

## Section 26: R-3 Residential-Three District

(orig. 5-3-46; am. 2-6-84; am. 7-11-06; am. 4-20-10)

### A. Intent and Purpose

1. The Residential-Three Zone District is intended to provide for high density residential development, including multi-family dwellings, in areas served by public water and sewer facilities. (orig. 11-6-79; am. 12-17-02; am. 5-20-08)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for this zone district. (orig. 11-6-79)

### B. Permitted Uses

1. Single-family dwelling. (orig. 5-6-46; am. 12-17-02)
2. Two-family dwelling or duplex. (orig. 5-6-46; am. 12-17-02)
3. Multi-family dwelling or townhome. (orig. 5-6-46; am. 12-17-02; am. 5-20-08)
4. Church or church related uses, parish house and/or parsonage. (orig. 5-6-46; am. 11-6-79; am. 12-17-02)
5. Public, parochial and private schools; state licensed day-care center or large day-care home or preschool or nursery. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. Exceptions listed above shall not preclude home occupations authorized by the Board of Adjustment or the Home Occupations Section of this Zoning Resolution. (orig. 2-3-41; am. 5-6-46; am. 6-20-66; am. 11-6-79; am. 6-23-81; am. 6-14-88; am. 12-17-02; am. 7-11-06)
6. Group home for up to 8 aged persons not located within 750 feet of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 feet of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 feet of another such group home or group home for aged or developmentally disabled persons. (orig. 6-14-88)
7. Public library, public and private nonprofit museum. (orig. 5-6-46)
8. Public park, Class I and II public recreation facilities. (orig. 5-6-46; am. 11-6-79; am. 9-11-90)
9. Telecommunication Land Uses shall comply with the provisions of the Telecommunication Uses Section of the Zoning Resolution. (orig. 6-29-04; am. 7-11-06)
10. Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution. (orig. 4-20-10)

### C. Accessory Uses

1. Accessory structures including, but not limited to. (orig. 12-17-02)
  - a. Private garage. (orig. 2-3-41)
  - b. One mini-structure as per the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)
  - c. Storage shed. (orig. 12-17-02)
2. Private building and kennel for housing dogs, cats and similar domesticated pets, but not including horses, cattle, sheep, goats, chickens, ducks, geese or other fowl. The maximum total number of

dogs, cats and similar domesticated pets which may be kept shall be 3. Litters of puppies or kittens may be kept until weaned. (orig. 5-5-58; am. 11-6-79; am. 12-17-02)

3. Home occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met. (orig. 6-23-81; am. 12-17-02; am. 7-11-06)
4. Those accessory uses as permitted in the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

#### **D. Special Uses**

The following uses shall be permitted only upon review of the Planning Commission and approval by the Board of County Commissioners. (orig. 11-15-65; am. 11-6-79; am. 12-17-02)

1. Telephone exchange, electric substation, including electric transmission and distribution lines or gas regulator station where no repair or storage facilities are maintained. (orig. 5-6-46; am. 11-15-65)
2. Cable television reception substation. (orig. 9-11-90)
3. Water supply reservoir and irrigation canal. (orig. 5-6-46; am. 11-15-65; am. 11-6-79)
4. Railroad right-of-way, but not including freight yards, passenger station, switching or storage. (orig. 5-6-46; am. 11-15-65)
5. A group living facility, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender. (orig. 2-1-00)
6. Home for social rehabilitation or adjustment for up to 10 resident clients plus staff, and which is not located within 750 feet of another similar type facility. (orig. 6-14-88)
7. Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by the state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeping unit, and where such home or shelter is not located with 750 feet of another similar type state licensed or certified home or shelter. (orig. 6-26-79; am. 6-14-88; am. 5-25-04)
8. Group home for the aged, group home for the developmentally disabled, group home for mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single household unit, and where such home is not located within 750 feet of another similar type home. (orig. 5-25-04)
9. Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use. (orig. 10-17-83; am. 12-17-02; am. 7-11-06)
10. Class I or II commercial recreation facilities, Class II public recreation facilities. (orig. 9-11-90)

#### **E. Lot and Building Standards**

1. Building Height:
  - a. Single-family , Two-family, Townhome or other main building excluding Multi-family dwellings: buildings of these types shall not exceed 35 feet in height.
  - b. Multi-family dwellings: no such building shall exceed 45 feet in height.

- c. Accessory structures: no such building shall exceed the lesser of 25 feet or the height of the primary structure.
2. Lot Standards
- a. The minimum lot area for a single-family dwelling shall be 7,500 square feet. (orig. 5-6-46; am. 2-14-56; am. 11-6-79; am. 12-17-02)
  - b. The minimum lot area for a duplex shall be 9,000 square feet. (orig. 5-6-46; am. 2-14-56; am. 11-6-79; am. 12-17-02; am. 5-20-08)
  - c. The minimum development area for a two-family dwelling or townhome shall be 3,000 square feet per unit with a minimum individual lot area requirement of 1,500 square feet per unit. (orig. 5-20-08)
  - d. The minimum lot area for any other main building shall be 12,500 square feet, provided that the minimum lot area for a multi-family dwelling shall be 2,000 square feet per family unit. (orig. 5-6-46; am. 2-14-56; am. 11-6-79; am. 12-17-02)
3. Front Setback
- a. The minimum front setback for a dwelling, or other main building, or garage shall be 20 feet. (orig. 5-6-46; am. 4-7-69; am. 3-28-00; am. 12-17-02)
  - b. The minimum front setback for a dwelling or other main building, or garage shall be 30 feet when adjacent to a major arterial street as designated on the Major Thoroughfare Plan. (orig. 4-7-69; am. 11-6-79; am. 3-28-00; am. 12-17-02)
  - c. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 11-6-79; am. 7-1-03)
4. Side Setbacks
- a. The minimum side setback for a single-family dwelling, two-family dwelling, duplex, townhome, or multi-family dwelling with 1 story, shall be 5 feet on each side. The minimum side setback for any other main building shall be 10 feet on each side. The minimum distance between townhome and multi-family dwelling groups shall be 25 feet. (orig. 5-6-46; am. 2-14-56; am. 11-6-79; am. 12-17-02; am. 5-20-08)
  - b. For a two-family dwelling or townhome, no side setback shall be required where there is a common wall. (orig. 5-20-08)
  - c. The minimum side setback for any building adjacent to a local or collector street shall be 20 feet. The minimum side setback for any building adjacent to a major arterial street as designated on the Major Thoroughfare Plan shall be 30 feet. (orig. 5-6-46; am. 2-14-56; am. 4-7-69; am. 12-17-02)
  - d. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 11-6-79; am. 7-1-03)
5. Rear Setback: The minimum rear setback for a townhome, multi-family dwelling or other main building, not a dwelling, shall be 10 feet. The minimum rear setback for all other dwellings and accessory buildings shall be 5 feet. (orig. 5-6-46; am. 12-7-53; am. 12-17-02; am. 5-20-08)
6. Fences
- a. Maximum fence height: 6 feet. (orig. 8-6-80)
  - b. Fence permits are required for any fence over 42 inches in height. (orig. 8-6-80)

- c. No fence more than 42 inches in height of any type shall be permitted within the front setback line and the front lot line. (orig. 8-6-80; am. 12-17-02)
  - d. No barbed wire or electric fence shall be permitted in this zone district. (orig. 8-6-80)
  - e. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 8-6-80; am. 7-1-03)
  - f. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 8-6-80)
7. Signs and Outdoor Advertising Devices: Signs and outdoor advertising devices shall be in accordance with the provisions of the Signs and Outdoor Advertising Devices Section of this Zoning Resolution. (orig. 7-20-81; am. 12-17-02; am. 7-11-06)

**F. General Requirements**

- 1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 11-6-79)
- 2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 11-6-79)