

## **Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT**

### **19.21.010 Purpose.**

The R-3 multifamily residence district is established to provide high-density residential areas, and to allow mixing of certain compatible land uses.

(Ord. No. 1914A, 2-18-2016)

### **19.21.020 Permitted uses.**

Permitted uses in the R-3 district include:

- A. One-family detached dwellings;
- B. Two-family attached dwellings (new construction);
- C. Multifamily dwellings and attached dwellings, up to four units per building. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;
- D. A nonfamily household in R-3 shall be limited to five unrelated persons.
- E. Home occupations/professional home offices for nonretail (goods and services for businesses that do not require customer access);
- F. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55.

(Ord. No. 1914A, 2-18-2016)

### **19.21.030 Conditional uses.**

Conditional uses in the R-3 district include:

- A. Professional business offices in a building where the principal use is residential;
- B. Multifamily dwellings and attached dwellings, over four units (new construction only); and two-family attached dwellings (existing construction).
- C. Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar uses) located in a building where the principal use is residential and fronts on an arterial street;
  - 1. Conditional use approval under this provision shall be granted for a specified use. Any subsequent change in use or expansion shall require additional conditional use approval.
- D. Fraternity or sorority houses and group lodging facilities;
- E. Any building over forty feet;
- F. Planned developments (see Section 19.15.030);
- G. Conversions of existing structures resulting in more dwelling units;

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- H. Conversion of existing units with less than five bedrooms to five or more bedrooms;
  - I. Dwelling units with occupancy of six or more unrelated persons;
  - J. Public and semipublic uses;
  - K. Home occupations/professional home office for retail goods and services (businesses requiring customer access);
  - L. Bed and breakfast establishments;
  - M. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
  - N. Real estate sales offices, subject to the following requirements:
    - 1. May only be placed within a major subdivision with twenty or more lots or a multiple-family residential development with forty or more dwelling units;
    - 2. Shall occupy a maximum of one building within any major subdivision, or one unit within any multiple-family residential development;
    - 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety days from the date when ninety percent of the lots or units within the subdivision or development are initially sold or leased, or five years from the date of initial establishment of the use, whichever comes first;
    - 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than \$2,000.00 shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district;
    - 5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related uses open to the public;
    - 6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development;
    - 7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

O. Family daycare home for 8 or fewer children.

P. ~~Q.~~ One accessory structure may be located in the front or side yard if the following requirements are met:

- 1. Minimum front yard setback of the accessory structure must be fifty feet.
- 2. Minimum side yard setback of the accessory structure must be ten feet, or corner lot, twenty-five feet.

(Ord. No. 1914A, 2-18-2016)

### 19.21.040 Lot area.

A. Minimum lot area in the R-3 district for one-family and two-family is as follows:

1. One-family	8,000 square feet
2. Two-family	12,000 square feet

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3. A nonconforming lot for a one-family or two-family residence that does not meet the minimum lot area above may be considered as a buildable lot if it:
    - a. Meets all other standards including Section 19.60.050.
    - b. Is reviewed and approved by the city plan and architectural review commission.
  - B. Minimum lot area in the R-3 district for multifamily is as follows:
    1. Multifamily lot size is fifteen thousand square feet; there shall be a higher minimum lot requirement for a higher density multifamily residence.
    2. Minimum lot size for higher density residence is determined by the number of units. The unit square footage requirement is determined by the number of bedrooms per unit.

Type of Unit	Square Feet
Efficiency	2,000
One-bedroom	2,500
Two-bedroom	3,000
Three-bedroom and over	3,500 plus 300 additional square feet (sq ft) for each bedroom over three

**EXAMPLE A**

A multifamily of two one-bedroom (2,500 sq ft\* 2 = 5,000 sq ft) + two efficiency (2,000 sq ft\* 2 = 4,000 sq ft) = a total of 9,000 sq ft. Example A does not meet the threshold to be considered as a higher density multifamily residence; therefore, the minimum lot requirement is 15,000 square feet.

**EXAMPLE B**

A multifamily of three five-bedroom (4,100 sq ft\* 3 = 12,300 sq ft) + two two-bedroom (3,000 sq ft\* 2 = 6,000 sq ft) = a total of 18,300 sq. ft. Example B is higher than the minimum threshold of 15,000 square feet; therefore, the minimum square footage is now 18,300 square feet.

- C. Minimum lot area for group lodging facilities will be set in conditional use review.  
(Ord. No. 1914A, 2-18-2016)

**19.21.050 Lot width.**

Minimum lot width in the R-3 district is:

- A. One-family and two-family dwellings, sixty-six feet for all improved lots existing at the time of adoption of the ordinance codified in this section;
- B. One-family, sixty-six feet for all new single-family dwellings constructed after the adoption of the ordinance codified in this section;
- C. Two-family, eighty feet for all newly constructed two-family dwellings;
- D. Multifamily dwellings, one hundred feet.

(Ord. No. 1914A, 2-18-2016)

**19.21.060 Yard requirements.**

- A. Front, thirty feet first floor.
- B. Side, fifteen feet; corner lots twenty-five feet.

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- C. Rear, thirty feet.
  - D. Shore, seventy-five feet. All shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

(Ord. No. 1914A, 2-18-2016)

#### **19.21.070 Lot coverage.**

- A. Three hundred fifty square feet of usable open space shall be required for each dwelling unit for structures with two or more units.
  - 1. Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage.
  - 2. EXAMPLE: A four-unit building is required to have one thousand four hundred square feet of usable open space.
- B. The maximum impervious surface:
  - 1. One-family and two-family shall follow the standards of the R-2 district.
  - 2. Multifamily: Reviewed by engineering staff and approval by the neighborhood services department or the plan and architectural review commission shall be required.
- C. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements Policy which includes the city's stormwater management ordinance (Chapter 16.16) and the city's construction site control ordinance (Chapter 16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans.

(Ord. No. 1914A, 2-18-2016)

#### **19.21.080 Building height.**

Maximum building height in the R-3 district is forty-five feet. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit.

(Ord. No. 1914A, 2-18-2016)

#### **19.21.090 Park fees.**

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the parks and recreation board and then approved by the common council.

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The fee will be on record at the city clerk's office. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code.

(Ord. No. 1914A, 2-18-2016)