

### **Sec. 13-1-34 R-3 Two-Family Condominium Residential District.**

- (a) **Purpose.** The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the R-3 Two-Family Condominium Residential District. This District is intended to provide two-family condominium residential dwellings in areas found by the Common Council, upon the recommendation of the Plan Commission, to be compatible with existing neighborhoods. Zero lot line condominium two-family dwellings are only permitted in this District.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-3 District:
- (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Manufactured single-family homes complying with all of the following requirements and limitations:
    - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
    - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
    - d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
    - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Amery.

- (3) Two-family condominium dwellings, organized under Wisconsin's condominium statutes and owner-occupied.
  - (4) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-140 specifications.
  - (5) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use, per Section 13-1-140 specifications.
    - b. Off-street parking facilities.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by City ordinances.
  - (6) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (7) Daycare or foster family care of children.
  - (8) Home occupations and professional home offices complying with Section 13-1-72.
  - (9) Garage sales.
  - (10) Storage buildings and accessory sheds which comply with setback and lot coverage requirements. (See Article K.)
  - (11) Hard surface sport and play areas.
  - (12) Solar equipment and antenna. Height limits for the district apply.
  - (13) Pets and small animals may be kept provided that their keeping shall not be unreasonably objectionable or disruptive to normal residential occupancy or a hazard to public health and safety; the standards of Title 7, Chapter 2. Commercial animal operations are not permitted in residential districts. Farm animals are not permitted in residential districts.
  - (14) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-3 District:
- (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
  - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
  - (3) Bed and breakfast inns [7011].
  - (4) Churches, schools, and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops, provided that any buildings be located not less than thirty-five (35) feet from any side lot line.
  - (5) Public utility structures, except those incompatible with the characteristics of the district.
  - (6) Parks and playgrounds.
  - (7) Planned unit development residential condominium developments (see Article D).

- (8) Golf courses and private clubs.
  - (9) Nursing and rest homes for senior citizens.
  - (10) Hospitals and medical/dental clinics.
  - (11) Cemeteries.
  - (12) The outside storage of *no more than two* of each of the following: building for ice fishing, mobile home trailer, camper, utility tractor, two boats or canoes over 16 feet in length, recreational vehicle, if the above-named are owned by the residents or family members.
  - (13) Funeral homes.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot Area.**
    - a. One-Family: Seven thousand six hundred (7,600) square feet.
    - b. Two-Family (per family): Ten thousand (10,000) square feet.
    - c. Width: Minimum eighty (80) feet.
  - (2) **Building Height.** Maximum thirty-five (35) feet or three (3) stories.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum eight (8) feet.
    - c. Side: Minimum eight (8) feet each side.
    - d. Lake and River Lots: The above setbacks shall be as modified in Section 13-1-25(a).
  - (4) **Building Size (Minimum Required Floor Area, Principal Building).**
    - a. One-Family: Eight hundred fifty (850) square feet.
    - b. Two-Story: One thousand six hundred (1,600) square feet.
    - c. Dwelling Width: See Section 13-1-25(b).
- (e) **Permitted Special Use – Zero Lot Line Condominium Duplexes.**
- (1) A zero lot line duplex under condominium ownership may be built on the dividing line between two halves of an existing legal lot of record having at least ten thousand (10,000) square feet in area and at least eighty (80) feet of lot width;
  - (2) The common wall of the zero lot line duplex shall be centered on the dividing line between the two (2) halves of the lot;
  - (3) The setback from the opposite lot line shall be not less than ten (10) feet;
  - (4) When attached dwelling units are created, the plans, specifications, and construction of such building shall require that the installation and the construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit; provided however, that common services are permitted if:
    - a. Current Wisconsin State Plumbing Code permits the installation of common systems and
    - b. Cross easement and maintenance provisions for the common systems are provided for and included in the Deed Restrictions referred to in Subsection (e)(5) below.

- (5) When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be guarded against by private covenants, deed restrictions and the approving authority. Deed restrictions shall provide:
- a. Each side of the building shall be constructed at the same time and in such a way as to be harmonious with the other side so that the overall effect is aesthetically pleasing.
  - b. Each side of the duplex shall be provided with a minimum of two (2) trees and foundation plantings covering two-thirds (2/3) of the street side of the unit. Lots shall be maintained equally with respect to lawn care, pruning of shrubs and trees.
  - c. The dwelling shall be painted, stained or sided one (1) color scheme and any subsequent repainting, staining or siding shall be of one (1) color scheme, or according to the plan established by these covenants.
  - d. Violation of these covenants should be handled by the signing parties; however, they shall provide that the City may enforce the same or facilitate the proper solution.
  - e. Copies of the deed restrictions and private covenants shall be placed on file in the City Administrator's office and recorded in the office of the County Register of Deeds.
  - f. Changes to covenants or deed restrictions shall require an amendment to the special use approval or conditional use permit required by the zoning ordinance.
  - g. Basements shall be provided across zero lot lines where necessary for water, sewer and utility services.
  - h. There shall be a common wall which shall be a minimum one (1) hour fire wall running from the lowest floor level, including the basement, to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.
  - i. No fences shall be permitted along the zero lot line in the front or rear yards.