

## Section 28: R-4 Residential-Four District

(orig. 9-8-69; am. 2-6-84; am. 12-17-02; am. 7-1-03; am. 7-11-06; am. 4-20-10)

### A. Intent and Purpose

The purpose of this zone district is to provide very high density residential development capabilities. (orig. 9-8-69)

The large lot area requirements, the large setback requirements, and the screening requirements are all designed for the purpose of abating traffic noise and making arterial streets and high density residential land uses compatible activities. (orig. 9-8-69)

### B. Permitted Uses

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses: (orig. 9-8-69)

1. Multi-family dwelling (20 dwelling units to 50 dwelling units per acre). (orig. 9-8-69; am. 12-17-02)
2. Church, parish house and/or parsonage. (orig. 9-8-69; am. 9-11-90)
3. Colleges, schools, state licensed day-care home center or large day-care home or preschool or nursery. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. (orig. 9-8-69; am. 6-14-88)
4. Group home for up to 8 aged persons not located within 750 feet of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 feet of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 feet of another such group home or group home for aged or developmentally disabled persons. (orig. 6-14-88)
5. Public and private nonprofit libraries and museums. (orig. 9-8-69)
6. Public park, Class I and II public recreation facilities. (orig. 9-8-69; am. 9-11-90)
7. Hospitals, nursing homes and clinics, but not including institutions exclusively for the mentally disturbed, mental defectives, or for contagious or infectious diseases. (orig. 9-8-69)
8. Telecommunications Land Uses shall comply with the provisions of the Telecommunication Uses Section of this Zoning Resolution. (orig. 6-29-04; am. 7-11-06)
9. Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution. (orig. 4-20-10)

### C. Accessory Uses

1. Accessory structures including: (orig. 12-17-02)
  - a. Private garage. (orig. 2-3-41)
  - b. One mini-structure as per the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)
  - c. Storage shed. (orig. 12-17-02)
2. Commercial service activities, which are accessory to the main use of the building, may be conducted, provided said use is contained within the main building. Cafeterias, offices, studios and personal services such as beauty parlors, barber shops, laundry pick-up stations and pharmacies may be conducted. However, the sum total of commercial uses may not exceed more than 10 percent of the floor area of any single building or structure. The entrance to any such accessory

business will be from inside the building and no advertising said business activity shall be visible from outside the building. (orig. 9-8-69)

Such accessory use is one which:

- a. Is subordinate to and serves the principal building or principal use. (orig. 9-8-69)
  - b. Is subordinate in area, extent, or purpose to the principal building or principal use served. (orig. 9-8-69)
  - c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served. (orig. 9-8-69)
  - d. Is located on the same lot as the principal building or principal use served. (orig. 9-8-69)
3. Those accessory uses as permitted in the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

#### **D. Special Uses**

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioner: (orig. 9-8-69; am. 6-26-79; am. 12-17-02)

1. Governmental buildings, fire stations, but not including warehouses, storage or repair. (orig. 9-8-69)
2. Telephone exchange, electric substation including electric transmission and distribution lines or gas regulator station where no public business office and no repair or storage facilities are maintained, providing such facility is screened from public view to a height of 6 feet. (orig. 9-8-69)
3. Cable television reception substation. (orig. 9-11-90)
4. A group living facility, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender. (orig. 2-1-00)
5. Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by the state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeping unit, and where such home or shelter is not located within 750 feet of another similar type state licensed or certified home or shelter. (orig. 6-26-79; am. 6-14-88; am. 5-25-04)
6. Group home for the aged, group home for the developmentally disabled, group home for mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single household unit, and where such home is not located within 750 feet of another similar type home. (orig. 5-25-04)
7. Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use. (orig. 10-17-83; am. 12-17-02; am. 7-11-06)
8. Class I or II commercial recreation facilities, Class II public recreation facilities. (orig. 9-11-90)

#### **E. Height Regulation**

1. Primary structure: None. (orig. 9-8-69)
2. Accessory Structure: the lesser of 25 feet or equal to the height of the primary structure. (orig. 5-20-08)

## **F. Area Regulations**

1. Area and Minimum Width of Lot: For every main building hereafter erected or structurally altered, there shall be provided a minimum lot area of 1 acre. The minimum width of lot shall be 200 feet. (orig. 9-8-69)
2. Front Yard: The minimum depth of front yard for buildings shall be 40 feet. If parking space is to be provided in the front yard setback, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting shall conform to the provisions of the "Fences" portion of this section and the Accessory Uses Section of this Zoning Resolution. Parking lot areas, including aisles, must be set back 5 feet from the front lot line and 5 feet from the front setback line. (orig. 9-8-69; am. 12-17-02; am. 7-11-06)
3. Side Yards: The minimum depth of all side yards for buildings shall be 30 feet. If parking space is to be provided, adjacent to an existing street, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting shall conform to the provisions of the "Fences" portion of this section and the Accessory Uses Section of this Zoning Resolution. Parking lot areas including aisles must be set back 5 feet from the side lot line and 5 feet from the side setback line. (orig. 9-8-69; am. 12-17-02; am. 7-11-06)
4. Rear Yard: The minimum depth of all rear yards for buildings shall be 30 feet. If parking space is to be provided adjacent to an existing street, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting shall conform to the provisions of the "Fences" portion of this section and the Accessory Uses Section of this Zoning Resolution. Parking lot areas including aisles must be set back 5 feet from the rear lot line, and 5 feet from the rear setback line. (orig. 9-8-69; am. 12-17-02; am. 7-11-06)
5. Zone Lot: The minimum building setback from any zone lot line, as established in the "Zone Lot Provisions" portion of this section, which does not also constitute either a front, side or rear lot line of the lot, from which the zone lot was derived, shall be 15 feet. (orig. 9-8-69)

## **G. Density Regulations**

No multi-family dwelling may be constructed or altered within this zone district which contains an average density of less than 15 dwelling units per acre or more than 50 dwelling units per acre. (orig. 9-8-69)

## **H. Percentage Of Lot Coverage**

A minimum of 30 percent of the lot area shall be retained for open space or private recreation area. The parking of automobiles and other vehicles will not be permitted within that portion of the lot area that is designated for open space. (orig. 9-8-69)

## **I. Distance From Public Way and Number Of Main Buildings Per Lot**

More than 1 main building per lot is permitted in this zone district. However, each main building will require the designation of a zone lot if there is more than 1 main building per lot. (see "Zone Lot Provision" portion of this section). No building designed for occupancy by 3 or more families shall be erected, converted or structurally altered if such building or any part thereof is located more than 200 feet from a deeded public way to which the property has access, unless the applicant submits a letter from the local fire district that has jurisdiction over the applicant's property. This letter must state that the applicant is meeting the fire district regulations for fire prevention and safety. Said letter must be presented when the applicant requests a building permit. (orig. 9-8-69)

## **J. Zone Lot Provisions**

1. The zone lot has the specific function of permitting the construction of more than 1 multiple dwelling on a single legal lot, but shall have a minimum lot area of 20,000 square feet. The zone lot does not require any lot frontage. Every zone lot must be legally described. Zone lots must be legally designated on a Zone Lot Map. (orig. 9-8-69)

2. Such zone lot map shall contain the legal description of the legal lot and all of the zone lots. The line segments so described will be inscribed on the map. (orig. 9-8-69)
3. The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area shall be composed of a single parcel of contiguous land and may be designated as a zone lot only by the owner(s) thereof. All designations of zone lots shall be filed with Planning and Zoning. In cases where the entire zone lot is not owned by the same person or persons, firm or corporation, or where the ownership of a structure to be on a zone lot is different from the ownership of the zone lot, a copy of each such designation, or such other record thereof as deemed proper by the Department, shall be recorded by the Clerk and Recorder. (9-8-69; am. 12-17-02)
4. Upon application to and approval by Planning and Zoning, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this ordinance can be maintained. (orig. 9-8-69; am. 12-17-02)

#### **K. Fences**

1. Maximum Fence Height: 6 feet. (orig. 8-6-80)
2. Fence permits are required for any fence over 42 inches in height. (orig. 8-6-80)
3. No fence more than 42 inches in height of any type shall be permitted within the front setback. (orig. 8-6-80; am. 12-17-02)
4. No barbed wire or electric fence shall be permitted in this zone district. (orig. 8-6-80)
5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 8-6-80; am. 7-1-03)
6. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 8-6-80)

#### **L. Signs and Outdoor Advertising Devices**

Signs and outdoor advertising devices shall be in accordance with the provisions of the Signs and Outdoor Advertising Devices Section of this Zoning Resolution. (orig. 7-20-81; am. 12-17-02; am. 7-11-06)

#### **M. General Requirements**

1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 5-10-82)
2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 5-10-82)