

Sec. 12-3-6. - Residential/office land use district.

The regulations in this section shall be applicable to the residential/office zoning district: R-2.

- (1) *Purpose of district.* The residential/office land use district is established for the purpose of providing for a mixture of residential housing types and densities and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.
- (2) *Uses permitted.*
  - a. Single-family detached dwellings; two-family attached dwellings (duplexes).
  - b. Single-family attached (townhouse and quadruplex construction) and detached zero-lot-line dwellings. The development must comply with the minimum standards established for the R-ZL zoning district in section 12-3-5(1).
  - c. Multiple-family attached dwellings (three or more dwelling units), at a maximum gross density of 35 units per acre.
  - d. Community residential homes licensed by the state department of health and rehabilitative services with:
    1. Six or fewer residents providing that it is not to be located within 1,000 feet of another such home, measured from property line to property line.
    2. Seven to 14 residents providing such home is not within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within the distance limits noted, measured from property line to property or district line, it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
  - e. Cemeteries, subject to regulations in section 12-3-85.
  - f. Home occupations, subject to regulations in section 12-3-57.
  - g. Municipally owned and operated parks and playgrounds.
  - h. Minor structures for the following utilities: unoccupied gas, water and sewer substations of pump stations, electrical substations and telephone substations subject to regulations in section 12-3-88.
    - i. Child care facilities subject to regulations in section 12-3-87.
    - j. Private clubs and lodges, except those operated as commercial enterprises.
    - k. Boarding and lodging houses.

- I. Bed and breakfast subject to regulations in section 12-3-84.
- m. Dormitories.
- n. Office buildings.
- o. Hospitals, clinics (except animal hospitals and clinics).
- p. Nursing homes, rest homes, convalescent homes.
- q. Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-3-94.
- r. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-3-90.
- s. Churches, Sunday school buildings and parish houses subject to regulations in section 12-3-86.
- t. Social services homes/centers.
- u. Banks and financial institutions.
- v. Barber and beauty shops are permitted uses provided that they are located with property frontage on a four-lane roadway facility. Such properties must be proven to be a lot of record that was owned as a separate unit as shown of record on or prior to February 18, 2016.
- w. Accessory structures, buildings and uses customarily incidental to any of the above uses subject to regulations in section 12-3-55.
- x. Studios as defined in section 12-13-1.

(3) *Development permitted.*

- a. Conventional subdivision subject to regulations in section 12-3-105.
- b. Special planned development subject to regulations in section 12-3-106.

(4) *Regulations.* All developments are required to comply with design standards and are encouraged to follow design guidelines as established in section 12-3-121. Table 12-3.5 describes height, area and yard requirements for the residential/office zoning district:

TABLE 12-3.5. REGULATIONS FOR THE R-2  
ZONING DISTRICT

Standards	Within 100 Feet of a Residential Zoning District	More Than 100 Feet From a Residential Zoning District
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Minimum Yard Requirements	15 feet (Also see Note 1)	10 feet (Also see Note 1)
*Front Yard	5 feet	5 feet
Side Yard	15 feet	10 feet
Rear Yard		
Maximum Building Height (at building setback line)	45 feet	45 feet (Also see Note 2)
Lot Coverage Requirements For All Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units	The maximum combined area occupied by all principal and accessory buildings shall not exceed 50%. (See Note 3)	
Lot Coverage Requirements For All Development Other Than Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units: The maximum combined area occupied by all principal and accessory buildings	Building Height 1—4 stories 5—7 stories (See note 3) 8—9 stories	Building Coverage 30% 25% 20%
<p>*Front yard depths in the R-2 district shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirements; in case there are no other structures on the block the front yard depth shall not be less than footages noted.</p> <p>Note 1: Where any use other than a single-family, duplex or zero lot-line development abuts an R-1AAAAA through R-ZL zoning district, there shall be a 20-foot yard unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.</p>		

Note 2: Above the height permitted at the building setback lines three feet may be added to the height of the building for each foot the building is set back from the building setback lines up to a maximum height of 100 feet. All buildings exceeding 45 feet in height must submit a preliminary development plan that must be reviewed by the planning board and city council pursuant to section 12-3-120.

Note 3: When a mixed residential/nonresidential development is proposed, the lot coverage requirements shall be the most restrictive of the proposed uses.

(5) *Additional regulations.* In addition to the regulations established above in subsection (4) of this section, all R-2 developments will be subject to, and must comply with, the following regulations:

- a. Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
- b. Off-street parking subject to regulations in chapter 12-4.
- c. Signs subject to regulations in chapter 12-5.
- d. Tree/landscape regulations subject to regulations in chapter 12-6.
- e. Stormwater management and control of erosion, sedimentation and runoff subject to regulations chapter 12-8.

(Code 1986, § 12-2-6; Ord. No. 6-93, § 4, 3-25-1993; Ord. No. 29-93, § 4, 11-18-1993; Ord. No. 3-94, § 2, 1-13-1994; Ord. No. 33-95, § 2 (exh. 1), 8-10-1995; Ord. No. 9-96, §§ 2, 3, 1-25-1996; Ord. No. 45-96, § 2 (exh. 1), 9-12-1996; Ord. No. 6-02, § 2, 1-24-2002; Ord. No. 13-14, § 1, 3-27-2014; Ord. No. 10-15, § 1, 5-14-2015; Ord. No. 05-16, § 1, 2-11-2016)

Sec. 12-3-7. - Residential/neighborhood commercial land use district.

The regulations in this section shall be applicable to the residential/neighborhood commercial zoning district: R-NC and the residential/neighborhood commercial B: R-NCB.

(1) *Purpose of district.* The residential/neighborhood commercial land use district is established for the purpose of providing for a mixture of residential housing types and densities, professional uses and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When the R-NC/R-NCB zone is established in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the zoning regulations are intended to provide for infill development at a

density, character and scale compatible with the surrounding area. When the R-NC/R-NCB zoning district is located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the zoning regulations are intended to provide for mixed office, commercial and residential development.

(2) *Uses permitted.*

a. *R-NC residential neighborhood commercial zoning district.*

1. Any use permitted in the R-2 district.
2. Residential design manufactured homes subject to regulations in section 12-3-91.
3. Manufactured home parks subject to regulations in section 12-3-91(d).
4. The following uses, with no outside storage or work permitted, except as provided herein:
  - i. Retail food and drugstore (including medical marijuana dispensaries and liquor package store).
  - ii. Personal service shops as defined in section 12-13-1.
  - iii. Clothing and fabric stores.
  - iv. Home furnishing, hardware and appliance stores.
  - v. Specialty shops.
  - vi. Bakeries, whose products are sold at retail and only on the premises.
  - vii. Consignment and vintage clothing shops.
  - viii. Floral shops.
  - ix. Health clubs, spas, and exercise centers.
  - x. Martial arts studios.
  - xi. Laundromats and dry cleaners using combustible or flammable liquids of solvents with a flash point of 190 degrees Fahrenheit or greater.
  - xii. Laundry and dry-cleaning pick-up stations.
  - xiii. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this section, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed 20 percent of the total area of the main building.
  - xiv. Restaurants.
  - xv. Studios as defined in section 12-13-1.
  - xvi. Mortuary and funeral parlors.
  - xvii. Appliance repair shops.

- xviii. Gasoline and service stations with up to three wreckers. Minor repair work not involving major motor or drive train repairs, straightening of body parts, painting, welding, or other major mechanical and body work involving noise, glare, fumes, or smoke, is permitted within a building.
- xix. Tattoo parlor/studio.
- xx. Accessory buildings and uses customarily incidental to the above uses.

b. *R-NCB residential neighborhood commercial - B zoning district.*

- 1. Any use permitted in the R-2 district with the exception of cemeteries.
- 2. The following uses, with no outside storage or work permitted, except as provided herein:
  - i. Retail food and drugstore (including medical marijuana dispensaries but excluding liquor package store).
  - ii. Personal service shops as defined in section 12-13-1.
  - iii. Clothing and fabric stores.
  - iv. Home furnishing, hardware and appliance stores.
  - v. Specialty shops.
  - vi. Bakeries, whose products are sold at retail and only on the premises.
  - vii. Consignment and vintage clothing shops.
  - viii. Floral shops.
  - ix. Health clubs, spas, and exercise centers.
  - x. Martial arts studios.
  - xi. Laundry and dry-cleaning pick-up stations.
  - xii. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this section, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed 20 percent of the total area of the main building.
  - xiii. Restaurants.
  - xiv. Studios as defined in section 12-13-1.
  - xv. Appliance repair shops.
  - xvi. Accessory buildings and uses customarily incidental to the above uses.

(3) *Development permitted.*

- a. Conventional subdivision subject to regulations in section 12-3-105.
- b. Special planned development subject to regulations in section 12-3-106.

(4) *Regulations.* All developments are required to comply with design standards and are encouraged to follow design guidelines as established in section 12-3-121. Table 12-3.6 describes height, area and yard requirements for the residential/neighborhood commercial zoning district and the residential/neighborhood commercial B zoning district:

TABLE 12-3.6. REGULATIONS FOR THE R-NC/R-NCB ZONING DISTRICTS

Standards	Within 100 Feet of a Residential Zoning District	More Than 100 Feet From a Residential Zoning District
Minimum Yard Requirements (Minimum Building Setbacks)	15 feet (Also see Note 1) 5 feet 15 feet	10 feet (Also see Note 1) 5 feet 10 feet
*Front Yard Side Yard Rear Yard		
Maximum Building Height (At Building Setback Line)	35 feet	45 feet (Also see Note 2)
Lot Coverage Requirements For All Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units	Maximum 50% (See Note 4)	
Lot Coverage Requirements For All Development Other Than Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units: The maximum combined area occupied by all principal and accessory buildings	Building Height 1—4 stories 5—7 stories 8—9 stories (See note 4)	Building Coverage 30% 25% 20%

Maximum Floor Area for All Uses Listed Under <u>section 12-</u> <u>2-7(B)(d)</u>	4,000 square feet (See Note 3)
*Front yard depths in the R-NC/R-NCB district shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirements; in case there are no other structures on the block the front yard depths shall not be less than the footages noted.	
Note 1: Where any of the uses permitted in an R-NC/R-NCB district other than single-family, duplex or zero-lot-line residential are contiguous to an R-1AAAAA through R-ZL zoning district, there shall be a 20-foot yard unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.	
Note 2: Above the height permitted at the building setback lines three feet may be added to the height of the building for each foot the building is set back from the front, side and rear building setback lines up to a maximum height of 100 feet. Any building exceeding 45 feet in height must submit a preliminary development plan that must be reviewed by the planning board and city council pursuant to <u>section 12-3-120(a)(2)</u> .	
Note 3: An exception to the 4,000 square feet area may be granted upon submittal of a preliminary development plan (refer to <u>section 12-3-120(a)(3)</u> ) to the planning board for review.	
Note 4: When a mixed residential/nonresidential development is proposed, the lot coverage requirements shall be the most restrictive of the proposed uses.	

(5) *Additional regulations.* In addition to the regulations established above in subsection (4) of this section, all R-NC/R-NCB developments will be subject to, and must comply with, the following regulations:

- a. Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
- b. Off-street parking subject to regulations in chapter 12-4.
- c. Signs subject to regulations in chapter 12-5.

- d. Tree/landscape regulations subject to regulations in chapter 12-6.
- e. Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-8.
- f. Alcoholic beverages regulations subject to chapter 7-4.

(Code 1986, § 12-2-7; Ord. No. 6-93, § 5, 3-25-1993; Ord. No. 29-93, § 5, 11-18-1993; Ord. No. 3-94, § 3, 1-13-1994; Ord. No. 33-95, § 2(exh. 1), 8-10-1995; Ord. No. 45-96, § 2(exh. 1), 9-12-1996; Ord. No. 40-99, § 1, 10-14-1999; Ord. No. 13-12, § 1, 6-14-2012; Ord. No. 13-14, § 2, 3-27-2014; Ord. No. 01-16, § 1, 1-14-2016; Ord. No. 12-16, § 1, 5-12-2016)