



*Aaron Nelson, AICP Director of Planning and Zoning
Leslie McGillivray-Rivas, Sr. Planner
Lisa Sankey, Planner
Breanna Siegler, Office Manager*

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, October 8th, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- September 10th, 2024
- D. Regular Agenda
 - 1. Public Hearing- A24-27 Zoning Ordinance Amendments to Title IV regarding residential lot coverage - Sankey
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda

West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, September 10th 2024 - 5:30 p.m.

Members Present: Kathi Schwan, Mike Thorstad, Matt Kopp, Joe Kolb

Members Absent: Eric Dodds, Dave Gust

Others Present: Aaron Nelson, Leslie McGillivray-Rivas, Lisa Sankey, Kat McNamara, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm. Chair Kolb asked for approval of the order of the agenda. Commissioner Schwan motioned to approve the regular agenda. Commissioner Thorstad seconded the motion. No opposition. Motion passed.

Commissioner Schwan moved and Commissioner Thorstad seconded the motion to approve the minutes from August 13, 2024. No opposition. Motion passed.

Chair Kolb thanked Commissioner Aleyna Leibfried for her service on the commission. He welcomed Commissioner Matt Kopp to his first meeting as a Planning & Zoning Commissioner.

Chair Kolb opened a public hearing for A24-25 The Yards 2nd Addition, a request for conditional use permit for installation of a diesel fuel tank in an M: Heavy Industrial District at 643 5th St Ct NW (Lot 13, Block 1 of The Yards 2nd Addition). Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Thorstad motioned to approve with the condition that a conditional use permit is signed prior to being brought forth at a City Commission meeting. Commissioner Thorstad seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-26 Zoning Ordinance Amendments to Title IV regarding landscaping, screening, and outdoor storage. Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Schwan motioned to approve the amendments. Commissioner Kopp seconded the motion. No opposition. Motion passed.

Chair Kolb opened the next agenda item: Initiation of the Growth Area Master Plan. Director Nelson gave a short presentation summarizing the project and its purpose. This plan will act as a cooperative document with the Comprehensive Plan. Commissioner Kopp motioned “to recommend the City Commission direct staff to draft and publish a request for proposals for the development of a Growth Area Master Plan and to otherwise initiate this project.” Commissioner Schwan seconded. No opposition. Motion passed. Discussion has been brought to the Parks Department and School District to see if they would like to partner on any aspects of the plan.



*Aaron Nelson, AICP Director of Planning and Zoning
Leslie McGillivray-Rivas, Sr. Planner
Lisa Sankey, Planner
Breanna Siegler, Office Manager*

Chair Kolb opened the floor for non-agenda items. None were brought forth.

Chair Kolb asked for a motion to adjourn from the regular agenda. Commissioner Schwan moved to adjourn and Commissioner Thorstad seconded. Chair Kolb adjourned from the regular agenda at 6:20pm.

STAFF REPORT

A24-27 ZONING ORDINANCE AMENDMENTS	
Zoning Ordinance Amendment to Title IV of the City Ordinances (Zoning Regulations)	
Applicant: City of West Fargo	Staff Contact: Lisa Sankey
Planning and Zoning Commission Public Hearing:	10/08/2024
City Commission Public Hearing & 1 st Reading:	
2 nd Reading:	

PURPOSE:

The purpose of the proposed amendment is to modify maximum lot coverage in residential zoning districts, as well as amending the definition of lot coverage.

DISCUSSION AND OBSERVATIONS:

- The West Fargo City Commission directed staff to amend residential zoning regulations relating to lot coverage. The proposed amendments seek to increase maximum lot coverage in residential districts by five percent.
- Discussion during the September 16, 2024 City Commission related to a request by a property owner asking that lot coverage be increased from 30% to 35%.
- The definition of lot coverage is the amount of land covered or permitted to be covered by principal buildings, accessory buildings and required parking spaces, which is similar to other ordinances within the state.
- The amendment to the definition would be to remove “required parking spaces”.
- Impervious surface areas include driveways and parking areas. Impervious surface maximums are not changing.
- Uncovered porches (decks) are not included in this calculation; however, covered (enclosed porches) are included.
- Lot coverages vary substantially across zoning districts throughout the state and West Fargo’s residential districts currently range from 15% to 45%.
- Proposed changes would pertain to residential dwellings within the R-1LA – Large Single Family Dwelling, R-1A: Single Family Dwelling, R-1B: Special Single Family Dwelling, R-1: One & Two Family Dwelling, R-2: Limited Multiple Dwellings, R-3: Multiple Dwellings and the R-5: Mobile Home (Manufactured) Subdivision Districts.
- Specific text amendments are attached to this staff report.

NOTICES:

Sent to: Notice in the official newspaper.

Comments Received:

- None to date.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed amendments do not make major substantive changes to the existing ordinances and are consistent with the Comprehensive Plan.

STAFF REPORT

RECOMMENDATION:

It is recommended that the City approve the proposed amendments on the basis that they are consistent with City plans and ordinances.

Attachments

- Table with existing yard requirements with proposed lot coverage increases.
- Ordinance pages with proposed text amendment regarding lot coverage.

**City of West Fargo
Zoning Districts Summary**

	Rural Resident	Rural Estate	Large Lot Style Family	Single Family	Special Single Family	One & Two Family	Special One & Two Family	Mixed One & Two Family	Limited Multiple Dwelling	Multiple Dwelling
	R-R	R-1E	R-L1A	R-1A	R-1B	R-1	R-1S	R-1SM	R-2	R-3
Max Density (units/acre)	0.333	1	4.4	7.3	7.3	12.4	14.5	14.5	21	24
Min. Lot Area (acres or SF)	2.5	1	10,000	6,000	6,000	5,000	4,000	3,600		
						7,000	6,000	6,000	5,000	3,000
Min. Lot Width (Ft)	150	120	75	60	60	50	40	36**	50	50
						70	60	60	60	60
Setback - Front	40	30	25	25	20	25	15	20	25	25
	*	*								
Setback - Interior Side	20	10	6	6	5	5	5	4	variable	variable
Setback - Street Side	30	30	12	12	12	12	12	12	12	12
Setback - Rear	30	30	30	30	25	30	20	20	30	30
										25
Max. Lot Coverage (%)	15	15	30	30	35	30	45	45	30	30
Two Family									35	35
Multiple Dwellings									40	40
Max. Lot Coverage (%)			35	35	40	35			35	35
Two Family									40	40
Multiple Dwellings									45	45
Min. Open Space (%)			30	30	30	30	30	30	30	30
									25	25
Max Height (Ft)	35	35	30	30	30	30	30	35	30	30
									35	35
Min. Lot Depth (Ft)	200	200	120	100	100	100	100	100	100	100

KEY:

* = addition setback from street centerline

** = variation in lot width required

CHAPTER 4-200.

DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory, the word "may" is permissive.

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

ACCESSORY USE OR STRUCTURE: A use structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, to include private residential pools, and satellite dishes. Source: Ord. 1245, Sec. 1 (2024)

AUTO BODY WORK: Major automotive repair including, but not limited to, the straightening of frame, sanding, puttying and painting activities, and other activities which involve changes to the frame or exterior of a vehicle, except for automobile (van) conversion.

AUTOMOBILE (VAN) CONVERSION: Where changes are made to the exterior or interior of an automobile or van for the purpose of sale. Such changes may include cutting holes for windows or redoing the interior; however, such changes would not include activities as defined in "Auto Body Work."

BEHAVIORAL HEALTH CARE FACILITY: A building or portion of a building, whether private profit or non-profit, or institutional, principally engaged in providing services for inpatient and outpatient services for treatment of victims of drug addiction, psychiatric, psychological, or other behavioral health condition where care may be provided on a short-term or long-term basis whose operators are licensed by the State of North Dakota or by Chapter 10-13 of the Revised Ordinances of 1990 of the City of West Fargo, but not to include hospitals.

Source: Ord. 1049, Sec. 5 (2015)

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

CAMPGROUND: Any parcel of land intended for temporary occupancy by Recreational Vehicles or tents, not including mobile homes, and which is licensed by the State of North Dakota in accordance with State law, as amended from time to time.

Source: Ord. 1215, Sec. 1 (2024)

provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

LOT CORNER: A lot abutting upon two or more intercepting or intersecting streets, where the interior angle of the intersection or interception does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE: The amount of land covered or permitted to be covered by principal buildings, & accessory buildings, ~~and required parking spaces~~. When including other impervious surface areas such as driveways, parking areas which are not required or other areas, the total lot coverage may not exceed seventy (70) percent for single family and two-family lots, or seventy-five (75) percent for townhomes and multiple dwelling lots. Lot coverage percentages shall apply to front yards independently and to the entire lot in aggregate.

Source: Ord. 748, Sec. 9 (2005)

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and shall be provided as indicated under YARDS in this section.

LOT, DOUBLE FRONTAGE: A lot having a frontage of two nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of the Cass County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

LOT WIDTH: The distance as measured by a straight line, between side lot lines at the points of intersection with the building line.

4-421-C. "R-L1A" DISTRICT OR LARGE LOT SINGLE-FAMILY DWELLING DISTRICT.

Source: Ord. 748, Sec. 11 (2005)

4-421-C.1. Statement of Intent. The provisions of the R-L1A District are intended to apply to residential neighborhoods with very low density and nearly exclusively single family dwellings on larger urban lots.

4-421-C.2. Permitted Uses.

1. Single-family detached dwellings.
2. Publicly owned and operated parks, playgrounds, and recreational facilities.
3. Essential services and public buildings.
4. State-licensed group homes serving six or fewer developmentally disabled persons.
5. Accessory buildings, provided that they shall be located as required in Section 4-442 of this Ordinance.
6. Home occupations, provided that they shall be operated as required in Section 4-448 of this Ordinance.
7. Home Daycares.

Source: Ord. 1219, Sec. 4 (2023)

4-421-C.2.A. *Repealed by Ord. 1219, Sec. 17 (2023)*

4-421-C.3. Conditionally Permitted Uses: The following uses may be permitted in the R-L1A District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City as required by Section 4-550 of this Ordinance.

1. Schools, churches, religious institutions and places of worship subject to the following conditions:
 - a. The site is located with frontage on, and has access to, a collector or arterial street and does not require the use of a local street for access or parking.
 - b. All principal and accessory uses maintain setbacks which are double those otherwise applying within this district.
 - c. Parking areas are screened from neighboring residential areas by a landscape planting providing year-round screening at least four feet in height.

- d. Site and building lighting is designed to minimize illumination of adjoining property, and the light sources are hooded to avoid direct view by neighboring residential areas.

Source: Ord. 783, Sec. 4 (2006); Ord. 916, Sec. 17 (2012); Source: Ord. 1049, Sec. 9 (2015)

4.421-C.4. Yard Requirements for the R-L1A District.

	<u>One-Family</u>	<u>Accessory Buildings</u>	<u>Other Buildings</u>
1. Lot Area Minimum (ft ²)	10,000		
2. Lot Width Minimum (ft)	75		
3. Lot Depth Minimum (ft)	120		
4. Front Yard Minimum (ft)	25	25	25
5. Rear Yard Minimum (ft)	30	3	30
6. Side Yard Minimum (ft)	6 ⁽¹⁾	3 ⁽¹⁾	10 ⁽¹⁾
7. Maximum Lot Coverage ⁽²⁾	30% 35%		20%
8. Maximum Height (ft)	30	15	25 ⁽³⁾
9. Minimum Green Area ⁽⁴⁾	30%		30%

⁽¹⁾ On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when a driveway to a garage is located in said side yard, in which case, the side yard shall be a minimum of 20 feet. An accessory building or use which includes a driveway on the street side shall maintain the same setback requirements as required for the principal use.

⁽²⁾ For any main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 70%.

⁽³⁾ For any building over 30 feet in height, required yards shall be increased by one (1) foot for every two (2) feet of building height over the limit.

⁽⁴⁾ Green area coverage shall apply to the front yard, independently, and to the entire parcel in aggregate.

Source: Ord. 916, Sec. 18 (2012)

4.421-C.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations
Section 4-450 Off-Street Parking and Loading Requirements
Section 4-460 Sign Regulations

4-422. "R-1A" DISTRICT OR SINGLE-FAMILY DWELLING DISTRICT.

4-422.1. Statement of Intent. The provisions of the R-1A District are intended to apply to neighborhoods with low density, wherein certain educational, religious, recreational and other activities compatible with residential development are permitted.

4-422.2. Permitted Uses.

1. Single-family detached dwellings.
2. Publicly owned and operated parks, playgrounds, and recreational facilities.
3. Schools, churches, religious institutions and places of worship.
4. Essential services and public buildings.
5. State-licensed group homes serving six or fewer developmentally disabled persons.
6. Accessory buildings, provided that they shall be located as required in Section 4-442 of this Ordinance.
7. Home occupations, provided that they shall be operated as required in Section 4-448 of this Ordinance.
8. Home Daycares.

Source: Ord. 571, Sec. 2 (1999); Ord. 916, Sec. 19 (2012); Ord. 1219, Sec. 5 (2023).

4-422.2.A. Provisional Permitted Uses. *Repealed by Ord. 1219, Sec. 18 (2023)*

4-422.3. Conditionally Permitted Uses: The following uses may be permitted in the R-1A District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance.

1. Pre-School Facilities and Child Care Centers licensed by the State Department of Human Services, not within homes, but intended for repurposed schools and churches or redevelopment.
2. Private Non-Commercial recreational or cultural facilities; subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, either existing or proposed, and the site shall be so planned so as to provide all ingress and egress directly onto or

from said major thoroughfare.

- b. Front, side and rear yards shall be at least sixty (60) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a health condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
3. Retirement, Assisted Living, Basic Care, Nursing, or Convalescent Homes: Not to exceed a height of two (2) stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setting, off-street parking, service drives, loading space, yard requirements and space required for accessory uses. The 1,500 square feet requirement is over and above the building area.
 - b. No building shall be closer than forty (40) feet from any property line.
 - c. The majority of residents are age fifty-five (55) and older and there is a minimum of one full time equivalent employee per every six residents.
 - d. The services of a licensed registered nurse are available to all residents.
 - e. The applicant provides the city planner with a detailed plan showing the activities and personnel that will be available to residents of the facility.
 4. Senior centers and senior programming facilities.

Source: Ord. 998, Sec. 1 (2014); Ord. 1049, Sec. 10 (2015)

4.422.4. Yard Requirements for the R-1A District.

	<u>One-Family</u>	<u>Accessory Buildings</u>	<u>Other Buildings</u>
a. Lot Area Minimum (ft ²)	6,000		
b. Lot Width Minimum (ft)	60		
c. Lot Depth Minimum (ft)	100		

d.	Front Yard Minimum (ft)	25	25	25
e.	Rear Yard Minimum (ft)	30	3	30
f.	Side Yard Minimum (ft)	6 ⁽¹⁾	3 ⁽¹⁾	10
g.	Maximum Lot Coverage ⁽²⁾	30% 35%		
h.	Maximum Height (ft)	30	15	⁽³⁾
i.	Minimum Green Area ⁽⁴⁾	30%		30%

⁽¹⁾ On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when a driveway to a garage is located in said side yard, in which case, the side yard shall be a minimum of 20 feet, except for lots of 50 feet or less, in which case the minimum setback for the garage shall be 18 feet. In this case, the house may be 12 feet, but garage must be a minimum of 20 feet on lots greater in width than 50 feet, or 18 feet on lots 50 feet or less in width.

⁽²⁾ For any main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 70%.

⁽³⁾ For any building over 35 feet in height, required yards shall be increased by one (1) feet for every two (2) feet of building height over the limit.

⁽⁴⁾ Green area coverage shall apply to the front yard independently and to the entire parcel in aggregate.

Source: Ord. 435, Sec. 2 (1992); Ord. 916, Sec. 20 (2012).

4.422.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

4-422-A. "R-1B" DISTRICT OR SPECIAL SINGLE-FAMILY DWELLING DISTRICT.

Source: Ord. 809, Sec. 1 (2007)

4-422-A.1. Statement of Intent. The provisions of the R-1B District are intended to apply to more traditional neighborhoods with low density, which provides for reduced front yards and higher design standards to accentuate the residential dwelling appeal and de-accentuate the attached garages, wherein certain educational, religious, recreational and other activities compatible with residential development are permitted.

4-422-A.2. Permitted Uses.

1. Single-family detached dwellings.
2. Publicly owned and operated parks, playgrounds, and recreational facilities.
3. Schools, churches, religious institutions and places of worship.
4. Essential services and public buildings.
5. State-licensed group homes serving six or fewer developmentally disabled persons.
6. Accessory buildings, provided that they shall be located as required in Section 4-442 of this Ordinance.
7. Home occupations, provided that they shall be operated as required in Section 4-448 of this Ordinance.
8. Home Daycares.

Source: Ord. 916, Sec. 21 (2012); Ord. 1219, Sec. 6 (2023)

4-422-A.2.A. *Repealed by Ord. 1219, Sec. 19 (2023)*

4-422-A.3. Conditionally Permitted Uses: The following uses may be permitted in the R-1B District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance.

1. Child Care Centers licensed by the State Department of Human Services not within homes, but intended for repurposed schools and churches or redevelopment.
2. Private Non-Commercial recreational or cultural facilities; subject to the following conditions:

- a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, either existing or proposed, and the site shall be so planned so as to provide all ingress and egress directly onto or from said major thoroughfare.
 - b. Front, side and rear yards shall be at least sixty (60) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a health condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
3. Retirement, Assisted Living, Basic Care, Nursing, or Convalescent Homes: Not to exceed a height of two (2) stories, when the following conditions are met:
 - a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setting, off-street parking, service drives, loading space, yard requirements and space required for accessory uses. The 1,500 square feet requirement is over and above the building area.
 - b. No building shall be closer than forty (40) feet from any property line.
 - c. The majority of residents are age fifty-five (55) and older and there is a minimum of one full time equivalent employee per every six residents.
 - d. The services of a licensed registered nurse are available to all residents.
 - e. The applicant provides the city planner with a detailed plan showing the activities and personnel that will be available to residents of the facility.
4. Townhouse or condominium structures containing three or four units, subject to the following conditions:
 - a. The site for the building shall have at least one property line adjoining, either directly or across an alley or street, an R-2, R-3 or Commercial

District.

- b. The building shall conform to the yard requirements set forth for multiple units in Section 4-424.4 of this ordinance, except for lot area, which shall be a minimum of 9,000 square feet for three-unit buildings and 11,000 square feet for four-unit buildings. Three or four unit townhouses may be permitted in conformance with the yard requirements set for townhouses in Section 4-424.4 of this ordinance.

Source: Ord. 1049, Sec. 10 (2015)

4.422-A.4. Yard Requirements for the R-1B District.

	<u>One-Family</u>	<u>Accessory Buildings</u>	<u>Other Buildings</u>
a. Lot Area Minimum (ft ²)	6,000		
b. Lot Width Minimum (ft)	60		
c. Lot Depth Minimum (ft)	100		
d. Front Yard Minimum (ft)	20 ⁽¹⁾	N/A	25
e. Rear Yard Minimum (ft)	25	3	30
f. Side Yard Minimum (ft)	5 ⁽¹⁾	3 ⁽²⁾	10
g. Maximum Lot Coverage ⁽³⁾	35% <u>40%</u>		
h. Maximum Height (ft)	30	15	⁽⁴⁾
i. Minimum Green Area ⁽⁵⁾	30%		30%

⁽¹⁾ Garages shall be setback a minimum of 25 feet from the front property line. Garages are limited to 50% of the front building width

⁽²⁾ On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when a driveway to a garage is located in said side yard, in which case, the side yard shall be a minimum of 20 feet.

⁽³⁾ For any main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 70%.

⁽⁴⁾ For any building over 35 feet in height, required yards shall be increased by one (1) feet for every two (2) feet of building height over the limit.

- (5) Green area coverage shall apply to the front yard independently and to the entire parcel in aggregate.

Source: Ord. 916, Sec. 22 (2012)

4.422-A.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

4-423. "R-1" DISTRICT OR ONE AND TWO-FAMILY DWELLING DISTRICT.

4-423.1. Statement of Intent. The provisions of the R-1 District are intended to apply to neighborhoods of low to medium density, wherein certain educational, religious, recreational and other activities compatible with residential development are permitted.

4-423.2. Permitted Uses.

1. Any use permitted in the R-1A District.
2. Two-family dwellings, including condominiums and two-unit townhouses.
3. State-licensed group homes serving eight or fewer developmentally disabled persons.

4-423.2.A. *Repealed by Ord. 1219, Sec. 20 (2023)*

4-423.3. Conditionally Permitted Uses. The following uses may be permitted in the R-1 District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Any conditional use permitted in the R-1A District.
2. Mortuary or Funeral Home, subject to the following conditions:
 - a. The minimum lot area shall be twenty-five thousand (25,000) square feet and so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 - b. The site shall be so located as to have at least one (1) property line abutting, a major thoroughfare, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
 - c. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
 - d. No building shall be closer than fifty (50) feet to the property line.
 - e. Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be

obscured from all residential view with a wall six (6) feet in height.

3. Medical and/or Dental Clinics, subject to the following conditions:
 - a. No such establishment shall be permitted closer than 1,000 feet to the boundary of any district where medical or dental clinics are allowed by right, nor shall any clinic be located within 1,000 feet of any active clinic supplying the same needs for the general area involved. Measurement of distance indicated shall be along usual routes of pedestrian travel.
 - b. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access.
4. Multiple dwelling structures containing three or four units, subject to the following conditions:
 - a. The site for the building shall have at least one property line adjoining, either directly or across an alley, an R-2, R-3, or Commercial District.
 - b. The building shall conform to the yard requirements set forth for multiple units in Section 4-424.4 of this Ordinance, except for lot area, which shall be a minimum of 9,000 ft² for three unit buildings and 11,000 ft² for four unit buildings. Three or four unit townhomes may be permitted in conformance with the yard requirements set forth for townhouses in Section 4-424.4 of this Ordinance.

4-423.4. Yard Requirements for the R-1 District.

	<u>One- Family</u>	<u>Two- Family</u>	<u>Twin Home/ Townhomes</u>	<u>Accessory Buildings</u>	<u>Other Buildings</u>
a. Lot Area Minimum (ft ²)	5,000	7,000	3,500		
b. Lot Width Minimum (ft)	50	70	35		
c. Lot Depth Minimum (ft)	100	100	100		
d. Front Yard Minimum (ft)	25	25	25	25	25
e. Rear Yard Minimum (ft)	30	30	30	3	30
f. Side Yard Minimum (ft)	5 ⁽¹⁾	7 ⁽¹⁾	7 ⁽¹⁾	3 ⁽¹⁾	10
g. Maximum Lot Coverage ⁽²⁾	30% 35%	30% 35%	30% 35%		
h. Maximum Height (ft)	30	30	30	15	⁽³⁾
i. Minimum Green Area ⁽⁴⁾	30%	30%	30%		30%

⁽¹⁾ On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when the driveway to a garage is located in said side yard, in which case the side yard shall be a minimum of 20 feet, except for lots of 50 feet or less, in which case the minimum setback for the garage shall be 18 feet. In this case, the house may be 12 feet, but garage must be a minimum of 20 feet on lots greater in width than 50 feet, or 18 feet on lots 50 feet or less in width.

⁽²⁾ For main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 70%.

⁽³⁾ For any building over 35 feet in height, required yards shall be increased by one (1) foot for every two (2) feet of building height over the limit.

⁽⁴⁾ Green area coverage shall apply to the front yard independently and to the entire parcel in aggregate.

Source: Ord. 435, Sec. 3 (1992); Ord. 916, Sec. 24 (2012), Ord. 1049, Sec. 12, (2015).

4.423.5. Other Applicable Regulations.

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

4-424. "R-2" DISTRICT OR LIMITED MULTIPLE DWELLING DISTRICT.

4-424.1. Statement of Intent. The provisions of the R-2 District are intended to apply to neighborhoods of medium density wherein a variety of housing types and certain educational, religious, recreational and other activities compatible with residential development are permitted.

4-424.2. Permitted Uses.

1. Any use permitted in the R-1SM District.
2. Multiple dwellings containing no more than 8 units, including townhouse structures and condominiums.

Source: Ord. 916, Sec. 27 (2012).

4-424.2.A. *Repealed by Ord. 1219, Sec. 23 (2023)*

4-424.3. Conditionally Permitted Uses. The following uses may be permitted in the R-2 District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Any conditional use permitted in the R-1 District.
2. Offices for architects, engineers, attorneys, real estate sales persons or similar professional persons, subject to the following:
 - a. The office shall only be established in a building which was in existence at the time of the effective date of this Ordinance.
 - b. There shall not be more than one business per structure.
3. Medical Hospitals, subject to the following conditions:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one property line abutting a major thoroughfare, existing or proposed. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
 - d. Ambulance and delivery areas shall be obscured from all residential view with a wall six (6) feet in

height.

4. Multiple dwelling structures containing from nine to twelve units, subject to the following:
 - a. The building shall conform to the yard requirements set forth in Section 4-424.4 of this Ordinance.
 - b. The site for the building shall have at least one property line which adjoins, either directly or across an alley, a commercial or an R-3 District.
5. State-licensed group homes serving at least eight but no more than twelve developmentally disabled persons.
6. Social Service uses such as drug treatment shelter, homeless shelters and shelters for victims of domestic abuse in structures with up to twelve (12) rooms or units.

Source: Ord. 703, Sec. 1 (2004); Ord. 916, Sec. 29 (2012).

4-424.4. Yard Requirements for the R-2 District.

	<u>One-Family</u>	<u>Two-Family (Duplex or Twin Home) on Lots Created Prior to 1970</u>	<u>Two-Family (Duplex or Twin Home) on Lots Created in 1970 or Thereafter</u>	<u>Townhomes (3 or More Units)</u>
a. Lot Area Minimum (ft ²)	5,000	6,000 ⁽⁶⁾	6,000 ⁽⁶⁾	3,000
b. Lot Width Minimum (ft)	50	50 ⁽⁷⁾	60 ⁽⁸⁾	24
c. Lot Depth Minimum (ft)	100	100	100	100
d. Front Yard Minimum (ft)	25	25	25	25
e. Rear Yard Minimum (ft)	30	30	30	30
f. Side Yard Minimum (ft)	5 ⁽²⁾	6 ⁽²⁾	6 ⁽²⁾	8 end ⁽²⁾ 0 int
g. Maximum Lot Coverage ⁽⁴⁾	30% <u>35%</u>	40%	35% <u>40%</u>	40% <u>45%</u>
h. Maximum Height (ft)	30	30	30	35 ⁽⁵⁾
i. Minimum Green Area ⁽⁹⁾	30%	30%	30%	25%

	<u>Multiple Dwellings</u>	<u>Accessory Buildings</u>	<u>Other Bldgs</u>
a. Lot Area Minimum (ft ²)	(1)		
b. Lot Width Minimum (ft)			
c. Lot Depth Minimum (ft)			
d. Front Yard Minimum (ft)	25	25	25
e. Rear Yard Minimum (ft)	30	3	30
f. Side Yard Minimum (ft)	(3) (2)	3 (2)	10
g. Maximum Lot Coverage (4)	40% <u>45%</u>		
h. Maximum Height (ft)	35 (5)	15	(5)
i. Minimum Green Area (9)	25%		30%

(1) 1,800 ft² for each dwelling unit plus 200 ft² for each bedroom, with a minimum permitted lot area of 8,000 ft². Efficiency units shall be considered one-bedroom units for the purpose of lot computation.

(2) On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when the driveway to a garage is located in said side yard, in which case the side yard shall be a minimum of 20 feet, except for lots of 50 feet or less, in which case the minimum for the garage shall be 18 feet. In this case, the house may be 12 feet, but garage must be a minimum of 20 feet on lots greater in width than 50 feet, or 18 feet on lots 50 feet or less in width.

(3) 12% of the lot width, with a maximum of 12 feet, except that when multiple family structures with multiple floors are located adjacent to one and two-family properties, the minimum setback from the one and two-family property for the principal structure shall be increased by 20 feet for each additional floor above the ground floor.

(4) For main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 75%.

(5) For every building over 35 feet in height, required yards shall be increased by one (1) foot for every two (2) feet of building height over the limit.

(6) A duplex which consists of 2 units on one lot is required to have a minimum lot area of 6,000 square feet. A twin home which consists of 2 units side by side with a common party wall is required to have a minimum lot area of 3,000 square feet for each unit.

- (7) A duplex is required to have a minimum lot width of 50 feet, whereas a twin home is required to have a minimum lot width of 25 feet for each unit.
- (8) A duplex is required to have a minimum lot width of 60 feet, whereas a twin home is required to have a minimum lot width of 30 feet for each unit.
- (9) Green area coverage shall apply to the front yard independently and to the entire parcel in aggregate.

Source: Ord. 435, Sec. 4 (1992); Ord. 501, Sec. 5 (1996); Ord. 916, Sec. 30 (2012).

4-424.5. Other Applicable Regulations:

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

4-425. "R-3" DISTRICT OR MULTIPLE DWELLING DISTRICT.

4-425.1. Statement of Intent. The provisions of the R-3 District are intended to apply to neighborhoods of medium to high density wherein a variety of housing types and certain educational, religious, recreational, and other activities compatible with residential development are permitted.

4-425.2. Permitted Uses.

1. Any use permitted in the R-2 District.
2. Multiple dwellings containing more than 8 units, including condominiums and townhouses.
3. Social Service uses such as drug treatment shelters, homeless shelters and shelters for victims of domestic abuse.

Source: Ord. 916, Sec. 31 (2012).

4-425.2.A. *Repealed by Ord. 1219, Sec. 24 (2023)*

4-425.3. Conditionally Permitted Uses. The following uses may be permitted in the R-3 District subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this Ordinance:

1. Any conditional use permitted in the R-2 District.
2. Convenience Establishments, as defined by this Ordinance, and subject to the following conditions:
 - a. No such establishment shall be permitted closer than 1,000 feet to the boundary of any district where similar facilities are generally permitted, nor shall any new establishment of a specific kind be located within 1,000 feet of an active establishment of the same nature found suitable for supplying the same needs for the general area involved. Measurement of distances indicated shall be along usual routes of pedestrian travel.
 - b. Strong preference shall be given to location of complementary additions in the immediate vicinity of existing convenience establishments of other types in patterns which facilitate easy pedestrian circulation from the surrounding area and from one establishment to another, and to arrangements which encourage joint use of parking areas and automotive entrances and exits.
 - c. In the environment in which convenience establishments are intended to be permitted, it is the intent of this Ordinance that no such establishment or group of establishments shall be

of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual retail convenience establishment shall have a gross floor area exceeding 5,000 square feet.

- d. A front yard 20 feet in depth shall be provided, and where the lot adjoins a street on more than one side, a yard 20 feet in depth shall be provided adjacent to all streets. Side yards shall be 10 feet in width adjacent to residential lots, but where the side of the lot is adjacent to a lot on which another convenience establishment is located, or is being constructed, or is definitely to be constructed, no side yard need be provided if the structures involved are to have a common or party wall, or are to have no space between their walls. If there is to be space between the walls of adjacent structures housing convenience establishments or their accessory uses, such space shall be at least five feet in width. Rear yards shall be 25 feet in depth.

4-425.4. Yard Requirements for the R-3 District.

	<u>One-Family</u>	<u>Two-Family (Duplex or Twin Home) on Lots Created Prior to 1970</u>	<u>Two-Family (Duplex or Twin Home) on Lots Created in 1970 or Thereafter</u>	<u>Townhomes (3 or More Units)</u>
a. Lot Area Minimum (ft ²)	5,000	6,000 ⁽⁶⁾	6,000 ⁽⁶⁾	3,000
b. Lot Width Minimum (ft)	50	50 ⁽⁷⁾	60 ⁽⁸⁾	24
c. Lot Depth Minimum (ft)	100	100	100	100
d. Front Yard Minimum (ft)	25	25	25	25
e. Rear Yard Minimum (ft)	30	30	30	30
f. Side Yard Minimum (ft)	5 ⁽²⁾	6 ⁽²⁾	6 ⁽²⁾	8 end ⁽²⁾ 0 int
g. Maximum Lot Coverage ⁽⁴⁾	30% 35%	40%	35% 40%	40% 45%
h. Maximum Height (ft)	30	30	30	35 ⁽⁵⁾
i. Minimum Green Area ⁽⁹⁾	30%	30%	30%	25%

	<u>Multiple Dwellings</u>	<u>Accessory Buildings</u>	<u>Other Bldgs</u>
a. Lot Area Minimum (ft ²)	(1)		
b. Lot Width Minimum (ft)			
c. Lot Depth Minimum (ft)			
d. Front Yard Minimum (ft)	25	25	25
e. Rear Yard Minimum (ft)	25	3	30
f. Side Yard Minimum (ft)	(3) (2)	3 (2)	10
g. Maximum Lot Coverage (4)	40% <u>45%</u>		
h. Maximum Height (ft)	35 (5)	15	(5)
i. Minimum Green Area (9)	25%		25%

(1) 1,600 ft² for each dwelling unit plus 200 ft² for each bedroom, with a minimum permitted lot area of 8,000 ft². Efficiency units shall be considered one-bedroom units for the purpose of lot computation.

(2) On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when the driveway to a garage is located in said side yard, in which case the side yard shall be a minimum of 20 feet, except for lots of 50 feet or less, in which case the minimum setback for the garage shall be 18 feet. In this case, the house may be 12 feet, but garage must be a minimum of 20 feet on lots greater in width than 50 feet, or 18 feet on lots 50 feet or less in width.

(3) 12% of the lot width, with a maximum of 12 feet, except that when multiple family structures with multiple floors are located adjacent to one and two-family properties, the minimum setback from the one and two-family property for the principal structure shall be increased by 20 feet for each additional floor above the ground floor.

(4) For main building and all accessory buildings. Impervious surface areas shall be limited to a maximum of 75%.

(5) For every building over 35 feet in height, required yards shall be increased by one (1) foot for every two (2) feet of building height over the limit.

(6) A duplex which consists of 2 units on one lot is required to have a minimum lot area of 6,000 square feet. A twin home which consists of 2 units side by side with a common party wall is required to have a minimum lot area of 3,000 square feet for each unit.

(7) A duplex is required to have a minimum lot width of 50 feet, whereas a twin home is required to have a minimum

lot width of 25 feet for each unit.

(8) A duplex is required to have a minimum lot width of 60 feet, whereas a twin home is required to have a minimum lot width of 30 feet for each unit.

(9) Green area coverage shall apply to the front yard independently and to the entire parcel in aggregate.

Source: Ord. 435, Sec. 5 (1992); Ord. 501, Sec. 6 (1996); Ord. 916, Sec. 33 (2012)

4-425.5. Other Applicable Regulations.

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

4-426-A. R-5: MOBILE HOME (MANUFACTURED HOME) SUBDIVISION DISTRICT.

1. Statement of Intent. This district is intended primarily for manufactured home subdivisions allowing manufactured homes as single-family dwellings. Lots and manufactured homes would be in common ownership as in other residential districts.

It is intended that such manufactured home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods, and accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment, and facilities for meeting commercial and service needs.

Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed in this district as permitted or conditional uses subject to restrictions intended to preserve and protect the residential character of the district.

Source: Ord. 527, Sec. 4 (1997)

2. Permitted Uses and Structures. The following shall be permitted:
 - A. Home Daycares.
 - B. Single-family detached dwellings, including manufactured homes.
 - C. Publicly owned and operated parks, playgrounds, and recreational facilities.
 - D. Schools, churches, religious institutions and places of worship.
 - E. Essential services and public buildings.
 - F. State-licensed group homes serving six or fewer developmentally disabled persons.
 - G. Accessory buildings, provided that they shall be located as required in Section 4-422 of this ordinance.
 - H. Home occupations, provided that they shall be operated as required in Section 4-448 of this ordinance.

Source: Ord. 527, Sec. 4 (1997); Ord. 783, Sec. 6 (2006); Ord. 916, Sec. 34 (2012); Ord. 1219, Sec. 8 (2023)

2-A. Provisional Permitted Uses. *Repealed by Ord. 1219, Sec. 25 (2023)*

3. Conditionally Permitted Uses. The following uses may be permitted in the R-5 District, subject to the conditions hereinafter imposed for each use and subject further to review and approval by the City Commission as required by Section 4-550 of this ordinance.

A. Private non-commercial recreational or cultural facilities; subject to the following conditions:

- (1) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, either existing or proposed, and the site shall be so planned so as to provide all ingress and egress directly onto or from said major thoroughfare.
- (2) Front, side and rear yards shall be at least sixty (60) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

B. Retirement, Assisted Living, Basic Care, nursing or convalescent homes: Not to exceed a height of two (2) stories, when the following conditions are met:

- (1) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setting, off-street parking, service drives, loading space, yard requirements and space required for accessory uses. The 1,500 square feet requirement is over and above the building area.
- (2) No building shall be closer than forty (40) feet from any property line.
- (3) The majority of residents are age fifty-five (55) and older and there is a minimum of one full time equivalent employee per every six residents.
- (4) The services of a licensed registered nurse

are available to all residents.

- (5) The applicant provides the city planner with a detailed plan showing the activities and personnel that will be available to residents of the facility.

Source: Ord. 1049, Sec. 16 (2015)

4. Yard Requirements for the R-5 District:

	One Family:	Accessory Buildings	Other Buildings
A. Lot area minimum (ft ²)	6,000		
B. Lot width minimum (ft)	60		
C. Lot depth minimum (ft)	130		
D. Front yard minimum (ft)	20 ⁽¹⁾	(20)	20
E. Rear yard minimum (ft)	10	3	10
F. Side yard minimum (ft)	5 ⁽²⁾	3 ⁽²⁾	10
G. Maximum lot coverage ⁽³⁾	30% 35%		
H. Maximum height (ft) ⁽⁴⁾	30	15	

(1) On lots to which the CO-SR district regulations apply, a minimum setback is not required, except when a driveway to a garage is located in said front yard, in which case the portion of the building with the driveway shall be a minimum of 20 feet.

(2) On corner lots, a side yard facing a public way shall be a minimum of 12 feet, except when a driveway to a garage is located in said side yard, in which case, the side yard shall be a minimum of 20 feet.

(3) For any main building and all accessory buildings.

(4) For any building over 35 feet in height, required yards shall be increased by one (1) foot for every two (2) feet of building height over the limit.

Source: Ord. 1144, Sec. 1 (2019)

5. Other Applicable Regulations:

- A. All manufactured homes must meet at minimum the Manufactured Home Construction and Safety Standards Act provisions as adopted by the Department of