

## ARTICLE VIII - RESIDENTIAL DISTRICT R-3

### 8-1 USE REGULATIONS

In Residential District R-3, structures to be erected or land to be used shall be for one or more of the following uses:

- 8-1.1 Single-family dwellings. Dwellings shall be of conventional site-built construction; modular homes (industrialized building units) according to the Uniform Statewide Building Code (USBC); or shall be “on-frame” modular construction with a minimum roof pitch of 4/12, wood, vinyl or similar siding, or brick, and shall have a permanent foundation of masonry or concrete.<sup>70</sup>
- 8-1.2 Multiple-family dwellings.
- 8-1.3 Existing structures may be converted to multiple-family dwellings provided all requirements of this article are met.<sup>15</sup>
- 8-1.3A Mobile homes or manufactured homes with special exception permit.<sup>35 41</sup>
- 8-1.4 Home Occupations and Home Occupations - Internet Based as defined herein.<sup>83</sup>
- 8-1.5 Rest homes.
- 8-1.6 Tourist homes.
- 8-1.7 Rooming and boarding houses.
- 8-1.8 Deleted 4-9-84.<sup>15</sup>
- 8-1.9 Public and semi-public uses, such as schools, churches, libraries, hospitals (not special care), and private schools with conditional use permit.<sup>3</sup>
- 8-1.10 Public or community operated playgrounds, parks, and similar recreational facilities.

- 8-1.11 Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- 8-1.12 Accessory buildings, structures, and/or apparatus permitted as defined; however, garages, carports or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer to any property line as provided hereinafter, with exception that this shall not apply to an alley line. Accessory buildings are permitted in rear yards only. The total ground area occupied by accessory buildings may not exceed twenty-five percent (25%) of the rear yard area. Accessory buildings on corner lots may not be closer to the street line than the minimum side yard for a dwelling on such lots.<sup>40</sup> Satellite dish antennas larger than three (3) feet in diameter shall be considered accessory structures and shall be setback at least five (5) feet from the property line.<sup>49</sup>
- 8-1.12A Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 8-1.12B Shipping containers shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 8-1.13 Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.<sup>24</sup>
- 8-1.14 Deleted 4-27-87.<sup>24</sup>
- 8-1.15 Deleted 4-27-87.<sup>24</sup>
- 8-1.16 Off-street parking as required by this Ordinance.

- 8-1.17 Homestay.<sup>98</sup>
- 8-1.18 Temporary Family Health Care Structure.<sup>100</sup>
- 8-2 AREA REGULATIONS
- 8-2.1 For residential lots containing or intended to contain a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be nine thousand (9,000) square feet.
- 8-2.2 For residential lots containing or intended to contain a single-family dwelling served by public water systems, but having individual sewage disposal, the minimum lot area shall be fifteen thousand (15,000) square feet.
- 8-2.3 For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be fifteen thousand (15,000) square feet.
- 8-2.4 For residential lots containing or intended to contain a multiple-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be eleven thousand (11,000) square feet for two-family dwelling, thirteen thousand five hundred (13,500) square feet for three-family dwelling and sixteen thousand (16,000) square feet for four or more families.<sup>1</sup>
- 8-2.5 For residential lots containing or intended to contain a multiple-family dwelling served by public water and individual sewage disposal systems, the minimum lot area shall be subject to approval of the Health Department but in no case be less than sixteen thousand (16,000) square feet.
- 8-2.6 For residential lots containing or intended to contain a multiple-family dwelling served by individual water and sewage disposal systems, the

minimum lot area shall be subject to approval of the Health Department but in no case be less than sixteen thousand (16,000) square feet.

8-2.7 For a lot on which there is an existing structure, which is to be converted to a multiple-family dwelling as provided herein the minimum lot area for the conversion of such structure shall comply with the lot area requirements of this district.<sup>15</sup>

8-2.8 For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

8-2.9 Where a public water system is not available, the private water system shall be approved by the health official.

### 8-3 SETBACK REGULATIONS

In the R-3 Residential District, no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average setback observed by the buildings on the same side of the street and fronting thereon but in no case less than fifteen (15) feet. The setback measurements within the same block shall be determined from the street line to the front wall of the building, provided there is no front porch, or if the front porch does not extend beyond the front wall. If the front porch extends beyond the front wall, or if there are future plans for a front porch, the depth of such porch must be added to the setback measurements.

8-3.1 The side line of a building on a corner lot shall not be a factor in establishing the setback line.

8-3.2 Deleted 7-23-79.<sup>7</sup>

8-3.3 Where there is no building on either side of the street within the block, the setback shall not be less than twenty-five (25) feet provided that on a hillside street if the natural slope of the ground on either side of a street and within a block is such that the average difference in elevation between the sidewalk grade and the lot grade at the setback line provided for herein is greater than five (5) feet, the setback line shall be established at a distance back where such difference in elevation is five (5) feet, provided further that no such line shall be less than fifteen (15) feet from the street line.

8-3.4 In no case shall the required setback be more than forty (40) feet.

#### 8-4 FRONTAGE REGULATIONS

For single-family dwellings the minimum lot width at the setback line shall be sixty (60) feet, and for each additional dwelling unit, there shall be at least twelve (12) feet of additional lot width at the setback line. See Section 3-55 for 7-23-79 changes.

#### 8-5 YARD REGULATIONS

8-5.1 Side--The minimum side yard for a single-family dwelling shall be twelve (12) feet and the total width of the two required side yards shall be twenty-four (24) feet.<sup>102</sup>

For multiple-family units, the minimum side yard requirement as stated for a single-family dwelling shall be increased by three (3) feet for each family unit over one (1). The maximum, in such case, need not exceed thirty (30) feet.

8-5.2 Rear--Each single-family dwelling shall have a rear yard with a minimum depth of twenty-five (25) feet. For multiple-family units, the minimum rear yard requirement as stated for a single-family dwelling shall be increased by six (6) feet for each family over one (1). The maximum, in such case, need not exceed forty-three (43) feet.

## 8-6 HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

8-6.1 The height limit for dwellings may be increased up to fifteen (15) feet provided there are two (2) side yards, each of which is fifteen (15) feet or more.

8-6.2 A public or semi-public building, such as a school, church, library, professional building or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

8-6.3 Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Television and radio aerials shall not be for commercial use and shall be for receiving only, except for amateur or "ham" radio aerials.<sup>49</sup>

8-6.4 Accessory buildings with an eave height of twelve (12) feet or more shall be located not less than ten (10) feet from any party lot line; accessory buildings with an eave height of eight feet six inches (8'6") but less than twelve (12) feet shall be located not less than five (5) feet from any party lot line; accessory buildings with an eave height of less than eight feet six inches (8'6") shall be located not less than three (3) feet from any party lot line; eave height is measured from the ground to the eave of the roof.<sup>32</sup>

#### 8-7 SPECIAL PROVISIONS FOR CORNER LOTS

8-7.1 Of the two sides of a corner lot, the front may be deemed to be either of the two sides fronting on streets.<sup>15</sup>

8-7.2 For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line of seventy (70) feet or more.

#### 8-8 SPECIAL PROVISIONS FOR RESIDENCES

8-8.1 Each residence shall have at least two (2) rooms, one of which shall be a full bath.

8-8.2 Each residence shall have a minimum floor area outside the walls, excluding garages, carports and terraces of not less than seven hundred (700) square feet.<sup>15 96</sup>

8-8.3 Each residence shall occupy a minimum ground area figured to the outside of the foundation walls, excluding garages, porches, carports and terraces, of not less than six hundred (600) square feet.<sup>15</sup>

- 8-8.4 Each residence shall be equipped with a central heating system or the equivalent capable of adequately heating all rooms.
- 8-8.5 Each residence shall be connected to the Town sewer system where connection to such is available, and in the absence of availability, to an approved septic tank system.
- 8-8.6 For multiple-family units the minimum floor area of six hundred fifty (650) square feet, as provided for a single-family residence, shall be increased by a minimum of three hundred twenty-five (325) square feet for each additional living unit over one (1).
- 8-8.7 For multiple-family units the minimum ground area of five hundred (500) square feet, as provided for a single-family unit, shall be increased by a minimum of two hundred fifty (250) square feet for each additional living unit over one (1). However, the ground area for a multiple-family structure need not exceed a maximum of fifteen hundred (1,500) square feet.
- 8-8.8 Swimming pools, both semi-permanent and permanent, shall be constructed only in a rear yard.
- 8-8.9 No fence or wall more than fifty percent solid or more than four (4) feet high shall be erected in any front or side yard. No solid fence more than eight (8) feet high shall be erected in any rear yard. For the purposes of this section, a side yard will be deemed to extend to the rearmost portion of the main structure or dwelling. Also, the term "solid" shall mean that when the fence is viewed perpendicular to its length from one side, no break or opening may be seen. The percentage of solidity must be uniform along the length of the



fence. Fences shall not obscure sight lines on the right of way. Fences shall be set back from the right of way line or terminated so that sight lines are not obstructed.<sup>52</sup>

#### 8-9 SPECIAL PROVISIONS OF ZONING REQUIREMENTS IN OLDER NEIGHBORHOODS<sup>58</sup>

In R-3 Residential Districts, developed lots platted before 1969 and used for single family residences are permitted to have the following:

- 8-9.1 Where the minimum lot width is 60 feet or less, the minimum side yard setback may be 5 feet and the combined width for the two required side yards shall be a minimum of 10 feet, provided that in the opinion of the Zoning Administrator the topography and adjoining lot setback allow adequate space between residences to permit reasonable access to emergency personnel in the event of a fire or other threat to life and property. In no case shall the side yard be decreased from its present width by an addition.
- 8-9.2 Accessory buildings may be permitted in the side yard when an addition to the residence would extend the side yard to include the accessory structure or a portion of the structure in the side yard, provided that the accessory structure is determined by the building official to be in good condition according to the USBC property maintenance code. An addition to the residence shall not reduce the rear yard setback to less than 20 feet, and any accessory structures in the newly established rear yard shall not exceed 50% of the rear yard area. Carports or other open structures may be permitted in the side yard when the compliance with the Building Code and the setbacks above may be achieved.

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