

CHAPTER 1149
R-3 Residential District

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CROSS REFERENCES

Interpretation and compliance - see P. & Z. Ch. 1123
Supplemental site and use regulations - see P. & Z. Ch. 1181
Special use regulations - see P. & Z. Ch. 1183
Planned Districts - see P. & Z. Ch. 1185
Nonconforming uses - see P. & Z. Ch. 1187
Swimming pools - see BLDG. Ch. 1311
Flood plain management - see BLDG. Ch. 1317
Soil erosion and sediment control - see BLDG. Ch. 1323
Housing and property maintenance standards - see PROP. STDS.Ch. 1711
Property performance standards - see PROP. STDS. Ch. 1717

1149.01 PERMITTED USES.

- (a) A building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Publicly-owned and operated parks, playgrounds, community buildings, museums, libraries, art galleries and City-owned facilities.
 - (3) Public schools, elementary through high school.
 - (4) Private schools with a curriculum similar to public schools, elementary through high school.
 - (5) Churches, synagogues, and other places of worship (minimum site of three (3) acres).
 - (6) Golf courses, but not miniature courses or driving ranges.
 - (7) Suburban farms (five (5) acre minimum).
 - (8) Type B family day-care homes.
(Ord. 2003-1. Passed 3-13-03.)

1149.02 ACCESSORY USES.

- (a) Accessory buildings, limited to not more than two (2) with a maximum area of 600 square feet total, as regulated in Section 1181.08.
- (b) Swimming pools, tennis courts, and similar structures.
- (c) One (1) nonilluminated name sign may occupy required yards provided such sign is not more than one (1) square foot in area.

(d) Retaining walls shall not exceed four (4) feet in height. A second tier retaining wall shall not exceed four (4) feet in height and shall be set back four (4) feet from the lower wall. A fence on top of any retaining wall shall be set back two (2) feet from the retaining wall.

(e) Fences that are no more than thirty percent (30%) solid or no more than four (4) feet in height are permitted in the required front yard as provided for in Section 1181.06(e). Fences in side and rear yards shall not exceed six (6) feet in height. No barbed wire, farm or other nonresidential fences are permitted in any yard.

(f) Grading, filling, excavating or any change in the grade of property that involves the moving, depletion or replacement of more than 100 cubic yards of material or changes the existing elevation by more than one (1) foot requires a permit. At no time shall any grading be detrimental to surrounding property in appearance or in the diversion of stormwater drainage.

(g) Home occupations subject to the regulations in Section 1181.07.
(Ord. 2003-1. Passed 3-13-03.)

1149.03 SPECIAL USES.

(a) The following special uses may be permitted with consideration given to the following criteria, in addition to the conditions set forth in Chapter 1183: characteristics of occupants; type of supervision; size of the site and density; people activity; vehicular activity; duration of activity; off-site impact; demand on community services; community needs; health, safety and general welfare; and overall appearance.

- (1) Two-family dwellings.
- (2) Townhouses on sites of 15,000 square feet or more, with a minimum lot area of 3,000 square feet per unit.
- (3) Churches, synagogues, and other places of worship on sites less than three (3) acres.
- (4) Cemeteries, at least ten (10) acres in area.
- (5) Institutions of an educational, religious or philanthropic (e.g., YMCA, etc.) nature, institutions of higher learning and research (e.g., colleges and universities), hospitals, nursing homes and senior housing facilities, provided that buildings shall be set back an additional one (1) foot over usual yard requirements for each one (1) foot the building exceeds the usual thirty-five (35) feet height limit.
- (6) Residential group homes.
(Ord. 2003-1. Passed 3-13-03.)

1149.04 PARKING REQUIREMENTS.

(a) Number of Required Spaces.

- (1) Single-family dwellings: two (2) parking spaces.
- (2) Two-family dwellings: three (3) parking spaces.
- (3) Townhouses: two (2) parking spaces per unit.
- (4) School and educational institutions: one (1) parking space for each four (4) seats in the main auditorium or two (2) spaces for each classroom, whichever is greater.
- (5) Churches, synagogues, and other places of worship: one (1) parking space for each four (4) seats in the main auditorium.
- (6) Institutions: one (1) space for each 300 square feet of floor area.

- (7) Nurseries, daycares and similar private uses: one (1) parking space for each five (5) children based on maximum permitted children for such building.
 - (8) Hospitals: one (1) parking space for each four (4) beds, plus employee parking.
 - (9) Nursing homes or residential group homes: one (1) parking space for each five (5) beds.
 - (10) Places of assembly, including auditoriums and theaters: one (1) space for each four (4) seats.
 - (11) Publicly owned or operated buildings, museums, libraries or art galleries: one (1) parking space for each 300 square feet of floor area.
- (b) Additional Parking Requirements.
- (1) The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - (2) Any new driveway or existing driveway widened from a single driveway to a double driveway shall be constructed of concrete or asphalt.
 - (3) No driveway located in the front yard shall exceed twenty (20) feet in width. There shall be only one driveway, and a circle drive shall have a minimum radius of forty (40) feet. Driveways and surfaced parking areas shall not occupy more than fifty percent (50%) of a front yard.
 - (4) Driveway turnaround provisions, to discourage backing onto the public right of way, shall be provided for newly constructed residences on a secondary street.
 - (5) No vehicle may park in a front yard except in a driveway. No vehicle or trailer in excess of twenty-seven (27) feet shall be parked in this District. No vehicle or trailer may park in a side yard except in a driveway. Vehicles and trailers may be parked anywhere in a rear yard.
 - (6) Recreational vehicles shall park only in a side or rear yard except as provided for in subsection (b)(10) hereof.
 - (7) Trucks and trailers designed and manufactured for or used for specific commercial purposes including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, equipment vehicles and equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks are prohibited from parking in this District. Any vehicle, excluding recreational trailers and recreational vehicles, in excess of 10,000 pounds gross vehicle weight is not permitted.
 - (8) Exceptions. Any type commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery or employed in performing a repair or construction service, may park for the purpose of making such pickup or delivery, or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.
 - (9) Inoperable, partially dismantled or unlicensed vehicles and trailers shall be parked within an enclosed structure.
 - (10) Recreational vehicles may be parked between a residence and the street where the side yard closest to the driveway is of less width than a distance equal to the width of the recreational vehicle plus two (2) feet, and when parked: does not extend into the public right of way, does not create a visual obstruction which could constitute a traffic safety hazard

and does not constitute a blighting or deteriorating influence on properties within 300 feet of the parked recreational vehicle.
(Ord. 2003-1. Passed 3-13-03.)

1149.05 AREA REQUIREMENTS.

- (a) Minimum depth of front yard: forty (40) feet.
- (b) Minimum width of side yard: five (5) feet.
- (c) Minimum depth of rear yard: twenty-five (25) feet.
- (d) Minimum lot area per family: 6,250 square feet.
- (e) Minimum width of lot: fifty (50) feet measured at the required building line.

(f) Yards Generally. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings, patios and decks in a rear yard only, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.

There shall be no outside storage of household items, appliances, building materials, or of any such material including, but not limited to, vehicle parts. Patio furniture, gazebos, outdoor children play items and other such items are permitted in rear yards.
(Ord. 2003-1. Passed 3-13-03.)

1149.06 HEIGHT REQUIREMENTS.

The maximum height is thirty-five (35) feet.
(Ord. 2003-1. Passed 3-13-03.)

1149.07 LARGE SCALE RESIDENTIAL DEVELOPMENT.

An owner(s) of three (3) acres or more may submit a plan to develop the land for uses allowable within the R-3 District in a manner that would provide alternatives to Section 1149.05 except that Section 1149.05(f) must be followed. A large scale residential plan shall contain the same information listed in Section 1185.01(b)(1) to (10). After report by the Planning Commission and a public hearing before Council, Council may by ordinance approve the large scale residential development plan provided:

- (a) That the plan is in the best interest of the City;
- (b) Adjacent property values will not be adversely affected and;
- (c) The number of dwelling units provided does not exceed the total site area divided by 7,500 square feet rounded to the nearest whole unit.
(Ord. 2003-1. Passed 3-13-03.)

1149.08 ENFORCEMENT AND PENALTY.

This Chapter is subject to enforcement and penalty as specified in Chapter 1129.