

Article 7.03 Single-Family Residential Districts

7.03.01 Intent

The R-1 through R-3 Single-Family Residential Districts are intended to provide sites for single-family detached dwellings and residentially-related uses that serve the residents in the district. These districts provide a range of housing opportunities from larger suburban lots to more compact urban neighborhoods. These districts are intended to create walkable neighborhoods that are integrated into the character of the City. It is also the intent of these districts to protect natural areas and include recreational open space within neighborhoods and throughout the City. Further, it is the intent of the Single-Family Residential Districts to eliminate multiple-family residential uses in these districts.

7.03.02 Schedule of Uses

Buildings or land shall be not used and buildings shall not be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 7.03.1 may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used for the purposes listed by right.
- (b) **Special Land Use (SLU).** Uses which may be permitted by obtaining special land use approval when all applicable requirements in *Article 7.13 Use Requirements* and the standards of *Section 7.19.04 Review Standards* are met.
- (c) **Additional Requirements.** Indicates requirements or conditions applicable to the use.

Table 7.03.1: Single-Family Residential Districts Schedule of Uses

Use	R-1 to R-3	Additional Requirements
Residential Uses		
Home occupation	P	Section 7.13.01(c)
Single-family detached dwellings	P	Section 7.13.01(b)
Animal & Agricultural Uses		
Farms	P	Section 7.13.02(b)
Public & Institutional Uses		
Cemeteries	SLU	Section 7.13.03(a)
Colleges, universities & other such institutions of higher learning, public & private, offering courses in general, technical or religious education & not operated for profit	SLU	Section 17.13.03(b)
Places of public assembly & places of worship, including other facilities normally incidental thereto, with a seating capacity of less than five hundred (500) people or parking for less than two hundred and fifty (250) vehicles	SLU	Section 17.13.03(c)

Use	R-1 to R-3	Additional Requirements
Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs	SLU	
Public, parochial & other private elementary schools offering courses in general education, & not operated for profit	P	---
Public, parochial & private intermediate or secondary schools offering courses in general education, not operated for profit	SLU	
Publicly owned & operated libraries, parks, parkways & recreational facilities	P	---
Uses & buildings of the municipality (without storage yards)	SLU	
Utility & public service buildings & uses (without storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity	SLU	
Entertainment & Recreation Uses		
Golf courses, which may or may not be operated for profit	SLU	7.13.07(d)
Health & Human Care & Uses		
Adult foster care family home (6 or fewer adults)	P	---
Adult foster care small group home (1 to 12 adults)	SLU	---
Child care center, nursery schools & day nurseries	SLU	Section 7.13.09(a)
Child care institution	SLU	
Family day care home (6 or fewer children less than 24 hours per day)	SLU	---
Group day care home (7 to 12 children less than 24 hours per day)	SLU	---
Foster family home (4 or fewer children 24 hours per day)	P	---
Foster family group home (5 to 6 children 24 hours per day)	P	---
Accessory & Similar Uses		
Accessory building & uses, customarily incident to any of the above permitted uses	P	---
Garage sales	P	Section 7.13.10(a)
Other uses similar to the above uses	SLU	Section 7.13.11
Private pools shall be permitted as an accessory use within the rear yard only	P	---
Wireless telecommunication antenna	SLU	Section 7.13.10(d)
Other Temporary Uses	P/SLU	Section 7.13.10(c)

7.03.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

Table 7.03.2: Single-Family Residential Districts Schedule of Area, Height, and Placement Requirements (5)

Zoning District (1)(5)	Min. Lot (4) (10)		Max. Building Height (ft.) (3)	Max. % Lot Coverage	Min. Setbacks(ft.)(6,7)				Min. Floor Area Per Dwelling Unit
	Area (sq. ft.) (4)	Width (ft.)(2)			Front (8)	Side Yards (9)		Rear	
						Least 1	Total 2		
R-1	6,000	50	25	30%	25	4	12	35	850
R-2	8,400	70	25	30%	25	5	15	35	1,000
R-3	12,000	90	35	30%	30	10	25	40	1,000

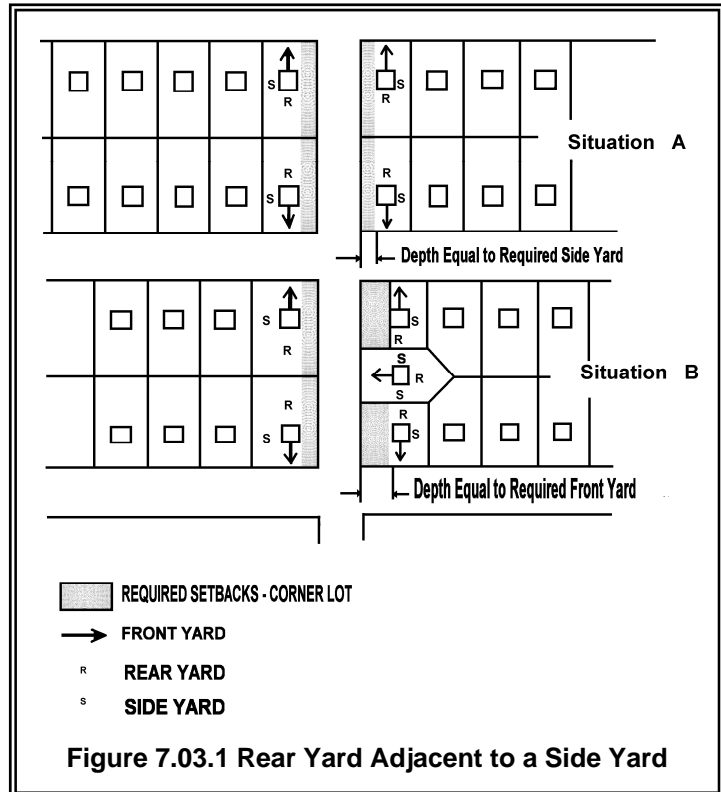
(a) **Footnotes to Schedule of Area, Height, and Placement Requirements**

- (1) **Recreational Area.** All residential developments containing more than six (6) dwelling units shall provide a recreational area of at least one-thousand five hundred (1,500) square feet for each residential unit. The location of the area shall be approved by the City Commission, based upon a recommendation by the Planning Commission.
- (2) **Depth to Width Ratio.** All lots created after the adoption date of this ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (3) **Building Height.** Exceptions to building height shall be as provided for in *Section 7.14.03 (a) Height Limit*.
- (4) **Averaged Lot Size.** The intent of this Section is to permit the subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in Table 7.03.02 for each Single-Family Residential District. If this option is selected, the following conditions shall be met:
 - a. In meeting the average minimum lot size, the subdivision shall be so designed that lot areas and widths shall not be reduced by more than ten (10%) percent below that area or width required and shall not create an attendant increase in the number of lots.
 - b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
 - c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
- (5) **Flexibility.** See *Section 7.03.04 Subdivision Open Space Plan* and *Section 7.03.05 Single-Family Clustering Option* regarding flexibility allowances.
- (6) **Non-Residential Setbacks.** For all uses permitted other than single-family residential, the setback shall equal the height of the main building, unless otherwise specified in *Article 7.13 Use Requirements*. A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.

- (7) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- (8) **Front Yard Reduction.** The required front yard setback may be reduced to an average of the existing front yard setbacks of residences immediately adjacent on the same street. If no adjacent residences exist, then the front yard setback may be reduced to an average of the nearest two (2) residences on the same street.

- (9) **Rear Yards Abutting a Side Yard.** In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. On corner lots where a lot width of sixty (60) feet or less exists, the side yard may be reduced to the front setback of the home to the rear of such corner lot.

- (10) **No Sanitary Sewer.** New lots in areas without sanitary sewer must be a minimum of 1 acre.



7.03.04 Subdivision Open Space Plan

- (a) The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - (2) Encourage developers to use a more creative approach in the development of residential areas.
 - (3) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.

- (4) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- (b) Modification to the standards outlined in Table 7.03.2 may be made in the R-2 and R-3 Single-Family Residential Districts when the following conditions are met:
- (1) The lot area in R-2 Single-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20%) percent. In the R-2 District, this reduction may be accomplished in part by reducing lot widths up to five (5) feet. In the R-3 Districts, this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area reductions shall be permitted, provided that the dwelling unit gross density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District under Table 7.03.03. All calculations shall be predicated upon the Single-Family Districts having the following gross densities (including roads):

R-2 = 3.9 dwelling units per acre
R-3 = 3.4 dwelling units per acre
 - (2) Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (3) Under the provisions of item (1) above of this Section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in Table 7.03.2, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the Municipality.
 - (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Planning Commission.
 - (5) The land area necessary to meet the minimum requirements of this Section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 - (6) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
 - (7) This plan for reduced lot sizes shall be started within twelve (12) months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.

- (8) Under this subdivision open space approach, the proprietor shall dedicate sufficient park area for the common use of the lot owners so that each final plat is within maximum density requirements; provided, however, that any entire park within a single block shall be dedicated as a whole.
- (c) The application for approval of Subdivision Open Space Plan shall contain the following in addition to the information required by the Land Division Ordinance:
- (1) A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called open land) including the following at a minimum:
- a. Legal description of open land.
 - b. Topographical survey of open land.
 - c. Type of soil in open land.
 - d. Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc).
 - e. Other relevant factors.
- (2) The proposed plan of development of the open land shall be contained in the application and shall include the following at a minimum:
- a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
 - b. The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the property, thus avoiding municipal responsibility in the future.
 - c. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to the property owners and cause for enforcement by the City.
 - d. The proposed method of notifying the City when any change is contemplated in plans that would affect the original specifications approved by the City.
 - e. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
 - f. The proposed use of open land and the proposed improvements which are to be constructed by the proprietor.
- (3) The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the City by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives stated in this Ordinance.
- (d) Subdivision Open Space Plans shall follow the review and approval procedures for subdivisions, including all public hearing requirements, as set forth in the Land Division Ordinance.

- (1) If the Planning Commission is satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance and should be approved, it shall recommend such approval to the City Commission with the conditions upon which such approval should be based. Thereafter, the City Commission shall take action upon such application in accordance with the procedures for subdivisions set forth in the Land Division Ordinance.
- (2) If the Planning Commission is not satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the City Commission with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the City Commission upon written request filed with the Clerk.
- (3) If the City Commission gives approval to the proposed Subdivision Open Space Plan, it shall instruct its attorney to prepare a contract setting forth the conditions on which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the proprietor prior to the approval of a preliminary plat.

7.03.05 Single-Family Clustering Option

(a) Intent

- (1) The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the Single-Family Residential standards, as outlined in Table 7.03.2, shall be permitted in the R-2 and R-3 Districts.
- (2) In R-2 and R-3 Single-Family Residential Districts, the requirements of Table 7.03.2 may be waived and the attaching of single-family dwelling units may be permitted subject to the standards of this Section.

(b) Conditions for Qualification

- (1) The Planning Commission may approve of the clustering or attaching of dwelling units on parcels of land under single ownership and control which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving an area for cluster development, the Planning Commission shall find at least one of the following conditions to exist:

- a. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - b. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
 - c. The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
 - d. A substantial portion of the parcels perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - e. A substantial portion of the parcels perimeter is bordered by land that is located in other than an R Single-Family Residential District or is developed for a use other than single-family detached homes.
 - f. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
 - g. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10%) percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the City could be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
 - h. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.
- (2) In order to qualify a parcel for development under paragraphs f., g. or h. of paragraph (b)(1) above, the Planning Commission shall determine that the parcel has these characteristics and the request shall be supported by written and/or graphic documentation, prepared by a Landscape Architect, Engineer, Professional Community Planner, Registered Architect or Environmental Design Professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two (2) foot contour interval, inventory of natural assets.
- (3) This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.
- (c) **Permitted Densities**
- (1) In a cluster development, the gross densities permitted may be increased to the following maximums (including streets):

- a. For those areas qualifying under paragraph (b)(1)a. through e.: 6 dwelling units/acre.
- b. For those areas qualifying under paragraph (b)(1)f., g. or h.: 5 dwelling units/acre.
- c. Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.
- d. In those instances where a parcel qualifies under both paragraphs a. and b. above, the densities permitted under a. may be permitted by the Planning Commission provided that the Commission finds that such density is reasonable in that it does not preclude the application of paragraph e. of subsection (d)(1) and does not result in the destruction or total removal of such natural assets as enumerated under paragraph (b)(1)f., g. or h. above.

(d) Development Standards and Requirements

- (1) In areas meeting the criteria of (b)(1) above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by Table 7.03.2, may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - a. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:
 1. Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.
 2. By means of an architectural wall detail which does not form interior room space.
 3. Through a common party wall in only the garage portion of adjacent structures.
 4. No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four (4).
 - b. Yard requirements shall be provided as follows:
 1. Spacing between groups of attached dwelling units or between groups of four (4) unattached units shall be equal to at least twenty (20) feet in an R-3 District, and fifteen (15) feet in an R-2 District, measured between the nearest points of adjacent buildings.
 2. Building setbacks from local streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one (1) car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from local streets, the Planning Commission may use the following guidelines:
 - (i) Garages or required off-street parking spaces shall not be located less than twenty (20) feet from the right-of-way of a public street unless such street (or portion thereof) is serving as access to not more than sixteen (16) residential units.

- (ii) Where streets are private or the Planning Commission does not require the twenty (20) foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than twenty (20) feet from the pavement edge of the street or the shoulder of a street.
- 3. That side of a cluster adjacent to an arterial or collector street shall not be nearer to said street than twenty-five (25) feet, except that in those areas where topography meets the topographic conditions set forth in 7.03.05(b)(1)g. above on lands immediately adjacent to said streets having slopes in excess of ten (10) percent, the front yard may be reduced by five (5) feet, but in no instance shall a structure be closer to the road right-of-way line than one-half (1/2) the front yard setback for the district in which it is located.
- 4. Any side of a cluster adjacent to a private road shall not be nearer to said road than ten (10) feet.
- c. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten percent (10%) and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above the ten (10) feet of post height.
- d. The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least twenty percent (20%) of the horizontal development area of a one-family cluster development.
- e. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
 - 1. Single-family lots subject to the standards of Table 7.03.03.
 - 2. Detached buildings with setbacks as required by Table 7.03.03 for the applicable residential district.
 - 3. Open or recreation space.
 - 4. Changes in topography which provide an effective buffer.
 - 5. A major or secondary thoroughfare.
 - 6. Some other similar means of providing a transition as provided for in Section 7.15.02(f).

(e) **Procedures**

- (1) In making application for approval under this Section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.

(2) Qualification for Cluster Development

- a. Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one (1) or more of the characteristics outlined in paragraph (b) Conditions for Qualification.
- b. The Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one (1) of the provisions of (b) (1) above, based upon the documentation submitted.
- c. Preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

(3) Site Plan and Cluster Approval

- a. The Planning Commission shall hold a public hearing on the site plan after an initial review of a preliminary plan which shall not require a public hearing.
- b. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.
- c. For those parcels which qualified under the provisions of paragraphs (b) (1), f., g. or h., one (1) copy of the site plan superimposed on a recent aerial photograph of at least 1" = 200' scale, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent developments.
- d. Site plans submitted under this option shall be accompanied by information as required in *Section 7.03.04(c) Subdivision Open Space Plan*, provided however, that:
 1. Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor.
 2. The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- e. The Planning Commission shall give notice of the public hearing in accordance with *Section 7.21.07 Public Hearings*.
- f. If the Planning Commission is satisfied that the proposal meets the letter and spirit of the Zoning Ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of the Zoning Ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore, in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal together with copies of all layouts and other relevant information

shall be forwarded to the City Clerk. If the proposal has been approved by the Planning Commission, the Clerk shall place the matter upon the agenda of the City Commission. If disapproved, the applicant shall be entitled to a hearing before the City Commission, if he requests one in writing within thirty (30) days after action by the Planning Commission.

- g. The City Commission shall conduct a public hearing on the proposed open space plan and site plan for the Cluster Option and shall give notice in accordance with *Section 7.21.07 Public Hearings*. If the City Commission approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- h. As a condition for the approval of the site plan and open space plan by the City Commission, the applicant shall deposit a cash or irrevocable letter of credit in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Commission. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.