

**Instructions to reader:** This is a new chapter in the Unified Development Code. For a summary of the effect of the changes, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

## Chapter 19.06 Lots, Setbacks and Residential Densities

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#### 19.06.010 Minimum Lot Area, Width, Depth, Frontage.

Minimum requirements for lot area, width, depth, frontage and maximum lot coverage by building standards are shown in Table 6-1 below. Note there may be additional requirements for individual zones based on specific land use types. Exceptions to these standards may be granted for lots created through a binding site plan or unit lot land division as allowed in Section 19.06.080 of this chapter.

Table 6-1: Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
STANDARDS <sup>(1)</sup> :													
Min. Lot Area	9,000 sf <sup>(2)</sup>	6,000 sf <sup>(2)</sup>	5,000 sf <sup>(2)(3)</sup>	5,000 sf <sup>(2)</sup>	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	2.5 acres	1 acre	5 acres
Lot Width, Min.	60'	50'	50'	50'	50'	50'	50'	50'	50'	50'	150'	100'	N/A
Lot Depth, Min.	80'	80'	80'	80'	80'	80'	80'	80'	80'	80'	150'	100'	N/A
Lot frontage Min.	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Maximum Lot Coverage by Building	35%	35%	40%	40%	N/A	N/A	N/A	N/A	N/A	N/A	50%	N/A	N/A

Footnotes for Table 6-1:

<sup>(1)</sup> See section 19.06.070 and 19.06.080 for exceptions to minimum lot requirements

<sup>(2)</sup> This standard applies to lots used for single-family detached dwellings. See Chapter 19.08.030 for additional lot requirements applicable to other housing types. Not more than one single-family detached dwelling may be permitted unless meeting the minimum lot area required in the R-S, R-1 and R-2 zones unless otherwise allowed by this title.

<sup>(3)</sup> In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet.

**19.06.020 Building Setbacks/Building Placement Standards.**

**A. Minimum building setbacks for principal structures.**

The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height.

*Table 6- 2: Minimum Building Setbacks for Principal Structures*

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
<b>Minimum Setback:</b>													
Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'
Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None <sup>(1)</sup>	10' <sup>(1)</sup>	25'
Rear (no alley)	20'	20'	20'	20'	20'	10' <sup>(3)</sup>	10'	None <sup>(2)</sup>	None <sup>(2)</sup>	None <sup>(2)</sup>	15' <sup>(1)</sup>	10' <sup>(1)</sup>	
Side, Street	10'	10'	10'	10'	10'	10'	10'		None	None	20'	None	10'
Side, Interior	5'	5'	5'	5'	5'	5'	5'	<sup>(2)</sup>	None	None	15' <sup>(1)</sup>	None <sup>(1)</sup>	10'

**Footnotes:**

<sup>(1)</sup> 25 feet when abutting lots located in residential zones.

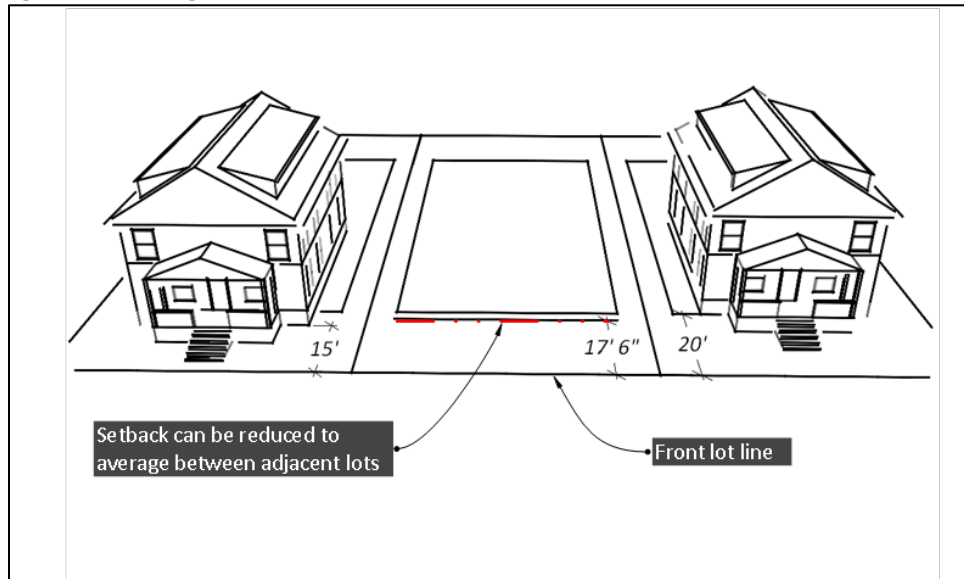
<sup>(2)</sup> 10 feet when abutting lots located in residential zones.

<sup>(3)</sup> 20 feet when abutting lots located in the R-S, R-1 and R-2 zones.

**B. Average Front Setback – Residential Structures in Residential Zones.**

In certain instances, existing residential dwellings do not meet the current front setback standard for the applicable zone district. In such cases, the applicant may use the average of the existing front facade setback of the two nearest and adjacent existing residential buildings on the same side of the street as the minimum required front setback for the lot. For corner lots, the applicant may use the same setback as the adjacent building on the same side of the street. This provision shall apply to principal dwellings only. The resulting setback shall not be less than 50 percent of the required setback standard.

Figure 6- 1: Building Placement



**C. Additional Building Placement Requirements (applicable within Metro Everett only). Front or side street (corner) setbacks 10 feet or more.**

Any principal building set back ten (10) feet or more from the *minimum front or side street (corner) setback line* shall include design features, such as a plaza or forecourt (see Chapter 19.12.140.C), along the front *or side street (corner)* lot line in order to provide an impression of a continuous façade line at the front setback.

**D. Building setbacks for lots fronting on and taking access from a private access drive.**

For lots that are accessed from a private access drive, the minimum setback shall be five feet from the edge of the easement. Where vehicle parking is provided between the access drive and the dwelling or garage, the minimum setback shall be twenty feet from the edge of pavement or curb face.

**E. Building setbacks for residential accessory structures in residential zones.**

The following setback requirements apply to all buildings which are accessory to residential uses in all residential zones:

Table 6- 3: Setbacks for Accessory Buildings (attached and detached) in Residential Zones

MINIMUM SETBACK:	STANDARD:
Front and side, street	a) Accessory buildings shall not be located in front setback areas or street side setback areas for corner lots, except as provided by b) below. b) Accessory buildings on a corner lot with doors or openings for vehicles facing and accessing the side street shall be set back a minimum of ten feet from the side street lot line or a minimum of twenty feet from the public sidewalk, whichever is greater. If there is no public sidewalk, the planning director, with input from the city engineer shall determine if there shall be a setback greater than ten feet from the side street lot line. This determination shall be based on future planned improvements within the right-of-way.
Side, interior	a) See Table 6-2 b) Accessory buildings shall not be located within the interior side setback area, unless the side lot line abuts an alley, in which case there shall be no required side setback from the alley.
Rear	a) <u>Alley Lots</u> . No minimum rear setback

MINIMUM SETBACK:	STANDARD:
	b) Non-alley lots. 5 feet c) The city engineer and planning director shall determine the rear setback for accessory buildings on double fronting lots (lots with street frontages along the front and rear property lines).

**F. Building setbacks for accessory dwelling units (ADU).**

The following table is a summary of the standards required for ADUs in the R-S, R-1 and R-2 zones, and within the UR3 zone if within an area designated as an Everett Historic District or Historic Overlay:

*Table 6-4: ADU Building Setbacks*

Subject	Standard
Minimum Setbacks:	a) <u>Alley Lots</u> . No minimum rear setback b) <u>Non-alley lots</u> . 20-foot rear setback, provided that a Detached ADU may have a 5-foot rear setback if the building does not exceed 18' in height requirements in Chapter 19.22.

**19.06.030 Exceptions to Building or Structure Placement Requirements.**

**A. Lot Setback Exceptions.**

The exceptions to building or structure placement apply as outlined in Table 6-5 below, or as otherwise authorized by this title.

*Table 6-5: Exception to Setback Standards*

Exception	Front	Rear	Side	Side (Street)	Standard
1) Chimneys with or without foundations, bay windows, eaves, greenhouse windows and other elements of a structure that customarily extend beyond the exterior walls of a structure and do not require a foundation; dish antennas under 36" diameter.	P	P	P	P	<ul style="list-style-type: none"> <li>May encroach up to eighteen inches. The total horizontal dimension of the elements that extend into a required setback, excluding eaves, may not exceed twenty-five percent of the length of the facade upon which the architectural element is located.</li> <li>Setback standards for cell towers and other antennas: see Chapter 19.13</li> </ul>
2) Fences	P	P	P	P	Subject to the fence regulations contained within Chapter 19.40.
3) Flagpoles	P	P	P	P	Must not exceed 35 feet in height
4) Garages/Carports on Slopes	P				<ul style="list-style-type: none"> <li>If the topography of a lot is such that the front building setback line is eight (8) feet or more above or below street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage/carport is allowed within the front setback, provided it is set back at least five (5) feet from the front lot line and complies with the street</li> </ul>

Exception	Front	Rear	Side	Side (Street)	Standard
					intersection sight-obstruction requirements of the city engineer.
5) Heat pumps, air conditioning, swimming pool pumps, and other similar mechanical equipment, and propane tanks	P	P	P	P	<ul style="list-style-type: none"> <li>May be located in any required setback provided that any such equipment shall not be located within three (3) feet of any side lot line or rear lot line where there is no alley; provided, further that any location in a front or side street (corner) setback may be allowed through a modification of development standards process</li> <li>Any such equipment shall be visually screened from surrounding properties and streets.</li> <li>Any such equipment may not exceed the maximum permissible noise levels set forth in EMC 20.08 Noise Control</li> </ul>
6) Rockeries and retaining walls	P	P	P	P	<ul style="list-style-type: none"> <li>Any structure retaining fill material, which is less than four (4) feet in height above finished grade, may be located in any required setback.</li> <li>Any structure retaining fill material, which is four (4) feet or greater, but less than six (6) feet in height above finished grade, may be located in any required setback but, if visible from a public right-of-way or residentially zoned property, shall be constructed of or faced with brick, stone, split-face or fluted concrete block, textured poured-in-place concrete, or other materials with texture to reduce the apparent mass of the wall.</li> <li>Any structure retaining fill material that is greater than six (6) feet in height above finished grade shall comply with accessory building setback requirements, unless otherwise approved by the planning director as a REV II process.</li> </ul>
7) Shoreline use and access areas, associated improvements	P	P	P	P	May be located in any required setback area. The landward end of a pier may be located in the required setback area
8) Signs, Marquees and Awnings	P	P	P	P	Subject to the requirements of Chapter 19.36 or other specific regulations of this title
9) Transit shelters	P	P	P	P	Transit stops, transit shelters and bicycle facilities serving the public may be placed within required setbacks
10) Setback reductions (including zero lot lines) approved as part of a	P	P	P	P	Buildings may encroach into what would otherwise be considered a required setback area for internal lot lines.

Exception	Front	Rear	Side	Side (Street)	Standard
formal unit lot land division application					

Legend: "P" means permitted

**B. Porches, decks and steps.**

1. Rear or side setback:
  - a. No setback from rear or side lot lines if no higher than 42" above the existing grade
  - b. Setback in rear may be reduced 50%, or six (6) feet, whichever is more permissive, if no higher than 10' above existing grade and if uncovered (i.e., no roof).
2. Front and side street setback:
  - a. Setback in front or side (street) may be reduced 50%, or six (6) feet, whichever is more permissive, if no higher than 42" above existing grade.
  - b. Steps and accessibility ramps may encroach into setback if no higher than 42" above existing grade.
  - c. See Chapter 19.08 for front porch design standards.

**C. Encroachment into Public Right-of-Way.**

The following may be authorized by the city engineer within the public right-of-way:

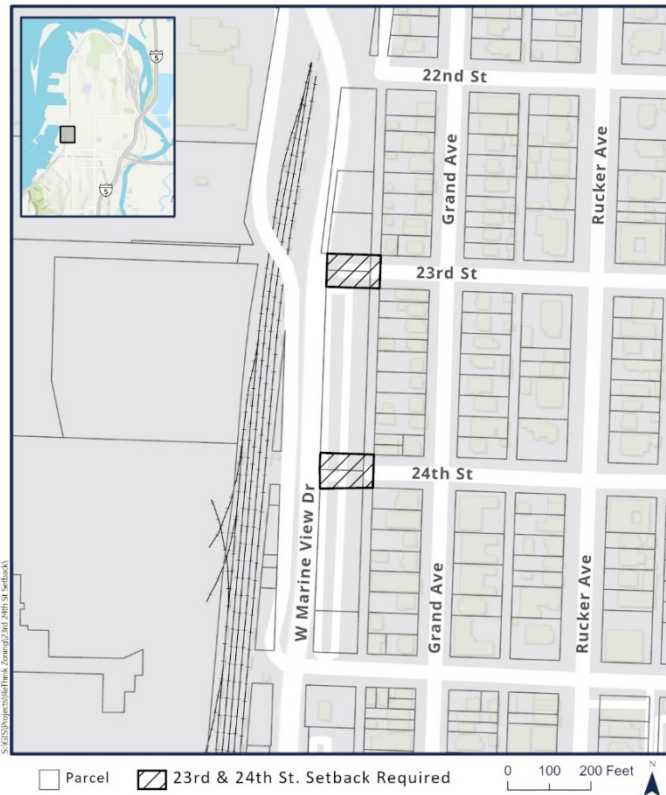
1. Signs, marquees and awnings may project into (over) the public right-of-way.
2. Street furniture and landscaping may be placed in the public right-of-way when consistent with the sidewalk standards set forth in Chapter 19.33.030 of this code.
3. Transit stops, transit shelters and bicycle facilities may be placed in the public right-of-way when consistent with the sidewalk standards set forth in Chapter 19.33.030 of this code.
4. Any other encroachment.

**D. West Marine View Drive at 23rd and 24th.**

No buildings shall be constructed on property located within the westerly extension of the right-of-way lines for 23rd Street and 24th Street in Blocks 483, 486 and 556, immediately east of West Marine View Drive (see Map 6-1). All buildings to be constructed north or south of these extended right-of-way lines shall meet the setbacks that would be required if the property lines coincided with the extension of the right-of-way lines.

- E. See EMC 19.06.090.A for building setback modifications for single-family and two-family (duplex) uses on lots without frontage on a public street.

Map 6- 1: 23rd and 24th Street Setback Required



**19.06.040 Calculation of Lot Area.**

All of the following are deleted from the net square footage of a lot for the purpose of determining minimum lot area:

- A. The driving surface, including curbs and gutters, of all private roads serving more than one principal dwelling unit and private primary access easement drives. The area of any other type of easement is not subtracted from the net square footage of a lot;
- B. The panhandle portion of panhandle lots;
- C. Drainage tracts;
- D. Common recreation facilities;
- E. Public right-of-way, except dedications of additional right-of-way required as part of a land division approval for street improvements or widening;
- F. Critical areas and their buffers, except geologically hazardous slopes not associated with another critical area.

**19.06.050 Front lot line on corner sites.**

- A. When a development site is comprised of more than one platted lot or parcel of land, the planning director shall determine which lot line is to be the front lot line.
- B. In making the determination of front lot line the planning director shall use the following criteria:
  - 1. The orientation of the originally created lot or parcel lines;
  - 2. The relationship of the proposed development to existing topography, buildings, alleys and development patterns in the immediate vicinity;
  - 3. The classification of the affected streets (arterial, collector, local, etc.) and how the application of “front lot line” would affect vehicular traffic flow and pedestrian safety;

4. Comprehensive plan policy language which may designate a particular street as a “gateway” street;

#### **19.06.060 Lot Requirements for Lots Created Through Land Division Process.**

##### **A. Minimum Lot Dimensions.**

Except as provided in this title, every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. The panhandle portion of a panhandle lot may not be used for purposes of meeting this requirement. For lots with vehicular access from a private access drive, the access drive and associated easement are excluded from the calculation of lot width.

##### **B. Lot shape**

Irregularly shaped lots shall be prohibited unless approved by the director or through a unit lot land division. In general, all lots shall be composed of straight lines which provide adequate building site and private rear yard area, except as permitted in unit lot land divisions and binding site plans through review and approval of a site plan.

##### **C. Other Lot Requirements.**

1. Lot arrangement and design shall take into consideration, to the maximum extent possible, the natural features of the site such as critical areas, parks, open space, and views. Each lot shall provide a suitable building site and driveway access from existing or proposed streets.
2. Double frontage lots shall be avoided whenever possible.
3. Lots shall not, in general, access from arterial streets. Where driveway access from a street may be necessary for several adjoining lots, the city may require that such lots be served by combined access points and driveways designed or arranged so as to avoid requiring vehicles to back into traffic.
4. Through the unit lot land division or binding site plan process, the director may modify the Everett Unified Development Code requirements for individual lots for width, depth, area, frontage, setbacks and minimum building site; provided, that Everett Unified Development Code density standards are met for the total site.
5. Individual lots that take access from a cul-de-sac may be allowed a reduced frontage, but not less than a minimum of twenty feet if the front setback is increased to thirty feet.
6. Minimum building site requirements. All new lots shall contain suitable area for a building footprint, setbacks, access and off-street parking in accordance with the standards in this section. Additional open space and design requirements may apply under EMC 19.08 depending on housing type.
  - a. Minimum building footprint area: 1,200 square feet, with a minimum dimension of 25 feet.
  - b. Setbacks: per underlying zone and Table 6-2.
  - c. Access and parking. Driveways and off-street parking shall be provided in accordance with Chapter 19.34 of this title.

##### **D. Block length.**

Blocks within a land division greater than 400 feet shall be avoided wherever possible.

##### **E. Panhandle Lots.**

The planning director and city engineer shall have the authority to allow panhandles lots and may require an easement rather than a panhandle configuration based on the maximum development potential of a site. In subdivisions, panhandle shaped lots are restricted to sites that contain natural constraints such as topography greater than fifteen percent or critical areas. In short subdivisions, panhandle shaped lots are permitted without the above restrictions, provided all panhandle lots meet the following standards:

1. No panhandle shaped lot shall be permitted in short subdivisions where the ownership is common with a contiguous property;
2. Side-by-side panhandle access drives in subdivisions or short subdivisions are not permitted;



3. Panhandle lot access drives are required to comply with the same standards applied to easement access short subdivisions, including, but not limited to, road width and landscaping standards.

#### **19.06.070 Minimum Lot Area—Averaging in Land Divisions.**

In any formal subdivision within the R-S, R1 and R-2 zones and in short subdivisions the individual lots shall be considered legal lots if the average of the areas of all lots meets the minimum requirement for the district in which the land division is located, and further provided:

1. That no lot shall be less than four thousand square feet with a minimum of fifty feet of width and eighty feet of depth unless in a R-2 zone where the lot abuts and takes vehicular access from a public alley;
2. On lots with alley access, no individual lot therein shall have an area less than three thousand square feet, be less than thirty feet in width, or less than eighty feet in lot depth. On such lots, the minimum lot frontage requirement shall be not less than thirty feet, and the lot frontage requirements listed elsewhere in this chapter shall not apply;
3. That lot area averaging may not be used to create lots for duplexes or multiple-family dwellings with less lot area than otherwise required by this title for the zone in which the property is located;
4. Not more than a thirty-five percent increase over the required minimum lot area for any single lot shall be credited in computing average lot area;
5. The small lot single-family development standards of EMC 19.08.020 shall apply to single-family dwellings on lots with less than 5,000 square feet created using the lot area averaging process;
6. Critical areas and buffers may not be used as credit for lots utilizing lot size averaging.

#### **19.06.080 Land Divisions - Exceptions to Minimum Lot Area, Width, Depth, Frontage and Lot Coverage.**

Using the land division process in this Title (Chapters 19.24 through 19.27), certain types of applications may be granted an exception to the lot standards in this chapter. The criteria for an exception depend on the type of land division proposed, as follows:

- A. Binding site plans involving nonresidential uses (or in commercial or industrial zones). Lots created through a binding site plan are not required to comply with minimum requirements for lot area, width, depth of frontage. Other zoning standards for open space and building perimeter landscaping, when required, shall not be reduced under this exception and shall be based on the size of the originating parcel.
- B. Unit lot developments involving a division of land – applicable to single-family detached uses.
  1. Lots created through a unit lot land division process, including short subdivision, subdivision, or cottage housing, may be granted an exception from the following requirements of this chapter:
    - a. Lot area; provided the overall density of the project complies with the underlying zoning requirements (EMC 19.06) and Chapter 19.08.
    - b. Lot width;
    - c. Lot depth;
    - d. Interior side building setbacks, including zero lot line, provided that building construction shall comply with all building and fire code requirements. Setback reductions along the exterior boundary of the parent lot may not be granted.
    - e. Lot frontage;
    - f. Lot coverage; and
    - g. Minimum building site standards in this chapter.
  2. Evaluation Criteria for Modification of Development Standards.
    - a. The director determines through review of a site plan the proposed project design will provide adequate building sites, open space, parking and building setbacks;
    - b. The proposed unit design complies with the requirements of Chapter 19.08.020, “Small lot single-family” development.

- C. Subdivisions and short subdivisions – lot depth. Subdivisions and short subdivisions may request (REV II) a reduction in lot depth. Such a reduction shall be limited to the following:
  1. When the originating parcel meets the lot frontage and lot width standards of this chapter;
  2. Exceptions that would allow any lot to be less than seventy feet shall not be granted.
  3. The lot or lots shall meet all other requirements of this chapter and shall provide a suitable building site, setbacks and off-street parking.
- D. Division of land with more than one existing single-family dwelling on one lot. An exception to the lot area, lot width, lot depth and setback standards may be granted (REV II) subject to the following minimum standards:
  1. The existing structures shall be single-family dwellings in a single-family zone;
  2. All lots and existing structures shall meet minimum fire safety and public utility standards, and minimum maintenance standards as defined by the city;
  3. All lots and existing structures shall provide for adequate off-street parking. When existing parking is nonconforming, the division of land shall not result in off-street parking becoming more nonconforming; and
  4. All lots must have full frontage on a public street. The use of easement access, panhandle lot or alley frontage is not permitted.
- E. Dedication of public right-of-way. If a proposed land division requires a dedication of right-of-way for an existing public street, one hundred percent of the dedicated area may be credited toward meeting the minimum lot area of the proposed project. The applicant may be required to distribute the credit evenly among all of the lots, rather than to apply all credit toward one lot. The planning director shall have the authority to modify lot area, dimensional requirements and setbacks in applying this requirement through the land division process. For single-family lots, no individual lot shall contain less than four thousand five hundred square feet after the dedication, excluding access easements.
- F. Transfer of Development Rights (TDR). Reductions in minimum lot size, lot width and lot depth may be granted as part of a TDR in accordance with EMC Chapter 19.37.

**19.06.090 Other administrative modifications of development standards.**

- A. Building setback modifications for single-family and two-family (duplex) uses on lots without frontage on a public street.
  1. An applicant may propose and the planning director, using the Review Process II described in EMC Title 15, may allow an applicant to deviate from the building setback standards in Table 6-2 in subsection 19.06.020 of this chapter, provided the proposal satisfies the evaluation criteria in EMC 15.02.
  2. In evaluating such a proposal, the planning director, using the criteria, shall determine if the alternative design or plan provides equivalent or superior results to that which would be required by compliance with the development building setback requirements of this chapter.

**B. Development standards that cannot be modified.**

Any standard that is not specifically listed in this section for modification requests, or in section 19.06.080 of this chapter, cannot be modified except as permitted in EMC 19.41.010 for variances.

**19.06.100 Residential Densities – Multiple Family Uses.**

**A. Overview**

Density means a ratio of dwelling units to lot area. Some residential developments are subject to minimum or maximum density requirements, depending on location or housing type. Other development requirements, such as maximum floor-to-area requirements, height and building coverage limits, building setbacks, and off-street parking requirements, may affect density that can be achieved as well.

**B. Minimum Density**

In order to ensure efficient use of land within areas designated for multifamily residential development, a minimum number of residential units is required as set forth in Table 6-6 below. These minimum residential development requirements do not apply to lots within Everett’s historic overlay zones.

**C. Maximum Density**

The maximum density for multifamily residential development is set forth in Table 6-6 below.

*Table 6 - 6: Residential Density*

Standard	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG
Minimum # of Residential Units	2	3	None	3 (applicable only where residential occupies more than 50% of gross floor area)			n/a	None
Maximum residential density	None, (see exception in subsection D below)	None	1 unit per 500 s.f. of lot area	None			n/a	

**D. Density Limits in an Historic Overlay Zone**

Residential development within a UR3 zone with an Historic Overlay (see EMC 19.28) shall not exceed one (1) dwelling unit per 1,500 square feet of lot area (up to 29 dwelling units per acre).

**19.06.110 Density and Lot Size – Attached Housing in Single-Family Zones.**

**A. Overview and applicability**

Single-family, attached (townhouse) and duplex housing may be allowed in single-family (R-S, R-1, R-2 and R-2(A)) zones, subject to specific review processes set forth in EMC 19.05, review criteria in EMC 15.03, specific performance and design standards found in EMC 19.08, and this section.

**B. Density and Lot Size Requirements for Attached Housing in Single-Family Zones**

1. Except for an attached accessory dwelling unit, which is subject to the requirements of EMC 19.08.100, any attached housing is subject to the lot and density limits of this section.
2. See Table 6-7 below for maximum density and minimum lot size requirements in single-family zones. See EMC 19.05 for permitted housing types EMC 19.08 for design and other standards for attached housing.

*Table 6 - 7: Maximum density and minimum lot size for attached housing in single-family zones*

Zone	Maximum Density	Minimum Lot Size
R-S	1 unit per 9,000 sq. ft. of lot area	No lot shall have an area less than four thousand (4,000) square feet except that lots with alley access can have three thousand (3,000) square foot lots.
R-1	1 unit per 6,000 sq. ft. of lot area	Each lot may be less than six thousand (6,000) square feet; provided, that twelve thousand (12,000) square feet is provided for both dwelling units
R-2	1 unit per 3,750 sq. ft. of lot area	The minimum lot area for a two-unit dwelling is 7,500 square feet; there is no minimum lot area for individual lots within the development

R-2(A)	1 unit per 2,900 sq. ft. of lot area	The minimum lot area for the development is 9,000 square feet; there is no minimum lot area for individual lots within the development
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