

**File ZDO-219**  
**Proposed Zoning and Development Ordinance Amendment**  
**Draft Dated 2/11/10**

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1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND  
VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5) (12/20/07)

1603.01 PRIMARY USES

- A. One detached single-family dwelling, residential home, or, subject to Section 824, manufactured home; (3/24/05)
- B. One attached single-family dwelling, provided that no more than two of these dwellings may be attached in succession; (3/24/05)
- C. One attached single-family dwelling in the VR-4/5 zone when transferring density from a Resource Protection Area, subject to Subsections 1604.06(D) through (I) in lieu of Subsections 1603.06(E) through (K); (3/24/05)
- D. Utility carrier cabinets, subject to Section 830; (3/24/05)
- E. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835; (3/24/05)
- F. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a noncommercial nature, provided that any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential district. These uses may be designated Open Space Management under Section 702 when the criteria under Section 1011 are satisfied. (3/24/05)

1603.02 ACCESSORY USES

- A. Uses and structures customarily accessory and incidental to a primary use; (3/24/05)
- B. Accessory dwelling units located either above a detached garage, subject to Subsection 1603.06(G), or integral to the primary dwelling unit, subject to Subsection 1603.06(F); (3/24/05)
- C. Home occupations, including bed and breakfast homestays, subject to Section 822; (3/24/05)
- D. Signs, subject to Section 1010; (3/24/05)

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- E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; (3/24/05)
- F. Bus shelters subject to Section 823, bicycle facilities, street furniture, drinking fountains, kiosks, art works, and other pedestrian and transit amenities; (3/24/05)
- G. Solar collection apparatus; (3/24/05)
- H. Family daycare providers. (3/24/05)

1603.03 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR (3/14/02)

The following use may be approved by the Planning Director pursuant to Subsection 1305.02: (3/14/02)

- A. Wireless telecommunication facilities listed in Subsections 835.05(A)(2) and (3), subject to Section 835. (3/14/02)

1603.04 CONDITIONAL USES

- A. The following conditional uses may be allowed subject to review by the Hearings Officer pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. (5/22/03)
  - 1. Two- and three-family dwellings, and the conversion of single-family dwellings into two-family dwellings, subject to Section 802; (5/22/03)
  - 2. Churches, subject to Section 804; (5/22/03)
  - 3. Schools, subject to Section 805; (5/22/03)
  - 4. Daycare facilities, subject to Section 807; (5/22/03)
  - 5. Nursing homes, subject to Section 810; (5/22/03)
  - 6. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835; (5/22/03)
  - 7. Attached single-family dwellings that do not qualify as a primary use pursuant to Subsection 1603.01(B) or (C). (3/24/05)

1603.05 PROHIBITED USES (3/24/05)

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- A. Uses of structures and land not specifically permitted; (3/24/05)
- B. The use of a residential trailer or mobile home, except as authorized under Section 1204. (3/24/05)

1603.06 DIMENSIONAL AND DEVELOPMENT STANDARDS (3/24/05)

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100. If there is a conflict between Section 1000 and this subsection, this subsection shall govern. (3/24/05)
- B. Community Plans and Design Plans: Development within a Community Plan or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community Plan or Design Plan. If there is a conflict between this section and a Community Plan or Design Plan, the Community Plan or Design Plan shall govern. (3/24/05)
- C. Parks. Streets, public paths, or open space shall abut the entire perimeter of all parks. In no case shall the rear of a building face a park. Street alignments and lot design shall ensure that building fronts or sides face parks, with building sides acceptable along not more than one-third of a park's perimeter. (3/24/05)
- D. Lot Size: (3/24/05)
  - 1. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-5/7 zoning district shall be no smaller than 5,000 square feet and no larger than 7,000 square feet, or each lot shall be a minimum of 5,000 square feet and the average size of all lots shall not exceed 6,500 square feet. (3/24/05)
  - 2. Except as provided in Subsection 1603.06(D)(3), each lot created in the VR-4/5 zoning district shall be no smaller than 4,000 square feet and no larger than 5,000 square feet, or each lot shall be a minimum of 4,000 square feet and the average size of all lots shall not exceed 5,000 square feet. (3/24/05)
  - 3. The following are exceptions to the lot size requirements of Subsections 1603.06(D)(1) and (2): (3/24/05)
    - a. A portion of a property may be left capable of further division if a master plan is provided demonstrating that the remaining property can be developed consistent with applicable standards. Any area included within the master plan shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D) (1) and (2). (3/24/05)
    - b. The maximum lot size for a new lot created for a preexisting dwelling shall be 15,000 square feet when the parcel is not intended to be divided further in the future and no master plan has been prepared. Such a lot

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shall not be included for purposes of calculating allowable lot size pursuant to Subsections 1603.06(D)(1) and (2). No maximum lot size shall apply to preexisting dwellings in a Resource Protection Area. (3/24/05)

- c. Resource Protection Area shall not be included in the lot-size calculations required pursuant to Subsections 1603.06(D)(1) and (2). Instead, density transfer may be used pursuant to Section 1012 or Resource Protection Area may be developed at a density of 1 dwelling unit per acre. (3/24/05)
  - d. The minimum lot size for flexible-lot-size developments or planned unit developments shall be 4,000 square feet in the VR-5/7 zoning district and 2,000 square feet in the VR-4/5 zoning district. (3/24/05)
4. For subdivisions and partitions, the maximum number of primary dwelling units permitted shall be calculated pursuant to Section 1012. (3/24/05)
- E. Maximum Lot Coverage: 50 percent. (3/24/05)
- F. Primary Dwellings: The following standards apply to primary dwellings. (3/24/05)
- 1. Maximum Building Height: 35 feet. (3/24/05)
  - 2. Setbacks: The following standards do not apply in a Resource Protection Area. (3/24/05)
    - a. Minimum and Maximum Front Yard Setbacks: (3/24/05)
      - 1. The front yard setback of a dwelling with a recessed garage shall be a minimum of 10 feet and a maximum of 18 feet or as close to the street as possible if a public utility easement precludes compliance with the maximum setback standard. Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum setback standard. (3/24/05)
      - 2. The front yard setback of a primary dwelling with an attached garage extending beyond the front facade shall be 20 feet (plus or minus 6 inches) from the sidewalk to the foremost point of the side of the garage with the garage door. (3/24/05)
      - 3. A porch may extend up to 4 feet into the front yard setback. (3/24/05)
      - 4. A primary dwelling on a lot having more than one street frontage is required to comply with the maximum front yard setback only on two intersecting street frontages. The minimum setback shall be met on all

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street frontages. (3/24/05)

- b. Minimum Side Yard Setback: 5 feet, except that no setback shall be required from a side lot line where two attached single-family dwellings share a common wall. (3/24/05)
- c. Minimum Rear Yard Setback: 15 feet. (3/24/05)
- d. Yard Setbacks in Resource Protection Areas: On lots recorded after November 29, 1995, development of primary dwellings and accessory structures within a Resource Protection Area shall be subject to Design Review, pursuant to Section 1102, and the following criteria: (3/24/05)
  - 1. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized. (3/24/05)
  - 2. Compliance with Subsection 1002.03 shall be demonstrated. (3/24/05)
  - 3. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area. (3/24/05)
  - 4. Shared driveways are encouraged and shall be designed to be as narrow as possible, consistent with the requirements of the fire district. (3/24/05)
- 3. Facades: (3/24/05)
  - a. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way shall not consist of a blank wall. (3/24/05)
  - b. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. (3/24/05)
- 4. Entries and Porches: The following standards shall apply in all subdivisions that receive final plat approval after November 29, 1995. (3/24/05)
  - a. If a lot has frontage on a local or connector street or a private street which meets local or connector street design standards, then the primary entry shall be accessed directly from and visible from one of those streets. (3/24/05)
  - b. A minimum of 50 percent of the dwellings shall have porches. A covered

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porch or patio shall be placed immediately adjacent to the primary entry. The porch shall have a minimum net depth of 6 feet and a minimum net width of 10 feet. (3/24/05)

5. Roofs: Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited. (3/24/05)
- G. Accessory Structures: The following standards apply to accessory structures. (3/24/05)
1. A maximum of 2 accessory structures, including one accessory dwelling unit, may be permitted on a lot. (3/24/05)
  2. An accessory structure and its projections shall be detached and separated from other structures by a minimum of 3 feet. (3/24/05)
  3. Only one accessory structure per lot may exceed 100 square feet in area. (3/24/05)
  4. Accessory structures greater than 100 square feet in area shall comply with the following requirements: (3/24/05)
    - a. The accessory structure shall be constructed with similar exterior building materials as that of the primary dwelling.
    - b. The square footage of the ground floor of the accessory structure shall not exceed either 600 square feet or the square footage of the ground floor of the primary dwelling, whichever is less. An accessory dwelling unit shall not exceed 720 square feet in size. (3/24/05)
    - c. The detached accessory structure shall have a maximum building height of 25 feet or the building height of the primary dwelling, whichever is less. (3/24/05)
  5. The following setback standards apply to accessory structures, except in a Resource Protection Area: (3/24/05)
    - a. The front yard setback shall be no less than the setback of the front facade of the primary dwelling unit (not including porches, bays, garages, and architectural features). Garages shall comply with the front yard setback standards of Subsection 1603.06(J). (3/24/05)

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- b. No side or rear yard setback shall be required for any detached accessory structure that is 100 square feet or less in area and does not exceed a height of 8 feet. (3/24/05)
- c. For structures that exceed 100 square feet in area or 8 feet in height, rear and side yard setbacks shall be as follows, except where a rear or side lot line is adjacent to a pedestrian path, sidewalk, or accessway, in which case a minimum setback of 5 feet is required. (3/24/05)
  - 1. For structures greater than 8 feet and up to 20 feet in height, the minimum side yard setbacks shall be zero on one side and 3 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be 6 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 3 feet. (3/24/05)
  - 2. For structures greater than 20 feet in height, the minimum side yard setbacks shall be zero on one side and 5 feet on the other side. The minimum rear yard setback where the rear property line abuts an alley shall be 6 feet, except that a second-level accessory dwelling unit may cantilever up to 4 feet. The minimum rear yard setback where the rear property line does not abut an alley shall be 5 feet. (3/24/05)

H. Off-Street Parking:

A minimum of 1 off-street parking space located behind the front yard setback line shall be provided for each dwelling unit. (3/24/05)

I. Driveways: (3/24/05)

- 1. Driveways shall not exceed a width of 16 feet at the front property line. (3/24/05)
- 2. For subdivisions that receive final plat approval after November 29, 1995, a minimum of 50 percent of lots developed on alleys shall have alley access only. (3/24/05)

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J. Garages:

1. In the VR-5/7 zone, a minimum of 50 percent of the primary dwellings in a development shall have a garage with a front yard setback that is a minimum of 5 feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays, and architectural features). The remaining 50 percent of the primary dwellings in a development may have a garage with a front yard setback that is a maximum of 5 feet less than the front yard setback of the front facade of the primary dwelling (not including porches, bays, and architectural features). (3/24/05)
2. In the VR-4/5 zone, all garages shall have a front yard setback that is a minimum of 5 feet greater than the front yard setback of the front façade of the primary dwelling (not including porches, bays and architectural features). (3/24/05)

K. Fences and Sight-Obscuring Plantings: (3/24/05)

1. Fences and sight-obscuring plantings shall comply with the intersection sight distance requirements established by the County Engineering Division. (3/24/05)
2. The maximum height of a fence or sight-obscuring planting shall be 6 feet along the side and rear yards behind the front building line and 4 feet forward of the front building line. (3/24/05)

L. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03. (12/20/07)

M. Exceptions: Dimensional standards are subject to modification pursuant to Section 900. (3/24/05)

N. Variances: The requirements of this Subsection may be modified pursuant to Section 1205. (3/24/05)

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