

Multi-family dwelling (definition) A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

Townhouse (or Townhome) (definition) A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

The issue is how the open space requirements are applied for residential structures such as tri-plexes and four-plexes when built side-by-side as single story units and are being developed as condominiums.

Administrative Interpretation:

It is the Director's interpretation that the issue of development as condominiums is not germane to the interpretation. Rather, it is how the multifamily structure is built that determines the application of open space regulations. The definition of townhome is the guiding language for the application of these regulations. If any multi-family structure meets the definition of townhome, Section 6.3.B.1 applies. All other multi-family development falls under Section 6.3.B.7.

Under this interpretation, multifamily developments do not have the option of providing a fee and must provide adequate area based on the criteria of 200 square feet per bedroom. Townhomes have the option of providing actual open space or paying a fee as provided in Section 6.3.B.1.