

Amending LMC 19.11 Districts Established to include minimum densities within the Pepin Creek Subarea.

Chapter 19.11

DISTRICTS ESTABLISHED

Sections:

19.11.010 Zones established -- Purpose.

19.11.020 Zones designated -- Essential use, maximum coverage, and density.

19.11.010 Zones established -- Purpose.

For the purpose of developing a comprehensive arrangement of land uses and related standards, regulations, rules and specifications, the classifications of essential uses, and the declaration of each essential use group establishing the purpose for the zones within each group set forth hereafter adopted.

19.11.015 - Definitions

A. "Gross acreage" means the total acreage of the entire legal lot or lots of record on which the residential development is proposed, including half of existing street right-of-way around the perimeter of the site, new rights-of-way internal to the site, critical areas, wetlands, and other nondevelopable areas.

A-B. "Net acreage" means gross acreage minus dedications exclusively for public use, such as dedications for rights of way, public trails, public stormwater facilities, and other public infrastructure, but not nonexclusive easements outside rights of way or easements for the sole benefit of residents in the development, or privately-owned land, including land owned by a common interest community.

19.11.020 - Zones designated—Essential use, maximum coverage, and density.

There are established the classifications of the essential land uses for all residential, business and industrial zones to be known by the zone symbols shown as follows:

Zone Symbol	Essential Use	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage	Maximum Development-Density*	<u>Minimum Gross Development Density* – Pepin Creek Subarea only</u>
A-1	Agricultural	0.10		1 D.U./20 Acres	
RS-100	Single Family Dwellings	0.35	0.60	4 D.U./Acre	

Zone Symbol	Essential Use	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage	Maximum Development-Density*	<u>Minimum Gross Development Density* – Pepin Creek Subarea only</u>
RS-84	Single Family Dwellings	0.35	0.60	4.5 D.U./Acre	
RS-72	Single Family Dwellings	0.35	0.60	5.0 D.U./Acre	<u>4 DU / Acre</u>
RMD	Residential Mixed Density	0.35	0.80	8.0 D.U./Acre	<u>5 DU / Acre</u>
MH	Mobile and Modular Home	0.40	0.80	8.0 D.U./Acre	
TR	Travel/Recreational Vehicle	0.65			
RM-1	Single Family and two Family Dwellings/bldg.	0.35	0.70	8.0 D.U./Acre	
RM-2	Up to 4 Dwellings/bldg.	0.40	0.70	12 D.U./Acre	
RM-3	Multiple Dwellings	0.40	0.75	16 D.U./Acre	<u>8 DU / Acre</u>
RM-4	Multiple Dwellings	0.45	0.75	24 D.U./Acre	
RM-PC	Detached Single Family Dwellings	0.35	See Open Space Requirements	12 D.U./Acre	<u>6 DU / Acre</u>
	Attached Single Family Attached	0.50			
	Multi-family Dwellings	0.40			
<u>SO</u>	<u>Senior Housing Overlay in the Pepin Creek Subarea</u>	<u>0.40-0.50</u>	<u>See Open Space Requirements</u>	<u>30 D.U./Acre</u>	
HBD	Historic Business District	0.80			

Zone Symbol	Essential Use	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage	Maximum Development-Density*	Minimum Gross Development Density* – Pepin Creek Subarea only
CN	Commercial Neighborhood Overlay in the Pepin Creek Subarea	N/A			
CSL	Local Commercial Services	N/A			
CSR	Regional Commercial Services	N/A			
ID	Industrial District	N/A			
IBZ	Industrial Business Zone	N/A			
PU	Public Use	N/A			

*See Section 19.11.030 regarding calculation of minimum and maximum densities.

LMC 19.11.030 Density calculations.

A. Calculations for Determining Minimum Density. The density minimum standard applies to some residential developments. All site area applicable to the residential development must be used in the calculation of minimum allowed residential density except the following:

1. Public street right-of-way, or other areas reserved or dedicated for public use (such as parks, trails, open space). Private streets, private alleys and access easements are not included in this exemption. Net acreage, not gross acreage, shall be used for the purpose of calculating minimum density.

1. Exception for existing homes in the Pepin Creek Subarea. Typically associated with a farmstead, existing homes within the Pepin Creek Subarea and their outbuildings may require larger lots than zoning or minimum density standards anticipate. Subdivisions within the Pepin Creek Subarea may exclude the area of a lot dedicated to preserving an existing home under the following conditions:

a. Residence must have existed prior to August 1, 2021.

- b. Plats which create an excluded lot must document the existing residence and its date of construction.
- c. Plats which create an excluded lot must address the possibility of additional access and utility needs when / if future subdivision on these lots occur.
- d. No additional dwelling units can be added to the lot excluded from minimum density standards until it is further divided to meet minimum density standards. However, nothing in this section prevents the addition of an accessory dwelling unit or the repair, remodel, or replacement of the original residence.

2. Pepin Creek Subarea Wetland Exception. Within the Pepin Creek Subarea only,

~~2. Some~~ portion of wetland and buffer areas in excess of 25% of the net acreage can be excluded from the minimum density calculation. ~~of the area of associated with regulated wetlands and associated buffers. Wetlands and buffers that cover the first 25% of the development area~~ net acreage must be included in the minimum density calculation. ~~The portion of wetland and buffer areas in excess of 25% of the development area can be excluded from the minimum density calculation. Calculations of buffer area should~~ shall be conducted prior to any buffer reduction methods. For example:

- a. A site has 10 net acres; 4 acres are encumbered by wetlands and their buffers and 6 are not. Wetlands and buffers covering 25% of the net acreage shall be counted, in this case, 2.5 acres. The remaining 1.5 acres of wetlands and buffers will not be counted. The total acres counted for the purpose of minimum density would be 6 developable acres plus 2.5 wetland acres, or 8.5 acres.
- b. A site has 10 net acres; 1 acre is encumbered by wetlands and their buffers, and the other 9 acres are not. 25% of the site would be 2.5 acres, but as there are less than 2.5 acres of wetlands and buffers, all of the wetlands and buffers are counted for the purpose of determining minimum density.

B. Calculations for Determining Maximum Density.

1. Maximum density for residential zones applies to all development with new residential dwelling units, unless otherwise noted herein.
2. Gross acreage of the ~~site~~ lot or lots may be used in the calculation of the maximum allowed residential density ~~(including half of existing street right-of-way around the perimeter of the site and any new street right-of-way internal to the site).~~
3. For the purpose of meeting maximum density requirements for subdivisions in applicable zones, final plats must specify the maximum number of dwelling units per lot.

C. How to Calculate Density. Minimum and maximum density for an individual site must be calculated by multiplying the total site acreage based on subsections A and/or B of this section by the minimum and maximum dwelling units per acre for the applicable zone. When calculation results in a fraction, the fraction must be rounded to the nearest whole number; as follows:

1. ~~F~~fractions of one-half and above must be rounded up, and-

2. ~~F~~fractions below one-half must be rounded down.

D. Prohibited Reduction. Any portion of a lot that was used to calculate minimum compliance with the standards and regulations of this title must not be subsequently subdivided or segregated from such lot unless all portions of the resulting lots continue to meet the code requirements after the subdivision.