

**§ 14-16-2-12 R-3 RESIDENTIAL ZONE.**

This zone provides suitable sites for the highest density housing outside of urban centers. It is most appropriately mapped adjacent to commercial, office, or employment centers, where primary access to a major street is available.

**(A) Permissive Uses.**

- (1) Uses permissive in the R-2 zone, provided there are not over 30 dwelling units per net acre.
- (2) Uses incidental to an apartment such as day care center, news, cigar, or candy stand, delicatessen, personal-service shop, and the like, are permitted with an apartment development, provided:
  - (a) The use is intended for the exclusive use of residents of the premises on which the incidental use is located.
  - (b) At least 100 dwelling units are on the same premises.
  - (c) The use is limited to a maximum of 2% of the gross leasable floor area of the apartment development.
  - (d) The use is not directly accessible from the outdoors.
  - (e) A sign or window display relating to the use is not discernible from a public right-of-way.
  - (f) Adult book stores and photo studios are not permitted.
- (3) Boarding or lodging house.
- (4) Community residential program for substance abusers with up to seven client residents, all of whom shall be under 18 years old, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

**(B) Conditional Uses.**

- (1) Uses conditional in the R-2 zone.
- (2) Apartment, if there are over 30 but not over 36 dwelling units per net acre. Such development may be approved if and only if it is an appropriate transition between modest density residential areas, such as townhouses, and much more intensive development.
- (3) Club, provided it has no liquor license.
- (4) Fraternity or sorority house or dormitory.
- (5) Nursing or rest home, provided it is conducted in a structure which has the exterior appearance of a residential structure.

- (C) Height.** Structure heights up to 26 feet is permitted at any legal location. The height and width of the structure over 26 feet is permitted at any legal location. The height and width of the structure over 26 feet shall fall within 45° angle planes drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline, or

drainageway right-of-way centerline. To protect solar access, a structure over 26 feet may not exceed the northern boundary of these 45° planes, but may be sited in any other direction within planes drawn at a 60° angle from the same boundaries or center line. Exceptions to the above are provided in §§ 14-16-3-3 and 14-16-3-5 of this Zoning Code. Notwithstanding any of the above regulations, apartment structures shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses.

**(D) Lot Size.**

- (1) Minimum lot width and depth shall be 150 feet.
- (2) Lots legally nonconforming to minimum lot width or depth may be developed governed by the R-T zone in all respects; no variance is required for such development.

**(E) Setback.**

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall not be less than 20 feet long.
- (2) There shall be a side-yard setback of not less than five feet, except:
  - (a) There shall be ten feet on the street side of corner lots; and
  - (b) There is no required side-yard setback from internal lot lines for townhouses.
- (3) There shall be a rear-yard setback of not less than 15 feet.
- (4) There shall be a separation between apartments other than townhouses, and off-street parking and vehicular circulation areas of not less than ten feet.

**(F) Density.** A floor area ratio of 1.0 is the maximum permitted.

**(G) Off-Street Parking.** Off-street parking spaces shall be as provided in § 14-16-3-1 of this Zoning Code.

**(H) Usable Open Space.**

- (1) Usable open space shall be provided on-site in an amount equal to 200 square feet for each efficiency or one-bedroom dwelling unit, 250 square feet for each two-bedroom dwelling unit, and 300 square feet for each dwelling unit containing three or more bedrooms.
- (2) Where an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space, planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

('74 Code, § 7-14-16) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 26-1977; Am. Ord. 38-1978; Am. Ord. 92-1980; Am. Ord. 3-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 19-2010; O-16-27)