

## **CHAPTER 5**

### **RESIDENCE DISTRICTS**

#### **ARTICLE A. R1, R2 AND R3 SINGLE-FAMILY**

### **RESIDENCE DISTRICTS**

#### **SECTION:**

- 6-5A-1: Permitted Uses**
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- 6-5A-3: R1 Single-Family Residence District**
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#### **6-5A-1: PERMITTED USES:**

- A. Single-family detached dwellings.
- B. Home occupation - as regulated in Section 6-5-3.
- C. Signs - as regulated in Title 12.
- D. Uses and buildings accessory to single-family detached dwellings. (Ord. 65-138-15)
- E. Dog runs - as regulated in Section 6-5-4b. (Ord. 74-358-34)
- F. Community residential homes of less than four (4) persons. (Ord. 90-1182-66)
- G. Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards. (Amd. Ord. 08-3070-53, eff. 11/24/08)

**6-5A-2: SPECIAL USES:**

- A. Art galleries, libraries and museums not operated for profit.
- B. Automobile parking lots open to the public or accessory to a use not permitted in the district.
- C. Churches.
- D. Golf courses - but not including commercially operated driving ranges or miniature golf courses.
- E. Parks, playgrounds, recreational and community buildings.
- F. Public schools, elementary and high and private schools having a curriculum equivalent to a public elementary and having no rooms regularly used for housing or sleeping purposes; provided, however, no private kindergarten or nursery school shall be permitted except as otherwise provided in this Zoning Code.
- G. Public utility uses, including outside telephone pay booths and public transportation facilities such as shelters, terminals, parking areas, service building and turnarounds.
- H. Where a single-family detached dwelling with not less than four thousand (4,000) square feet of floor area is located on a lot not less than eighty thousand (80,000) square feet in area, a second dwelling unit located in an existing building accessory to the principal dwelling may be allowed for domestic help and provided that such second dwelling unit shall not contain living quarters for roomers, lodgers, or permanent guests.
- I. Temporary building and uses for construction purposes for a period not to exceed one year. (Ord. 65-138-15)
- J. Indoor Tennis Club.
- K. Nursery schools, when accessory to the use of a church or public school permitted under this Article, provided that the number of children in attendance at any one time is not in excess of twenty five (25), the building used for the nursery school meets the State requirements for such school and is located on a site of a minimum of four (4) acres with direct access to a major thoroughfare and adequate off-street parking. (Ord. 70-221-3)
- L. Planned Development, R3 Single-Family Residence District:
  - 1. Land Area: An area of not less than three (3) acres of which not less than thirty

percent (30%) when fully developed will be devoted to commons. The commons area may not include paved surfaces.

2. Permitted Uses and Special Uses: As in R1, R2, and R3 Single-Family Residence Districts.
  3. Lot Area: No requirement.
  4. Frontage: No requirement.
  5. Floor Area Ratio: No requirement.
  6. Floor Area:
    - a. General: Not less than one thousand five hundred (1,500) square feet.
    - b. Ground Floor Area Per Dwelling: One-story dwelling - not less than one thousand five hundred (1,500) square feet. More than one - story dwelling - not less than eight hundred fifty (850) square feet.
  7. Building Height: As in R1, R2, and R3 Single-Family District.
  8. Yards:

Front	No requirement.
Side	No requirement.
Rear	No requirement.
  9. Density: See subsection 6-14-14M of this Zoning Title. (Ord. 89-1042-09)
- M. Detached garage only in an Historic District as defined herein. (Ord. 87-956-42)
- N. Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)
1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
  2. Shall be permitted
    - a. inside the principle structure on the Lot, or
    - b. as a accessory structure subject to compliance with the following design and setback standards:
      - i. Shall be located not less than one-hundred feet (100') from

- ii. any Lot Line where there is Frontage; Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. The structure shall be concealed from the adjacent right-of-way and contiguous residential Lots with vegetation which provides complete screening during the entire year and shall be a minimum of six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

**6-5A-3: R1 SINGLE-FAMILY RESIDENCE DISTRICT**

**A. Site and Structure Provisions**

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 80,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 50 feet nor more than 1/3 the depth of the average of the side lot lines.
3. Frontage. The lot width of each zoning lot shall not be less than 150 feet. If the frontage of a lot is on a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. \*(Refer to Section 6-5-1)
4. Floor Area Requirement. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square,

or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.

5. Building Height. The maximum building height shall be 2½ stories or 40 feet which ever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.
6. Maximum Impervious Surface. The maximum impervious surface may not exceed 30% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

## **B. Yard Requirements**

1. Front Yard. In the R1 District, the front yard shall not be less than 50 feet.
2. Side Yards. Two side yards, each a minimum of 30 feet in width, shall be provided.  
\*(Refer to Section 6-5-1)
3. Rear Yard. In the R1 District, the rear yard shall not be less than 50 feet.

4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width.  
(Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a "Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Ord. Amd. 07-2973-01B, eff. 1/2/07)

#### **6-5A-4: R2 SINGLE-FAMILY RESIDENCE DISTRICT**

##### **A. Site and Structure Provisions**

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 40,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 40 feet nor more than 80 feet.
3. Frontage. The lot width of each zoning lot shall not be less than 120 feet. If the frontage of a lot is one a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. \*(Refer to Section 6-5-1)
4. Floor Area Requirements. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.
5. Building Height. The maximum building height shall be 2½ stories or 35 feet which ever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.

6. Maximum Impervious Surface. The maximum impervious surface may not exceed 35% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd. Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

**B. Yard Requirements**

1. Front Yard. In the R2 District, the front yard shall not be less than 40 feet.
2. Side Yards. Two side yards, each a minimum of 20 feet in width, shall be provided. \*(Refer to Section 6-5-1)
3. Rear Yard. In the R2 District, the rear yard shall not be less than 40 feet.
4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width. (Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a “Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Amd. Ord. 07-2973-01B, eff. 1/22/07)

**6-5A-5: R3 SINGLE-FAMILY RESIDENCE DISTRICT**

**A. Site and Structure Provisions**

1. Minimum Lot Area. The lot area for each dwelling unit shall not be less than 20,000 square feet.
2. Setback. The distance between the front lot line and the nearest supporting wall or portion of the structure on the lot shall not be less than 30 feet nor more than 80 feet.
3. Frontage. The lot width of each zoning lot shall not be less than 100 feet. If the frontage of a lot is one a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall not be less than 55 feet. \*(Refer to Section 6-5-1)
4. Floor Area Requirements. The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of one story dwellings shall not be less than 1,750 square, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet.
5. Building Height. The maximum building height shall be 2 stories or 30 feet, whichever is lower. Public buildings, churches, temples, colleges, or schools may be erected to a height not exceeding 60 feet. However if such building is located in any residence district it shall be set back from each property line at least one foot per each foot of additional building height above the limit for the district, in addition to the other requirements of this Zoning Code. This clause shall not be construed as modifying the other provisions of this Zoning Code limiting the use of property in any other district.
6. Maximum Impervious Surface. The maximum impervious surface may not exceed 40% of the Gross Lot Area, notwithstanding whether the calculation of the Buildable Area for the subject Lot results in a larger area for permitted structures and uses. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
7. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the existing principal building on that side of that portion of that street with the least front yard setback, excluding existing principal buildings permitted by virtue of a variance to this regulation; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the

approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)(Amd. Ord. 07-2999-27, eff. 7/23/07)

**B. Yard Requirements**

1. Front Yard. In the R3 District, the front yard shall not be less than 30 feet.
2. Side Yards. Two side yards, each a minimum of 10 feet in width shall be provided. (Ord. Amd. 04-1934-50, eff.11/8/04)
3. Rear Yard. In the R3 District, the rear yard shall not be less than 30 feet.
4. Corner Side Yard. A side yard abutting a street shall not be less than 20 feet in width. If a corner lot, duly recorded prior to the effective date of this Zoning Code, has insufficient width to provide a side yard 20 feet in width and still maintain a buildable width of 27 feet, then the side yard abutting the street may be reduced in width to permit a building width of 27 feet, provided such side yard is not less than five feet in width. (Ord. Amd. 99-1619-03, eff. 1/11/99)
5. Building Side Setback Plane. For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at 10' directly above the Side Lot Line. (Ord. Amd. 04-1934-50, eff.11/8/04)

**6-5A-6: OFF-STREET PARKING:** Parking spaces in accordance with provisions set forth in Section 6-11-3 of this Zoning Code. (Ord. 65-138-15)