

CHAPTER 3.1

LOW DENSITY (RS-3.5) ZONE

Section 3.1.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-3.5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-3.5 and platted to urban densities as of December 31, 2006. Additionally, the RS-3.5 Zone is retained for areas of the City that were zoned RS-3.5 as of December 31, 2006, and are less than or equal to one acre in size. No new areas shall be zoned RS-3.5 and no existing zones shall be changed to RS-3.5.

Section 3.1.20 - PERMITTED USES

3.1.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types - Family
2. Residential Building Types - Single Detached (one unit per lot or parcel)
3. Civic Use Types -
 - a) Community Recreation
 - b) Public Safety Services

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions.
3. Essential Services

4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use

3.1.20.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Cultural Exhibits and Library Services
- d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- e. Funeral and Interment Services - Interring and Cemeteries
- f. Lodges, Fraternal and Civic Assembly
- g. Major Services and Utilities
- h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

- i. Participant Sports and Recreation - Indoor and Outdoor
- j. Religious Assembly
- k. Schools

3.1.20.03 - General Development

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review, and other applicable provisions of this Code.

- a. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS

Table 3.1-1

	Standard
a. Minimum Density	2 units per acre
b. Maximum Density	6 units per acre
c. Minimum Lot Area	8,000 sq. ft.
d. Minimum Average Lot Width	65 ft.
e. Minimum Setbacks	
1. Front yard	15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.
2. Rear yard	25 ft.
3. Side yard (interior)	8 ft.
4. Corner lot	20 ft. on side abutting street and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.
See also "k," and "l," below.	

		Standard
f.	<p>Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> 1. Garage/carport entrance parallel to street 2. Garage/carport entrance sideways/perpendicular to the street <p>See also "k," and "l," below.</p>	<p>19 ft.</p> <p>15 ft.</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>
g.	<p>Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Building Site Coverage	None
j.	Off-street Parking	See Chapter 4.1 - Parking Loading and Access Requirements.

	Standard
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	<p>Shall not be placed within any required setback area.</p> <p>When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening.</p>
l. Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.1.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.1.40, below.
s. Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.1.40 - GREEN AREA REQUIREMENTS

- a.** A minimum of 50 percent of the gross lot area shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

- c. Within the required Green Area for single-family dwellings, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, or patios.

Section 3.1.50 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-3.5 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.1.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.1.30 “m” through “q,” and “s,” variations from development and design standards such as standards in this Chapter and in other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.