P	P

Key for Table 23-3C-4030(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).		

Table 23-3C-4030(A) Allowed Uses in Residential Multi-Unit Zones (continued)							
Use Type	Specific to Use Requirements	RM1	RM2	RM3	RM4	RM5	MH
(9) Industrial							
No Industrial uses allowed							
(10) Innovation and Technology							
No Innovation and Technology uses allowed							
AGRICULTURAL							
(11) Agriculture							
Community Agriculture	23-3D-1130	P	P	P	P	P	P
CIVIC							
(12) Civic and Public Assembly							
Library, Museum, or Public Art Gallery		CUP	CUP	CUP	CUP	CUP	CUP
Meeting Facility (public or private)		CUP	CUP	CUP	CUP	CUP	CUP
Public Safety Facility		CUP	CUP	CUP	CUP	CUP	CUP
Religious Assembly Facility		P	P	P	P	P	P
School							
Business, or Trade	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP
College or University	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP
Private Primary	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP
Private Secondary	23-3D-1360	CUP	CUP	CUP	CUP	CUP	CUP
Public Primary	23-3D-1360	P	P	P	P	P	P
Public Secondary	23-3D-1360	P	P	P	P	P	P
OTHER							
(13) Other							
Accessory Uses	23-3D-1050	P	P	P	P	P	P
Communications	23-3D-1120	P	P	P	P	P	P
Utilities							
Local		P	P	P	P	P	P
Telecommunications	23-3D-1410	P	P	P	P	P	P
Special Uses	23-3D-1390	CUP	CUP	CUP	CUP	CUP	CUP

Key for Table 23-3C-4030(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-4040 Parking Requirements

- (A) **Parking Required.** Required off street parking in the Residential Multi-Unit Zones is provided in Table 23-3C-4040(A) (Parking Standards for Residential Multi-Unit 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 offsite 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) **Parking Reductions.** See Section 23-3D-2050 (Off-street Motor Vehicle Parking Reductions) for standards for parking adjustment from Table 23-3C-4040(A) (Parking Requirements for Residential Multi-Unit Zones).

Table 23-3C-4040(A) Parking Requirements for Residential Multi-Unit 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
Co-housing	1 plus 1 per every 3 sleeping units
Group Residential	1 plus 1 per every 3 sleeping units
Home Occupations	None required
Senior/ Retirement Housing	0.8 per unit
All other allowed Residential uses	1 per unit
(2) Residential Support	
Residential Care Facility	0.8 per unit
Transitional Housing	1 plus 1 per every 3 bedrooms
COMMERCIAL	
(3) Services	
All other allowed Service uses	1 per 500 sf
(4) Office	
No Office uses allowed	
(5) Automobile Related	
No Automobile Related uses allowed	

Table 23-3C-4040(A) Parking Requirements for Residential Multi-Unit Zones (continued)	
Use Type	Off-Street Parking Requirement
(6) Retail	
Food Sales	1 per 350 sf
All other allowed Retail uses	As determined by the director
(7) Restaurant and Bar	
Mobile Food Sales	None required
All other allowed Restaurant and Bar uses	As determined by the director
(8) Entertainment and Recreation	
All other 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	
(10) Agriculture	
All allowed Agriculture uses	≤ 5,000 sf - None required, > 5,000 sf - as determined by Director
CIVIC	

Table 23-3C-4040(A) Parking Requirements for Residential Multi-Unit Zones (continued)	
Use Type	Off-Street Parking Requirement
(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-4050 General to Residential Multi-Unit Zones

- (A) **Applicability.** The standards of this section apply to all development in the Residential Multi-Unit zones, unless otherwise provided in this section. When in conflict, the standards of this section supersede the standards of the base zone.
- (B) **Floor Area Ratio.**
- (1) **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:
- Additional FAR is obtained by participation in a density bonus program; or
 - Additional FAR is obtained by utilization of the Preservation Incentive.
- (2) **Accessory Dwelling Unit.**
- (a) The floor area of an accessory dwelling unit counts against the FAR limit for the principal use on the lot.
- (C) **Building Frontage and Form.**
- (1) **Building Form.**
- (a) The building form standards are established in the base zone with the following exceptions:
- Narrow Interior Lots.** Narrow interior lots less than 65 feet wide with only a single point of access to a public roadway are exempt from building placement form standards
- (2) **Alternate Active Private Frontage.** As an option, active private frontage may be used to substitute in whole, or in part, for the net frontage standards as required in the zone. Active private frontage must conform to the standards of this subsection. See Figure 23-3C-4050(1) (Building Placement and Alternative) for reference.
- (a) Active private frontage may be a maximum of 20 feet deep.
- (b) Active private frontage areas must include one or more of the following amenities:
- Accessory outdoor dining, if the dining area is separated from the public right-of-way Figure 23-3C-4050(1) Building Placement and Alternative using planters, shrubs, or fencing with a maximum height of 42 inches;
 - A balcony, pedestrian sidewalk, accessible ramp, or Private Frontage that complies with Division 23-3E-1 (Private Frontages);
 - Landscape with at least one water feature;
 - A plaza; or
 - Merchandise display and sale that are incidental to the use.
- (c) An amenity provided in active public use areas may not obstruct the open pedestrian connection between the building's primary entrance and the sidewalk.
- (D) **Unified Development.** Within the Residential Multi-Unit 1 (RM1) zone, no more than two lots may be joined together through a unified development agreement.

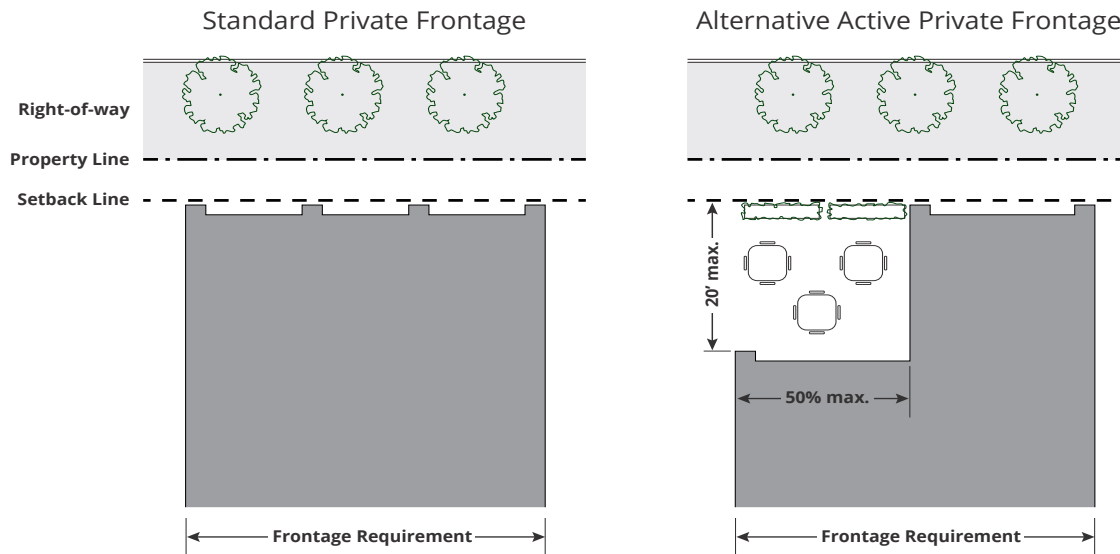


Figure 23-3C-4050(1) Building Placement and Alternative

(E) **Building Entrance.**

- (1) A pedestrian entrance must face and connect directly to the primary street, or for corner lots, to the primary or side street.
- (2) Pedestrian entrances must be provided at least every 75 feet along the elevation facing the primary street.
- (3) Exemptions. 23-4D-4050(E)(1) and (2) are not required if the following conditions are met:
 - (a) At least 80 percent of the net building frontage consists of building facade built to the minimum setback line;
 - (b) The building has a continuously shaded sidewalk linking the sidewalk to the building entrance; and
 - (c) The entrance is less than 100 feet from the property line.

23-3C-4060 Multi-Unit Preservation Incentive

(A) **Purpose and Applicability.**

- (1) By providing development incentives for maintaining certain existing structures, this section encourages preservation of older housing stock while increasing opportunities for new housing.
- (2) This section applies to all residential development on sites within a Residential Multi-Unit Zone.
 - (a) **Exception.** This section does not apply to the Residential Multi-Unit 1 (RM1) Zone. A property zoned RM1 that participates in the preservation incentive must comply with Section 23-3C-3060 (House-Scale Preservation Incentive).

(B) Administration and Enforcement.

- (1) To request the development incentives established in this section, an applicant must submit a request on a form provided by the director concurrent with submittal of 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 dwelling units:
 - (a) Development may exceed the maximum number of units allowed in the base zone by 50 percent; and
 - (b) The structures that contain the preserved dwelling units do not count towards the maximum site-level floor area allowed in the base zone.
- (2) Except as provided in Subsection (C)(1), development approved under this section is subject to all applicable requirements of this Title.

(D) Preservation Requirements. The preservation incentives established under Subsection (C) apply 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 incentives established under Subsection (C) if:
 - (a) For at least 30 years, the principle use of the site of the proposed development has been residential use;
 - (b) At least one or more of the existing structures on the site was constructed at least 30 years prior to the application date;
 - (c) The proposed development will retain a minimum of 75 percent of:
 - (i) The existing dwelling units; or
 - (ii) The dwelling units that existed on site five years preceding the application date; and
 - (d) All of the existing structures on the site of the proposed development were constructed in compliance with City Code;
 - (e) The site complies with all applicable requirements of this Title, including Article 23-2H (Nonconformity); and
 - (f) The proposed development that will receive the incentive will increase density on the site by at least 10 percent.

- (2) **Alterations to Original Structure.** Each existing structure with preserved dwelling units may not be modified or altered except as follows:
- (a) **Expansion of Structure.** The 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 front exterior wall of each existing structure that faces the primary street must be retained, except that a private frontage may be added to a existing structure that does not have a private frontage.
 - (iii) Structural elements, including framing, may be replaced or repaired if necessary to meet minimum 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) 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.