

## ARTICLE VIII

### Section 1. "R-3" Multiple Family Dwelling District

**A. Intent and Purpose:** The "R-3" Multiple Family Dwelling District is intended for the purpose of allowing high residential density land use with compatible single and two family dwellings, apartments, certain home occupations, certain community facilities and certain special uses, yet retain the basic residential qualities.

**B. District Regulations:** In district "R-3", no building shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses listed in Section C below.

**C. Use Regulations:**

1. Any use allowed in R-1 or R-2
2. Multiple Family Dwellings
3. Separate single-family dwellings, provided each dwelling has equal street frontage and off street parking as required elsewhere in this code
4. Boarding and lodging homes
5. Hospitals, but not animal or mental hospitals
6. Non-profit institutions of education, philanthropic or eleemosynary nature, except penal or mental institutions
7. Nursing homes and homes for the aged
8. Customary *accessory* uses and structures located on the same lot or group of lots with the principal use, including tennis courts, open air swimming pools, private garages, garden houses, barbecue ovens and fireplaces but does not include uses unrelated to the principal use or any activity commonly conducted for gain except as provided in other sections of this Ordinance
9. Temporary structures incidental to construction work but only for the period of such construction. Basements and cellars will not be occupied until the building is complete
10. The following may be allowed by Special Use Permit when submitted, reviewed and approved by the Board of Zoning Appeals:
  - (a) Any special use allowed in R-1 or R-2
  - (b) Cemetery or crematory
  - (c) Public and private parking on lots adjacent, contiguous or across the *alley* from a "C-1", "C-2", or "C-3" district
  - (d) Child or adult day care centers

**D. Intensity of Use Regulations:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand square feet (5,000 sq. ft.).
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand square feet (3,000 sq. ft.) per family unit.
3. A lot on which there are erected multiple-family dwellings shall contain an area of two thousand square feet (2,000 sq. ft.) per family unit.
4. Dormitories, lodging housing, nursing homes, and boarding houses shall provide one thousand square feet (1,000 sq. ft.) of lot area for each occupant.
5. Where a single lot of record as of the effective date of this Ordinance has less than five thousand square feet (5,000 sq. ft.) and its boundary lines along their entire length touched land under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used only for single-family dwelling purposes, or for other non-dwelling uses permitted in this district providing such structure does not occupy more than 40% of the lot area and providing the structure conforms with other yard and height requirements of this district.
6. Multiple single-family homes or duplexes can be constructed on lots containing 6000 sq. ft. or bigger. Provided all of the following are met:
  - (a) Each home must have equal street frontage
  - (b) Each home must have not less than 3000 sq. ft. of lot area.
  - (c) Each home or duplex must have 10 ft of separation between them.
  - (d) All R-3 setbacks can be met.

Each lot will have an average width of not less than fifty feet (50'), except that if a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other yard and height requirements in this district.

**Exception:** The lot may be less than an average 50 feet width if it abuts a lot with a smaller width and is congruent with the neighborhood.

**E. Height Regulations:** No building shall exceed thirty-five feet (35') in height except as otherwise provided in other sections of this Ordinance.

**F. Lot Coverage:** The maximum lot coverage of impervious surfaces shall not exceed sixty percent (60%) of the lot.

**G. Yard Requirements:**

**1. Front Yard:**

- (a) There shall be a front yard having a depth of not less than fifteen feet (15') measured at right angles from the front lot line to the nearest point of the front wall of the building, except as provided in other sections of this Ordinance. If a 15' front yard setback is used. Then required off street parking will be behind the building setback line.
- (b) Cornices, canopies, cantilever roofs, eaves, bay windows, balconies or similar features may overhang into a required seatback up to (3) feet.
- (c) Porches, stoop overhangs, cornices and bay windows may project into a Front Yard setback a maximum of eight (8) feet IF the main living unit is setback at least Twenty (20) feet from the lot line.
- (d) Carports may be placed over a concrete driveway in a front yard, provided they are open on all sides and anchored correctly, and in no case closer than eight (8) feet back from the curb, but remain fully inside property lines.
- (e) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard of twenty (20) feet and a side yard of twenty feet (20') on corner lots (lots abutting two (2) or more streets), the front yard shall be determined by the Zoning Administrator.
- (f) Corner lots shall have a vision triangle within which no planting, landscaping or building shall occur that will cause sight restrictions for vehicle drivers. The sight triangle is defined in Article III, Section 2. (Also see Article XXXII, Attachment # 1).

## 2. Side Yard:

- (a) Except as provided in other sections of this Ordinance, there shall be a side yard having a width of not less than five feet (5') on each side yard of a building, measured at right angles from the nearest point on the side lot line of the lot to the nearest point of the wall or projection of the structure (whichever is closest), establishing a setback line parallel to the side lot line which extends between the front and rear setbacks thirty-five feet (35') or less in height, and there shall be a side yard having a width of not less than eight feet (8') on each side of a building in excess of thirty-five feet (35').
- (b) Whenever a lot of record as of the effective date of this Ordinance has a width of fifty feet (50') or less, the side yard on each side of a building may be reduced to a width of not less than three feet (3') providing the height of the building does not exceed thirty-five feet (35').
- (c) Whenever a side yard abuts an alley or easement the side yard shall be not less than eight (8) feet. Alleys or easements shall not be included in the setback.
- (d) Any development which follows the Row housing specifications of Article XXV, may have a zero (0) foot side yard.

## 3. Rear Yard:

- (a) Except as provided in other sections of this Ordinance there shall be a rear yard with a depth of no less than twenty feet (20') measured at right angles from the nearest point on the rear lot line to the nearest point of the structure or if an alley or easement abuts the rear lot line the twenty (20) feet may be from the center of the alley or easement providing the alley or easement is no wider than twenty feet (20').

The above setbacks are for most residential lots within the City of Liberal. Some setbacks may vary from the standard, and each will be reviewed accordingly by the Building Inspector or his or her designee. The decision of the Building Inspector or his or her designee as to the approval of the Building Inspector or his or her designee as to the approval of setbacks that vary from the standard is final.

No structure may be built in, on or over an easement, including, any architectural features listed above.