



- 1 (a) In every zone, the maximum floor area ratio and maximum density specified for  
2 the zone shall be determined on the basis of the gross area of the lot or tract of  
3 land involved, which shall include:
- 4 (1) Areas to be dedicated for street purposes that are in excess of:  
5 (a) 30 feet from the centerline in the instance of property located in the  
6 R-20 through R-2-5 zones, inclusive.  
7 (b) 33 feet from the centerline in the instance of property located in  
8 each of the other zones.  
9 (2) Areas located within fire, emergency vehicle, buffer, scenic, channel,  
10 bicycle, utility, park or sewer easements.
- 11 (b) Except as provided in subparagraph (c) below, compliance with floor area ratio  
12 and density requirements shall be determined separately for each individual lot of  
13 record.
- 14 (c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for  
15 development in a CRMU zone or for a cluster development may request that the  
16 land covered by the application be treated as a "tract" for purposes of calculating  
17 floor area ratio and density so as to achieve an overall figure that meets the  
18 requirements of the zone without regard to compliance on a lot by lot basis.
- 19 (d) Lots created for single-family and two-family dwellings shall not ~~contain~~ **include**  
20 areas used, in whole or in part, for public or private streets, including alleys or  
21 driveways providing access to three or more dwelling units. Lots created for  
22 townhouse dwellings shall not ~~contain~~ **include** areas used, in whole or in part, for  
23 public or private streets, including alleys or driveways providing access to more  
24 than one dwelling unit, **except as allowed pursuant to Section 7-1600(F)(2).**
- 25 (e) Single-family and two-family dwellings on lots which contain public or private  
26 streets, including alleys or driveways providing access to three or more dwelling  
27 units, and townhouse dwellings on lots which contain public or private streets,  
28 including alleys or driveways providing access to more than one dwelling unit,  
29 existing on March 1, 2000 or for which a building permit application or  
30 preliminary site plan application was filed, and was pending or had been approved  
31 on March 1, 2000, shall not be subject to the provisions of clause (d) of this  
32 paragraph, shall not be characterized as noncomplying structures or substandard  
33 lots, and shall be characterized as structures and lots grandfathered under prior  
34 law, pursuant to Section 12-500 of this ordinance.
- 35 (f) When calculating the floor area of an office, multifamily or mixed use building  
36 constructed after June 22, 2010, space devoted to day care facilities and programs  
37 offering early childhood education, elder care and other related services shall not  
38 be calculated as floor area, provided:
- 39 (1) A maximum of 10,000 square feet of floor area may be excluded under  
40 this provision;
- 41 (2) Space for which this floor area exclusion has been allowed shall remain  
42 devoted to day care facilities and programs offering early childhood  
43 education, elder care and other related services unless a special use permit  
44 is approved for alternative community facilities or civic functions,  
45 including public schools; community arts exhibition or performance space;

1 private education center; neighborhood reading room or library; space for  
2 community meetings and functions; or a youth center.

- 3 (4) In the case of a conflict among various zone requirements, such as density, lot size,  
4 height and floor area ratio, permitted development shall comply with the most restrictive  
5 of such requirements.
- 6 (5) Where residential density is prescribed in a zone for single family, multifamily or  
7 townhouse dwellings, the same density limitation shall apply to alternative housing types  
8 allowed in such zone unless more than one residential density regulation is provided, in  
9 which case the density most appropriate to the specific form of alternative housing being  
10 provided shall apply.

11  
12  
13 Section 2. That Section 7-1600 of the Zoning Ordinance be, and the same hereby is,  
14 amended by adding section (F) Location of Parking, as shown:

15  
16 **(F) Location of Parking**

17  
18 **(2) Lots created for townhouse dwelling units may include areas used, in**  
19 **whole or in part, for private alleys or driveways providing shared**  
20 **access to parking spaces in the rear or side yard for more than one**  
21 **dwelling unit and less than 17 dwelling units. Such shared access will**  
22 **require an access easement or other legal right as part of a**  
23 **development approval and may only be approved if the Planning**  
24 **Commission finds that the following factors have been met.**

25  
26 (a) **Open space. Sufficient open space and/or landscape areas are**  
27 **provided to mitigate the impact of the private alley or driveway,**  
28 **and should include either:**

- 29 i. **A rear and/or side yard of sufficient depth to provide**  
30 **useable yard space of ten feet or more in depth; or**  
31 ii. **Enhanced landscape planting areas on the lot, and**  
32 **decorative pavement and/or a permeable paving surface on**  
33 **all private alleys or driveways that cross the property**

34  
35 (b) **Compatibility. The proposed shared private alley or driveway**  
36 **allows for a design solution that is compatible with and reinforces**  
37 **the urban form and character of adjoining and nearby properties.**

38  
39 (c) **Minimum separation from access way. If the proposal includes**  
40 **two rows of townhouses that back up to each other, or one row**  
41 **that backs up to an existing row of townhouses then to provide**  
42 **adequate separation between the rows of townhouses on opposing**  
43 **sides of the shared private alley or driveway the minimum**  
44 **distance between the principle townhouse structures should be a**  
45 **1:1 ratio of horizontal separation to building height.**

