

Bold (Red):	<u>Underline (Blue):</u>	Strikethrough:
Consensus new language	<u>Under consideration language</u>	Deleted language (Example)

10-2.1510 Outdoor living space requirements in residential and mixed-use zones.

(a) Purpose. Each residential and mixed-use zone establishes a minimum square footage of required outdoor living space per dwelling unit. Calculation of outdoor living space depends on the location and dimensions of the space. It is the purpose of these standards to encourage a design where all or most of the outdoor living space is private and that public outdoor living space is secondary.

(b) Minimum area requirements: R-1, R-1A, R-2, R-3, R-3A, and RMD zones. Notwithstanding the total outdoor living space required by the zone, each dwelling unit shall be developed with at least one private patio, balcony, deck (not including roof decks), or yard, as described in subsection (c) of this section, with a minimum area of 300 square feet or 20% of the building square footage, whichever is greater, ~~including bonuses,~~ and a minimum dimension of ten (10) feet.

(c) Qualifying outdoor living space areas: all residential and mixed use zones. The following types and sizes of space, developed to the following standards, shall qualify as outdoor living space for dwelling units in all residential and mixed-use zones:

(1) Private patios, balconies, and decks.

a. Location, dimensions, and design. Private patios and decks having a minimum dimension of ~~fifteen (15) ten (10) feet~~ by (10) feet and private balconies having a minimum dimension of five (5) feet by ten (10) feet shall qualify if they are located at approximately the same level as the dwelling unit which they serve, and are open to the sky for fifty (50%) percent of their actual area and enclosed by no more than three (3) building walls.

b. Calculating outdoor living space. Qualifying outdoor living space shall be counted based on the actual area of the space except as follows:

1. Private balconies not located immediately adjacent to either a kitchen, dining room, living room or similar communal area shall be counted at fifty (50%) percent of the actual area.

2. Minimum dimensions of five (5) feet by ten (10) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area shall be counted at 50% of the actual area.

~~3 2. A bonus of one hundred fifty (150%) percent of actual area shall be granted for private balconies which have~~ Minimum dimensions of seven (7) feet by ten (10) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area **shall be counted at 75% of the actual area.**

~~3. A bonus of 200 percent of actual area shall be granted for private patios, balconies, and decks which have minimum dimensions of ten (10) feet by fifteen (15) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area.~~

(2) Private and public roof decks.

a. Location, dimensions and design. Private and public roof decks shall qualify if they have a minimum dimension of fifteen (15) feet by fifteen (15) feet. Accessibility, surfacing, screening, and architectural treatment shall be compatible with the architectural design of the dwelling.

b. Calculating outdoor living space. Roof decks shall be counted at fifteen (15%) percent of their actual area.

(3) Public exterior courts, pools, and activity areas.

a. Location, dimensions and design. Public exterior courts, pools and activity areas shall qualify if they have a minimum dimension of twenty (20) feet by twenty (20) feet, and have not less than twenty (20%) percent of their total area devoted to decorative landscaping. Any portion of a public exterior court or activity area which is not devoted to decorative landscaping shall be either surfaced with decorative architectural materials or developed as sports, game, and/or play equipment areas, putting greens, gardens, reflection pools, fountains, or other similar uses.

Porous pavement or other similar water quality Best Management Practices (BMPs) shall be encouraged.

b. Calculating outdoor living space. Public exterior courts, pools and activity areas shall be counted at 100 percent of their actual area, but shall not comprise more than fifty (50%) percent of the total outdoor living space requirement for the development.

(4) Public interior recreation rooms.

a. Location, dimension, and design. Recreation rooms shall qualify if they are located immediately adjacent to a public space that qualifies as outdoor living space under the provisions of this section, such as an exterior court or pool, and have a minimum dimension of twenty (20) feet by twenty (20) feet. Interior recreation rooms shall be furnished and maintained with indoor recreational facilities and/or equipment, such as gymnastic equipment, sauna baths, and game tables, which are accessible to all tenants within the development.

b. Calculating outdoor living space. A recreation room shall be counted at 100 percent of its actual area, but shall not comprise more than twenty-five (25%) percent of the total outdoor living space requirement for the development.

(5) Required and non-required setbacks.

a. Location, dimensions, and design. Required side setbacks, required rear setbacks, required building separations, and non-required setback areas on the ground level shall qualify as outdoor living space **shall be counted at 75% of the actual area** if they are **at least** ten (10) feet or more in width. Required and non-required setbacks counted as outdoor living space shall be developed in accordance with the standards of one or more of the above specified types of outdoor living space.

b. Calculating outdoor living space. The creditable area of required and non-required setbacks, where they are for the sole use of one dwelling, shall be calculated in the same manner used for private patios and decks.

(6) Other types of outdoor living space. Space which does not fall within the above categories of outdoor living space may qualify as outdoor living space if:

- a. It conforms to the purpose and intent of this section; and
- b. It is not specifically prohibited in this section.

(7) Nonqualified outdoor living space. The following types of space shall not, under any circumstances, qualify as outdoor living space:

- a. Required front setbacks;
- b. Areas that do not have the minimum dimensions to qualify as outdoor living space under the provisions of this section;
- c. Pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;
- d. Areas beneath pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;
- e. Areas devoted to automobiles and other vehicles, including, but not limited to, driveways, parking spaces, turning radii, aisles, and required planters within open parking areas;
- f. Areas devoted to trash enclosures or containers;
- g. Areas devoted to public utility vaults, meters, pumps, and similar apparatus unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;
- h. Areas devoted to ventilation and air shafts unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;
- i. Areas with a slope greater than five (5%) percent with the exception of decoratively landscaped mounds within an area that otherwise qualifies as outdoor living space under the provisions of this section.

(Reference Table Summary for Jan. 2021 Planning Commission Discussion)

	Before (All Zones)	After R1 / R1A (Lower Density)	After R2 / R3 / RH (Higher Density)
RBMC Setback Info (Reference, not complete)			
Front Setbacks	25' / 25' 20' / 18' / 18'	25' / 25'	20' / 18' / 18'
Rear Setbacks	15' / 15' avg	15' / 15'	15' avg
Side Setbacks	5' / 3' / 5'	5' / 3'	5' / 5' / 5'
10-2.503 – 10-2.516	R1 / R1A: 800' / 400' R2/R3/RH: 450' / 350' / 200'	800' / 400'	450' / 350' / 200'
10-2.1510 (b)	300'	<u>300'</u>	<u>300'</u>
10-2-1510 (c)(1)(a) Minimum size	10' x 10' Patio, Deck, etc 5' x 10' Balcony	10' x 15' (Patio, Deck) 5' x 10' (Balcony)	10' x 10' Patio, Deck, etc 5' x 10' Balcony
10-2-1510 (c)(1)(b)(2)(3) Bonus/Decrement	5' x 10' : 100% 7' x 10' : 150% 10' x 15' : 200%	5' x 10' : 50% 7' x 10' : 75% 10' x 15' : 100%	←
Inland Zone(s) 10-2-1510 (3)(a)s <i>Public exterior courts, pools, and activity areas.</i>	No permeable surface language	<i>“Porous pavement or other similar water quality Best Management Practices (BMPs) shall be encouraged.”</i>	←
Coastal Zone 10-5-1510 (3)(a) <i>Public exterior courts, pools, and activity areas.</i>	<i>“Porous pavement or other similar water quality Best Management Practices (BMPs) shall be encouraged.”</i>	←	←
Types	Yards, Patio, Deck, Balconies	Yards, Patio, Deck, Balconies	Yards, Patio, Deck, Balconies
Bonus?	Yes	No	No
Discount?	50% (Not off living space(s))	Yes, for < 10' x 15' (150 sq ft) 50% (Not off living space(s)) <u>80% (In setbacks)</u>	Yes, for < 10' x 15' (150 sq ft) 50% (Not off living space(s)) <u>80% (In setbacks)</u>