

Chapter 12

RMH MULTIPLE-FAMILY RESIDENTIAL DISTRICT/ZONE

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10-12-1: DESCRIPTION AND PURPOSE:

The RMH multiple-family residential district provides for high density, multiple-family housing. It is intended to be situated in close proximity to major commerce areas, campus location, and major thoroughfare intersections and around the downtown districts. (Ord. 2140; amd. Ord. 3077; Ord. 3459, 6-6-2005)

10-12-2: PERMITTED BUILDINGS AND USES:

Permitted buildings and uses in the RMH district shall be as set forth in section 10-3-2, "Schedule of District/Zone Land Use Controls", of this title, subject to the general provisions and exceptions set forth in this and other chapters of this title.

- A. Move-on houses may be permitted in accordance with compliance with regulations in section 10-1-21 of this title.
- B. Two-family or multiple-family zero lot line dwellings shall comply with the following requirements:
 - 1. All applicable city, state and federal building regulations pertaining to common wall and/or zero lot line construction shall be complied with. Area separation walls and roofs shall comply with the uniform building code.
 - 2. Common walls shall be adequately soundproofed in accordance with the uniform building code.
 - 3. Electrical, domestic water supply, sewer, heating and air conditioning systems, etc., shall be separately installed for each dwelling unit. In no case shall such systems penetrate common walls.
 - 4. Deeds or covenants pertaining to buildings shall contain appropriate provisions regarding harmonious maintenance of individually or commonly owned indoor or outdoor walls and outdoor yard areas.

5. Maintenance or encroachment easements shall be recorded as necessary for individual owners to assure access to all privately owned yard areas and outdoor walls.
6. Overall lot area, lot width and yard setback requirements for buildings shall be the same as for buildings under single ownership. (Ord. 2140; amd. Ord. 3151)

10-12-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:

The planning and zoning commission may grant a conditional use permit for any of the conditional uses listed for the RMH district as set forth in section 10-3-2, "Schedule Of District/Zone Land Use Controls", of this title, in accordance with the procedures set forth in chapter 25 of this title. (Ord. 2140; amd. Ord. 2909)

10-12-4: STRUCTURAL HEIGHT AND ACCESSORY STRUCTURE SETBACK REGULATIONS:

- A. Sixty-five foot (65') maximum without approval of the council.
- B. When an RMH district abuts upon an AG, RA, RD or RS district, the maximum permitted building height shall be limited to three (3) stories or thirty feet (30'), whichever is the lesser, for a distance of fifty feet (50') into the RMH property from the abutting boundary (intervening property line) of any of the aforementioned districts.
- C. Detached accessory structures shall not be taller than the height of the principal building on the property or twenty-two feet (22'), whichever is greater. Accessory structures shall comply with required front and interior yard setbacks that apply to principal buildings and shall not (except in the case of detached garages or carports) be located closer to the front property line/street line than any building of one or more dwelling units (e.g., house, duplex, triplex, fourplex) to which they are accessory. In other words, they shall not be placed or built in front of the principal residential building(s). (Ord. 2140; amd. Ord. 3151)

10-12-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

The following minimum requirements shall be observed:

- A. Minimum Property Area Required: When a single-family dwelling is located or is to be located on a property a six thousand (6,000) square foot minimum property area shall be maintained or required. When a single-family dwelling is located or is to be located on a corner lot, the lot area requirement may be reduced in accordance with section 10-12-7 of this chapter.
- B. Minimum Property Area Required Per Two-Family or Multiple-Family Dwelling Unit: The first two (2) units require six thousand (6,000) square feet and additional units require five hundred (500) square feet of land per unit.
- C. Minimum Property Width: Minimum property width required shall be fifty feet (50'). (Ord. 3805, 7-21-2008)
- D. Minimum Property Structure and Parking Front Yard (Setback): Shall be twenty feet (20') wide/deep. Single-family dwellings (houses) are allowed a reduction to the required twenty foot (20') front setback under certain conditions:

1. When a new house is proposed to be built, or an existing house added onto and that house lies within a city subdivision platted with square three hundred foot by three hundred foot (300' x 300') blocks, and the houses to either side of the house under consideration that lie in the same block, on the same side of any alley and abutting the same street are, on average, closer to their front property lines than twenty feet (20'), then the new house or addition may encroach into the twenty foot (20') setback to some degree.

Specifically, the house or addition may be as close as the average of the other homes' encroachment; provided it never sits closer than fifteen feet (15') to the front property line. However, in no case shall any garage or carport affiliated with a new or expanding house be allowed to be closer than twenty feet (20') to the front property line.

2. When a new house is proposed to be built, or an existing house added onto and that house lies within the city subdivision platted in other than square three hundred foot by three hundred foot (300' x 300') blocks, and the houses to either side of the house under consideration, on average, happen to be closer to their front property lines than twenty feet (20'), then the new house or addition may encroach into the twenty foot (20') setback to some degree.

Specifically, the house or addition may be as close as the average of the other two (2) homes' encroachment; provided it never sits closer than fifteen feet (15') to the front property line. However, in no case shall any garage or carport affiliated with a new or expanding house be allowed to be closer than twenty feet (20') to the front property line. (Ord. 3960, 4-4-2011)

- E. Minimum Property Interior Yards Required: All properties in the RMH district shall have interior yards of not less than eight feet (8') wide/deep, for structures not higher than three (3) stories or thirty feet (30'). For every ten feet (10') in height over which a building exceeds three (3) stories or thirty feet (30'), the building shall be set back an additional five feet (5') from side lot lines. In no case shall the distance between the rear lot line and the building be less than half the height of the building for structures higher than three (3) stories or thirty feet (30') tall.

For a lot abutting an alley, the required rear yard setback shall be fifteen feet (15') from the centerline of that alley.

In any situation where there are easements along and parallel to a particular property line that partially defines a property that are wider/deeper than the aforementioned required yards/setbacks, then the required setback(s) will become the width of the pertinent easement section in lieu of the above stated setbacks. It is understood that the normal setback would thus be located within the scope of the easement's dimensions/area. For example, if there is a twelve foot (12') easement along the rear of a property in the RMH zone, and the rear setback is eight feet (8') then the required rear yard setback would become twelve feet (12') instead of eight (8). (Ord. 4282, 9-19-2016)

- F. Access: All lots/parcels developed/"built out", or proposed to be developed/"built out" with structures thereon shall have, or be demonstrated to have, legal access to a public street, before the city may issue or approve construction of any structures on that lot/parcel (as iterated in the definition of "property" in section 10-1-2, "Definitions", and subsection 10-1-7B1 of this title). Lots/parcels developed in this zone do not have to have direct lot/parcel frontage on a public street however, only legal access to the same. (Ord. 3805, 7-21-2008)

10-12-6: MAXIMUM PROPERTY COVERAGE:

None specified. (Ord. 2140; amd. Ord. 3006)

10-12-7: CORNER LOTS:

Platted corner lots shall observe the minimum front yard setback requirements on one street side. One-half ($\frac{1}{2}$) the minimum front yard setback requirement shall be utilized on the second street side. Regarding corner lot splits, the side yard of the lot at the corner and the front yard of the new lot, set away from the abutting intersection corner, shall provide at least ten feet (10') for their street side and front yard setback areas respectively.

Two (2) single-family dwellings may be permitted on platted corner lots when the following criteria are met:

- A. Location: On lots platted prior to 1947 that are at least fifty feet (50') wide by one hundred forty feet (140') deep.
- B. Special Requirements: Requirement number 3 shall have no effect on corner lots containing two (2) existing single-family homes prior to June 16, 1975. Other listed requirements shall have no effect on corner lots containing two (2) existing single-family homes prior to April 16, 1979, provided no conditional use permit has been granted containing any of the requirements. In instances where a conditional use permit has been granted, conditions of the permit shall be adhered to.
 1. Two (2) off street parking spaces shall be provided for each lot.
 2. Curb, gutter and sidewalk shall be provided along entire depth of the original lot.
 3. The smallest parcel shall be at least sixty-five feet (65') long.
 4. Utility services shall be located in recorded easements on private property.
 5. Property survey pins for each lot shall be placed prior to the issuance of a building permit for the new home.
 6. Construction shall comply with plans submitted, approved and on file with the building division.
 7. The building official shall not issue a certificate of occupancy until the engineering, planning and zoning and building division are satisfied that all of the stated requirements have been complied with. In the event that any of the requirements are not satisfied, a bond shall be required in the amount of one hundred fifty percent (150%) of the value of those which are incomplete.
 8. An application for a building permit shall include a plot plan showing existing conditions and proposed improvements at a scale of at least one inch to twenty feet (1" = 20'). (Ord. 2140; amd. Ord. 3151)

10-12-8: PARKING, PARKING LOT LANDSCAPING, SIGNAGE AND PROPERTY LANDSCAPING:

All uses shall conform to the parking, parking lot landscaping, signage and property landscaping requirements in chapters 22, 23 and 33 of this title. (Ord. 2140; amd. Ord. 3151)