

CHAPTER 1164
Multifamily Districts

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CROSS REFERENCES

- Municipal zoning - see Ohio R.C. 713.06 et seq.
Administration, enforcement and penalty - see P. & Z. Ch. 1152
Board of Zoning Appeals - see P. & Z. Ch. 1154
Conditional use permits - see P. & Z. Ch. 1156
Districts generally and Zoning Map - see P. & Z. Ch. 1158
Signs - see P. & Z. Ch. 1170
Off-street parking and loading - see P. & Z. Ch. 1172
Nonconforming uses - see P. & Z. Ch. 1174
Supplementary regulations - see P. & Z. Ch. 1176

1164.01 INTENT.

The Multifamily District and its regulations are established in order to achieve, among others, the following purposes:

- (a0) To provide for a variety of residential dwelling types, including apartments, townhouses and other multiple dwellings as permitted uses.
- (b0) To provide protection to residential development from noxious fumes, odors, dust, excessive noise, the invasion of abnormal vehicular traffic, and other objectionable influences, by allowing nonresidential development within the boundaries of Multifamily Districts only as conditionally permitted uses; and
- (c0) To promote the most desirable and beneficial use of the land in accordance with plans recommended or duly approved by the City.
(Ord. 96-61. Passed 4-21-97.)

1164.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in Residential Districts, only for the uses set forth in the schedules and use regulations of this Zoning Code.

- (a0) A main building or use set forth in Section 1164.03 shall be permitted by right as the principal building or use of a zoning lot only in a district in which it is specifically permitted.
- (b0) Conditional uses are certain types of main uses so classified because of their uncommon characteristics, infrequency of occurrence, large land area requirements or other features, and shall not be permitted in certain locations by right. Such cases require consideration and approval by the City Planning Commission and Council according to procedures and standards set forth in Chapter 1156. Only those uses so enumerated Section 1164.03 may be approved in the specific districts.
- (c0) An accessory building or use set forth in Section 1164.03 shall be permitted as a subordinate building or use, which is clearly incident to and located on the same zoning lot as the main building or use, and shall be located only in a district in which it is specifically permitted.
(Ord. 96-61. Passed 4-21-97.)

1164.03 SCHEDULE OF PERMITTED BUILDINGS AND USES.

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DISTRICT	MAIN BUILDING OR USES	CONDITIONAL BUILDINGS OR USES	ACCESSORY BUILDINGS AND USES
Low-rise multifamily (Class A)	(a) Material did not convert (see book) (b)	(a) Material did not convert (see book) (b) (c) (d) (e) (f) (g)	(a) 1) 2) 3) 4) 5) 6) 7) 8) 9) (b) 1) 2) 3) 4) 5) 6) 7)
Medium-rise multifamily (Class B)	(a)	(a)	(a)

(Ord. 96-61. Passed 4-21-97.)

1164.04 ACCESSORY USES.

(a0 The following accessory uses are permitted in Multifamily Districts on lots where the main use is a dwelling:

- (1) Private garages and private parking areas. Private garages and private open off-street parking areas shall be permitted in Multifamily Districts in accordance with the standards and regulations set forth in Chapter 1172, the minimum distance requirements for accessory uses found in Section 1164.10 and the regulations found in Section 1164.11. If a lot is improved with a single-family dwelling, the provisions of Section 1160.04(a)(1) shall apply.
- (2) Parking of commercial vehicles. For lots improved with townhouses or apartments, parking of commercial vehicles shall be permitted for service or delivery only. Such parking or storage of commercial vehicles shall not extend beyond a single twenty-four hour period. For lots improved with a single-family dwelling, the regulations of Section 1164.04(a)(2) shall apply.
- (3) Garage sales. Garage sales permitted in Chapter 729 are prohibited in Multifamily Districts, except upon a lot or parcel improved with a single-family dwelling.
- (4) Professional offices and home occupations. Home occupations as well as professional offices that provide an office in the dwelling unit of a person practicing any of the recognized professions, including, but not limited to, accountant, architect, artist, clergyman, dentist, engineer, lawyer, physician, realtor, appraiser, photographer, planner or mental health counselor, may be conducted by such person at his or her residence, provided that the following conditions are met:
 - A. No person is employed other than members of his or her immediate household.
 - B. The home occupation or professional office generates no outdoor storage of materials, equipment or vehicles.
 - C. Such home occupation or professional office occupies no more than twenty-five percent of the total ground floor area of the dwelling unit.
 - D. The home occupation or professional office is conducted wholly within the dwelling unit whose main use is as a residence.
 - E. No equipment is used which will create objectionable disturbances beyond the premises.
 - F. No window display or signboard is used to advertise such occupation, other than a nameplate with a maximum size area of two square feet attached to the dwelling unit, as provided for in Section 1170.04(c)(6). Such nameplate may designate such occupation thereon along with the occupant's name and address.

- G. The home occupation or professional office does not change the residential character of the dwelling exterior.
- (5) **Gardens and household pets.** The raising for private use of flowers, fruits, vegetables or nursery stock, and the keeping of household pets, are permitted in Multifamily Residential Districts, provided that:
- A. Household pets shall be construed to include dogs, cats, rabbits, canaries, parakeets, fish and other domestic animals and birds, but shall not include snakes, livestock, fowl, mules, donkeys, cows, bulls, swine, sheep, goats or tamed wild animals and wild birds.
 - B. In addition, the keeping of all permitted animals must conform to the provisions of Chapter 618 of the General Offenses Code.
- (6) **Storage sheds.** Storage sheds shall be permitted to be placed or erected within the rear yard of all single-family and two-family dwellings within Multifamily Districts, subject to the following specific limitations and/or conditions:
- A. Storage sheds shall not exceed 120 square feet in area, nor be greater than eleven feet in height from finished grade, except that storage sheds to be placed in rear yards comprising less than forty feet measured from the rearmost part of the rear wall of the dwelling house to the rear property line, shall not be greater than eighty square feet in area, nor be greater in height than ten feet.
 - B. No part of the storage shed shall be located closer than three feet to a rear or side property line, except in the case of a corner lot, in which case no part of the shed shall be located closer than ten feet to a side line of an abutting residential lot, nor be closer than twenty feet to the street line.
 - C. Storage sheds shall be wholly of wood or face brick construction.
 - D. Storage sheds shall be located in accordance with the above and the location shall be approved by the Building Department. If the Building Department, upon viewing the site, determines that a shed placed or erected according to these regulations will be injurious to, or cause a nuisance to, abutting property owners, the Building Department shall not issue a permit. In making such determination the Building Department shall take into consideration the following factors:
 - 1. The size of the lot;
 - 2. The shape of the lot; and
 - 3. The location of the main structure on the lot when compared to abutting properties.
- Any person from whom a permit is withheld shall have recourse to the Board of Zoning Appeals.

- E. Storage sheds shall be placed or erected on a four-inch concrete pad. Storage sheds shall not have open areas beneath the floor that would attract rodents or other animals.
 - F. Approved storage sheds shall be permitted to remain on the lot or premises for which a permit was issued, provided such shed is maintained in a good and sound structural condition, is kept neat and clean in appearance and is maintained in accordance with the applicable maintenance provisions of the Building and Housing Code of the City.
 - G. Two sets of drawings (drawn to scale) are required of the proposed shed along with a completed application form. Drawings are to include a site plan, a foundation plan and elevations of each side. Dimensions are to be clearly noted on the drawings along with a materials list.
 - H. A permit is required before the placement or erection of a storage shed or the relocation and/or reconstruction of an existing storage shed.
- (7) **Central air conditioning units.** Central air conditioning condensers shall be permitted in any Multifamily Residential District, provided that they are located only in the side or rear yard and do not extend closer to the side or rear lot line than the minimum side or rear setback requirement of the respective zoning district in which the premises are located.
- (8) **Recreational facilities.** Recreational space for multifamily developments is required in accordance with Section 1164.11(c). Recreational facilities, such as swimming pools, patios, picnic grills, playhouses, children's playground equipment and swimming pool cabanas, may be permitted in the side or rear yard of a premises in any Multifamily Residential District. Insofar as possible, all accessory uses should be combined into one structure. Architectural style, materials and colors of accessory buildings should conform to that of the main use structure. All recreational facilities shall meet the minimum side and rear setback requirements of Section 1164.10. In addition, all swimming pools must meet the requirements of Chapter 1363 of the City's Building and Housing Code.
- (9) **Landscaping.**
- A. Landscaped areas, exclusive of buildings, driveways and parking areas, shall not be less than fifty percent of the total land area in multifamily development, as regulated in Section 1164.07, the schedule of area, yard and height regulations.
 - B. Required screening and buffering shall be as regulated in Section 1164.12.

- (10) **Signs.** Signs, as regulated in Chapter 1170, are permitted.
- (11) **Recreational vehicles.** For lots improved with a single-family dwelling, the regulations pertaining to recreational vehicles in Single-Family Districts shall apply. (See Section 1160.04(a)(3).) For lots improved with townhouses or apartment dwellings, the storage and parking of recreational vehicles shall be permitted only in areas designated as the off-street parking facility for the main residential structure. Such recreational equipment must be owned by an occupant of the main residential structure. All other provisions for recreational vehicles found in Section 1160.04(a)(3) shall apply to Multifamily Districts.

(b0) The following accessory uses on lots in which the main building is a public or private school, church or other conditionally permitted nonresidential use are permitted:

- (1) **Off-street parking.**
 - A. Off-street parking is required, in accordance with the provisions of Chapter 1172, on the same lot or parcel on which the main building is situated.
 - B. Compliance with paragraph (b)(1)A. hereof shall be reviewed by the Building Commissioner and either the City Planning Commission or the Architectural Board of Review, as required.
- (2) **Screening and landscaping in a nonresidential development.** Landscaped areas, exclusive of buildings, driveways and parking areas, shall not be less than fifty percent of the total land area in a non-residential development. As a part of meeting this landscaping requirement, the screening and buffering regulations of Section 1164.12 may be applied.
- (3) **Unattached buildings.** Unattached accessory buildings, including detached garages, will be permitted, provided their location conforms to minimum distances as covered under Section 1164.10.
- (4) **Sales of certain commodities by charitable and religious organizations.** Temporary sales of certain commodities by religious and charitable organizations, as regulated by Chapter 763 of the Business Regulation and Taxation Code, are permitted as accessory uses.
- (5) **Central air conditioning units.** Central air conditioning condensers shall be permitted in any Multifamily Residential District, provided that such condensers shall be permitted only in the side or rear yard and shall not extend closer to the side or rear lot line than the minimum side or rear setback requirement of the respective zoning district in which the premises are located.

- (6) **Recreational facilities.** Recreational facilities, such as swimming pools, patios, picnic grills, playhouses, children's playground equipment and swimming pool cabanas, may be permitted in the side or rear yard of a premises in any Multifamily Residential District. Insofar as possible, all accessory uses should be combined into one structure. Architectural style, materials and colors of accessory buildings shall conform to that of the main use structure. All recreational facilities shall meet the minimum side and rear setback requirements. In addition, all swimming pools must meet the requirements of Chapter 1363 of the City's Building and Housing Code.
- (7) **Signs.** Signs, as regulated in Chapter 1170, are permitted.
(Ord. 96-61. Passed 4-21-97.)

1164.05 CRITERIA FOR SITE PLANNING.

(a0) **Statement of Purposes.** A building or buildings proposed to be developed for any use permitted in Multifamily Districts shall be arranged so as to take advantage of any unique conditions of the site and so as to be coordinated with adjoining building, parking and other site developments, and the building and facilities within the development area should be related to each other so as to best serve their respective functions. Buildings shall be arranged to assure privacy between adjacent buildings and intersecting wings of buildings and from streets, parking areas and recreation areas. To accomplish such purposes and objectives, the criteria set forth in this chapter shall be applied.

(b0) **Building Design.** The design of any building or buildings proposed to be developed for any use permitted within any of the Multifamily Districts must provide a unified architectural treatment of buildings and open spaces throughout the entire development. The design of these buildings shall be administered on behalf of the City by the Architectural Board of Review. The following standards shall be followed:

- (1) The exterior appearance and form of all buildings shall be appropriate and suitable for the building proposed and in accord with principles and standards of design which shall be adopted by the City Planning Commission. The building shall be set at proper grades and otherwise in proper relation to the proposed surroundings. A proposed development shall not be rejected for reasons based on personal preference as to taste or choice of architectural style, and a finding of inappropriate design shall include that it is of such nature as to produce one or more of the harmful effects set forth in Section 1327.02.

- (2) The purpose of these provisions is to protect properties on which buildings are constructed or altered to maintain the high character of community development and to protect real estate within the City from impairment or destruction in value, by regulating according to approved architectural principles of design, use of materials, finished grade lines and orientation of all new buildings erected, and the moving, alteration, improvement, repair, adding to or razing, in whole or in part, of all existing buildings, and the powers and duties herein provided shall be exercised in such a manner as to accomplish the objectives of these provisions.
- (3) The bulk or floor area of a dwelling, the exterior design of buildings, the site plan or other significant features shall not be excessively dissimilar to that of any other building existing, or one for which a permit has been issued in the immediate vicinity, in relation to one or more of the following:
- A. **Bulk and area.** The minimum bulk and gross floor area for a dwelling unit shall be similar to that of the dwellings in the neighborhood and shall not be less than previously established.
 - B. **Height.** The height of the roof of buildings may vary. However, in general, the variation shall not exceed nine feet upon the same dwelling or between adjoining dwellings.
 - C. **Yards.** The width and arrangement of yards may vary as permitted in the regulations for yards as heretofore set forth in this Zoning Code for various districts.
 - D. **Exterior design.** Materials and other significant design features for all building types shall not be excessively dissimilar, provided, however, that a finding of excessive dissimilarity shall include that it is of such nature as to produce one or more of the harmful effects set forth in Section 1327.02.
(Ord. 96-61. Passed 4-21-97.)

1164.06 AREA, YARD AND HEIGHT REGULATIONS.

Land and buildings shall be used in accordance with the lot area and density regulations, and buildings shall be designed, erected, altered, moved or maintained in accordance with the yard and building height regulations, set forth in the following sections:

- (a0) The minimum development area for a multifamily development or a conditionally permitted single-family or duplex development shall not be less than the area in acres required in the schedule set forth in Section 1164.07.
- (b0) The area of a zoning lot shall be not less than the area in square feet required for each dwelling unit in the schedule set forth in Section 1164.07 multiplied by the number of units in the building.

- (c0) The maximum density for a residential building type or use shall not exceed the number of dwelling units per acre as set forth in Section 1164.07.
- (d0) The front yard depth or setback of a zoning lot shall be not less than the depth set forth in Section 1164.07.
- (e0) The side and rear yard requirements for main buildings shall be at least fifty feet if a multifamily development abuts a Single-Family District and at least thirty feet if a multifamily development abuts any other district, or as determined by the formulas found in Section 1164.09, whichever is greater. For lots improved with conditionally permitted single-family dwellings, the required yards shall be as set forth in Section 1164.07.
- (f0) The distance between multifamily buildings on the same zoning lot shall not be less than thirty-five feet, or as determined by the formulas found in Section 1164.09, whichever is greater.
- (g0) The area of a multifamily or planned residential development covered by all buildings, including main and accessory, shall not exceed the stated percentage of the total development area as listed in Section 1164.07.
- (h0) The height of a main building permitted on a zoning lot shall not exceed the number of stories and feet set forth in Section 1164.07 for the district in which it is located.
(Ord. 96-61. Passed 4-21-97.)

**1164.07 SCHEDULE OF AREA, YARD AND HEIGHT REGULATIONS
GENERALLY.**

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Zoning District	Building Type	Min. Dev. Area	Min. Lot Area Per Dwelling Unit	Max. Density	Minimum Yard Requirements			Min. Dist. Between Multifamily Bldgs.	Max. Bldg. Coverage	Min. Landscaped Area	Max. Bldg. Ht.
					Front	Side	Rear				
Multifamily Low-Rise (Class A)	Townhouses	3 acres	2,500 s.f.	17.4 du's/acre	(a)	30', 50' if abuts s.f. (b)	30', 50' if abuts s.f. (b)	35' (b)	25% of site	50% of total development area	3 stories or 35'
	Apartments	3 acres	2,500 s.f.	17.4 du's/acre	(a)	30', 50' if abuts s.f. (b)	30', 50' if abuts s.f. (b)	35' (b)	25% of site	50% of total development area	3 stories or 35'
	Conditionally permitted single-family detached	3 acres	10,000 s.f.	4,356 du's/acre	(a)	6 ft. (c)	40 ft. (c)	n.a.	n.a.	n.a.	2.5 stories or 35'
	Conditionally permitted duplex	3 acres	5,000 s.f.	8,712 du's/acre	(a)	6 ft. (c)	40 ft. (c)	n.a.	n.a.	n.a.	2.5 stories or 35'
Multifamily Medium-Rise (Class B)	Townhouse	15 acres	2,500 s.f.	17.4 du's/acre	(a)	30', 50' if abuts s.f. (b)	30', 50' if abuts s.f. (b)	35' (b)	25% of site	50% of total development area	3 stories or 35'
	Apartments	15 acres	2,500 s.f.	17.4 du's/acre	(a)	30', 50' if abuts s.f. (b)	30', 50' if abuts s.f. (b)	35' (b)	25% of site	50% of development area	6 stories or 59'
	Conditionally single-family permitted detached	15 acres	10,000 s.f.	4,356 du's/acre	(a)	6 ft. (c)	40 ft. (c)	n.a.	n.a.	n.a.	2.5 stories or 35'
	Conditionally permitted duplex	15 acres	5,000 s.f.	8,712 du's/acre	(a)	6 ft. (c)	40 ft. (c)	n.a.	n.a.	n.a.	2.5 stories or 35'

(a)

The front yard setback for any building in a development fronting on a private street shall be not less than thirty feet, while the front yard setback for any building in a development fronting on a public street shall be not less than the setback building line established for it as may be shown on the Zoning Map. If no line is established on the Zoning Map, the setback for a building on a public street shall be not less than fifty feet.

(b)

Minimum yard dimensions and minimum distances between residential buildings determined by formula (1164.09) or minimum in above schedule, whichever is larger. S.F. means Single-Family Zoning District.

(c)

In order to promote a more efficient use of land, including cluster and zero lot line development, lot width, side yard and rear yard requirements may be waived or reduced from the above schedule requirements, provided that the land planning criteria of Section 1162.12 and the other planning requirements set forth in this chapter are met.

(Ord. 96-61. Passed 4-21-97.)

**1164.08 SCHEDULE OF AREA, YARD AND HEIGHT REQUIREMENTS FOR
CONDITIONALLY PERMITTED BUILDINGS AND USES IN LOW-RISE
AND MEDIUM-RISE MULTIFAMILY (CLASS A AND B) DISTRICTS.**

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Conditional Uses	Minimum Lot Size	Maximum Building Coverage	Minimum Lot Area Per Dwelling Unit	Maximum Density	Minimum Landscaped Area	Maximum Building Height	Parking
(a) Public parks and playgrounds conducted by the City	Note (1)	N/A	N/A	N/A	N/A	N/A	N/A
(b) Nonprofit public and private schools providing the equivalent of nonprofit public educations accredited by the State Board of Education	5 acres	35%	N/A	N/A	Note (1)	Note (2)	See Ch. 1172
(c) Public libraries and museums operated not-for-profit	5 acres	35%	N/A	N/A	Note (1)	Note (2)	See Ch. 1172
(d) Day nurseries and kindergartens operated within a public or private school	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(e) Churches	3 acres	35%	N/A	N/A	Note (1)	Note (2)	See Ch. 1172
(f) Nonprofit educational or cultural uses similar in nature to those referred to in paragraphs (b) and (c) hereof, provided application is made to and allowed by the Planning Commission and Council	5 acres	35%	N/A	N/A	Note (1)	Note (2)	See Ch. 1172
(g) Public or private golf courses, country clubs, tennis courts and similar recreational uses	10 acres	35%	N/A	N/A	Note (3)	Note (2)	See Ch. 1172
(h) Group residential facilities/group homes, provided that such facility or group home must be at least 1,000 feet from another (see Sections 1385.03 and 1385.04 of the Building and Housing Code)	3 acres	35%	N/A	See 1385.03	Note (1)	Note (2)	See Ch. 1172
(i) Assisted living	3 acres	35%	1750 sq. ft.	25 units per acres	Note (1)	Notes (2) & (4)	See Ch. 1172
<ol style="list-style-type: none"> 1. To be determined by the City Planning Commission and recommended to the City Council. 2. The maximum height shall be the height for the district in which the use is proposed as indicated on the Official Zoning Map of the City. 3. All areas not covered by permitted buildings, structures and other approved site features such as walks and/or drives shall be landscaped. 4. If a proposed assisted living development abuts a zoning district on at least one side, other than a Two-Acre, One-Acre or Ten-Thousand Square Foot District, the Planning Commission may permit the height to be increased to a height not to exceed the maximum of the permitted height on said adjoining district, provided such height increase will not adversely affect the other abutting zoning districts. 							

(Ord. 96-61. Passed 4-21-97.)

1164.09 YARD REGULATIONS FOR MULTIFAMILY DWELLINGS.

The minimum distance between any multifamily residential building in a multifamily development and the side or rear lot line, and the minimum distance between any multifamily residential buildings, shall vary and be related to the length and height of the buildings.

(a) Minimum Distance From Buildings to Side or Rear Lot Lines.

(1) The minimum distance between any multifamily residential building and the side or rear lot line shall be the greatest distance as determined by the formula:

$$\text{Minimum Distance} = \frac{2L + 2H}{5}$$

Note: See Diagram No. 1 following the text of this chapter.

(2) The elements of such formula being defined as follows:

- A. "Minimum distance" means the required minimum horizontal distance between any wall of a building and the nearest area side or rear lot line of the development area.
- B. "L" means the length of the side or rear lot line which will be intersected by lines drawn perpendicular to the lot line from the face or faces of any wall or walls of a building (2).
- C. "H" means the height of the wall of a building, as defined in Section 1150.09(70).

(b) Minimum Distance Between Multifamily Buildings.

(1) The minimum distance between any two multifamily buildings in the Low-Rise Multifamily District shall be the greatest distance as determined by the formula:

$$\text{Minimum distance} = \frac{L_1 + L_2 + 2(H_1 + H_2)}{5}$$

Note: See Diagram No. 2 following the text of this chapter.

- (2) The minimum distance between any two multifamily buildings in the Medium-Rise Multifamily District shall be the greatest distance as determined by the formula:

$$\text{Minimum distance} = \frac{L_1 + L_2 + H_1 + H_2}{3}$$

Note: See Diagram No. 2 following the text of this chapter.

- (3) The elements of such formula are defined as follows:
- A. "Minimum distance" means the required minimum horizontal distance between any wall of building (1) and the nearest wall of building (2) or the vertical prolongation of either.
 - B. " L_1 " means the length of building (1) which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building (1) from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building (2).
 - C. " L_2 " means the length of building (2) which, for the purposes of the formula, is defined as the length of the portion or portions of any wall or walls of building (2) from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building (1).
 - D. " H_1 " means the height of the wall of building (1), as defined in Section 1150.09(70).
 - E. " H_2 " means the height of the wall of building (2), as defined in Section 1150.09(70).
- (c) In no case shall the minimum distance between a residential building and a lot line and the minimum distance between residential buildings be less than the minimums established in the schedule set forth in Section 1164.07.

Such minimums shall apply if lines drawn perpendicular from the face of any wall of one building will not intersect the face of any wall of another building or lot line.

(Ord. 96-61. Passed 4-21-97.)

1164.10 YARDS FOR ACCESSORY USES IN A MULTIFAMILY DEVELOPMENT.

(a) **Distances From Main Buildings to Accessory Uses.** Distances from main buildings to accessory uses are set forth in the following schedule:

SCHEDULE FOR MINIMUM DISTANCE FOR ACCESSORY USES

Accessory Use	Minimum Distance		
	From Main Buildings (Ft.)	From Side or Rear Lot Lines (Ft.)	From Side or Rear Lot Lines of Adjoining Single- and Two-Family Districts (Ft.)
Garages	30 ¹	10	20
Parking area	20	10	20
Unattached buildings	20	10	20
Walks (for use by the occupants and the public)	15	10	10
Recreation areas (used for active play)	40	15	40

¹ Unless attached to the main building.

(b) **Accessory and Main Buildings Attached by Common Wall.** If an accessory building is attached to the main building by a common wall, it shall meet the same yard requirements as the main building, unless otherwise permitted by the City Planning Commission.

(c) **Unattached Buildings.** A one-story building, connected to the main building by an enclosed passageway, less than ten feet wide, shall be considered an unattached building.

(d) **Location of Garages.**

- (1) Garages shall not be located within the open space upon which a building faces, except in the case of townhouses, where they may be a part of the house proper.
- (2) A garage may be within the building and occupy the first floor or basement.
- (3) A garage may be on the property line when it adjoins a party wall of a retail use and the wall of such garage on the property line is a fire wall.
(Ord. 96-61. Passed 4-21-97.)

1164.11 MISCELLANEOUS REQUIREMENTS FOR MULTIFAMILY DWELLINGS IN MULTIFAMILY DISTRICTS.**(a) Parking Requirements.**

- (1) **Minimum spaces per dwelling unit.** Each dwelling unit in a multifamily building shall provide two parking spaces for each dwelling unit, of which at least one parking space shall be located in a private or community garage and one space may be located in an open parking area.
- (2) **Parking underground.** The roof of such structure outside of the main building may be included in the yard spaces required, provided that such underground parking or other accessory space is entirely underground. The completely underground space may be located between the building line and the street line.
- (3) **Open parking.** No open parking space shall be in front of the established setback line on a public street. In the case of an interior lot, the parking space may be located on an adjoining property line if the nearest use of the adjoining lot is a driveway which can be jointly used by both properties. Evidence of an agreement as to this use must be presented to the City Planning Commission.
- (4) **Driveways.** A driveway to a garage or open parking lot shall have a minimum width of eighteen feet. A minimum of two driveways shall be required for parking areas over 100 cars.
- (5) **Use of secondary streets.** Wherever possible, secondary streets shall be used for entrances to parking lots and structures, unless otherwise approved by the Planning Commission.
- (6) **Loading bay.** A loading bay shall be so arranged that any vehicle occupying the same shall not obstruct any driveway being used by others entering or leaving such premises.
- (7) **Maintenance of parking spaces.** Any parking space or lot shall, within one year after the space or lot is made available for parking, be paved with a hard-surfaced material such as concrete, bituminous macadam or asphaltic concrete. In the interim period it must be maintained in such a manner as to prevent dust and mud. It shall be defined by a suitable curb or wheel stop which will serve to limit vehicle encroachment on any areas as so specified in these sections. Proper drainage shall be provided and so maintained as to drain all such space adequately and to prevent a hazard on a public street.
- (8) **Application of Chapter 1172.** Parking in Multifamily Districts shall also be subject to the provisions of Chapter 1172.

(b) **Provisions for Division of Group Development.** Where more than one multifamily structure is to be erected on a parcel of land, the following provisions, in addition to those preceding, shall apply:

(1) **Parcel ownership.** No parcel or part of the entire project may be divided unless it is shown that all the requirements which apply to the whole development will also apply to all parcels resulting from such division.

Each part sold off must have unencumbered access to a right of way and to a dedicated easement for utilities.

(2) **Spacing between buildings.** Each main building shall face a public or private street or open, unoccupied space. The setback from the public or private street and the size of the unoccupied space shall be as determined under Section 1164.09.

The Planning Commission may vary the conditions contained in the foregoing paragraph if the variation will afford equivalent light, air and privacy to the buildings in such group.

(c) **Recreation Space for Residential Developments.**

(1) A space shall be set aside for active or passive recreation according to the nature of the development. This is space on the lot which is separate from the landscaped setting of the building. Plans for the use of this space shall be approved by the City Planning Commission.

(2) A program for the construction of such recreation areas shall be approved as a part of the original development and such program shall be followed concurrent with construction of the buildings.

(Ord. 96-61. Passed 4-21-97.)

1164.12 SCREENING AND BUFFERING.

(a) Screening and buffering shall be provided as required in this section in the following situations:

(1) Wherever any multifamily residential development abuts a single-family use or zoning district.

(2) Wherever any conditionally permitted nonresidential use abuts a single-family use or zoning district.

(b) Screening shall consist of one or more of the following:

(1) A ten-foot wide landscaped area planted with trees and/or shrubs, a minimum of six feet high, which will act as an effective screen in both winter and summer seasons;

(2) A five to six-foot masonry wall (excluding concrete block) and/or decorative wood fence; or

(3) An earth mounding planted with trees and/or shrubs. The combined height of mounding and plants shall be a minimum of six feet high.

(c) The material placement and construction of screening material shall be subject to the approval of the City Planning Commission. The Planning Commission may require additional screening and landscaping if determined to be necessary around any outside storage or off-street parking areas, including circulation aisles and driveways. (Ord. 96-61. Passed 4-21-97.)

1164.13 DEVELOPMENT PLANS.

All developments within the Multifamily Districts shall comply with the provisions hereinafter provided, or applicable provisions of Chapter 1134 if no procedure is provided herein.

(a) **Preliminary Plan of Development.** A developer, before applying for a building permit, shall submit to the City Planning Commission a preliminary plan for any land to be developed under the provisions of this section by filing seven copies thereof with the Clerk of Council. The preliminary plan of the development shall indicate all uses proposed for the development and shall include:

- (1) A plat and topographic map of the proposed development area at a scale of not less than fifty feet to the inch, including property lines, easements, street rights of way, topographic contours, existing structures and landscape features.
- (2) Preliminary plans of the proposed development, drawn at a scale of not less than fifty feet to the inch and designed in accordance with the planning standards, regulations and criteria established herein and any applicable plans that may have been adopted by the City which apply to the subject site.

The preliminary plan shall include, but not be limited to:

- A. A site plan, showing the proposed location of all structures identified by type, size, height and use, the assignment of all lands subdivided, the location of all structures within fifty feet on properties adjoining the proposed development;
- B. A circulation plan, indicating the vehicular and pedestrian on-site circulation pattern, including the location and dimensions of proposed driveways, crosswalks and walkways and the location and arrangement of parking spaces and service facilities;
- C. A landscape plan, indicating the landscape treatment, plazas and other landscape features;
- D. The proposed method and standards for the construction and maintenance of utilities and paved areas;
- E. Any proposed covenants running with the land, deed restrictions or easements proposed to be recorded and covenants proposed for maintenance;

- F. Schematic floor plans and elevations, schematic plans and designs for all structures and such other information to explain their purposes, appearance, materials and type of construction; and
 - G. Such other reasonable information as the Planning Commission may require.
- (b) **Referral for Review and Reports.** Upon receipt of a preliminary plan of development, the Secretary of the Commission shall transmit, within three days, one copy each to the Clerk of Council and the Chairperson of the Commission. The Secretary shall also submit for review and report a copy of the preliminary plan to the Building Commissioner and to any professional consultants retained by the City.
 - (c) **Report to Council.** Within ninety days after the reports on the preliminary plan have been filed with the Secretary, the Commission shall evaluate the plan and shall furnish to Council its report and recommendations with respect thereto. In reviewing the preliminary plan, the Commission shall determine either that the preliminary plan fulfills the requirements of the established regulations standards and criteria which are applicable to the proposal and any improvement plans recommended or duly approved by the City, or that the plan does not fulfill all requirements, and thereafter it shall make a recommendation that the preliminary plan be approved, disapproved or modified. In any such evaluation, the Commission may find that certain established regulations, standards or criteria of this Zoning Code are inappropriate or inapplicable because of unusual conditions of the development area and/or that they have been satisfactorily fulfilled because of the imaginative quality of the design or because of the relationship of the proposed development to the surrounding areas. A copy of the preliminary plan, together with copies of the report of the Commission, shall be filed with the Clerk of Council for submission to each member of Council.
 - (d) **Action by Council.** Council, within one month after receipt of such report of the Commission, shall either approve, disapprove or modify the preliminary plan. Council may affirm or disapprove any report of the Commission required by this section in the same manner as set forth in the City Charter for recommendations of the Commission. The preliminary plan and report of the Commission thereon shall be on file in the office of the Clerk of Council during such one-month period.
 - (e) **Authority to Proceed.** Following approval by Council, the Clerk of Council shall notify the developer of such action and authorize him or her to proceed with the preparation of final plans of the area of development in accordance with the procedures and criteria set forth in this Zoning Code and any special conditions under which this authorization to proceed was granted.

- (f) **Final Plan of Development.** The developer of any parcel or parcels of land for which a preliminary plan has been approved by Council shall prepare and submit a final plan of the proposed development, if such developer desires to proceed with the development. Any such plan shall be filed with the Building Commissioner and shall be submitted by him or her to the Commission. The final plan of the development shall be a detailed expansion of the preliminary plan heretofore approved by Council, complying with all of the conditions which may have been imposed in the approval of such preliminary plan, and shall be in accordance with the design criteria and provisions of this Zoning Code which apply particularly to such plan of development, and shall contain or be accompanied by the plans, elevation, details and specifications for construction for the elements required for the preliminary plan as set forth in subsection (a) hereof. It shall also be accompanied by:
- (1) The final form of any covenants running with the land, deed restrictions or easements to be recorded and covenants, if any, for maintenance;
 - (2) The estimated project cost for all public and private improvements and an overall construction schedule;
 - (3) Additional drawings determined to be necessary by the Commission to supplement the above, where more information is needed or special conditions occur; and
 - (4) When the final plan of development provides for partial development of the total area for which a preliminary plan has been approved, a final plan of development of the remainder of the area, if required, to permit evaluation of the entire parcel before development in progressive stages may be approved.
- (g) **Conditions for Approval by Commission.** If the Commission finds that a proposed final plan of development is in accordance with all the requirements and incorporates all the conditions of approval of the preliminary plan, the Commission shall approve such final plan of development and certify its approval to the Clerk of Council.
- (h) **Building Permits.** If and when any proposed final plan of development has been approved, and building plans are approved by the Architectural Board of Review, the Building Commissioner shall be so notified, and he or she shall then issue the necessary building and other permits, if such plans are found to comply with the Building and Housing Code, and upon payment of the required fees.
- (i) **Lapse of Approval.** Failure to begin the construction of all or a substantial portion of the improvement approved by the final site development plan, within one year after such approval, shall render the approval void and of no effect, unless an extension of time is allowed by the Commission.
(Ord. 96-61. Passed 4-21-97.)

1164.14 UNDERGROUND UTILITIES.

All utility features, which can be underground, shall be underground. City street lighting, if any, shall be fed underground.

(Ord. 96-61. Passed 4-21-97.)

DIAGRAM 1

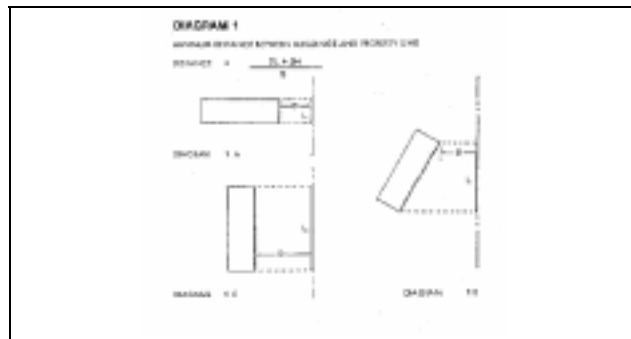


DIAGRAM 2

