

3.6 EXPLANATION OF USES

- A. **Uses Not Mentioned.** No building permit shall be issued for a use not specifically mentioned or described by category in Table 3.5. If a question or interpretation arises regarding the matrix in Table 3.5, the Director shall decide if a use not mentioned can reasonably be interpreted to fit into a Use Category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.
- B. **Density/Intensity.**
1. **Definitions.** The following definitions shall apply to all maximum and minimum density calculations for zoning and land use classifications, unless otherwise indicated.
 2. **Maximum Residential Density.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes the entire parcel or property at the time a Development Application is filed. The “gross residential Density” is calculated the same as maximum residential density.
 3. **Minimum Residential Density.** This calculation shall apply to the term “net minimum residential density” as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. “Net developable land area” means all portions of the parcel at the time a development application is filed, minus the following if they are to be left as open space:
 - a. Floodways and Floodplains;
 - b. As defined by the Clean Water Act: wetlands, surface waters, stream and river channels, banks and corridors;
 - c. Slopes of greater than thirty percent (30%) or other areas of unstable soils that are not suitable for development;
 - d. Clear Zones and Critical Zones;
 - e. Open Space or recreation areas to be dedicated to a public agency or to a private entity approved by the Director to perpetually maintain the open space;
 - f. Ridgeline setback areas in excess of any required setbacks;
 - g. Severely constrained and/or unsuitable for development areas identified through a site analysis performed in accordance with Chapter Six; and
 - h. Other areas that, in the opinion of the body reviewing the development, are similarly unsuitable for development.
 4. **Transitional Densities.** Larger lots or other screening and buffering areas that are provided as a transition for adjoining established neighborhoods may be excluded from the density calculations for purposes of determining minimum density on those parcels that are not large enough to accommodate the transition and meet minimum density.
 5. **Other Residential Density.** Density of group living facilities, such as

assisted care with congregate dining, shall be calculated as two (2) beds equal one (1) dwelling unit.

6. **Nonresidential Intensity.** The floor area ratio (FAR) for nonresidential intensity means the number calculated by dividing the gross floor area of all structures divided by the gross land area of the development parcel. “Gross floor area” means the sum of the area of each floor of the structure including mezzanines, penthouses, corridors, lobbies, stores, offices, *etc.*, that are enclosed. Included are all stories and areas that have floor surfaces and clear standing headroom of six feet-six inches (6'6"), regardless of use. Excluded are basements that are not habitable, carports, open porches, open breezeways, screened-in porches, or garages with ten (10) parking spaces or less. Half of the gross floor area of garages with more than ten (10) parking spaces shall be counted. The FAR shall be calculated to the nearest one hundredth (.01).
7. **Application of Density/Intensity Definitions.** The maximum and minimum residential density or nonresidential intensity requirements apply to all development except:
 - a. Those that are granted a density bonus (Section 3.6.B.10);
 - b. The density of development of ten (10) acres or less may be one-half (½) of the otherwise required minimum density;
 - c. Minimum density requirements shall not apply to a simple subdivision if one (1) or more lots can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code;
 - d. There shall be no minimum density requirement applicable to a major subdivision if all but two (2) of the resulting lots comply with the minimum density requirements and at least one (1) of the two (2) lots that do not comply can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code and no other development is allowed;
 - e. A mix of residential and nonresidential uses; and
 - f. If the minimum or maximum density requirements of the zone conflict with the minimum or maximum residential density requirements of the Growth Plan land use classification see Section 3.6.B.9.
8. **Mixed Use Density/Intensity.** The density of a lot with a mix of residential and nonresidential uses (“mixed use”).
 - a. **Mixed-Use Lot.** The density of a mixed-use lot shall be calculated by dividing the total number of dwellings on the lot by the gross land area of the lot. The gross residential density of the lot shall be the maximum density permitted in the underlying zoning district, provided the maximum FAR of the lot is not exceeded. The FAR of a mixed-use lot shall include all residential and nonresidential floor area and shall not exceed the maximum FAR permitted. There is no minimum density requirement for a mixed-use lot, if at least ten

percent (10%) of the gross floor area is used for nonresidential purposes.

- b. **Mixed-Use Subdivision.** In a mixed-use subdivision, the density and FAR shall be calculated for each lot, unless provided otherwise at the time of subdivision approval.

- 9. **Zone Density Conflicts with Growth Plan.** If the minimum and/or maximum residential density requirements of the zone conflicts with the growth plan land use classification for the property, the Director shall determine the density limit(s) guided by:

- a. Minimum density shall be no lower than eighty percent (80%) of the minimum residential density established by the Growth Plan.
- b. Maximum density shall be no higher than one hundred twenty percent (120%) of the maximum residential density established by the Growth Plan.

- 10. **Density Bonus Provisions.**

- a. An applicant may be granted a density bonus by providing any of the community benefits listed in Table 3.6. The total density bonus thus shall not exceed one hundred twenty percent (120%) of the maximum gross density of the underlying zone district or of the future land classification for the parcel in the adopted GROWTH PLAN.
- b. Bulk requirements shall be those for the zone that best fits the resulting lot size.

Table 3.6
DENSITY BONUS PROVISIONS

COMMUNITY BENEFIT	CRITERIA	DENSITY BONUS <i>(total bonus not to exceed 20% of planned maximum Density.)</i>
Public Park Dedication	Dedication must satisfy park land design criteria. No credit for land or fees required to be dedicated pursuant to another requirement.	For each whole acre that satisfies the park land design criteria, a Density bonus equal to the maximum Density that would have been allowed on the acreage dedicated may be granted. (See example below)
Open Space Dedication	Applicant must provide for perpetual maintenance of Open Space. Area must exceed one (1) acre and comply with Open Space design criteria to receive bonus credit. No credit shall be granted for Open Space required by some other City requirement.	For each whole acre in excess of one (1) acre dedicated for Open Space, a Density bonus equal to one-half (½) of the units that would have been permitted on the land to be dedicated may be granted. To calculate the number of permitted units, all provisions of this code: severely constrained lands, such as those with wetlands, steep slopes or surface waters, would likely be permitted few, if any, units. Dedication of such lands would result in a small bonus.
Dedicated Off-Street Trail	Off-street trail must connect to existing or planned trail adopted in the Urban Trails Plan and be constructed to City standards. No credit for trail dedications required by some other City trail requirements.	For each 100 linear feet of improved hard surface trail provided through the proposed development, a Density bonus of one (1) unit may be granted.
Housing Units 1. Very Low Income 2. Low Income 3. Moderate Income	Monthly rent must be restricted in accordance with HUD or City Housing Authority standards if one is adopted. Restriction documentation must be approved by the City Attorney.	1. One (1) bonus unit per restricted unit. 2. One (1) bonus unit per two (2) restricted units 3. One (1) bonus unit per four (4) restricted units
Agricultural Preservation	Documents limiting Development of Agricultural land must be transferred through a mechanism approved by the City Attorney.	One (1) unit for each unit of Development potential transferred. Credit is based on allowable Density (<i>e.g.</i> , if allowed Density on donor site is one (1) unit per five (5) acres, then one (1) unit may be transferred for every (5) acres dedicated or deeded.

Table 3.6 Example:

A 10-acre tract is zoned for a maximum of four (4) dwelling units per acre. The owner dedicates two (2) acres for a Neighborhood park. In addition to paying a required park dedication fee, he gets bonus units equal to the maximum density permitted on the dedicated land [two (2) acres multiplied by four (4) units per acre equals eight (8) bonus units]. The applicant may build forty-eight (48) units rather than the forty (40) units otherwise allowed.