

303 HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

[The title of Section 303 changed by Ord. ZDO-224, 5/31/11]

303.01 PURPOSE

Section 303 is adopted to implement the goals and policies of the Comprehensive Plan for High Density Residential areas.

[Amended by Ord. ZDO-224, 5/31/11]

303.02 AREA OF APPLICATION

Property may be zoned High Density Residential District if:

- A. The site has a Comprehensive Plan designation of High Density Residential;
- B. The criteria under Section 1202 are satisfied; and
- C. The property and affected area are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

[Amended by Ord. ZDO-224, 5/31/11]

303.03 PRIMARY USES

The following are primary uses in the High Density Residential District:

- A. Multifamily dwellings;
- B. Three-family dwellings;
- C. Two-family dwellings;
- D. Congregate housing facilities;
- E. Condominiums, subject to Section 803;
- F. Nursing homes, subject to Section 810;
- G. Utility carrier cabinets, subject to Section 830;
- H. Bed and breakfast residences and inns, subject to Section 832; and

- I. Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.

[Amended by Ord. ZDO-224, 5/31/11]

303.04 ACCESSORY USES

The following are accessory uses in the High Density Residential District:

- A. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with a primary or limited use within the same development;
- B. Parking structures;
- C. Bus shelters, bike racks, street furniture, drinking fountains, kiosks, art sculptures, and other pedestrian and transit amenities;
- D. Rental and development information offices;
- E. Handyman and maintenance services in association with primary, accessory, or limited uses in the development;
- F. The temporary storage within an enclosed structure of source-separated recyclable/reusable materials generated and/or used on site prior to onsite reuse or removal by the generator or licensed or franchised collector to a user or broker;
- G. Self-service laundry facilities;
- H. Solar energy systems;
- I. Rainwater collection systems;
- J. Electric vehicle charging stations;
- K. Signs, subject to Section 1010;
- L. Family daycare providers; and
- M. Home occupations, subject to Section 822.

[Amended by Ord. ZDO-224, 5/31/11]

303.05 LIMITED USES

Within a Design Plan area, office, retail, and service uses may be included in a High Density Residential development subject to the provisions set forth below:

A. Office, retail, and service commercial uses, itemized under Subsections 303.05(B) and (C), may be allowed as part of a development within a Design Plan area when developed concurrently with or after the primary uses, subject to the following limitations and conditions:

1. Limited uses may be allowed in developments meeting the minimum residential density in Subsection 303.09(D) for the entire site area. The total combined floor area occupied by all limited uses shall not exceed 10 percent of the total floor area occupied by primary uses.

Formula: $.10 \times \text{primary use floor area} = \text{limited use floor area}$

2. All limited uses shall be part of a planned development.
3. Allowing the use(s) will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use(s).
4. No outdoor storage of materials associated with the limited use shall be allowed.
5. Uses shall not be of a type or intensity which produce odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
6. Commercial uses itemized under Subsection 303.05(C) shall be small-scale establishments located and arranged within the development to cater primarily to the shopping and service needs of residents, onsite employees, and area patrons. No single commercial use shall occupy more than 1,500 square feet of floor area.

B. Limited office uses may be as follows:

1. Offices or studios of the following professions or occupations:
 - a. Accountants, investment counselors, management consultants;
 - b. Attorneys;
 - c. Architects, landscape architects, and engineers;
 - d. Artists, designers, draftsmen, authors, or writers;
 - e. Photographers, musicians, and dancers; and

- f. Physicians, surgeons, dentists, psychologists, and counselors; and
 2. Any office use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(B)(1) and consistent with the Comprehensive Plan and the purposes of Section 303. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.
- C. Limited retail and service commercial uses may be as follows:
1. Laundry pickup agency, dry cleaners, and pressing and dry cleaning services that do not require a fireproof vault;
 2. Barber or beauty shop, tailor, dressmaker, shoe repair, or similar personal service business;
 3. Coffee, pastry or sandwich shop, cafeteria, delicatessen, restaurant, drinking establishment, or pedestrian-oriented fast-food service;
 4. Confection, newspaper, magazine, book, gift, stationery, or flower and plant sales;
 5. Pharmacy;
 6. Grocery and variety stores emphasizing convenience rather than bulk merchandise sales;
 7. The sale or rental of art, craft, musical, dance, recreation, or minor office supplies and equipment in association with primary, accessory, or limited uses;
 8. Duplicating services;
 9. Self-service postal facilities;
 10. Daycare facilities; and
 11. Any convenience or service commercial use that the Planning Director finds to be similar to one or more of those specified in Subsection 303.05(C) and consistent with the Comprehensive Plan and the purposes of Section 303. A request for a determination under this subsection shall be processed as an Interpretation pursuant to Subsection 1305.03.

[Amended by Ord. ZDO-224, 5/31/11]

303.06 USES SUBJECT TO REVIEW BY THE PLANNING DIRECTOR

The Planning Director may approve the following use in the High Density Residential District, pursuant to Subsection 1305.02:

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

[Amended by Ord. ZDO-224, 5/31/11]

303.07 CONDITIONAL USES

- A. The Hearings Officer may approve conditional uses in the High Density Residential (HDR) District, pursuant to Section 1300. Approval shall not be granted unless the proposal complies with Section 1203 and any applicable provisions of Section 800. In addition, the proposed use:
 - 1. Shall have minimal adverse impact on the livability, value, and appropriate development on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;
 - 2. Shall be located in a structure occupied by a primary, accessory, or limited use, or if detached, in a structure which is compatible with the character and scale of such structures in the vicinity, and on a site no larger than necessary for the use and the operational requirements of the use;
 - 3. Shall provide vehicular and pedestrian access, circulation, parking, and loading areas that are compatible with similar facilities for uses on the same site or adjacent sites; and
 - 4. Shall not create offensive odor, dust, smoke, fumes, noise, glare, heat, or vibration which can be detected outside the premises of the use.
- B. The following conditional uses may be allowed in the HDR District:
 - 1. Churches, subject to Section 804;
 - 2. Service and recreational uses, subject to Section 813;
 - 3. Hydroelectric facilities, subject to Section 829;
 - 4. Preschools and nursery schools;
 - 5. Health clubs and recreational uses that exceed an accessory, limited, or service and recreational use;
 - 6. The hosting of weddings, family reunions, class reunions, company picnics, and similar events;
 - 7. Office, retail, and service commercial uses identified in Subsections 303.05(B) and (C) which exceed the conditions specified for such uses, as determined by the Planning Director, or any neighborhood commercial or office use identified in Section 501, provided that:

- a. The proposed use shall provide a needed service commensurate with the population growth of the immediate area; and
 - b. The use shall be provided in conjunction with a primary use development on the same site, and the floor area for such use shall be included within the 10 percent floor area allowed for limited uses.
8. Wireless telecommunication facilities listed in Subsection 835.06(A), subject to Section 835, except that such facilities are not subject to Subsections 303.07(A)(1) through (4); and
 9. Multi-use developments, subject to Section 1016, except that such facilities are not subject to Subsections 303.07(A)(1) through (4).

[Amended by Ord. ZDO-224, 5/31/11]

303.08 PROHIBITED AND PREEXISTING USES

- A. Uses of structures and land not specifically permitted in Section 303 shall be prohibited in the High Density Residential District.
- B. Preexisting legally established commercial uses may be remodeled or expanded subject to staff review with public notice pursuant to Subsection 1305.02, when the following conditions are satisfied:
 1. Impact: The remodeled or expanded use and operational characteristics of the use will not be detrimental to the area or to adjacent properties.
 2. Limited Area: The remodeled or expanded use or structure will not require an expansion of the site area occupied by the preexisting use.
 3. Compatibility: The remodeled or expanded use or structure and associated operational requirements are integrated into the residential development on surrounding properties through building design, exterior materials and colors, landscaping, orientation of building entrances and service areas, vehicle and pedestrian circulation, and signing.
- C. Lawfully established single-family dwellings or residential homes may be remodeled or expanded without review under Section 1206.
- D. A new lot may be created for a lawfully established single-family dwelling provided that the remaining lot shall be a minimum of one acre in size.
- E. Lawfully established single-family dwellings shall comply with the setback standards of Section 301.

- F. Any lot less than one acre in size resulting from a property line adjustment is not buildable unless combined with other property as provided under Subsection 303.09(B).
- G. All other legally established preexisting structures and uses not specifically permitted as a primary use in Subsection 303.03 shall be nonconforming uses subject to the provisions of Section 1206.

[Amended by Ord. ZDO-224, 5/31/11]

303.09 DIMENSIONAL STANDARDS

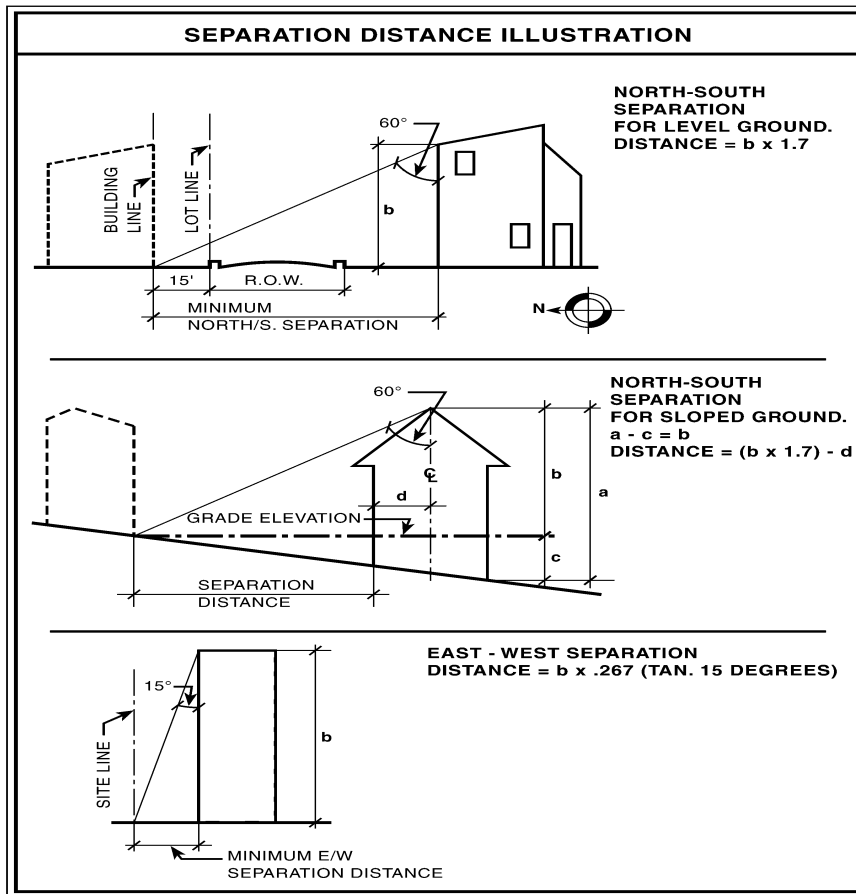
- A. Purpose: The dimensional standards are intended to:
 - 1. Encourage coordinated development and the most efficient and maximum use of high density areas;
 - 2. Provide for adequate structure separation to ensure air and light access and fire safety and protection for all development site areas and structures within the district and adjoining districts;
 - 3. Preserve opportunities for, and encourage, the use of active or passive solar energy systems in the development of any site area within or adjoining this district; and
 - 4. Ensure the provision of open space in every development in order to improve compatibility with surrounding areas and provide outdoor activity areas and views for residents.
- B. Minimum Site Area: A minimum gross site area of one acre, including land dedicated for roadway purposes, shall be required for high density developments. "Site area" for purposes of this section shall be one of the following:
 - 1. A single tax lot, or two or more contiguous tax lots under the same ownership.
 - 2. Two or more contiguous tax lots under separate ownership, provided that:
 - a. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development, and
 - b. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project, or
 - c. The group shall record, in the office of the County Clerk, a contract in which all members agree to subject the use and development of

individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.

- C. Undersized Lots: Primary and accessory uses may be established on smaller than one-acre sites which are physically separated from all other undeveloped or underdeveloped properties in this district.
- D. Density: The district land area for purposes of calculating density pursuant to Section 1012 is 1,742 square feet per dwelling unit.
- E. Maximum Lot Coverage: 50 percent.
- F. Minimum Landscaping Area: 25 percent of the lot.
- G. Minimum Front Yard Setback: 15 feet.
- H. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building, shall be the horizontal distance calculated by drawing a 60 degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 303-1.) This provision shall be modified as follows:
 - 1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
 - 2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive, parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.
 - 3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 303.09(I), that area may be included in the required separation distance.
- I. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
 - 1. Documentation and map of the easement is submitted with the development plans for the site areas in question, and

2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible, and
 3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
- J. Minimum East-West Separation: The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, county or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 303-1.)

Figure 303-1



Formula: Separation = $b \times .267$ (tan 15 degrees)

- K. Exceptions to Setback and Separation Requirements: The requirements of this section are not subject to modification pursuant to Sections 903 and 904. However, these requirements may be modified through design review pursuant to Section 1102. Approval shall not be granted unless:

1. The purposes set forth under Subsection 303.09(A) are addressed and satisfied in the proposed design of the development, and
2. The modification requested is necessary to allow development of primary uses at densities allowed for the site area.

[Amended by Ord. ZDO-224, 5/31/11]

303.10 DEVELOPMENT STANDARDS

- A. General: Development shall be subject to the applicable provisions of Sections 1000 and 1100.
- B. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10 of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.
- C. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

[Amended by Ord. ZDO-224, 5/31/11]