

**CHAPTER 1135
Multi-Family Residential District Regulations**

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1135.01 INTENT.

Multi-Family Residential District (R-3, R-4) regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;
- (b) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services.
- (c) To preserve the character of differing neighborhoods by providing different districts with different densities and development standards.
- (d) To enable the development of attached single-family and multi-family dwellings in appropriate locations and with a minimum project size to ensure the creation of sustainable higher density neighborhoods.
- (e) To carry out the following specific purposes:
 - (1) The R-3 District is established to provide, preserve and protect medium density residential areas for attached single-family dwellings arranged to provide good building site design and effective open space in areas adequately served by City sewer, water and streets.
 - (2) The R-4 District is established to provide, preserve and protect locations for high-density apartment development in areas with appropriate levels of service.

1135.02 USE REGULATIONS.

- (a) Uses Permitted By Right. A use listed in Table 1135.02 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of this Planning and Zoning Code and other city codes and have been met;
- (b) Conditional Uses. A use listed in Table 1135.02 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1147, Conditional Use Regulations, have been met according to the procedures set forth in Chapter 1107;

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1135.02 shall be permitted provided that the requirements of this Planning and Zoning Code and other city codes have been met. Accessory uses are further regulated as noted below.
- (1) Accessory storage buildings or structures in compliance with Section 1135.05.
 - (2) Fences, walls, landscape features and other structures in compliance with Section 1135.05 and Chapter 1125.
 - (3) Home occupations in compliance with Chapter 1125.
 - (4) Private garages and off street parking spaces in compliance with this Chapter and Chapter 1169.
 - (5) Signs in compliance with Chapter 1171.

(d) Table 1135.02 Permitted Uses.

Table 1135.02 Permitted Uses		
	R-3	R-4
	Attached Single-Family/Townhouse District	Multi-Family District
A. Residential		
1. Single-family detached dwellings	P in subdivisions established prior to June 21, 2007 ¹ & in accordance with §1135.03 (b) ¹	P in subdivisions established prior to June 21, 2007 ¹ & in accordance with §1135.03 (b) ¹
2. Multi-family development including one or more of the following unit types: 1. Two-family dwellings 2. Single-family attached dwellings 3. Multiple-family dwellings	P	P
3. Boarding house	C	C
4. Adult care facility for 3-5 persons	P	P
5. Adult care facility for 6-16 persons	C	C
6. Residential facility for 5 or fewer persons	P	P
7. Residential facility for 6-8 persons	P	P
8. Residential facility for 9-16 persons	C	C
B. Community Facilities		
1. Congregate Care Facility/Nursing home	C	C
2. Place of worship/church	C	C
3. Day care facility, child and/or adult	C	C
4. Library, cultural institution	C	C
5. Public safety facility	C	C
6. Utility substation/distribution facility, indoor	C	C
7. School (public/private) elementary/secondary	C	C
C. Open Space Recreation		
1. Community recreation facility	C	P
2. Public park, public playground	P	P
D. Other Uses		
1. Wireless telecommunication facility	See Chapter 1173	

Table 1135.02 Permitted Uses		
	R-3	R-4
	Attached Single-Family/Townhouse District	Multi-Family District
2. Temporary sales offices/model unit	P	P
3. Office use	--	C when contiguous to a commercial district
P = Principal Use Permitted By Right C = Conditional Use -- Use not permitted in district		
<p><u>Notes to Table 1135.02:</u></p> <p>¹ To be permitted, such subdivisions shall have been approved and recorded in the Office of the Wayne County Recorder prior to June 21, 2007.</p>		

1135.03 AREA AND DENSITY REGULATIONS.

Land area shall be divided and developed, and buildings shall be erected, altered, moved or maintained in a multi-family district only in compliance with the following area regulations.

- (a) Minimum Development Area. The gross area of a tract of land shall not be less than 5 acres. The entire tract of land to be developed shall be considered one zoning lot.
- (b) Single-Family Requirements. In the R-3 and R-4 Districts, single-family dwellings on individually subdivided lots shall comply with the regulations for detached, single family homes in the R-2, Single Family District that are contained in Chapter **1133**, Single Family Residential Districts.
- (c) Minimum Frontage. Each lot shall abut upon a public street for a distance not less than set forth in Table **1135.03**. In a multi-family development, buildings may be arranged in a group and all buildings need not front on a street.
- (d) Maximum Density. The residential density of a multi-family development shall not exceed the number of dwelling units per acre set forth in Table **1135.03** for the district in which the development is located.
 - (1) Calculating Units. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (e) Maximum Coverage. The maximum coverage of the lot, for all areas covered by buildings shall not exceed the percentage of the total area of the development project set forth in Table **1135.03**.
- (f) Maximum Number of Attached Single-Family Units. A building comprised of attached single-family units shall have not more than six such units attached.

- (g) Table 1135.03 Lot and Density Regulations.

Table 1135.03 Lot and Density Regulations		
	R-3 Attached Single- Family/Townhouse District	R-4 Multi-Family District
(1) Minimum frontage	100 feet	125 feet
(2) Maximum dwelling units per acre	8	15
(3) Maximum lot coverage by buildings	25%	40%

1135.04 SITE DEVELOPMENT REGULATIONS.

The following regulations are established to regulate the design and development of buildings in multi-family districts.

- (a) Building Setback from Project Boundary. The setback of a dwelling from any project boundary shall be not less than the distance set forth in Table 1135.04. The project boundary shall include all lot lines that divide the tract of land developed for multi-family units from adjacent lots not included in the development and shall be the boundaries of the minimum area set forth in Section 1135.03(a), Minimum Development Area.
- (b) Parking Setback from Project Boundary. The setback of off-street parking areas from any project boundary shall be not less than the distance set forth in Table 1135.04.
- (c) Building Spacing. The minimum distance separating buildings shall be not less than the distance set forth in Table 1135.04.
- (d) Building Height. All buildings shall comply with the maximum height regulations set forth below:
 - (1) The height of principal buildings shall not exceed the maximum height set forth in Table 1135.04.
 - (2) The height of accessory buildings shall not exceed twenty (20) feet.
 - (3) Permitted height exceptions are set forth in Section 1125.03.

(e) Table 1135.04 Site Development Standards

Table 1135.04 Site Development Standards		
	R-3 Attached Single-Family/Townhouse District	R-4 Multi-Family District
(1) Minimum Building Setback from Right-of-Way	25 feet	50 feet
(2) Minimum Building Setback from:		
A. Project boundary lines abutting an R-1, R-2 or R-T District	40 feet	50 feet
B. Project boundary line abutting all other districts	20 feet	20 feet
(3) Minimum Parking Setback from:		
A. Project boundary lines abutting an R-1, R-2 or R-T District	20 feet	20 feet
B. Project boundary line abutting all other districts	10 feet	10 feet
C. Right-of-Way	25 feet	50 feet
(4) Minimum Building Separation		
A. Main wall to main wall	25 feet	25 feet
B. Main wall to end wall	25 feet	25 feet
C. End wall to end wall	15 feet	25 feet
(5) Maximum Principal Building Height	35 feet	60 feet

(f) Definitions. The following definitions shall apply to terms used in this Section:

- (1) Main Wall. The outside wall of a building that contains the primary windows of any living, family or dining room.
- (2) End Wall. The outside walls other than a main wall of a building, which may be blank or contain windows not considered to be primary windows.

1135.05 ACCESSORY USE REGULATIONS.

Any accessory use permitted in an R-3 or R-4 District may occupy a part of the principal building, occupy a separate accessory structure or constitute an accessory land use.

- (a) Fence and Wall Regulations. Fences and walls shall comply with the setback requirements set forth in Section 1133.07 (b), Permitted Accessory Structures In Front, Side And Rear Yards, and the regulations regarding fences and walls in Chapter 1125.
- (b) Swimming Pools. Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the locational and coverage requirements of accessory structures set forth in this Chapter and the supplemental regulations set forth in Section 1125.08, Swimming Pools.
- (c) Minimum Setbacks for Accessory Buildings and Uses. Accessory buildings including garages, carports and recreation facilities, and active recreation areas such as a swimming pool or tennis court which is intended for use by the residents of the residential development shall comply with the minimum setbacks set forth below:
 - (1) The minimum setback from the public right-of-way for such accessory buildings and uses shall be equal to the setback of the principal building.
 - (2) The minimum setback from a side or rear lot line abutting an R-3 or nonresidential district shall be 15 feet.
 - (3) The minimum setback from the side or rear lot line abutting an R-1 or R-2 district shall be 20 feet.

1135.06 PARKING REQUIREMENTS.

Off-street parking spaces shall be provided for multi-family developments in accordance with the provisions set forth in Chapter 1169.

1135.07 LANDSCAPE AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for multi-family developments in accordance with the provisions set forth in Chapter 1165.

1135.08 SITE IMPROVEMENT STANDARDS.

The following site improvement standards shall apply to all developments in an R-3 or R-4 District.

- (a) Underground Utilities. All utilities required to serve a development shall be located underground.
- (b) Sidewalks. Sidewalks shall connect each building entrance to the parking area serving that building, to other buildings on-site, to recreational facilities that are provided as part of the development and uses, as appropriate, on adjacent lots.
- (c) Waste Receptacles. All solid waste products that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard on a paved surface in compliance

with the minimum parking setbacks established in Table 1135.04 as well as the screening requirements set forth in Chapter 1165, Landscaping and Land Use Buffers.

- (d) Performance Standards. All uses and developments in the R-3 and R-4 Districts shall comply with the Performance Standards in Chapter 1125, General Use Regulations.
- (e) Detached Garages. All detached garages shall be located in the side or rear yard.
- (f) Building Location. To provide a sense of enclosure and definition to the street, the front wall of the principal structure(s) shall be parallel to the public street or to its tangent, if the street is curved. There shall be at least one (1) entrance facing the public street and the principal windows of the building(s) shall also face this public street.
- (g) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.
- (h) Open Space. Any development over five (5) dwelling units shall set aside twenty (20) percent of the gross land area as open space. A specific recreational activity area or areas shall be developed and maintained for the residents of the development as part of this open space as follows:
 - (1) The size, location, shape, slope, and condition of the land shall be suitable for a specific recreational activity;
 - (2) The amount of land devoted to recreation shall be a function of the population to be served. Consideration shall be given to the size of the development, number and characteristics of expected residents, proximity to other recreational facilities, topography, and natural features on the site.
 - (3) Safety buffers shall be provided for users of recreational facilities and equipment using recognized engineering and recreation standards.
 - (4) Indoor recreational area may be used as a specific recreational activity area. The indoor recreational area shall count as a part of lot coverage, as regulated by the District's regulations.
 - (5) Open space shall be sufficiently aggregated to create large useable areas of planned open space.
 - (6) Open space shall not be less than fifty (50) feet in width at any point, unless the Planning Commission deems that a lesser width is appropriate, such as

- when connecting open space areas on adjacent parcels or creating scenic walking trails.
- (7) Open space shall be composed of the 100-year floodplain, wetlands (including woodlands with wetland soils), steep slopes, and significant wildlife habitats. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain.
 - (8) Land area devoted to the following shall not be included as meeting the open space requirement:
 - A. Public rights-of-way;
 - B. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the open space;
 - C. Required setbacks for buildings and parking areas from the project boundaries;
 - D. Patios or other similar private space; and,
 - E. A minimum of fifteen (15) feet between buildings and open space.

1135.09 DEVELOPMENT PLAN REVIEW.

Uses in R-3 and R-4 Districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1107.