

Sec. 29-1.11. Definitions and rules of construction.

(a) *Definitions—General.* For the purpose of this chapter 29, the following words and terms are defined to mean the following:

Access. The place, means or way by which pedestrians, bicyclists and/or vehicles have ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or public easement.

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Lot (aka lot of record or legal lot). A tract or parcel of land whose boundaries are shown on a plat recorded with the county recorder of deeds. ~~Tracts or parcels zoned district A, R-1, or R-2, R-MF, or any combination thereof, and were described by a metes and bounds description accurately describing the location, boundaries and size of the tract or parcel within a recorded instrument prior to annexation into the city or prior to October 5, 1964 shall be considered a lot and entitled to receive permits as though it was shown on a recorded plat. When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one of the above provisions. For purposes of this definition, the term "recorded" means recorded in the office of the county recorder of deeds.~~

Lot, common. A platted lot in a subdivision that is dedicated to the use of more than one lot in the subdivision.

Lot, corner. A lot in which one side lot line is adjacent to a street, platted street right-of-way, or street-space. Special building placement, fencing and landscape requirements may apply.

Lot, flag (aka stem lot or tier lot). A parcel of land that is accessible only by a very long narrow strip leading from a main road.

Lot, interior. A lot whose side lot lines do not abut any streets.

Lot, through. An interior lot having frontage on two (2) streets.

~~Lot, substandard. A single existing lots, parcels, or tracts of land whose zoning classification is R-1, R-2, or R-MF that does not conform to the minimum dimensional standards of the zoning classification to which it is assigned they are coded. Such lots, parcels or tracts may be entitled to issuance of a building permit provided said; and such lot, parcel or tract either meets the definition of a "Lot", as defined herein, or is platted in its existing configuration as a "lot" in accordance with the requirements of this chapter.~~

Lot depth. The average horizontal distance from the front lot line to the rear lot line, as measured along both side lot lines.

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Sec. 29-2.2. Base zoning districts.

(a) *Residential zone districts.*

(1) *R-1: One-family dwelling district.*

- (i) *Purpose.* This district is intended to promote and preserve safe and attractive urban one-family residential neighborhoods. The principal land use is a one-family dwelling unit per lot. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included, as shown in Table 29-3.1 (Permitted Use Table).

Commented [PZ1]: These changes would confer "legal lot" status to existing and compliant R-MF lots either shown within a recorded plat or which can meet the requirements of being accurately described via a metes and bounds description. Such a lot would not have to replat to be issued a building permit.

Commented [PZ2]: This definition provides clarity to what is and is not a "substandard" lot. A substandard lot must meet the definition of "Lot" before it can be built upon which may mean it will require to be platted.

Commented [PZ3]: This phrase is intended to ensure that a modification of the non-conforming features of the lot are not altered when the lot must be created to become "legal".

| Table 29-2-2 R-1 District Dimensional Standard Summary | |
|--|-----------------------------------|
| Lot Standards ¹¹ | |
| Minimum lot area | 7,000 sq. ft. |
| Minimum lot area if no public or community sewer available | 15,000 sq. ft. |
| Minimum lot width at building line | 60 ft. |
| Building Standards ¹¹ | |
| Minimum depth front yard | 25 ft. |
| Minimum width of side yard | 6 ft. |
| Minimum depth of rear yard | Lesser of 30% lot depth or 25 ft. |
| Maximum height of primary residential building | 35 ft. |
| Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each | 45 ft. |
| Maximum height of primary nonresidential building, provided all setbacks increased 1 ft. for each additional 1 ft. of height over 35 ft. | 75 ft. |
| This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations. | |
| Footnote [1]: Standards may be reduced for "substandard lots" to those shown in Section 29-4.1(b)(8) | |

- (ii) *Illustration.* The following diagram is a graphical depiction of the R-1 district to be used for illustration purposes only.

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(2) *R-2 Two-family dwelling district.*

- (i) *Purpose.* This district is intended to provide for a blend of one-and two-family residential developments that will promote strong neighborhoods. The district is intended to accommodate both standard residential development and small pockets of affordable small lot infill "cottage" residential development. The "cottage" standards require approval by the board of adjustment pursuant to section 29-6.4(j). The principal land use is one-family or duplex residential dwellings, as shown in Table 29-3.1 (Permitted Use Table). One principal structure is allowed per lot; two or more single-family detached dwellings are not permitted on a single lot.

| Table 29-2-3 R-2 District Dimensional Standard Summary | | |
|--|----------------|---------------|
| | Current | Cottage |
| Lot Standards ¹¹ | | |
| Minimum lot area - one-family | 5,000 sq. ft. | 3,000 sq. ft. |
| Minimum lot area - one-family attached | 3,500 sq. ft. | N/A |
| Minimum lot area - two-family | 7,000 sq. ft. | N/A |
| Minimum lot area if no public or community sewer available | 15,000 sq. ft. | |
| Minimum lot width at building line | 60 ft. | 30 ft. |
| Minimum lot width at building line -single-family attached | 30 ft. | N/A |

| | | |
|---|-----------------------------------|--------|
| Maximum size of contiguous area that may be replatted to permit "cottage" lots without such lots being within a "cottage" subdivision | N/A | 1 ac. |
| Building Standards ^[1] | | |
| Minimum depth front yard | 25 ft. | 10 ft. |
| Minimum depth from front lot line to garage (if applicable) | 25 ft. | 20 ft. |
| Minimum width of side yard | 6 ft. | 6 ft. |
| Minimum depth of rear yard | Lesser of 25% lot depth or 25 ft. | 10 ft. |
| Maximum height of primary residential building | 35 ft. | 35 ft. |
| Maximum height of primary residential building if 2 side setbacks of at least 15 ft. each | 45 ft. | 35 ft. |
| Maximum height of nonresidential building | 75 ft. | N/A |
| This Table is a summary of selected standards; refer to Chapter 29-4.1 Dimension Standards, for additional regulations. | | |
| Footnote [1]: Standards may be reduced for "substandard lots" to those shown in Section 29-4.1(b)(8) | | |

- (ii) *Illustration.* The following diagram is a graphical depiction of the R-2 district to be used for illustration purposes only.

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(3) *R-MF multiple-family dwelling district.*

- (i) *Purpose.* This district is intended to provide for a mix of one-family, two-family, and medium density multi-family residential development. It may include a range of residential uses from one-family to medium and high density multi-family apartments and condominiums and fraternity and sorority houses. The scale of development is regulated to ensure that new development is not out-of-scale with the character and density of currently existing adjacent uses or zoning. The principal uses are residential, as shown in Table 29-3.1 (Permitted Use Table).

| Table 29-2.4 R-MF District Dimensional Standard Summary | |
|---|-----------------------------------|
| Lot Standards ^[1] | |
| Minimum lot area - one-family | 5,000 sq. ft. |
| Minimum lot area - one-family attached | 3,500 sq. ft. |
| Minimum lot area - two-family | 7,000 sq. ft. |
| Minimum lot area - multi-family | 2,500 sq. ft. per du |
| Minimum lot area - sorority or fraternity | 7,500 |
| Minimum lot area - CRCC | N/A, but max. density is 17 du/ac |
| Minimum lot width at building line | 60 ft. |
| Minimum lot width at building line - single-family attached | 30 ft. |
| Building Standards ^[1] | |
| Minimum depth front yard | 25 ft. |
| Minimum width of side yard - all other | 10 ft. |
| Minimum width of side yard - corner lot street side | 15 ft. |
| Minimum depth of rear yard | 25 ft. |
| Maximum height of primary residential building | 35 ft. |
| This table is a summary of selected standards; refer to chapter 29-4.1 dimension standards, for additional regulations. | |
| Footnote [1]: Standards may be reduced for "substandard lots" to those shown in Section 29-4.1(b)(8) | |

- (ii) *Illustration.* The following diagram is a graphical depiction of the R-MF district to be used for illustration purposes only.

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Sec. 29-4.1. Dimensional summary table.

- (a) *General dimensional standards.* The following Tables 4.1-1 to 4.1-3 state the dimensional standards for residential, mixed use, and special purpose districts contained in chapter 29-2 (zoning districts). In case of a conflict between the dimensions shown in this section 29-4.1 and the dimensions shown for individual districts in chapter 29, article 2, the provisions of this section 29-4.1 shall apply. In each table, a blank cell indicates that there is no standard for that dimension or measurement. (See section chapter 12A of the City Code for additional required building setbacks from stream corridors. See section 29-4.1(b)(2) (solar orientation density bonus), ~~and~~ section 29-4.1(b)(3) (rural cluster density bonus), and section 29-4.1(b)(8) (substandard lots) for additional information related to dimensional standard reductions and bonuses).

| Table 4.1-1: Dimensional Standards for Residential Districts | | | | | |
|--|----------------------------------|----------------------------------|-------------|---|-------|
| Standard | District | | R-2 [1] | R-MF [2][6] | R-MH |
| | R-1[6] | | Current [6] | Cottage | |
| Lots | | | | | |
| Minimum Lot Area (sq. ft.) | | | | | |
| One-Family Dwelling | 7,000 | 5,000 | 3,000 | 5,000 | 3,750 |
| One-Family Attached Dwelling | | 3,500 | | 3,500 | |
| Two-Family Dwelling | | 7,000 | | 7,000 | |
| Multiple Family Dwelling | | | | 2,500 per du | |
| Sorority or Fraternity | | | | 7,500 | |
| CRCC | | | | No min., but max. density 17du/ac | |
| Lot area if no public or community sewer [5] | 15,000 | 15,000 | | | |
| Minimum Lot Width (ft.) (detached) | 60 | 60 | 30 | 60 | 45 |
| Minimum Lot Width (ft.) (attached) - per lot | | 30 | | 30 | |
| Maximum size of contiguous area that may be replatted without being within a "cottage" subdivision | | | 1 | | |
| Minimum Setbacks (ft.) | | | | | |
| Front Yard | | | | | |
| Front Yard Depth | 25 | 25 | 10 | 25 | 20 |
| Front lot line to garage depth (if applicable) | 25 | 25 | 20 | | |
| Side Yard | | | | | |
| Side Yard | 6 | 6 | 6 | 10 | 10 |
| Side Yard - Corner Lot Street Side | 25 | 25 | 10 | 15 | |
| Distance between mobile dwelling units | | | | | 20 |
| Rear Yard | Lesser of 30% lot depth or 25 | Lesser of 25% lot depth or 25 | 10 | 25 | 10 |
| Maximum Height (ft.) | | | | | |
| Primary Residential Building See also section 29-4.7 Neighborhood Protection Standards | 35[3] | 35[3] | 35 | 35[3] | 35 |
| Primary Non-residential Building [4] See also section 29-4.7 Neighborhood Protection Standards | 75 | 75 | | 75 | |
| [1] All R-2 lands are subject to Current Standards until they request application of the Cottage Standards, and that request is approved under section 29-6.4(j). | | | | | |
| [2] Multifamily structures constructed before January 1, 2014, with building height up to 45 ft. and lot area of at least 1,500 sq. ft. per dwelling unit are conforming structures. | | | | | |
| [3] Or 45 ft. if two side yards at least 15 ft. in width are provided. | | | | | |
| [4] Provided that each building setback is increased one foot above the District residential building minimum for each one foot of additional building height above the residential building maximum. | | | | | |
| [5] The minimum lot area for on-site septic is subject to health department approval based, in part, on distances between the lot and existing public sewer mains. This lot area could be greater, conditional, or denied on a case-by-case basis. | | | | | |
| [6] "Substandard lots" meeting the definition and qualifications specified in section 29-1.11 may nonetheless be eligible for a single-family building permit subject to the dimensional standards of section 29-4.1(b)(8). | | | | | |

(b) *Special dimensional standards or measurements.*

(1) *Median front yard for multiple lots.*

- (i) In the R-1, R-2, and R-MF districts, where the nearest lots on either side of a residential lot have been developed with residential structures, the median of the front yards of such residential buildings shall establish the minimum front yard depth for the subject lot. In no case shall the setback be less than the minimum setback established in Table 4.1-3 unless a reduction is approved by the board.
- (ii) Where a recorded plat has been filed showing a setback line that otherwise complies with the requirements of this chapter, but is less than the established setback for the block as provided above, the setback line shown on the plat shall apply.

- (7) *Higher education institution buildings.* Buildings constructed on the campus of an institution of higher learning, and that have been included as part of a development plan approved by the council, need not comply with the yard requirements of the district in which they are located, but shall comply with the following requirements:
- (i) Minimum distance between the building and a street line is twenty-five (25) feet; and
 - (ii) Minimum distance to a property line other than a street is fifteen (15) feet for buildings thirty-five (35) feet or less in height, and five (5) additional feet for each additional ten (10) feet or part thereof in height.

(8) Substandard lots. If a lot, parcel, or tract of land zoned R-1, R-2, or R-MF ~~meets~~conforms to the definition of “lot, substandard” and has been determined to be a “lot”, as such terms are defined within section 29-1.11, such lot, parcel, or tract shall be entitled issuance of a building permit for a single-family dwelling provided the following minimum dimensional standards are met.

| | |
|--|------------------|
| Lot Area (sq.ft.) | |
| Minimum lot area – all districts | 3,000 |
| Maximum lot area – R-1 district | 5,999 |
| Maximum lot area – R-2 & R-MF | 4,999 |
| Lot width (ft) | |
| Minimum – all districts | 30 |
| Maximum – all districts | 59 |
| Minimum Setbacks (ft) | |
| Front Yard – all districts⁽¹⁾ | 20 |
| Side Yard – all districts | 5 |
| Side Yard – Corner Lot Street Side – all districts | 10 |
| Rear Yard – all districts | 10 |
| Maximum Height (ft.)⁽²⁾ | 35 |
| Footnotes: | |
| (1) See also section 29-4.1(b)(1) Median Front Yard for Multiple Lots | |
| (2) See also section 29-4.7 Neighborhood Protection Standards | |

Commented [PZ4]: Provisions removed after determination that setting a “maximum” lot area was unnecessary given purpose of amendment is to establish the smallest existing lot that may be authorized to be platted when the lot is not considered a “legal lot”. A lot considered “legal” regardless of its area would be permitted to be built upon per section 29-6.5(c)(1)

Commented [PZ5]: Provision removed after determination that setting “maximum” width was unnecessary given purpose of amendment is to establish narrowest existing lot width that could be platted when the lot is not considered a “legal lot”. A lot considered “legal” regardless of its width would be permitted to be built upon per section 29-6.5(c)(1)

Commented [PZ6]: Provisions removed after determination that the most efficient manner to address the Council sought change to activate **existing** “substandard lots” was to not introduce a new set of dimensional standards unique to them. Any lot that is considered “legal” would be **required** to be improved following the underlying zoning district setbacks and height limits.