

Sec. 17-22.7. - "OTMU2" Old Town Mixed-Use 2 District regulations.

- (a) *Use.* A building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multifamily dwellings. Projects shall be a minimum of one acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of 20 units must be built in the first phase of construction.
 - (5) Retail establishments, including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers (SUP required). Towers, antennas and communication dishes located on a building may extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services (SUP required).

- (15) Hotels, motels and inns.
 - (16) Mortuaries (SUP required).
 - (17) Professional offices.
 - (18) Restaurants.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (22) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Bed and breakfast (SUP required).
 - (25) Uses similar to the above-mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (26) Private utility plants or sub-stations (including alternative energy) (SUP required).
 - (27) Gas and oil drilling accessory uses (SUP required).
 - (28) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (29) Brewery, distillery or winery.
 - (30) Bar (SUP required).
 - (31) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Single-family detached and two-family requirements.*
- (1) *Maximum height.* No building shall exceed 45 feet or 3-½ stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be 1,700 square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.

(4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five feet.

(5) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet. If a residential garage directly adjoins a rear alley, then the rear yard may be four feet.

(c) *Single-family attached requirements.*

(1) *Maximum height.* No building shall exceed 75 feet in height.

(2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be 1,200 square feet.

(3) *Front yard.* No front setback is required.

(4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five feet.

(5) *Rear yard.* There shall be a rear yard having a depth of not less than 6.5 feet except if a residential garage directly adjoins a rear alley, then the rear yard may be four feet.

(d) *Multifamily requirements.*

(1) *Maximum height.* No building shall exceed 75 feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight feet.

(2) *Minimum dwelling size.* The floor area of any multifamily dwelling unit shall contain a minimum of 500 square feet of livable floor space; provided however, that the multifamily dwelling units in the project must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.

(3) *Front yard.* No front setback is required.

(4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five feet.

(5) *Rear yard.* There shall be a rear yard having a depth of not less than 6.5 feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero feet.

(e) *Commercial and institutional building requirements.*

(1) *Maximum height.* No building shall exceed 75 feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight feet.

Deleted: The minimum floor area of any multifamily dwelling shall be 650 square feet, exclusive of garages, breezeways and porches.¶

(2) *Front yard.* No front setback is required.

(3) *Side yard.* No side yard is required.

(4) *Rear yard.* A rear yard of not less than ten feet in depth shall be provided.

(f) *Other setbacks.*

(1) The Old Town Mixed-Use 2 District shall not be subject to the following provisions contained elsewhere in this chapter:

a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".

b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".

c. "In any residential or MF District where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards."

(2) There shall be a minimum ten-foot setback on the driveway side of a lot when there is not sufficient maneuvering space on-site to allow vehicles to exit the lot without backing onto a street identified as a thoroughfare on the thoroughfare plan.

(Ord. No. [4206-09-2015\(Z\)](#), § 1, 9-14-15; Ord. No. [4230-12-2015](#), § 5, 12-7-15)