

1 **§ 9.2.11 R-3 RESIDENTIAL ZONE (one residential unit/ one third (.33)**
 2 **acre)**

3 **(A) PURPOSE AND INTENT.** The purpose of this Section is to allow residential
 4 development permitted in this zone one dwelling units per one third (.33) acre in conformance
 5 with the Village Master Plan, except as noted below in §9.2.11 (E)(1). This zone includes mixed
 6 residential and commercial development, some agricultural use, and historic segments of the
 7 original “US Route 66” and *El Camino Real*.

8 **(B) PERMISSIVE USES.** A building or premise shall be used only for the
 9 following purposes:

10 **(1)** Any permissive use as allowed and regulated in §9.2.7 A-1 Zone.

11 **(C) CONDITIONAL USES.** The following uses shall be allowed when approval has
 12 been obtained as set forth in § 9.2.25, Application and Approval Process:

13 **(1)** Any conditional use as allowed and regulated in §9.2.7 A-1 Zone.

14 **(D) ACCESSORY USES.** Uses customary and incidental to primary use of the lot,
 15 that is in conformance with the zone.

16 **(E) AREA REGULATIONS.**

17 **(1)** The minimum lot area shall be three-quarters ($\frac{3}{4}$) of an acre (32,670
 18 square feet), except where community water and sewer facilities are available, the lot
 19 area may be reduced to one third ($\frac{1}{3}$) of an acre (14,520 square feet). Minimum lot
 20 width shall be sixty (60) feet.

21 **(2) Setbacks.** Setback limits apply to all buildings and/or structures
 22 including swimming pools.

23 **(a)** The minimum front setback shall be twenty (20) feet; the
 24 minimum side setback shall be ten (10) feet; and the minimum rear setback shall
 25 be fifteen (15) feet. For any property bounded by an irrigation ditch or drain, the
 26 minimum setback along the ditch or drain shall be twenty-five (25) feet.

27 **1.** Where lots have double frontage, the required front
 28 setback shall be provided on both sides. For very narrow tripartite, unusually
 29 small, and/or unusual shaped lots, one side yard setback may be reduced
 30 to less than ten (10) feet providing building height meets the conditions of
 31 this Section.

32 **(F) FLOOR AREA RATIO** for residential buildings for all R-3 zoned properties in
 33 the Village with Floor Area, Total as defined in § 9.2.3(B), Definitions.

34 **(1)** The floor area ratio of all single family residential units shall be
 35 determined by the allowable floor area listed in the adopted 20% All Village FAR TABLE
 36 for the net lot area as defined in § 9.2.3(B), Floor Area Ratio (FAR).
 37 allowable floor area listed in the adopted 20% All Village FAR TABLE for net lot area.

38 **(2) FLOOR AREA RATIO APPLICATION IN SUBDIVISIONS WITH**
 39 **SUBSTANDARD LOT AREA.** In consideration of those previously approved subdivisions
 40 that were approved with SU-1 Zoning or Special Use Permit and less than one-third acre
 41 (.333) lot size (those being Nico Trail, Rincones de Los Ranchos and Los Prados de
 42 Guadalupe), the Planning Director shall consider applications for building permits
 43 limiting the size of the dwelling to that which is reasonably consistent with other houses
 44 in the development, considering such factors as total lot coverage and average square



1 footage of previously developed lots without applying the floor area ratio. All other code
2 requirements such as height, step-back, setbacks, etc. must be met.

3
4 **(G) HEIGHT LIMITATIONS.**

5 **(1)** Height of residential buildings shall be limited to twenty-six (26) feet
6 from existing grade (the existing surface of the ground), to the top of the pitch, top of the
7 parapet or top of the mansard roofline.

8 **(2) Single Story Buildings** shall not exceed seventeen (17) feet in height.
9 The first floor building height shall be measured at seventeen (17) feet from the existing
10 grade.

11 **(a)** If the single story height exceeds seventeen (17) feet, that portion
12 of the building shall be considered a second floor and shall be counted as square
13 footage for Floor Area Ratio purposes. Second floors shall be regulated by the
14 second floor percentages and limitations of § 9.2.11(G)(3)(a).

15 **(b)** Detached garages, including those for recreational vehicles, shall
16 not be more than seventeen (17) feet in height.

17 **(3) Two Story Buildings** shall not exceed twenty-six (26) feet in height
18 measured from the existing grade, to the top of the pitch, top of the parapet or top of the
19 mansard roof line.

20 **(a)** Second floor areas, including all covered patios, porches, portals,
21 balconies, and other open and accessible living areas, shall be limited to a total of
22 sixty percent (60%) of the first floor enclosed square footage, as defined by §
23 9.2.3(B), Enclosed Area.

24 **(4) Height Of Facades.**

25 **(a)** No single façade wall length shall be greater than fifteen percent
26 (15%) of the calculated perimeter of façade walls of the first floor and exceed
27 seventeen (17) feet in height. Any portion of a façade wall exceeding the fifteen
28 percent (15%) perimeter length shall be limited to seventeen (17) feet in height or
29 shall be stepped back by four (4) feet or equal to a 45° plane drawn from a
30 perpendicular point on the adjacent property line. (See Illustration §9.2.7(G)(3)).

31 **(5) Other Structures.**

32 **(a)** Chimneys shall not exceed twenty-nine (29) feet in height.

33 **(b)** Flag Poles shall not exceed forty (40) feet in height.

34 **(c)** Non-commercial radio towers regulated by the Federal
35 Communications Commission shall not exceed forty (40) feet in height.

36 **(d)** Windmills (both wind generators and water) shall not exceed forty
37 (40) feet in height.

38 **(H) FENCES AND WALLS.**

39 **(1)** No open fence located in the setback areas shall exceed six (6) feet in
40 height.

41 **(2)** No solid wall or fence located within the rear or side setback area shall
42 exceed six (6) feet in height.

43 **(3)** No solid wall or fence located within the front yard setback area shall be
44 more than four (4) feet in height. Open fencing may be placed upon the four (4) foot
45 solid wall to a maximum height of six (6) feet.



1 **(4)** No solid wall or fence shall be located within the clear sight triangle of a
2 driveway and a public or private right-of-way.

3 **(5)** No solid wall or fence located within the side or rear setback area and
4 along a public or private right-of-way shall be more than six (6) feet in height.

5 **(6)** No solid wall or fence shall be constructed unless a building permit has
6 been approved by the Village.

7 **(7)** Concertina (razor wire) wire is prohibited.

8 **(8)** Gate entrance pillars may reach a maximum height of eight (8) feet and
9 must observe the clear sight triangle distance from the street and shall not exceed more
10 than two (2) feet width on either side of the gate itself.

11 **(I) SOLAR ACCESS.** Building Height Limitations to Preserve Solar Access: For
12 any new construction submitted after May 19, 2008, the height of any building shall not
13 exceed a 31° angle plane drawn upward from a horizontal line located two (2) feet above
14 the existing grade, ten (10) feet within the northern property line. (See illustration
15 §9.2.7(G)(4)(a)).

16 **(J) SUBDIVISION.** No land containing existing structures shall be subdivided into
17 an area less than the allowable lot size for the Floor Area Ratio of the existing structures on the
18 land.

19 **(K) EXISTING BUILDING.** If an existing structure(s) is to be demolished, the
20 demolition must take place within one (1) year of the final approval of the subdivision.

21 **(L) PERMEABLE SURFACES.**

22 **(1)** Permeable surfaces shall be a minimum of sixty percent (60%) of lot area.

23 **(M) DARK SKIES REGULATIONS.** As set forth in § 9.2.20.

