

**TITLE FIVE
ZONING ORDINANCE**

**CHAPTER 1151
Single-Family and Traditional Residential District Regulations**

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1151.01 PURPOSE.

Single-Family and Traditional Residential Districts (R-1 and R-2) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate the bulk and location of dwellings and accessory buildings or structures to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;
- (b) To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities within the community;
- (c) To protect the desirable characteristics and promote the stability of existing residential development;
- (d) To regulate the density and distribution of population to avoid congestion and provide adequate public services.
- (e) To carry out the following specific purposes:
 - (1) The R-1 District is established to permit the development of standard single-family dwellings on individual lots and planned unit residential developments (PURDs) with a minimum lot size of 9,000 square feet.
 - (2) The R-2 District is established to permit the development of standard single-family dwellings on individual lots and two-family dwellings as conversions from single-family dwellings, with a minimum lot size of 7,000 square feet, to maintain the traditional single-family character of older homes adjacent to the downtown.

1151.02 USE REGULATIONS.

- (a) Uses Permitted By Right. A use listed in Schedule 1151.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other City Ordinances and this Zoning Code have been met.
- (b) Conditional Uses. A use listed in Schedule 1151.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1161 have been met, according to the procedures set forth in Chapter 1185.
- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule 1151.03 shall be permitted provided that the requirements of all other City Ordinances and this Zoning Code have been met. Accessory uses are further regulated as listed below.
 - (1) Accessory storage buildings or structures in compliance with Section 1151.08.
 - (2) Family day care home, "type B" in compliance with Section 1151.11.
 - (3) Fences, walls, landscape features in compliance with Section 1151.08.
 - (4) Home occupations in compliance with Section 1151.10.
 - (5) Off-street parking areas in compliance with Section 1151.08 and Chapter 1165.
 - (6) Private swimming pools in compliance with Section 1151.08.
 - (7) Signs in compliance with Chapter 1163.
- (d) Use Not Listed in Schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1121 or upon a finding that a use is substantially similar as provided in Section 1185.11.

1151.03 SCHEDULE OF PERMITTED USES.

	R-1 Single-Family District	R-2 Traditional Residential District
(a) Residential		
(1) Single-family detached dwelling	P	P
(2) Two-family dwelling, including conversion from single-family dwelling		P
(3) Planned unit residential development (PURD) in compliance with Chapter 1152	P	
(4) Bed and breakfast establishment		C
(5) Family home for handicapped persons	C	C
(6) Group home for handicapped persons		C
(b) Community Facilities		
(1) Church or other place of worship	C	C
(2) Cemetery	C	
(3) Day care facility, child and/or adult	C	C
(4) Library or museum		C
(5) Public safety facility	C	C
(6) Public utility structure	C	C
(7) School facility, public or private	C	C
(c) Open Space, Recreation, Other		
(1) Agriculture, as defined in Chapter 1103	C	
(2) Golf course, except miniature golf	C	C
(3) Public recreational areas, including parks and/or playgrounds, swimming pools	C	C
(4) Wireless telecommunication facility	See Chapter 1169	
<p><u>Notes to Schedule 1151.03:</u> P = Principal use permitted by right. C = Conditional use. Blank cell = Use not permitted in district.</p>		

1151.04 LOT AREA AND WIDTH REQUIREMENTS.

- (a) Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Schedule 1151.04, for the district in which the lot is located.
- (b) Minimum Lot Frontage. The minimum lot frontage on any public or private street shall be the same as the minimum lot width, except for lots on cul-de-sacs as set forth in Schedule 1151.04.
- (c) One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot except as otherwise permitted as part of a planned unit residential development in accordance with Chapter 1152.
- (d) Schedule 1151.04 Minimum Lot Requirements:

	R-1	R-2
(1) Min. lot size	9,000 sq. ft.	7,000 sq. ft.
(2) Min. width at building line	75 ft.	60 ft.
(3) Min. lot frontage for lots on cul-de-sacs	40 ft.	40 ft.

1151.05 YARD REQUIREMENTS.

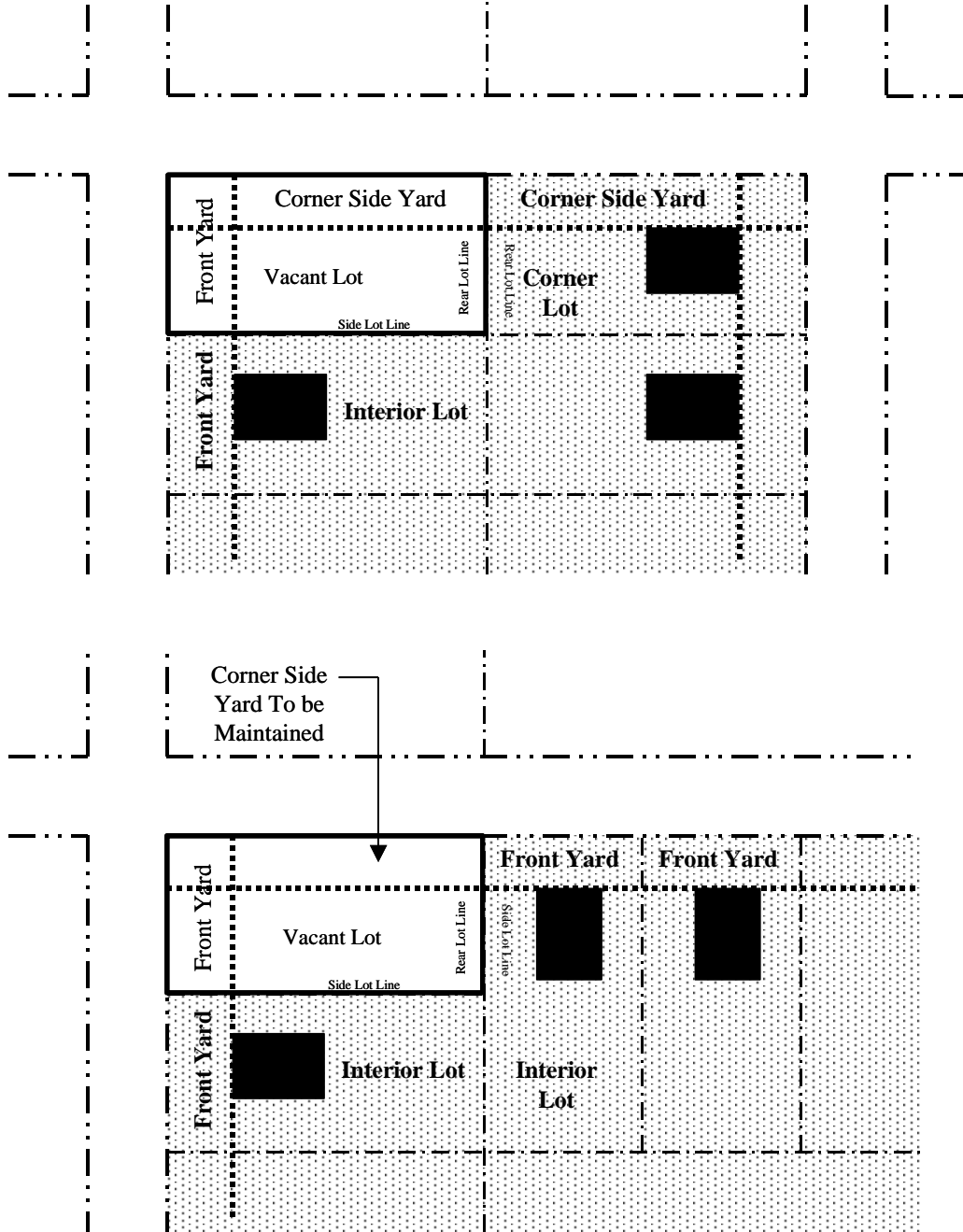
Dwelling units shall be located on a lot in a manner that maintains the minimum front, side and rear yards set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 1152 for planned unit residential developments.

- (a) Front Yard. Each lot shall maintain a front yard in compliance with Schedule 1151.05, except as otherwise permitted in subsection (b) below.
- (b) Front Yards on Built-up Blocks. In any district where more than 40% of the lots in a block are occupied by existing structures, the minimum depth of a front yard shall not be less than the average depth of the front yards of the existing structures on the adjoining lots on either side; or where there is an existing structure on adjoining lots on only one side, the minimum setback shall be the same as the existing structure.
- (c) Side Yards. Each interior and through lot shall have and maintain two side yards. Schedule 1151.05 sets forth the minimum width of any side yard.
- (d) Side Yards for Corner Lots. Corner lots shall maintain the following yard requirements. See, also, Illustration 1151.05 in subsection (g).

- (1) **Corner Side Yard.** Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side yard that complies with the following:
 - A. When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, the corner side yard shall be the greater of:
 - 1. The corner side yard of the abutting corner lot; or
 - 2. The minimum side yard set forth in Schedule 1151.05.
 - B. When the rear lot line of a corner lot coincides with the side lot line of an interior lot, the corner side yard shall comply with the requirements for a front yard, including subsection (b) above for front yards on built-up blocks.
- (2) **Interior Side Yard.** The width of a side yard along the interior side lot line shall not be less than the minimum side yard as set forth in Schedule 1151.05.
- (e) **Rear Yards.** Each lot shall maintain a rear yard as specified in Schedule 1151.05.
- (f) **Schedule 1151.05 Minimum Yard Requirements:**

	R-1	R-2
(1) Front Yard	30 ft.	25 ft.
(2) Side Yard ^(a)	10 ft. ^(b)	8 ft. ^(b)
(3) Rear Yard ^(a)	25 ft.	20 ft.
<u>Notes to Schedule 1151.05:</u>		
^(a) See Section 1175.01 for regulations that apply to lots in subdivisions that were platted prior to the effective date of this Planning and Zoning Code update.		
^(b) In the event that a maintenance easement is required along a side lot line, the minimum side yard requirement shall be increased to 15 feet for such side lot line.		

- (g) **Illustration 1151.05 Illustration Of Corner Side Yard Requirements:**



1151.06 DWELLING UNIT REQUIREMENTS.

- (a) Floor Area Requirements. In order to promote healthful living conditions and to stabilize the value and character of residential areas, single and two-family dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the minimum floor area requirements set forth in this Section. For the purposes of calculating the minimum floor area, all areas within basements, garages and any attached or detached accessory building or structure shall not be included.
 - (1) The total floor area per dwelling unit shall not be less than 1,000 square feet.
 - (2) The minimum ground floor area per dwelling unit shall not be less than 750 square feet.
 - (3) The exterior length and width of each dwelling shall not be less than 22 feet, excluding garage, porch or attachments or additions.
- (b) One Story Above Ground. All dwelling units shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.
- (c) Siting Requirements. All dwelling units proposed to be located in any district shall comply with the following requirements:
 - (1) The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
 - (2) Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
 - (3) The structure shall be connected to appropriate utilities.
 - (4) The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.
 - (5) All portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery, and /or other appropriate ground cover or landscaping material. All landscaping shall be adequately maintained.

1151.07 HEIGHT REGULATIONS.

All buildings and structures in any residential district shall comply with the following height regulations:

- (a) The height of principal buildings and structures shall not exceed 35 feet above average ground level.
- (b) The height of accessory buildings and structures shall not exceed 18 feet above average ground level.
- (c) Permitted height exceptions are set forth in Section 1175.03.

1151.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in single-family residential districts shall conform to the location, coverage and maintenance standards contained in this Section. No accessory building, structure or use shall be established on a lot unless a principal building or use has first been established on the lot in conformance with all applicable provisions of this Zoning Code.

- (a) Principal Building Projections into Required Yards. No portion of the building including steps, porches, skylights, sills, belt-courses, eaves, cornices, chimneys, and ornamental features attached to the principal building shall project into a required yard.
- (b) Landscaping and Incidental Structures Permitted. Hedges, shrubs, trees, flowers, plants, walks, latticework screens, mail boxes, lamp posts, bird baths, benches and similar landscaping features and incidental structures shall be permitted in a required yard provided such landscaping features and incidental structures comply with the visual clearance requirements for corner lots set forth in Section 1175.02.
- (c) Location Requirements for Accessory Uses. An accessory building or use permitted in a residential district shall be located in accordance with the restrictions set forth in Schedule 1151.08. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section. No accessory building shall be located within an easement. If any accessory structure other than a building is located within an easement, the owner of such accessory structure shall be responsible for any costs associated with the removal and/or replacement of the structure should access to the easement be required.
- (d) Schedule 1151.08 Permitted Accessory Structures In Front, Side And Rear Yards:

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Use	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
(1) Attached accessory buildings	None	(a)	(a)	(a)
(2) Detached accessory buildings, including garages	Side, rear	NA	(b)	(b)
(3) Driveways	Front, corner side, side, rear	NA	3 ft.	3 ft.
(4) Fences, walls	Front, corner side, side, rear	0	0	0
(5) Patios and decks	Side, rear	NA	(b)	8 ft.
(6) Private swimming pools	Rear	NA	(a)	(a)
<p>Notes to Schedule 1151.08:</p> <p>(a) Shall comply with the setback requirements for principal buildings set forth in Schedule 1151.05.</p> <p>(b) Shall comply with the minimum side yard setback requirement for principal buildings in Schedule 1151.05.</p> <p>NA Not Applicable.</p>				

- (e) Accessory Buildings. Each dwelling unit shall be permitted to have only one garage, attached or detached, which shall comply with the following:
 - (1) The area of such garage for a single-family dwelling shall not exceed the ground floor area of the dwelling.
 - (2) Each garage shall have a pedestrian exit to the outdoors other than through the garage door for the vehicles.

- (f) Maximum Area and Rear Yard Coverage of Accessory Buildings and Structures. The total area of all accessory buildings and structures located in the rear yard shall not occupy more than 30% of the rear yard.

- (g) Additional Regulations for Parking Areas, and Vehicles. Open, off-street parking areas and vehicles shall comply with the following:
- (1) Accessory off-street parking spaces shall be provided in compliance with the parking requirements set forth in Chapter 1165, which shall be located on the same lot as the dwelling served.
 - (2) All vehicles must be parked a minimum of 5 feet from the right-of-way.
 - (3) The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, or auto body parts in an open yard is prohibited on a residential lot.
- (h) Swimming Pools. Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the locational and coverage requirements of accessory structures set forth in this Section and the supplemental regulations set forth below.
- (1) All swimming pools, together with adjacent walkways, shall be completely enclosed by a wall or fence having a minimum height of 6 feet from ground level, or attached to the pool deck if the deck is above ground level.
 - (2) For aboveground pools, the height of the pool, from the surrounding grade to the top of the pool wall, may be used as credit to meet the minimum height requirement.
 - (3) All fences and other pool enclosures shall be equipped with suitable locking devices to prevent unauthorized access.
 - (4) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
 - (5) The construction and operation of a pool shall meet all other applicable City regulations.
 - (6) These regulations shall also apply to any pond that is located on a residential lot that has an area less than 20,000 square feet.
- (i) Fences and Walls. Fences and walls in any residential district shall comply with the following:
- (1) Front Yards and Corner Side Yards. Fences in a front yard or corner side yard shall not exceed 2 ½ feet in height above the natural grade and may be located in any part of the yard. At least

50% of the vertical surface of the fence located in a front or corner side yard shall be open.

- (2) Side and Rear Yards. Fences and walls in the side or rear yard shall not exceed 6 feet in height above the natural grade.
 - (3) Construction, Maintenance and Repair. Fences that are painted, shall be one color. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
- (j) Zoning Certificate Required. The construction and installation of all accessory buildings and uses shall require a zoning certificate, in compliance with the application requirements set forth in Section 1181.03.

1151.09 DESIGN CRITERIA FOR DWELLINGS LOCATED IN THE R-2 DISTRICT.

Any proposed construction or renovation of dwelling units in the R-2 District shall be designed to reflect the existing pattern of residential development in the district and shall be evaluated to ensure that the traditional design features of existing homes are maintained.

1151.10 REGULATIONS FOR HOME OCCUPATIONS.

The purpose of this section is to set forth regulations, which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and shall not in any way adversely affect the uses permitted in the residential district of which they are a part. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

- (a) A home occupation shall be carried on by only a member of the family residing in the dwelling unit.
- (b) A home occupation, including the storage of equipment, supplies or any apparatus shall be carried on wholly within the principal building and no use of a detached garage, accessory building or outdoor area shall be permitted. This shall include exterior displays or any exterior indication of the home occupation or variation from the residential character of the principal structure.

- (c) A home occupation shall occupy no more than 25% of the floor area of the dwelling and shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.
- (d) No freestanding sign advertising the home occupation shall be permitted. All other signs shall comply with the regulations set forth in Chapter 1163.
- (e) The number of automobiles or trucks attracted to the premise shall not be greater than that which is normally associated with the residential use including normal fluctuations in the level of residential activities. Client and customer traffic shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
- (f) As a conditional use, a home occupation may be permitted to have a maximum of 2 non-resident employees when:
 - (1) The residential parcel on which the home occupation is located has a side or rear lot line that is contiguous to a commercial or industrial district for a minimum length of 40 feet.
 - (2) The Planning Commission makes the determination that the requirements of Chapter 1161 have been met, according to the procedures set forth in Chapter 1185.
 - (3) The Planning Commission will approve each request.

1151.11 FAMILY DAY CARE HOME, TYPE “B”.

This Zoning Code recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this Section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type “B” family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type “B” family day-care home is a permanent residence of the provider where childcare is provided for 1 to 6 children and where no more than three children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type “B” family day-care homes are a permitted accessory use in residential districts, and do not require a zoning certificate.