

## Section 20.100, NIO-2, Neighborhood Infill Overlay – 2

### 20.100-A General

#### 1. Purpose and Intent

The Neighborhood Infill Overlay - 2 (NIO-2) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of land for residential purposes.

#### 2. Applicability

Except as otherwise expressly stated, the Neighborhood Infill Overlay regulations of this section apply to RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3, RMH, OL, OM, OMH, OH, CS, CG, CH, IL, IM, and IH zoning districts only within the boundaries of the Neighborhood Infill Overlay -2 districts to all new permitted uses and structures and all building alterations and site modifications that require a building permit.

#### 3. Nonconformities

Nonconformities that exist within the NIO-2 district are governed by the regulations of [Chapter 80](#) except in residential zoning districts, a single detached house, duplex, or multi-unit house, where the particular residential building type is allowed by right or is allowed by special exception and a special exception has been granted, may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses, duplexes, or multi-unit houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

#### 4. Conflicting Regulations

All applicable regulations of the underlying base zoning district apply to property in the NIO-2 district unless otherwise expressly stated in the NIO-2 regulations. For properties with approved development plans (PUD, CO, MPD, Optional Development Plan), the approved development plan and development standards apply.

### 20.100-B Use Regulations – Residential, Household Living

Residential, household living principal uses are allowed in the NIO-2 district in accordance with [Table 20-6](#).

#### 1. Permitted Uses

Residential, household living uses identified with a “P” symbol are allowed by right in the NIO-2 district within the particular base zoning district, subject to compliance

with any supplemental regulations identified in Chapter 40 and all other applicable regulations of this zoning code.

**2. Special Exception Uses**

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special exception procedures of Section 70.120.

**3. Prohibited Uses**

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in §35.020-E) to fall within any defined use category are also prohibited.

*Table 20-6: NIO-2 District Use Regulations for Household Living*

USE CATEGORY Subcategory Specific use	Base Zoning Districts:									RMH	O, C, and I All
	RS-			RD	RT	RM-					
	3	4	5					0	1	2	3
<b>RESIDENTIAL</b>											
<b>Household Living (if in building type allowed in Table 20-7)</b>											
Single household	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]
Two households on single lot	P	P	P	P	P	P	P	P	P	P	P
Three or more households on single lot	P	P	P	P	P	P	P	P	P	P	P

**4. Table 20-6 Notes**

The following notes refer to the bracketed numbers (e.g., “ [1]”) in (Table 20-6):

[1] Accessory dwelling units are allowed by right in RS, RD, RT, RM, RMH, O, C, and I Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

## 20.100-C Residential Building Types for Household Living

In the NIO-2 district, within the particular base zoning district, household living uses must be located in the residential building types identified in Table 20-7. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010.

Table 20-7: NIO-2 District Building Type Regulations for Household Living

Base Zoning Districts:

USE CATEGORY	RS-			RD	RT	RM-				RMH	O, C, and I All
Subcategory Specific use Building Types	3	4	5			0	1	2	3		
<b>RESIDENTIAL</b>											
<b>Household Living</b>											
Single household											
Detached house	P	P	P	P	P	P	P	P	P	P	P
Patio House	P	P	P	P	P	P	P	P	P	P	P
Townhouse											
2-unit townhouse	P	P	P	P	P	P	P	P	P	P	P
3+-unit townhouse	P	P	P	P	P	P	P	P	P	P	P
Manufactured housing unit [2]	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P	P/S
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	P	P
Mobile home	-	-	-	-	-	-	-	-	-	P	-
Mixed-use building	-	-	-	-	-	-	S	S	S	P	P
Vertical mixed-use building	-	-	-	-	-	-	S	S	S	P	P
Two households on single lot											
Duplex	P	P	P	P	P	P	P	P	P	P	P
Mixed-use building	-	-	-	-	-	-	P	P	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P	P	P
Three or more households on single lot											
Cottage house development	P	P	P	P	P	P	P	P	P	P	P
Multi-unit house	P	P	P	P	P	P	P	P	P	P	P
Apartment/condo	P[1]	P[1]	P[1]	P[1]	P[1]	P	P	P	P	P	P
Mobile home park	-	-	-	-	-	-	-	-	-	P	-
Mixed-use building	-	-	-	-	-	-	P	P	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P	P	P

### 1. Table 20-7 Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in (Table 20-7):

[1] Apartment/condo is limited to no more than 4 dwelling units on a single lot.

[2] Manufactured housing units manufactured in 2016 or later, that are skirted and attached to a permanent foundation are permitted by right. All other manufactured housing units require a special exception approved in accordance with the procedures of Section 70.120.

### 20.100-D Lot and Building Regulations

In the NIO-2 district, the lot and building regulations of Table 20-8 apply in the RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3, RHM, OL, OM, OMH, OH, CS, CG, CH, IL, IM, and IH base zoning districts to Detached House, Manufactured Housing Unit, Duplex, Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo building types. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

*Table 20-8: NIO-2 District Lot and Building Regulations*

<b>Minimum Lot Area (sq. ft.)</b>	
Townhouse	1,600
Detached House, Manufactured Housing Unit, Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo	4,000
<b>Minimum Lot Area per Unit (sq. ft.)</b>	N/A
<b>Minimum Lot Width</b>	
Townhouse	20
Detached House, Manufactured Housing Unit, Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo	40
<b>Minimum Street Frontage (feet)</b>	20 [1]
<b>Minimum Open Space per Unit (sq. ft.)</b>	100
<b>Minimum Building Setbacks (feet)</b>	
Street	10 [2]
Side	3 [3]
Rear	10
<b>Maximum Building Height (feet)</b>	35

#### Table 20-8 Notes

The following notes refer to the bracketed numbers (e.g., " [1]" ) in (Table 20-8):

[1] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 50 feet.

[2] Minimum setback for street-facing garage doors is 20 feet.

[3] No side setback is required for interior units in townhouse developments. Side setback applies to end units.

### 20.100-D Home Occupations

In the NIO-2 district, both Type 1 and Type 2 home occupations are permitted as a matter of right.

## **20.100-E Modification to Lot and building regulations for the IL Zoning Districts**

1. In the NIO-2 district, the building setback from AG, AG-R and R districts is reduced from 75-feet to 10-feet in the IL base zoning district for all non-residential uses.

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