

## **ARTICLE 5 RESIDENTIAL DISTRICTS**

### **Section 5.01 Statement of Purpose**

- 5.01.01 The RA, RA-1, RA-2 and RA-3, One-Family Residential Districts are established to provide for residential areas at an urban density of development. These districts are designed to promote a traditional small-town character and will aid in protecting and preserving the existing character of the Village.
- 5.01.02 In pursuit of the above stated purpose, lots are of a size that development can be endorsed only when urban services, such as sewer and water, are provided. This will encourage the maintenance of a suitable environment for residential and supportive uses.
- 5.01.03 The RM-1 and RM-2, Multiple-Family Residential Districts are established to provide for a more intensive residential use of land. A variety of dwelling types are accommodated including: duplexes, townhouses, row houses, terrace and garden apartments. By providing for higher intensity development through a multiple family residential district, open space and natural features can be preserved for visual relief and enhancement.
- 5.01.04 The following regulations shall apply to the RA, RA-1, RA-2 and RA-3, One-Family Residential Districts and the RM-1, and RM-2 Multiple Family Residential Districts and shall be subject to the provisions of ARTICLE 3, GENERAL PROVISIONS.

### **Section 5.02 Uses Permitted**

- 5.02.01 The following uses of land and structures shall be permitted by right in the RA, RA-1, RA-2 and RA-3, One-Family Residential Districts. Land and/or buildings in the districts indicated at the top of Table 5.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 5.01 may be used for the purposes denoted by "S" after special land use approval by the Planning Commission in accordance with the procedures and requirements of Article 12, Site Plan Review and Article 13, Special Land Use Review. A notation of "- " indicates that the use is not permitted within the district. The final column includes additional conditions that apply to the use by either referencing a footnote to Table 5.01 or referring to an applicable Section in this Chapter:

Table 5.01 Schedule of Residential Uses							
District Uses	RA	RA-1	RA-2	RA-3	RM-1	RM-2	Conditions
One-family detached dwellings	P	P	P	P	P	P	Sec. 18.07
Two-family dwellings	--	--	--	--	P	P	Sec. 18.07
One-family cluster option	S	S	S	S	--	--	(j)
Multiple-family dwellings	--	--	--	--	P	P	
Publicly owned and operated libraries, parks and recreation facilities	P	P	P	P	P	P	
Municipal buildings and uses	P	P	P	P	P	P	(a)
Accessory buildings	P	P	P	P	P	P	Sec. 3.16
Private swimming pools, exclusively for the use of residents or guests	P	P	P	P	P	P	Sec. 3.18
Historic sites	P	P	P	P	--	--	
Home occupations	P	P	P	P	--	--	Sec. 3.13
Manufactured home when developed on individual lots	P	P	P	P	--	--	Sec. 18.07
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	(b, c)
Adult foster care small group home (12 or fewer adults)	S	S	S	S	S	S	(b, e)
Adult foster care large group home (13 to 20 adults)	--	--	--	--	S	S	(b, e)
Foster family home (4 or fewer children 24 hours per day)	P	P	P	P	P	P	(b)
Foster family group home (5 to 6 children 24 hours per day)	P	P	P	P	P	P	(b)
Family day care home (6 or fewer children less than 24 hrs. per day)	P	P	P	P	P	P	(b, d, e)
Group day care home (7 to 12 children less than 24 hours per day)	S	S	S	S	S	S	(b, d, e)
Child day care centers	S	S	S	S	S	S	(d, e)
Housing for the Elderly	--	--	--	--	S	S	(h)
Temporary uses, buildings and structures	P	P	P	P	P	P	Sec. 3.09
Private parks, country clubs, golf courses and recreational areas	S	S	S	S	--	--	(f)
Public telephone buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the location within the District in order to serve the immediate vicinity	S	S	S	S	S	S	(a)
Rooming houses, half-way houses, bed and breakfast inns	--	--	--	--	S	S	(i)
Churches, synagogues and other places of worship and other facilities normally incidental thereto except cemeteries	S	S	S	S	S	S	(g)
Schools - parochial and private - offering courses in general education; not for profit	S	S	S	S	S	S	(g)
Rental offices as accessory to a multiple dwelling unit project	--	--	--	--	S	S	
Similar Uses in accordance with Section 3.04 General: Determination of "Similar Uses"	P/S	P/S	P/S	P/S	P/S	P/S	Sec. 3.04

5.02.02 Uses noted above shall comply with the following standards:

- (a) **Municipal and Utility Uses:** Municipal buildings, uses and utility substations shall not include storage yards.
- (b) **Residential Care Facilities:** Adult foster care homes, foster family homes and family/group day care homes shall have an appearance which is non intrusive and consistent in color, materials, roof-line and architecture with the Residential District in which it is located, as determined by the Planning Commission. The facility shall be brought into compliance with all State Building and Fire Codes pursuant to State Licensing Rules. Documentation of compliance with State requirements shall be provided. Adult foster homes and group day care homes shall be no closer than 1,500 feet from another group day care home or similar facility.
- (c) **Adult Foster Care Facilities:** Adult Foster Care Facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions shall not be deemed a permitted use hereunder, and shall be treated as a Special Land Use, governed by the terms and conditions set forth in Article 13 hereof.
- (d) **Child Care Facilities:** Nursery schools, nurseries, child care centers and residential child care shall provide a minimum of five thousand (5,000) square feet or one hundred fifty (150) square feet per child, whichever is greater, of useable outdoor play area. Documentation of approved areas, as licensed by the state, shall be provided. The outdoor play area shall be enclosed with a non-climbable fence with a minimum height of forty-eight (48) inches. Outdoor play areas adjacent to residential zoning districts or existing residential uses shall provide landscape screening along the perimeter of the outdoor play area. An on site drive shall be provided for drop offs\loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street. Hours of operation shall not exceed sixteen (16) hours in a twenty-hour (24) hour period, and operations shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m. However, an after-hours (aka overnight) child care center may be considered provided the criteria of Article 13, Special Land Uses, shall be satisfied.
- (e) **Residential Day Care and Child Care Facilities Parking and Loading:** Parking provided shall comply with Section 21.04 Schedule of Off-Street Parking Requirements. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (f) **Private Recreation Uses:** Private parks, country clubs, golf courses and recreational areas shall meet the following requirements:
  - (1) Private parks, country clubs, golf courses and recreational areas shall be located on a contiguous parcel of five (5) or more acres of land.
  - (2) Structures associated with uses such as private parks, country clubs, golf courses, golf driving ranges, and other similar recreational facilities operated for a profit shall be located at least two hundred fifty (250) feet from a lot line or any adjacent residence or residential district, and all ingress and egress from the parcel shall be directly onto a major thoroughfare. Structures associated with

gun clubs shall be situated a minimum of one thousand (1,000) feet from the edge of a public thoroughfare and/or residence or residential district.

- (3) All primary activities associated with these uses conducted out-of-doors or in a manner that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation of 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the Board of Appeals.

- (g) **Schools (parochial and/or private) and Places of Worship:** It is the expressed intent that the following requirements shall not apply to expansion or replacement of existing church or school buildings on the same existing site. The following requirements and regulations shall apply to all proposed new construction and development.

Schools and/or places of worship may be allowed under such conditions as the Planning Commission, after hearing, may impose to observe the spirit and purpose of this Ordinance, namely to permit those uses within a residentially zoned district which serve the needs of the persons residing in the general area of the Village of Dundee, which exclude the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed.

- (h) **Housing for the elderly:** Housing for the Elderly may be permitted subject to the following requirements:

- (1) Minimum lot size shall be one (1) acre for the first fifteen (15) beds plus two thousand (2,000) square feet for each additional bed.
- (2) The lot shall have frontage along a major thoroughfare and access to the lot shall be from that street.
- (3) The principle and accessory structures shall be set back fifty (50) feet from all property lines.
- (4) Landscaping shall comply with Article 19.

- (i) **Rooming houses, half-way houses, bed and breakfast inns:**

- (1) Required parking areas shall be located off-street and shall not be located in any required front yard.
- (2) The facility shall not be located closer than three hundred (300) feet to another similar facility.
- (3) Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests.
- (4) The dwelling unit in which the establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
- (5) Shall have an appearance which is non intrusive and consistent in color, materials, roof-line and architecture with the Residential District in which it is located, as determined by the Planning Commission.

- (6) Signage shall require a permit from the Village and may only be in the form of a wall sign located near the front entrance of the facility and shall not exceed nine (9) square feet.
  
- (j) **One-Family Cluster Option:** The one-family cluster option may be permitted in the RA, RA-1, and RA-3 Districts in accordance with the following:
  - (1) A cluster development may be approved as Special Land Use in accordance with Article 13, in addition to the review and approval procedures for subdivision plats and site condominiums.
  
  - (2) To be eligible for cluster development consideration, the applicant must present a proposal for a one-family residential (attached or detached) development that meets each of the following:
    - a. A cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Village. The benefits can be provided through site design elements in excess of the requirements of this Chapter, such as extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares or the River Raisin, buffering development from wetlands, and provision of buffers from adjacent residential.
  
    - b. The site shall preserve significant natural features such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Village to preserve and which might be negatively impacted by conventional residential development.
  
    - c. The proposed development shall be designed to create a cohesive neighborhood that connects and is compatible with existing neighborhoods through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
  
    - d. The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
  
    - e. The clustered development shall be served by public sewer and water.
  
    - f. The option provided pursuant to this subsection shall not have been previously exercised with respect to that land.
  
    - g. The proposed development shall be consistent with and further the implementation of the Village Master Plan.

- h. The Planning Commission shall find that the proposed cluster development meets all of the approval standards for special land uses contained in Article 13, Special Land Uses.
  
- (3) Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision with the underlying zoning district, meeting all applicable Village zoning and subdivision requirements. The parallel plan shall be submitted with the cluster development, which shall contain all information required for a preliminary plat or preliminary site condominium. The Village shall review the design and determine the number of lots that could be feasibly constructed. This number shall be the maximum number of dwelling units allowable for the cluster development. Where attached one-family units are proposed, such units shall comprise not more than 30% of the total number of units within the development.
  
- (4) All lots shall comply with the dimensional standards of the underlying zoning district, provided lot area and width may be reduced in accordance with the following table in order to preserve a minimum of twenty percent (20%) of the total site area as common open space meeting the requirements of paragraph 5 below. All setback and other dimensional standards of the underlying zoning district, including minimum floor area, shall be complied with.

	Min. Lot Area	Min. Lot Width
RA	9,600	80
RA-1	8,400	70
RA-3	6,000	50

- (5) The layout of the open space cluster development shall comply with the requirements of the Subdivision Control Ordinance Article 23 or Condominium Standards applicable. Roads and driveways shall comply with the Village street standards. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.
  
- (6) A minimum of twenty percent (20%) of the total site area shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way or other improvements. Where attached one-family units are proposed, 30% of the total site area shall be preserved as open space. Such open space shall be arranged on the site to meet all of the following requirements, provided the Planning Commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:
  - a. A fifty (50) foot deep open space area shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.
  
  - b. All wetlands and areas within fifty (50) feet of a wetland or shoreline shall be preserved as open space.
  
  - c. Open space shall be located to minimize removal of woodlands.

- d. Open space may include recreational trails, picnic areas, parks and greenways, but shall not include a golf course. The Planning Commission may permit recreational buildings within the open space.
  - e. The recreational area shall be well drained, graded, covered with grass, safe from hazard, accessible to all dwellings, and the Planning Commission shall approve the location. Generally, common open space must be visible and accessible from the public right-of-way and shall be of a size and configuration that will be conducive to recreational benefits.
  - f. Submerged land along the shoreline of the River Raisin shall not count towards the common open space requirement. A maximum twenty-five percent (25%) of regulated wetlands and stormwater retention/detention areas shall be counted towards the common open space requirement.
- (7) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Village, such as recorded deed restrictions, covenants that run in perpetuity with the land, or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Where deed restrictions are utilized for the protection of open space, the Village shall be made a party to the deed restrictions and such restrictions applicable to the open space shall not be amended. Building permits for home construction shall not be granted until of such deed restrictions are recorded with the County Register of Deeds and copies are filed with the Village. The developer may dedicate the open space to a conservation organization or the Village, provided such dedication shall be subject to approval by the Village Council.
- (8) A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat or final site condominium plan and shall include mechanisms for the long term funding of open space preservation. The Village may require bonds or other funding mechanisms to ensure long term maintenance of open space.
- (9) Reasonable conditions may be required with the special land use approval of a cluster development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Village Master Plan.

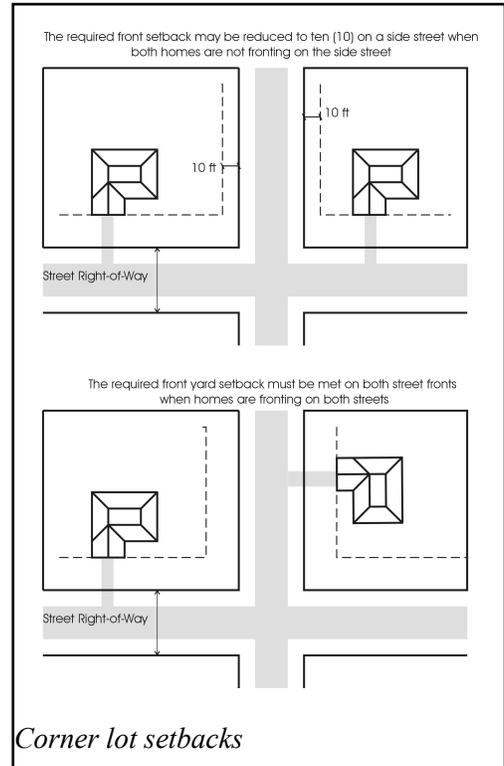
**SECTION 5.03 AREA AND SIZE REQUIREMENTS.**

5.03.01 **Residential Schedule of Area and Bulk Requirements:** No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Table 5.02 Residential Schedule of Area and Bulk Requirements (a, m)											
Zoning Districts	Lot Requirements (b)		Maximum Building Height (j)		Setback Requirements (f, g, h, i)					Min. Floor Area (sq.ft. UFA) (k)	Max. Lot Coverage (%)
	Min. lot area/ max. density	Min. lot width (ft.)	In stories	In feet	Front Yard (c, d, e)	Side Yard	Total Both Side Yards	Rear Yard	Natural Feature		
RA one-family	12,000-sq.ft. per dwelling unit	90	2 ½	30	35	10	30	35	25	1,500 1 story+ 1,800 2 story+	40%
RA-1 one-family	9,600-sq.ft. per dwelling unit	80	2 ½	30	25	8	20	35	25	1,300 1 story+ 1,600 2 story+	40%
RA-2 one-family	6,000-sq.ft. per dwelling unit	60	2 ½	30	25	5	15	35	25	950 1st floor 1,200 1 story+ 1,400 2 story+	50%
RA-3 one-family	7,200-sq.ft. per dwelling unit	60	2 ½	30	25	5	15	35	25	950 1st floor 1,200 1 story+ 1,400 2 story+	50%
RM-1 one or two family	7,200-sq.ft. per dwelling unit	120	3	40	40	20	60	25	25	750 one bedroom 950 two or more bedrooms	30 %
RM-1 multiple family and attached one family	16 units per acre	50								Footnote (l)	
RM-2 one or two family	7,200-sq.ft. per dwelling unit	120	3	40	30	20	60	25	25	750 one bedroom 950 two or more bedrooms	30 %
RM-2 multiple family and attached one family	20 units per acre	50								Footnote (l)	

5.03.02 **Footnotes:** The following footnotes apply to Table 5.02:

- (a) **Planned Unit Development.** Modifications to dimensional requirements and maximum density may be permitted by the Village Council under Article 11, Planned Unit Development.
- (b) **Lot depth to width ratio.** A lot depth to lot width ration of three (3) to one (1) shall be the maximum permitted in residential zoning districts, except where site constraints such as natural features do not allow for lots to meet the depth to width ratio requirement.
- (c) **Front yard.** In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, vehicle access drives or fences where provided for in Section 3.19.
- (d) **Corner lot setbacks.** Corner lots shall provide the required front yard setback from both street frontages, provided the setback from side street upon which the house does not face may be reduced to ten (10) feet where other adjacent residential lots on the side street do not front on that side street.
- (e) **Front yard setback for built-up streets.** Where an existing front setback has been established by existing buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
- (f) **Access drives in yards.** Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered structural violations of the required front or side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine (9) inches above the grade upon which it is placed, shall not be considered a structure and shall be permitted within any required yard.
- (g) **Architectural projections into yards.** Architectural features, not including vertical projections, may extend or project into a required yard as permitted in Article 3 General Provisions, Section 3.26 Site: Projections into Yards.
- (h) **Accessory building setbacks.** Setbacks shown are for principal buildings. Article 3 specifies setbacks for accessory buildings and structures.
- (i) **Multiple family setbacks.** Every lot on which an multiple-family dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.



- (j) **Height exceptions.** Refer to Section 3.25 for exceptions to the maximum height requirements. However, the Planning Commission may specify a height limit for any structure when requiring special land use approval.
- (k) **Floor area per dwelling unit.** The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages or attached sheds.
- (l) **Multiple family dwelling floor area.** The required minimum floor area for multiple-family dwelling units shall be as follows:

Unit Type	RM-1 District	RM-2 District
One bedroom unit	700 square feet	600 square feet
Two bedroom unit	900 square feet	750 square feet
Three bedroom unit	1,100 square feet	900 square feet
Additional bedrooms	150 square feet	150 square feet

- (m) **Common Open Space Requirement.**
  - (1) Any residential subdivision, condominium or multiple family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to one thousand-two hundred (1200) square feet for each lot or dwelling unit in the subdivision or condominium project or multiple family development.
  - (2) If recreational area is well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, the Planning Commission may approve the location. Generally, common open space must be visible and accessible from the public right-of-way and shall be of a size and configuration that will be conducive to recreational benefits.
  - (3) Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision or condominium association.
  - (4) Submerged land along the shoreline of the River Raisin shall not count towards the common open space requirement. A maximum twenty-five percent (25%) of regulated wetlands and stormwater retention/detention areas shall be counted towards the common open space requirement.
  - (5) This regulation does not apply to proposed developments that are within one thousand (1,000) feet, measured from property line to property line, of an existing public park owned and operated by the Village of Dundee. The existing park must be accessible from the proposed development site for vehicles and pedestrians. Improved connections to the park are required.

**Section 5.04 Design Standards**

- 5.04.01 **Architectural design and materials.** All buildings shall comply with the standards of Article 18, Building Design Standards.
- 5.04.02 **Pedestrian Circulation:** Sidewalks and pathways shall be provided in accordance with the provisions of Section 3.24, Site: Non-Motorized Circulation and Section 18.07.
- 5.04.03 **Off-Street Parking and Loading Requirements:** Parking and loading shall be provided in accordance with the provisions of Article 21, Off-Street Parking and Loading Standards.
- 5.04.04 **Signs:** All signs shall be in accordance with Article 24, Sign Standards.
- 5.04.05 **Landscaping and Buffering:** All uses requiring site plan approval shall be required to submit a landscape plan to the Planning Commission for review and approval, based on requirements set forth in Article 19, Landscape Standards
- 5.04.06 **General Provisions:** All uses shall comply with the requirements of Article 3, General Provisions, including regulations for accessory structures and building, home occupations, and covered trash receptacles.
- 5.04.07 **Site Lighting:** All uses shall comply with the requirements of Article 20, Lighting Standards.