

**§ 152.028 PERFORMANCE STANDARDS FOR ALL RESIDENTIAL DISTRICTS.**

(A) *Structure height.* Structures outside of shoreland shall be limited to 35 feet in height. Structures within shoreland shall be limited to 30 feet in height. Any structure exceeding 35 or 30 feet in height, respectively, shall require a Conditional Use Permit. Structures may be granted Conditional Use Permits, provided that:

- (1) The Fire Chief and Building Official have approved;
- (2) The height of the structure will not destroy a scenic view, will not shut off light or air from surrounding properties, or otherwise be detrimental to the public; and,
- (3) Structures over 35 or 30 feet in height, respectively, shall provide an additional five feet of side yard for each five feet in height over 35 or 30 feet in height, respectively.

(B) *Minimum dwelling size.*

(1) Single-family and two-family dwellings located in the R-1, R-2, and R-4 Districts shall provide not less than 950 square feet of gross floor area per dwelling unit, shall be not less than 20 feet wide at the narrowest point, and shall be affixed to a permanent foundation as defined in the State Building Code. In addition to the requirements of the State Building Code, the permanent foundation, whether masonry, concrete, or treated wood, shall be constructed as continuous walls, which walls shall not have any openings except as required by the State Building Code or for windows.

(2) Single-family and two-family dwellings located in R-3 District shall provide 720 square feet of gross floor area per dwelling unit and shall be 12 feet wide at the narrowest point.

(3) Single-family and two-family dwellings located in the R-4 District shall provide 720 square feet of gross floor area per dwelling unit and shall be 12 feet wide at the narrowest point.

(4) Multiple-family dwellings having four or more units shall provide a minimum of 330 square feet of gross floor area per living unit.

(C) *Accessory buildings.*

(1) *Maximum floor area.* The combined maximum floor area of all accessory buildings shall not exceed 1,500 square feet in R-1, R-2, and R-3 Districts.

(2) *Maximum side wall height.* One accessory building of up to a maximum of 775 square feet in floor area may have side walls of up to 12 feet in height. There shall be no home occupation or commercial business in any accessory building with side walls in excess of nine feet in height.

(D) *Multiple-family standards (apartments, condominiums, cooperatives, and townhouses).*

(1) Shall be located on arterial or collector streets or in areas specifically designed for high density development.

(2) May be placed as buffers in appropriate zoning districts between less dense residential uses and nonresidential uses.

(3) Each multiple-family development containing four or more dwelling units shall have a recreation area. The size and equipment provided shall be determined with the assistance of the Parks and Recreation Division.

(4) Sidewalks shall be provided from parking areas, trash collection areas, and recreation areas to a principal building.

(5) A multiple-family development shall have a front yard setback on any abutting street.

(E) *Supplemental lot regulations.*

(1) A single-family dwelling may be erected on a lot in the R-1 District having less than the minimum required area and width, provided the lot existed by virtue of a recorded plat or deed existing prior to September 26, 1967. In no event shall a single-family dwelling be erected on a lot less than 7,000 square feet in area or less than 50 feet in width measured at front building line.

(2) A single-family dwelling may be erected on a lot in the R-2 District having less than the minimum required area and width, provided the lot existed by virtue of a recorded plat or deed existing prior to September 26, 1967. In no event shall a single-family dwelling be erected on a lot less than 5,000 square feet in area or less than 40 feet in width measured at front building line.

(F) *Lighting.* Lighting used to illuminate a nonresidential use or sign shall be arranged so as to deflect light away from adjoining residential property.

(G) *Planned unit development (residential).* The placing of residential dwelling units into compact groupings may be permitted in any Residential District following the completion and approval of a Preliminary and Final Plat for a planned unit development.

(1) Common open space may be preserved as open recreation space for recreational facilities or for preservation of natural or scenic resources.

(2) Except for height limitations for the district in which the development is proposed, altered dimensional standards may be allowed as exceptions to this Chapter for a planned unit development, provided that:

(a) The planned unit development shall not increase the overall density as regulated by the requirements of the district in which it is located;

(b) A minimum of 40% of the site shall be kept in its natural state or utilized for recreation; and,

(c) Planned unit developments shall be two continuous acres or more in area.

(H) *Bed and breakfast inns.*

(1) Prior to applying for a Conditional Use Permit for a bed and breakfast inn, an applicant shall cause the Fire Marshal to inspect the premises and the Fire Marshal's report shall accompany the application for a Conditional Use Permit.

(2) The location and operation of the bed and breakfast inn shall comply with the following:

(a) The inn shall be licensed for a specific number of guest rooms not to exceed four in number;

(b) The inn shall be a owner occupied single-family dwelling having a minimum of 2,000 square feet of residential floor area. The owner must reside on the premises and be the operator of the inn;

(c) No cooking facilities shall be permitted in any guest room and meals provided by the operator shall be served only to registered overnight guests, subject to Subsection (i) below;

(d) Off-street parking shall be provided in accordance with the parking requirements of this Chapter; provided, that in no event shall there be less than one off-street parking space per guest room, subject to Subsection (i) below;

- (e) There shall be a minimum distance of 350 feet between each inn as measured between the nearest lot lines;
- (f) An on-premises sign advertising an inn located in any zoning district shall be limited to three square feet in area, shall be located on the building, shall be consistent with the character of the building, and shall be limited to identifying not more than the name and address of the inn. There shall be only one such sign per inn which may not be illuminated;
- (g) All inns shall comply with applicable State Health and Building Code requirements;
- (h) No other commercial enterprise, including a home occupation, shall be operated in the inn, subject to Subsection (i) below; and,
- (i) An inn shall be allowed to serve meals to other than registered overnight guests upon the following conditions:
1. The Conditional Use Permit shall specifically allow this use and set parameters consistent with this Subsection;
  2. Meals are served only to those who have advanced reservations;
  3. No more than ten persons may be seated for meals at any one time; and,
  4. One parking stall for every two dining seats shall be provided on site, in addition to the parking required by Subsection (d) above.