



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: April 13, 2021
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Addition

ITEM: 6

Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.13: Supplementary Requirements in Zones. The potential amendment that would limit the size of dwellings in Midway.

BACKGROUND:

The purpose of this item is to discuss what options are available for Midway City to limit the size of single-family dwellings in the city. Members of the City Council have expressed concern regarding the size of homes that are being constructed in Midway and question whether they help contribute to the existing character of the city. In response to this, they have asked staff to explore ways that the city could implement size limitations on single family residences.

Currently, the maximum size of a single-family dwellings is mainly limited by:

- Lot size and configuration
- Building setbacks
- Building heights

There are also limitations imposed by other factors such as environmental concerns, but these seem to do little to impact the size of most single-family dwellings.

As we have reviewed various codes that are intended to regulate single family dwelling sizes, there appears to be two general approaches to creating size limits within residential zones:

1. **Ratio Based Size Limits (Floor Area Ratio)** – This approach appears to be more broadly used and is typically implemented in residential zones on a per zone basis. Rather than a hard maximum for each zone, it allows the square footage to be specific to the lot. For instance, the City of Austin, TX uses a 0.40 to 1.0 ratio (floor to lot area) to determine maximum (gross) floor area, 2,300 SF of floor area being the minimum.

This approach would work well in zones where lot sizes are smaller and more uniform. In Midway City’s residential zones, many lots are much larger than the minimum size allowed in the zone, which could result in the construction of homes that are larger than what was anticipated. To address this, Yonkers, NY has a base ratio for the minimum lot size in each zone and a secondary ratio for the portion of the lot that exceeds the minimum lot size. If you owned a 12,000 SF lot in their 10,000 SF zone, your maximum SF would be calculated as follows:

- Base Floor Area - 10,000 (SF) x 0.56 = 5,600 SF of allowable Floor Area
- Excess Floor Area - 2,000 (SF) x 0.38 = 760 SF of additional Floor Area
 - Total Allowable Floor Area - 6,360 SF

2. **Maximum Square Footage Size Limits** – This approach creates a maximum structure square footage per zone. This approach would work better in the residential zones that have larger parcel minimums. This would require the city to identify what the maximum allowable square footage is in each zone. Sandy, UT adopted an ordinance in the 1970s that outlines both minimum and maximum single family structure sizes. It also exempts garages and basements from the calculations and provides a process and criteria for homes that want to exceed the allowed square footage.

If the City decides to regulate the size of structures, here are some additional items that should be taken into consideration:

- Are there types of structures (detached garages, sheds, barns, greenhouses, etc.) or areas within structures (basements, attached garages, etc.) that should not count towards the overall square footage? Do rooms with ceiling heights over a certain height count as double the floors square footage?
- Depending on the size limitations that are set, there is a likelihood that many structures that were built legally will become legally non-conforming. The land use code currently does not allow for the expansion or enlargement of non-conforming buildings:

16.26.8 – Non-Conforming Buildings and Uses - Nevertheless, a non-conforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a non-conforming building or to a building housing a non-conforming use.

It does allow for the repair of the building but would not allow for any additions. Section 16.28.8 also allows for the repair and rebuilding of damaged non-conforming buildings in certain instances:

A. Damaged Building may be Restored. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of nature may be restored, and the occupancy or use of such buildings, structure, or part thereof which legally existed at the time of such restoration is started within a period of one year from the date of destruction and is diligently prosecuted to completion, and provided that such restoration does not increase the floor space devoted to the non-conforming use over that which existed at the time the building became non-conforming.

Our current non-conforming code does not include an avenue for properties that become non-conforming because of newly adopted size limitations to undergo minimal or major additions to structures or allow for the construction of new accessory structures (sheds, barns, greenhouses, etc.). They can maintain what they have but are not able to expand.

We randomly pulled the square footages of twenty recently issued single family dwelling permits (July 2020 to current), irrespective of zone. The square footages include main floors, second floors, basements (finished and unfinished), decks, covered porches, and garages. The smallest from the sample was 3,712 SF while the largest was 14,047 SF. The average was approximately 6,050 SF. While our random sample only had one that exceeded 10,000 SF, we were able to find many others from the past few years that exceeded 10,000 SF, including one under construction currently that is approximately 23,000 SF.

For discussion purposes we have identified three options for regulating single family structure sizes.

Option 1: Overall maximum gross floor square footage (per zone)

Zone/Min. Lot Size	Single Story - Max. Allowable Gross SF	Two Story - Max. Allowable Gross SF
C2/C3	2,800	3,500
R-1-7 - 7,000 SF	2,800	3,500
R-1-9 – 9,000 SF	3,500	4,500
R-1-11 – 11,000 SF	4,500	6,500
R-1-15 – 15,000 SF	5,500	6,500
R-1-22 – 21,780 SF	6,500	7,500
RA-1-43 – 43,560	6,500	7,500
RZ	6,500	7,500

Option 2: Single ratio based gross floor square footage (per zone)

Zone/Min. Lot Size	Ratio	Base Lot Size (Zone Minimum)	Base Lot Size - Max. Allowable Gross SF	Example Lot Size (Fictitious Size)	Example Lot Size - Max. Allowable Gross SF
C2/C3		N/A	3,500	N/A	3,500
R-1-7	0.45	7,000	3,150	10,000	4,500
R-1-9	0.45	9,000	4,050	12,000	5,400
R-1-11	0.45	11,000	4,950	14,000	6,300
R-1-15	0.40	15,000	6,000	18,000	7,200
R-1-22	0.35	21,780	7,623	25,000	8,750
RA-1-43	0.30	43,560	13,068	96,000	28,800
RZ		N/A	7,500	N/A	7,500

Option 3: Two ratio based gross floor square footage (per zone) – One ratio for minimum lot square footage and second ratio for any excess lot square footage

Zone/Min. Lot Size	Example Lot Size (Fictitious Size)	Ratio #1 – Applies to Base SF	Ratio #2 – Applies to Any Excess SF	Example Lot Size - Max. Allowable Gross SF
C2/C3	N/A			3,500
R-1-7	10,000	0.40	0.45	3,700
R-1-9	12,000	0.40	0.45	4,500
R-1-11	14,000	0.40	0.45	5,300
R-1-15	18,000	0.40	0.40	6,900
R-1-22	25,000	0.35	0.35	8,750
RA-1-43	96,000	0.25	0.30	16,134
RZ	N/A			7,500

Additionally, we have provided three examples of codes that regulate the maximum floor square footage. Each example is similar to one of the options listed above.

Exhibits

Exhibit 1 – Sandy, UT Example – Similar to Option 1

Exhibit 2 – Seattle, WA Example – Similar to Option 2

Exhibit 3 – Yonkers, NY Example – Similar to Option 3

Exhibit 4 – Los Angeles, CA Example

Exhibit 1

Sec. 21-20-4. - Table; Minimum/Maximum Dwelling Size for R-1 and R-2 Zoning Districts.

Table for R-1 and R-2 Minimum/Maximum Dwelling Size

Zone	One-Story Split Level and Split Entry (square feet)		Two-Story Total Both Levels (square feet)	
	Minimum	Maximum	Minimum	Maximum
R-1-40	1,500	6,500	1,875	7,500
R-1-30	1,500	6,500	1,875	7,500
R-1-20	1,400	6,500	1,750	7,500
R-1-15	1,400	5,500	1,750	6,500
R-1-12	1,350	4,500	1,685	6,000
R-1-10	1,300	5,000	1,625	6,000
R-1-9	1,200	4,500	1,500	5,500
R-1-8	1,000	4,000	1,250	5,500
R-1-8(INF)	1,100	4,000	1,600	5,000
R-1-7.5(HS)	1,000	3,200	1,250	4,000
R-1-6	800	2,800	1,350	3,500
R-2-10	800	2,100	1,350	4,000
R-2-8	800	2,000	1,350	3,500

- (1) *Allowable Square Footage.* Determination of allowable square footage measures livable space only, which does not include subterranean basements, garages or similar spaces. The square footage established above for the R-2-10 and R-2-8 Zoning Districts refers to each dwelling unit in a multifamily dwelling.
- (2) *Approval for a Home Larger than Maximum Size.* Individuals who desire to construct a new home larger than the maximum home size limits (or desire to increase the size of an existing home) may apply for a special exception from the Planning Commission. To qualify for the special exception, the applicant shall comply with the following requirements:
- a. The proposed square footage of the home (excluding basement) is within ten percent of the average

home size within a 1,000-foot radius as measured from the property line or if the proposed home is located within a planned unit development, it is consistent with the approved standards and home sizes for the entire planned unit development.

- b. The proposed home or addition is consistent with the existing architectural standard for the surrounding neighborhood (e.g., rambler style homes, two-story homes, brick facade, stucco, half-timber, similar pitched roof, etc.).
- c. The proposed enlargement is not permitted to increase the available space for an accessory apartment.
- d. The increased square footage is not permitted for nonresidential structures. Institutional care uses shall comply with the minimum and maximum square footage requirements for the underlying zone.

(LDC 2008, § 15A-20-04; Ord. No. 10-26, 7-30-2010)

Exhibit 2

23.44.011 - Floor area in single-family zones

- A. Gross floor area. In single-family zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are not considered gross floor area.
- B. Floor area ratio (FAR) limits.
1. The FAR limit on lots developed with a single-family dwelling unit as the principal use in SF 5000, SF 7200, and SF 9600 zones, is 0.5, except that lots with less than 5,000 square feet of lot area can include up to 2,500 square feet of total chargeable floor area. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.
 2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.
- C. The following floor area is exempt from FAR limits:
1. All stories, or portions of stories, that are underground.
 2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
 3. In SF 5000, SF 7200, and SF 9600 zones:
 - a. Any floor area contained in an accessory dwelling unit;
 - b. Either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.
 4. In RSL zones, 50 percent of floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.
- D. In SF 5000, SF 7200, and SF 9600 zones, additions to a single-family dwelling unit existing on the effective date of the ordinance introduced as Council Bill 119544 may exceed the FAR limit in subsection 23.44.011.B.1 if the addition adds floor area equal to or less than 20 percent of the floor area that existed on the effective date of the ordinance introduced as Council Bill 119544. Only one addition to any single-family dwelling unit may be exempted under this subsection 23.44.011.D.

(Ord. [125854](#), § 1, 2019; Ord. [125791](#), § 16, 2019)

Exhibit 3

ZONING

43 Attachment 3

City of Yonkers
Table 43-3

Schedule of Dimensional Regulations
for Residential Uses¹

[Amended 10-12-2004 by G.O. No. 6-2004; 5-19-2009 by G.O. No. 3-2009; 10-27-2009 by G.O. 7-2009]

• Minimum Requirements for Residential Uses	District												
	S-200	S-100	S-75	S-60	S-50	T	MG	M	A	B	BA	CB	
• Lot area (square feet) Single- and two-family dwellings Multi-family dwellings	20,000 --	10,000 --	7,500 --	6,000 --	5,000 --	5,000 --	5,000 10,000	5,000 --	5,000 --	5,000 --	5,000 --	-- --	
• Lot width (feet) Single- and two-family dwellings Multifamily dwellings	200 --	100 --	75 --	60 --	50 --	50 --	50 100	50 --	50 --	50 --	50 --	-- --	
• Front yard (feet) Single- and two-family dwellings Multifamily dwellings	25 --	25 --	25 --	20 --	20 --	20 --	20 25	20 15	20 25	20 10	20 10	-- --	
• Rear yard (feet) Single- and two-family dwellings Multifamily dwellings	25 --	25 --	25 --	25 --	25 --	25 --	25 25	25 25	25 25	25 25	25 20	-- --	
• Side yard; one/both (feet) Single- and two-family dwellings Multi-family dwellings	20/40 --	15/30 --	11/23 --	8/17 --	6/15 --	6/15 --	6/15 25/50	6/15 12/25	6/15 16/32	6/15 16/32	6/15 16/32	-- --	
• Side front yard of corner lot (feet) Single- and two-family dwellings Multifamily dwellings	25 --	25 --	20 --	12 --	10 --	10 --	10 25	10 10	20 20	10 10	10 10	-- --	
• Average lot area per family (square feet) Single-family dwellings Two-family dwellings Multifamily dwellings	20,000 -- --	10,000 -- --	7,500 -- --	6,000 -- --	5,000 -- --	5,000 2,500 --	5,000 2,500 1,000	5,000 2,500 800	5,000 2,500 --	5,000 2,500 --	5,000 2,500 --	-- -- --	
• Gross floor area (square feet) Apartments	--	--	--	--	--	350	350	350	350	350	350	350	

YONKERS CODE

• Minimum Requirements for Residential Uses	District												
	S-200	S-100	S-75	S-60	S-50	T	MG	M	A	B	BA	CB	
• Building coverage (%) Single- and two-family dwellings Multifamily dwellings	30 --	30 --	35 --	40 --	40 --	40 --	40 40	40 40	40 40	40 40	40 40	-- 90 ⁴	
• Height (stories/feet) Single- and two-family dwellings ² Multifamily dwellings	2 1/2/35 --	2 1/2/35 --	2 1/2/35 --	2 1/2/35 --	2 1/2/35 --	2 1/2/35 --	2 1/2/35 3/35	2 1/2/35 -/65	2 1/2/35 -- ³	2 1/2/35 --/35	2 1/2/35 -- ³	-- --/50 ⁴	
• Floor area ratio Single- and two-family dwellings Base floor area ratio Portion of lot exceeding: 5,000 square feet ⁵ 6,000 square feet 7,500 square feet 10,000 square feet 20,000 square feet Multifamily dwellings	0.56 -- -- -- -- -- 0.38 --	0.56 -- -- -- -- -- 0.38 --	0.60 -- -- 0.40 -- -- -- --	0.68 -- 0.46 -- -- -- -- --	0.75 -- -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	1.00 0.67 -- -- -- -- -- --	-- -- -- -- -- -- -- 5.00 ⁴

Notes:

- ¹ For the purposes of this schedule only:
- A. The dimensional requirements for single- and two-family dwellings in the schedule includes single-family detached dwellings and two-family detached dwellings as defined in this chapter.
- B. The dimensional requirements for multi-family dwellings in the schedule includes apartment houses, senior citizen apartment houses, nursing homes, residential health-care facilities and community residence facilities as defined in this chapter.
- C. The dimensional requirements for row houses (attached single-family houses) as defined in this chapter are in Article VI, Supplementary Use and Dimensional Regulations at § 43-34F.
- D. Dimensional requirements for planned residential developments are located in Article VI, Supplementary Use and Dimensional Regulations, and Article VII, Special Use Permits, as follows:
 - (1) Planned apartment complexes: § 43-34C.
 - (2) Planned cluster developments: § 43-34D.
 - (3) Planned townhouse complexes: § 43-34E.
 - (4) Planned unit residential developments: § 43-72B.
 - (5) Planned urban redevelopment: § 43-72C.
- E. The dimensional regulations contained in this chart shall not be controlling upon municipal uses.
- ² The minimum permitted height of a single- or two-family dwelling shall be one story or 15 feet, whichever is greater.
- ³ The maximum permitted height in the A and BA Districts shall be 1 1/2 times the width of the street right-of-way on which it fronts. If it fronts on more than one street, the maximum permitted height shall be 1 1/2 times the width of the wider street right-of-way.
- ⁴ On a designated development site, the maximum permitted building coverage shall be 100%, the minimum height shall be two stories or 25 feet, whichever is greater, and the maximum height shall be 400 feet, and the maximum permitted floor area ratio shall be 6.00.
- ⁵ For single- and two-family dwellings, the floor area ratio for the lot area that exceeds the minimum lot size in that zone will be 0.67 of the zone's base floor area ratio.

ZONING

City of Yonkers
 Table 43-3
 Schedule of Dimensional Regulations
 for Nonresidential Uses⁷
 [Amended 5-19-2009 by G.O. No. 3-2009; 3-5-2019 by Ord. No. 1-2019]

• Minimum Requirements for Nonresidential Uses	District										
	S-200	S-100	S-75	S-60	S-50	T	MG	M	A	CA	
• Lot area (square feet)	20,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	
• Lot width (feet)	200	150	150	150	150	150	150	150	150	150	
• Front yard (feet)	25	25	25	20	20	20	25	25	25	25	
• Rear yard (feet)	25	25	25	25	25	25	25	25	25	25	
• Side yard, one/both (feet)	12/24	12/24	12/24	12/24	12/24	12/24	12/24	12/24	12/24	15/30	
• Side-front yard of corner lot (feet)	25	25	25	20	20	20	25	25	25	25	
• Space between buildings on the same lot (feet)	15	15	15	15	15	15	40	40	40	20	
• Maximum Permitted for Nonresidential Uses											
• Building coverage (%)	30	30	35	40	40	40	40	40	40	40	
• Height ³ (stories/feet)	2 ½/35	2 ½/35	2 ½/35	2 ½/35	2 ½/35	2 ½/35	3/36	3/36	--/-- ¹	3/39	
• Floor Area Ratio	0.75	0.75	0.80	0.90	1.00	1.00	1.00	1.20	1.25	1.25	

Notes:

- ¹ The maximum permitted height in the A, BA and C Districts shall be 1 ½ times the width of the street right-of-way on which it fronts. If it fronts on more than one street, the maximum permitted height shall be 1 ½ times the width of the wider street right-of-way.
- ² In the CB, DW and GC Districts, the minimum height shall be two stories or 25 feet, whichever is greater. In the CB District, the maximum height shall be 400 feet on a designated development site. In the GC District, the maximum height shall be 220 feet on a designated development site.
- ³ Exceptions to these requirements are provided for in § 43-33O.
- ⁴ In the B and BA Districts, in the case of a building that is partly used for residential uses and partly for nonresidential uses, the maximum permitted lot coverage shall be 40% for all floors used in whole or in part for residential uses and 70% for all floors used exclusively for nonresidential uses. If only the first floor is used exclusively for nonresidential uses, the maximum permitted coverage of 70% of the lot area shall be limited to not more than 20 feet above the street, and above that level the 40% coverage limitation shall apply. For the purposes of this subsection, a private garage on the first floor may be construed as a nonresidential use.
- ⁵ The side yard setback in the B and BA Districts may be zero feet. However, when abutting a residential district, the side yard setback shall be a minimum of five feet.
- ⁶ The maximum permitted height in the I District shall be two times the width of the street right-of-way on which it fronts. If it fronts on more than one street, the maximum permitted height shall be two times the width of the wider street right-of-way.
- ⁷ The dimensional regulations contained in this chart shall not be controlling upon municipal uses.

YONKERS CODE

City of Yonkers
Table 43-3
Schedule of Dimensional Regulations
for Nonresidential Uses⁷
(Continued)

• Minimum requirements for Nonresidential Uses	District											
	Cu	OL	BR	B	BA	CB	DW	GC	CM	C	IP	I
• Lot area (square feet)	15,000	7,500	10,000	--	--	--	--	--	10,000	--	175,000	--
• Lot width (feet)	150	75	100	--	--	--	--	--	100	--	250	--
• Front yard (feet)	25	25	25	10	10	--	--	--	20	--	50	--
• Rear yard (feet)	25	25	25	25	20	10 ⁸	10	10 ⁹	20	20	50	20
• Side yard, one/both (feet)	15/30	10/32	25/50	-- ⁵	--/ ⁵	--	--	--	16/32	5/10	50/100	--/ ⁵
• Side-front yard of corner lot (feet)	25	25	25	--	--	--	--	--	20	--	50	--
• Space between buildings on the same lot (feet)	20	40	40	--	--	--	--	--	15	--	50	--
• Maximums Permitted for Nonresidential Uses												
• Building coverage (%)	40	40	40	70 ⁴	70 ⁴	90 ⁸	90	90 ⁸	50	70	40	75
• Height ³ (stories/feet)	3/39	3/45	--/48	--/35	--/41	--/50 ²	5/66 ²	--/100 ²	2/35	--/41	2/35	--/41 ⁶
• Floor Area Ratio	1.25	0.8	1.50	1.50	5.00	5.00 ⁸	4.50	9.00	1.00	6.00	0.80	7.50

Notes:

- ¹ The maximum permitted height in the A, BA and C Districts shall be 1 ½ times the width of the street right-of-way on which it fronts. If it fronts on more than one street, the maximum permitted height shall be 1 ½ times the width of the wider street right-of-way.
- ² In the CB, DW and GC Districts, the minimum height shall be two stories or 25 feet, whichever is greater.
- ³ Exceptions to these requirements are provided for in § 43-33O.
- ⁴ In the B and BA Districts, in the case of a building that is partly used for residential uses and partly for nonresidential uses, the maximum permitted lot coverage shall be 40% for all floors used in whole or in part for residential uses and 70% for all floors used exclusively for nonresidential uses. If only the first floor is used exclusively for nonresidential uses, the maximum permitted coverage of 70% of the lot area shall be limited to not more than 20 feet above the street, and above that level the 40% coverage limitation shall apply. For the purposes of this subsection, a private garage on the first floor may be construed as a nonresidential use.
- ⁵ The side yard setback in the B, BA, and I Districts may be zero feet.
- ⁶ The maximum permitted height in the I District shall be two times the width of the street right-of-way on which it fronts. If it fronts on more than one street, the maximum permitted height shall be two times the width of the wider street right-of-way.
- ⁷ The dimensional regulations contained in this chart shall not be controlling upon municipal uses.
- ⁸ On a designated development site, there shall be no required rear yard; the maximum permitted building coverage shall be 100%, and the maximum permitted floor area ratio shall be 6.00.
- ⁹ On a designated development site, there shall be no required rear yard; the maximum permitted building coverage shall be 100%.

Exhibit 4

SEC. 12.08. "R1" ONE-FAMILY ZONE.

The following regulations shall apply in the "R1" One-Family Zone:

A. Use. No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained except for the following uses, and when a "Supplemental Use District" is created by the provisions of Article 3 of this chapter, for such uses as may be permitted therein:

1. One-family dwelling.
2. Parks, playgrounds or community centers, owned and operated by a governmental agency.
3. **(Amended by Ord. No. 181,188, Eff. 7/18/10.)** Truck gardening; the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, provided that:
 - (a) Such animal keeping is not for commercial purposes.
 - (b) The keeping of equines shall be permitted only on lots having an area of 20,000 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 5,000 square feet of lot area.
4. Two-family dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone, provided that: **(Amended by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)**
 - (a) The lot on which the use is located does not extend more than 65 feet from the boundary of the less restrictive zone which it adjoins; and
 - (b) There is a minimum lot area of 5,000 square feet for each two-family dwelling.
5. **(Deleted by Ord. No. 171,687, Eff. 8/19/97.)**
6. Conditional uses enumerated in Sec. 12.24 when the location is approved pursuant to the provisions of said section. **(Amended by Ord. No. 117,450, Eff. 12/18/60.)**
7. Accessory buildings, including private garages, accessory living quarters, servant's quarters, recreation rooms, or private stables, provided that:
 - (a) No accessory living quarters nor servant's quarters are located or maintained on a lot having an area less than 10,000 square feet;
 - (b) No stable is located or maintained on a lot having an area of less than 20,000 square feet and its capacity does not exceed one equine for each 5,000 square feet of lot area. **(Amended by Ord. No. 157,144, Eff. 11/22/82.)**
 - (c) An accessory living quarters, servant's quarters, recreation room or private garage or any combination of said uses may be included in one building not exceeding two stories in height;
 - (d) Automobile parking space is required in connection with permitted uses and additional space may be provided in accordance with the provisions of Sec. 12.21 A.

For the location of accessory buildings, refer to Sec. 12.21 C. and Sec. 12.22 C. **(Amended by Ord. No. 107,884, Eff. 9/23/56.)**
8. Accessory uses and home occupations, subject to the conditions specified in Section 12.05 A.16. of this Code. **(Amended by Ord. No. 171,427, Eff. 1/4/97, Oper. 3/5/97.)**
9. Name plates and signs as provided for in Sec. 12.21 A.7.
10. Backyard beekeeping, as an accessory use, provided that the activity complies with the performance standards established in Section 12.07 A.13. of this Code. **(Added by Ord. No. 183,920, Eff. 12/6/15.)**

B. Restriction. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** For any lot designated as Public, Quasi-Public, Public/Quasi-Public Use, Other Public, or Open Space on the land use map of the applicable community or district plan; any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities; any lot shown on the map as the location of a freeway right-of-way; and any property annexed to the City of Los Angeles where a plan amendment was not adopted as part of the annexation proceedings:

Any of the uses permitted by Subsection A of this section shall require prior approval in accordance with the provisions

of Section 12.24.1 of this Code.

C. **Area (Development Standards).** (First Para. Amended by Ord. No. 179,883, Eff. 6/29/08.) No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

1. **Front Yard.** There shall be a front yard of not less than 20% of the depth of the lot, but such front yard need not exceed 20 feet; provided, however that where all of the developed lots which have front yards that vary in depth by not more than ten feet comprise 40% or more of the frontage, the minimum front yard shall be the average depth of the front yard of such lots. Where there are two or more possible combinations of developed lots comprising 40% or more of the frontage, each of which as front yards that vary in depth by not more than ten feet, the minimum front yard depth shall be the average depth of the front yards of that combination which has the shallowest average depth. In determining the required front yard, buildings located on key lots, entirely on the rear half of lots, or on lots in the "C" or "M" Zones, shall not be counted; provided, however, that nothing contained in this paragraph shall be deemed to require front yards which exceed 40 feet in depth. (Amended by Ord. No. 139,155, Eff. 10/16/69.)

On key lots the minimum front yard may be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of a reversed corner lot, but such minimum front yard may apply for a distance of not more than 65 feet from the rear lot line of the reversed corner lot, beyond which point the front yard specified in the above paragraph shall apply. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required by this article, the yards established by such existing buildings may be used in computing the required front yard for a key lot.

2. **Side Yards.** (Amended by Ord. No. 184,802, Eff. 3/17/17.)

(a) For a main building not more than two stories in height, there shall be a side yard on each side of the building of not less than 5 feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to 10 percent of the width of the lot, but in no event to less than 3 feet in width. For a building more than two stories in height, 1 foot shall be added to the width of each yard for each additional story above the second story.

All portions of a building that have a side wall exceeding 14 feet in height and a continuous length greater than 45 feet shall have an offset/plane break that is a minimum depth of five feet beyond the required yard and a minimum length of 10 feet. For the purpose of this Subdivision, height shall be measured from the existing or finished grade, whichever is lower, at each point along the perimeter of the building.

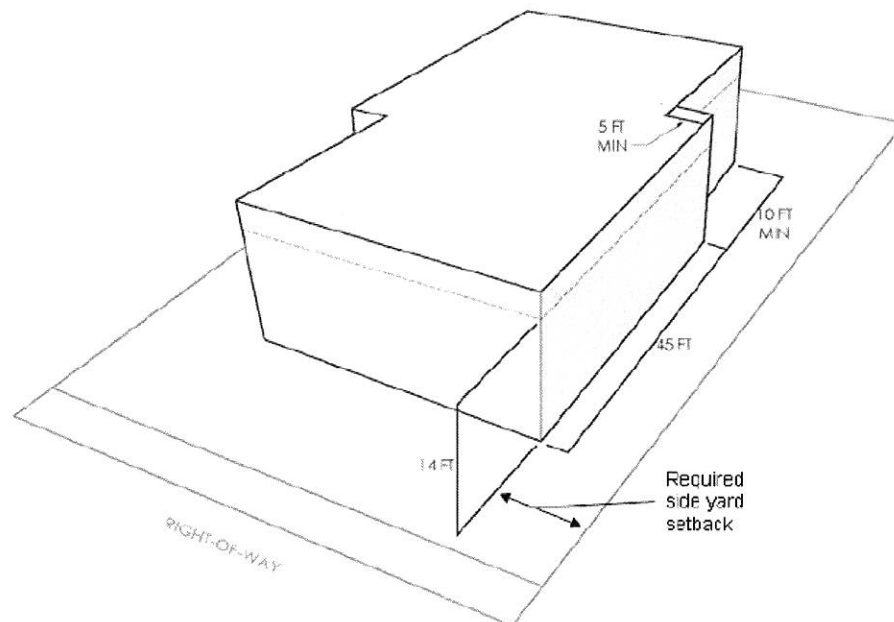


Figure 12.08 C.2.(a): Plane break diagram.

(b) In lieu of the additional one-foot side yard for each story above the second story as required above, for new construction of a main building or a ground floor addition to the main building on a lot not located in a Hillside Area or Coastal Zone, one-foot shall be added to each required side yard for each increment of ten feet or fraction thereof above the first 18 feet.

(c) Side yard requirements in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over this subdivision. This subdivision shall apply in these areas, however, when there are

no such side yard requirements.

(d) Any occupied rooftop deck shall be set back at least three feet from the minimum required side yard. This provision shall not apply to any rooftop deck located on the street side of a Corner Lot.

3. **Rear Yard** . There shall be a rear yard of not less than 15 feet in depth. (Amended by Ord. No. 121,925, Eff. 6/4/62.)

4. **Lot Area**. (Amended by Ord. No. 153,478, Eff. 4/12/80.) Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall also be 5,000 square feet, except for two-family dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone as provided for in Subsection A of this section.

There may be lots with less than the minimum required area and there may be a single dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or a Parcel Map.

There may be lots with less than the minimum width and area as provided for in Section 17.05 H.7. Further exceptions to area regulations are provided for in Section 12.22 C.

5. **Maximum Residential Floor Area and Massing**. (Amended by Ord. No. 184,802, Eff. 3/17/17.)

(a) **R1**. For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A.1. of this Code.

For lots outside of a Hillside Area or Coastal Zone, the maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed 45 percent of the lot area (a Residential Floor Area ratio of 0.45).

The encroachment plane shall originate from a point that is 20 feet in height from the existing or finished grade, whichever is lower, along the required front and side yard setbacks.

(b) **RIV, Variable-Mass**. These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions, and alterations in single-family neighborhoods having an existing variety of building forms. The intent of this variation is to allow flexibility in the location of massing within a maximum building envelope that respects the scale of other houses in the vicinity.

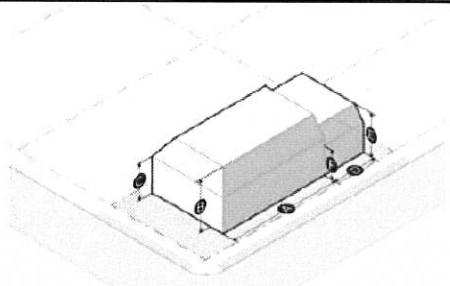
The maximum Residential Floor Area contained in all buildings on a lot shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5.(b). The maximum lot coverage, maximum Height of Building, and maximum height at which the encroachment plane begins shall not exceed the amounts specified for each zone in Table 12.08 C.5.(b).

Table 12.08 C.5.(b)						
R1 VARIABLE-MASS VARIATION ZONES DEVELOPMENT STANDARDS						
Lot Size and Residential Floor Area Ratio	R1V1	R1V2	R1V3	R1V4	Max Lot Coverage	
Up to 6,000 SF	.65	.55	.45	.40	50%	
6,001 to 7,000 SF	.63	.53	.43	.38	48%	
7,001 to 8,000 SF	.61	.51	.41	.36	46%	
8,001 to 9,000 SF	.59	.49	.39	.34	44%	
9,001 to 10,000 SF	.57	.47	.37	.32	42%	
Over 10,000 SF	.55	.45	.35	.30	40%	
Mass						

(A)	Height of Building (max)	30'	30'	28'	20'	
(B)	Encroachment Plane Origin Height	22'	22'	20'	14'	
	Angle of Encroachment Plane	45°	45°	45°	45°	

(c) **R1F, Front-Mass.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations in single-family neighborhoods where the predominate building form includes a two-story mass at the front of the lot and a one-story mass at the rear of the lot. The intent of this variation is to allow taller massing at the front of the lot and mandate shorter massing at the rear of the lot that respects the scale and form of other houses in the vicinity.

The maximum Residential Floor Area contained in all buildings shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5.(c). The maximum lot coverage, the maximum height of the front and rear masses, and the maximum height at which the encroachment plane begins for the front and rear masses shall not exceed the amounts specified for each zone in Table 12.08 C.5. (c).

Table 12.08 C.5.(c)						
R1 FRONT-MASS VARIATION ZONES DEVELOPMENT STANDARDS						
						
Lot Size and Residential Floor Area Ratio	R1F1	R1F2	R1F3	R1F4	Max Lot Coverage	
Up to 6,000 SF	.65	.55	.45	.40	50%	
6,001 to 7,000 SF	.63	.53	.43	.38	48%	
7,001 to 8,000 SF	.61	.51	.41	.36	46%	
8,001 to 9,000 SF	.59	.49	.39	.34	44%	
9,001 to 10,000 SF	.57	.47	.37	.32	42%	
Over 10,000 SF	.55	.45	.35	.30	40%	
Front Mass						
(A)	Front envelope depth, from front yard setback (min)	-	-	-	-	
(B)	Height of Mass (max)	30'	30'	28'	26'	
(C)	Encroachment Plane Origin Height	22'	22'	20'	18'	
	Angle of Encroachment Plane	45°	45°	45°	45°	
Rear Mass						
(D)	Rear envelope depth, from rear yard setback (min)	25'	25'	25'	25'	
(E)	Height of Mass (max)	24'	24'	20'	18'	
(F)	Encroachment Plane Origin Height	16'	16'	14'	14'	
	Angle of Encroachment Plane	45°	45°	45°	45°	

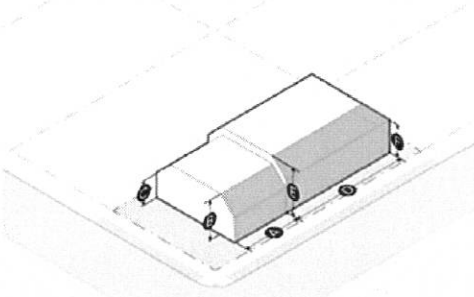
(d) **R1R, Rear-Mass.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations in single-family neighborhoods where the predominate building form includes a one-story mass at the front of the lot and a two-story mass at the rear of the lot. The intent of this variation is to mandate shorter massing at the front of the lot and allow taller massing at the rear of the lot that respects the scale and form of other houses in the vicinity.

The maximum Residential Floor Area contained in all buildings shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5.(d). The maximum lot coverage, the maximum height of the front and rear masses, and the maximum height at which the encroachment

plane begins for the front and rear masses shall not exceed the amounts specified for each zone in Table 12.08 C.5.(d).

(1) **Exceptions.**

(i) Lots that are 90 feet or less in depth shall not be subject to two different massing requirements. Said lots shall be exempt from the Front Mass development standards listed in Table 12.08 C.5.(d), and instead the Rear Mass massing requirements specified in Table 12.08 C.5.(d) shall apply to the entire building.

Table 12.08 C.5.(d)					
R1 REAR-MASS VARIATION ZONES DEVELOPMENT STANDARDS					
					
Lot Size and Residential Floor Area Ratio	R1R1	R1R2	R1R3	R1R4	Max Lot Coverage
Up to 6,000 SF	.65	.55	.45	.40	50%
6,001 to 7,000 SF	.63	.53	.43	.38	48%
7,001 to 8,000 SF	.61	.51	.41	.36	46%
8,001 to 9,000 SF	.59	.49	.39	.34	44%
9,001 to 10,000 SF	.57	.47	.37	.32	42%
Over 10,000 SF	.55	.45	.35	.30	40%
Front Mass					
(A) Front envelope depth, from front yard setback (min)	30'	30'	30'	30'	
(B) Height of Mass (max)	24'	24'	20'	18'	
(C) Encroachment Plane Origin Height	16'	16'	12'	12'	
Angle of Encroachment Plane	45°	45°	45°	45°	
Rear Mass					
(D) Rear envelope depth, from rear yard setback (min)	–	–	–	–	
(E) Height of Mass (max)	30'	30'	28'	26'	
(F) Encroachment Plane Origin Height	22'	22'	20'	18'	
Angle of Encroachment Plane	45°	45°	45°	45°	

(e) **R1H, Hillside Area.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations to one-family houses in Hillside Areas having an existing variety of building forms. The intent of this variation is to allow flexibility in the location of massing within a maximum building envelope that respects the scale of other houses in the vicinity. A lot designated an R1H Zone shall comply with all of the R1 Hillside Area Development Standards pursuant to Section 12.21 C.10., except that R1H lots shall be subject to the Residential Floor Area ratios in Table 12.21 C.10-2b of their corresponding zone.

6. **Verification of Existing Residential Floor Area. (Amended by Ord. No. 184,802, Eff. 3/17/17.)** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing Residential Floor Area shall be determined based on the building records or the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

7. **Definitions and Standards.** (Added by Ord. No. 184,802, Eff. 3/17/17.) For the purposes of this Subsection the following definitions and standards shall apply:

a. **Height of Mass, Front or Rear.** The height of the front mass is the vertical distance above Grade measured to the highest point of the roof, structure, or parapet wall, whichever is highest of the front mass. The height of the rear mass is the vertical distance above Grade measured to the highest point of the roof, structure, or parapet wall, whichever is highest of the rear mass. Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of either mass.

However, whenever the highest point of elevation of the adjoining sidewalk or ground surface within a 5-foot horizontal distance measured from the exterior wall of a building exceeds grade level by more than 20 feet, a building or structure may exceed the maximum front or rear mass height in number of feet prescribed in this section by not more than 12 feet. However, such additional height shall not be permitted to the extent that such additional height causes any portion of the building or structure to exceed a front or rear mass height in number of feet as prescribed by this section as measured from the highest point of the front or rear mass roof structure or parapet wall to the elevation of the ground surface which is vertically below this point of measurement.

b. **Lot Coverage** is the area of a parcel covered by any structures extending more than six feet above grade. However, 400 square feet of required covered parking that is detached and located within the rear half of the lot shall be exempt from lot coverage calculations.