

R-3 ZONING REQUIREMENTS

Sec. 129-103. Multiple-family residential (R-3).

(a) *Purpose (R-3)*. The R-3 multiple-family district is intended to provide a district which will allow multiple-family dwellings where proper relationships to other land uses and adequate transportation services exist.

(b) *Performance requirements—Community residential facilities (R-3)*. The performance requirements for community residential facilities in R-3 districts are as follows:

- (1) Community residential facilities shall not be located in a two-family dwelling or twin home.
- (2) No more than 16 community residential facility residents may be housed in excess of the persons allowed by the definition of the term "family," except for structures designed or newly built specifically for such use may allow a greater number provided that all other conditions of the conditional use permit are met.
- (3) The minimum lot size is that prescribed for single-family detached dwellings.
- (4) A minimum distance of 300 feet will be required between lots used as community residential facilities.

(c) *Same—Townhouses (R-3)*. The performance requirements for townhouses in R-3 districts are as follows:

- (1) Height limit is 2½ stories or 35 feet.
- (2) The following minimum requirements shall be observed:
 - a. Minimum lot area.
 1. Three-unit structure: 5,000 sq. ft./unit.
 2. Four-unit structure: 4,500 sq. ft./unit.
 3. Five-unit structure: 4,000 sq. ft./unit.
 4. Six-unit structure: 4,000 sq. ft./unit.
 - b. Minimum setbacks.
 1. Front: 30 feet.
 2. Side: 20 feet.
 3. Rear: 20 feet.

- c. Off-street parking requirements. Two per unit, at least one of which shall be indoors. If the indoor parking is a part of the main structure and is set back at least 25 feet, and has an individual driveway for each unit, one off-street parking space may be credited for the portion of the driveway which shall be set back at least five feet from the public right-of-way. Any off-street parking located other than within the front yard area described above and serving more than one dwelling unit shall not be located closer than ten feet from the principal structure.
- d. No more than one townhouse shall be located on any one platted lot. If more than one platted lot is used for said construction, the owner shall be required to replat said lots in accordance with chapter 121. The Council may waive said platting requirements upon recommendation of the Planning Commission and upon receipt of a signed statement from the owners combining said lots into one buildable parcel, said combination to be filed with the county auditor and taxed as one parcel.

Individual townhouse units may be conveyed or ownership transferred if copies of articles of incorporation, association bylaws, or other covenants are presented to the Council and said documents setting forth conditions for transfer are approved by the Council. Such approval shall not be given until the aforesaid documents shall be filed with the county recorder or the registrar of titles and all future owners of townhouses or units in the individual townhouse shall be bound by the conditions and covenants set forth in said documents. A certified copy of the documents filed with the county recorder or the registrar of titles shall be filed with the City Clerk.

(d) *Lot area, height, lot width, and yard requirements for other than multiple-family dwellings (R-3).* All lot area, height, lot width, yard and lot coverage requirements for single-family and two-family dwellings shall be as follows:

- (1) Single-family shall comply with section 129-102(b).
- (2) Two-family shall comply with section 129-102(c).

(e) *Height, lot size, lot area, parking and open space and general requirements for multiple-family dwellings (R-3).*

- (1) *Minimum requirements.* The following minimum requirements shall be observed as hereinafter set forth:
 - a. Height shall be limited to three stories or 35 feet.
 - b. Minimum lot width shall be 120 feet and lot area 22,000 square feet.
 - c. Front yard shall be not less than 30 feet, or 1½ times the height of the building, whichever is greater.
 - d. Side and rear yards shall be not less than 20 feet or the height of the building, whichever is greater.
 - e. A side or rear yard abutting a street shall be not less than 25 feet or the height of the building, whichever is greater.
 - f. All height measurements shall be from the lowest grade level.
 - g. No accessory building shall exceed the height of the principal structure.

- h. Distance between multiple-dwelling buildings. No building shall be erected closer to any other building than a distance equal to the sum of their respective heights or 40 feet, whichever is greater.

(2) *Lot area per dwelling unit.* Lot area per dwelling unit requirements are as follows:

- a. Efficiency unit and one bedroom: five times minimum floor area (2,400 square feet).
- b. Two bedroom: six times minimum floor area (4,560 square feet).
- c. Three bedroom or more: seven times minimum floor area plus 500 square feet for each bedroom over three.
- d. Minimum lot area average per dwelling: 3,000 square feet.

(3) *Lot usage.* Lot usage requirements are as follows:

- a. A maximum of 30 percent for main or principal structure.
- b. A minimum of 30 percent of the lot area shall be green area and landscape area, this may include all setback areas.
- c. Forty percent of the area may be used for parking, driveways, garages, refuse areas, storage areas and other permitted uses.

(4) *Parking and sidewalk requirements.* Parking and sidewalk requirements for each dwelling unit:

- a. Two and one-half spaces per unit, one of which must be indoors and 1½ of which may be outdoor parking.
- b. Indoor parking shall be at least nine feet by 18 feet as a minimum size.
- c. Outdoor parking, shall be at least nine feet by 18 feet as a minimum size.
- d. All driveways and parking aisles shall be at least 25 feet in width.
- e. All interior driveways, parking areas, loading areas, etc., shall be of blacktop or concrete construction.
- f. All parking spaces shall be located on the same parcel as the principal structure.
- g. There shall be no outdoor parking space within 20 feet of any public right-of-way or closer than ten feet from any adjacent lot.
- h. Interior curbs shall be constructed of concrete to separate driving and parking areas from landscaped areas. The curb design shall be normal six inches in height.
- i. Concrete walkways shall be provided from parking areas, loading zones and recreation areas to the entrances of the principal structure and garages.

(5) *General requirements for all structures.*

- a. *Building plan certification.* The building plan, including the site plan for a multiple dwelling shall be certified by an architect or engineer registered in the state, stating that he has personally viewed the site and has designed the building to fit the site as planned and to be harmonious with the neighboring buildings, topography and natural surroundings and in accordance with the purpose and objectives of this chapter. The architect or engineer shall further certify that he has been retained to provide full architectural service, and that he will be available to carry this project through to completion. No conditional use for a multiple dwelling shall be issued until the certificate is provided. On completion of the construction, the supervising architect or engineer shall file a written statement with the building official certifying that, to the best of his knowledge and belief, the construction, including site construction, has been performed in substantial compliance with the plans as approved by the city.
- b. *Design.* The design shall make use of all land contained in the site. All of the site shall be related to the multiple use, either parking, circulation, recreation, landscaping, screening, building, storage, etc.
- c. *Exterior vertical surface.* All exterior vertical surfaces shall have the same or equivalent facing material as that used in the front of the building.
- d. *Drainage.* The drainage of stormwaters shall be provided for either on the site or in a public storm sewer.
- e. *Garages.* Garages shall have the same construction and appearance as the main building.
- f. *Landscaping.* A landscaping plan shall be required and approved by the City Council. All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Multiple-family residential yards adjoining any of the residential R-1, R-1A and R-2 districts shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to issuance of a certificate of occupancy for any tract in the district.
- g. *Open air drying of clothes.* Open air drying of clothes shall not be permitted on the grounds of the multiple-family dwellings except when the following conditions are met:
 1. The areas for open air drying of clothes are specifically drawn on the original site plans.
 2. A durable and dustless surface and adequate screening is provided for the entire area to be used for the drying of clothes.

- h. *Incinerators and storage.* Any structure or equipment for the burning or storing of trash must comply with the regulations of the state pollution control agency. No open storage will be allowed on the site.
- i. *Platting.* If more than one building is hereafter permitted to be erected upon one parcel of land then the buildings shall be so placed that any future subdivision or conveyance will comply with all setback and other requirements of this chapter.
- j. *Screening.* If screening is required by the City Council, it shall consist of a fence or wall that complies with this Code, but shall not extend within 15 feet of any street or ingress or egress. The screening shall be placed along property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and the pavement. Planting of a type approved by the City Council shall also be required in addition to or in lieu of fencing.
- k. *Building design and construction.*
 - 1. *Efficiency dwelling units.* No more than 20 percent of the dwelling units in any one building shall be efficiency dwelling units.
 - 2. *Sound.* Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine-frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationships, hallway designs, door and window placements and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.
 - 3. *Projecting air conditioning and heating units.* Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate nor transmit sound nor disrupt the architectural amenities of the building. Units projecting more than four inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building official, which shall be given only when building structural systems prevent compliance.
 - 4. *Elevators.* Any multiple residence building of more than three stories shall be equipped with at least one public elevator.
 - 5. *Determination of conformity.* Before any building permit is approved for a multiple dwelling the City Council upon recommendation of the building official shall determine whether the proposed use will conform to the performance standards. The developer or landowner shall supply data necessary to demonstrate such conformance. Such data may

include description of equipment to be used, method of refuse disposal, type and location of exterior storage, etc. It may occasionally be necessary for a developer to employ a specialized consultant to demonstrate that a given use will not exceed the performance standards.

(f) *Offices in multiple-family district (R-3).* All offices in R-3 shall conform to the following performance standards:

- (1) There shall be at least 2,000 square feet of floor area of office space on the main floor. The maximum office space in any structure shall not exceed 6,000 square feet.
- (2) The lot on which the structure is located shall contain at least 40,000 square feet.
- (3) One off-street parking space shall be provided for each 200 square feet of floor space. A detailed plan with parking spaces shown shall be made a part of the permit.
- (4) A landscaping plan shall be presented and incorporated as a part of the conditional use permit and shall provide for a minimum ten-foot setback from all parking areas to abutting property lines and shall provide that on the ten-foot setback, shrubbery will be planted and maintained by the occupant of the property. The landscaping plan shall show that at least 30 percent of the land area will be maintained in open space consisting of greenery and shrubbery and will not be used for building, parking, or accessory purposes.
- (5) All offices in this use district shall abide by the terms of the special permit to limit truck deliveries to the hours of 8:00 a.m. to 5:00 p.m. each day.
- (6) No outside storage shall be allowed on the premises without the specific consent of the Council as stated in the permit.
- (7) Illuminated flashing signs are prohibited. No sign shall be erected which has more than nine square feet of total area including both sides of the sign if a message is contained on both sides, and the sign shall not extend on to any public right-of-way. No sign shall exceed a height of five feet from the ground level where the sign is located.
- (8) Lighting of any parking area shall be accomplished in such a way as to have no direct source of light visible from a public right-of-way or from adjacent properties.
- (9) Prior to occupancy of the structure, approval shall be obtained from the Fire Chief or his designated inspector and from the building official, showing compliance with all city ordinances and codes.
- (10) The Council may require a traffic circulation plan or the location or relocation of driveways to the property to promote traffic circulation and the health, safety, and general welfare of the community.

(Code 1987, §§ 350.635, 350.780; Ord. No. 61-1993, §§ 350.635, 350.780, 2-23-1994; Ord. No. 13-2006, 7-9-2006)