

PROPOSED CHAPTER 1268 R-1, R-2 AND R-3 RESIDENTIAL DISTRICTS

1268.01 PURPOSE.

Residential districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district;
- (b) To provide lots with adequate width to accommodate the development of houses of contemporary standards of design;
- (c) To regulate density and distribution of population in accordance with a plan to avoid congestion and to maintain adequate services;
- (d) To assure that the capacity of the sewage treatment plant and trunk lines, planned and scheduled for construction and predicated upon these standards of development will not be exceeded;
- (e) To protect against the added cost, delay and uncoordinated patterns of public school service areas which would accrue from changes in the planning and programming of the public school building program which has been predicated upon these standards of development;
- (f) To provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences;
- (g) To protect the desirable characteristics of both existing and planned residential development; to maintain stability; and
- (h) To promote the most desirable and beneficial use of the land based upon the Comprehensive Plan.

1268.02 USE REGULATIONS

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in residential districts only for the uses set forth in the schedules and use regulations of this Zoning Code.

(a) The main buildings and uses set forth in the Schedule, Section 1268.03, shall be permitted by right as the principal building or use of a zoning lot only in a district in which it is specifically permitted.

(b) Conditional uses are certain types of main uses, so classified because of their uncommon characteristics, infrequency of occurrence, large land area requirements or other features, and shall not be permitted in certain locations by right. Such uses require consideration and approval by the Planning Commission according to procedures and standards set forth in Chapter 1285. Only those uses so enumerated in the Schedule, Section 1268.03, may be approved in the specific districts.

(c) The accessory buildings and uses set forth in the Schedule, Section 1268.03, shall be permitted as a subordinate building or use, which is clearly incident to and located on the same zoning lot as the main building or use, and shall be located only in a district in which it is specifically permitted.

1268.03 SCHEDULE OF PERMITTED BUILDINGS AND USES

<u>District</u>	<u>Main Buildings or Uses</u>	<u>Conditional Uses</u>	<u>Accessory Uses</u>
R-3	<ul style="list-style-type: none"> (a) One-family dwellings (b) Public parks (c) Public recreation facilities (d) Fire and police station (e) City and public school administrative offices 	<ul style="list-style-type: none"> (a) Library, museum (b) Golf course (c) Public or quasi-public non-profit recreational or community center (d) Preschool only when the main use is a religious facility, or public or parochial school (e) Public and parochial primary or secondary school (f) Religious facility (g) Public or private cemetery (h) Public utility (i) Agriculture for commercial purposes 	<ul style="list-style-type: none"> (a) Home occupations (b) Accessory buildings (c) Swimming pools (d) Off-street parking (e) Signs (f) Private garden structures, fences, walls and hedges (g) Recreational equipment (h) Raising of domestic animals (i) Sale of vehicles (j) Gardens (k) Child care
R-2	<ul style="list-style-type: none"> (a) Main uses permitted in R-3 Districts (b) Two-family dwellings 	<ul style="list-style-type: none"> (a) Conditional uses as permitted in R-3 Districts 	<ul style="list-style-type: none"> (a) Accessory uses as permitted in R-3 Districts
R-1	<ul style="list-style-type: none"> (a) Main uses permitted in R-2 Districts 	<ul style="list-style-type: none"> (a) Conditional uses as permitted in R-2 Districts 	<ul style="list-style-type: none"> (a) Accessory uses as permitted in R-2 Districts

1268.04 ACCESSORY USES.

- (a) Home Occupations. A person may maintain an office or customary home occupation in the dwelling occupied by him or her provided the use:
 - (1) Does not involve any construction, extension or modification of structures or premises which alter their outward appearance; and
 - (2) Does not occupy an area more than 25 percent of the area of the dwelling; and

- (3) Is not injurious, dangerous, offensive or detrimental to health, safety or comfort of neighboring residents by reason of odor, dust, smoke, gas, noise, fumes, flames, vibrations or other outward manifestations; and
- (4) No persons other than the residents of such property are employed thereon; and
- (5) Does not attract a greater number of vehicles than can be parked in the driveway.

(b) Accessory buildings. For residential lots of two acres or less, the total ground floor area of all accessory buildings shall not exceed 600 square feet or two percent of the area of the lot, whichever is greater.

(c) Swimming pools. A private swimming pool shall be located behind the building line of the principal structure and shall conform to the appropriate side line setback required in the district where such pool is located. The area of the pool shall not exceed five percent of the area of the lot.

- (1) Each owner or lessee of an outdoor swimming pool below ground, or above ground and less than three feet high, shall completely fence such pool with a fence not less than four feet high and designed so as to deter access over, under or through such fence. All above-ground pools three or more feet high shall either be attended or the access thereto secured by removing the ladders or otherwise. All gates or entrances, except those leading from a building, shall be securely locked when not attended by the owner or some other responsible person.
- (2) Provisions shall be made for the drainage of a swimming pool into a public storm sewer where possible, unless there is a ditch or natural watercourse of sufficient size and gradient adjacent to the pool location to carry off the water satisfactorily, in which case drainage may be into such ditch or watercourse. Except as provided in this subsection, no person shall drain or allow a pool to be drained directly or indirectly onto adjoining property.

(d) Off-street parking. Off-street parking as permitted and regulated in Chapter 1288. No person shall rebuild, overhaul or dismantle an automobile or store motor or auto body parts in an open yard. Contractors' equipment owned and operated by a resident may be permitted provided such equipment is stored in an enclosed building or is screened as provided in Section 1288.04(c)(3).

(e) Signs. Signs are permitted as regulated in Chapter 1286.

(f) Private garden structures, fences, walls and hedges. As provided in Chapter 1290.

(g) Recreational equipment. For purposes of this section, recreational equipment includes travel trailer, recreational vehicle (RV), camper, trailer, boat and boat trailer, all-terrain vehicle, motor home and tent trailer.

Any owner of recreational equipment may park or store such equipment not in excess of thirty-six feet overall length, eight feet in width and eleven feet in height, such height being measured from ground level, only on property where he/she is living in accordance with the following conditions:

- (1) Under no circumstances shall any recreational equipment have fixed connections to electricity, water, gas or sanitary sewer facilities, nor shall such equipment be used at any time, while parked or stored on any residential lot within the City, for living, overnight sleeping, storage or housekeeping purpose.
- (2) All recreational equipment shall be stored or parked as far from side and rear lot lines as practicable, and in no case less than is required in Section 1268.15, nor

in front of the extension of the side foundation line on a corner lot of the side closest to the side street or in accordance with the requirement of Section 1268.15, whichever is greater.

- (3) All recreational equipment shall be kept in good repair and carry a current year's license plate and registration where required by law.
- (4) No person shall make or cause to be made major repairs, alterations or conversions of recreational equipment unless such repair, alteration or conversion is done in a completely enclosed garage. Repairs of a major type are herein defined to include, but are not limited to, spray painting, body, plumbing, heating, spring and frame repairs, radiator repair, major overhauling of engines requiring the removing of engine cylinder head or crankcase pan or removing the motor and conversion of any other type of motor. The conversion of any vehicle is expressly prohibited.
- (5) No materials of any nature may be stored beneath such recreational vehicle.
- (6) When such vehicle is parked or stored outside of a garage in such approved or permitted location, the wheels shall be left on such vehicle or vehicle conveyance so that it may be moved in case of an emergency.
- (7) No recreational vehicle shall be parked or stored unless it is titled to, leased or used exclusively by the owner or one of the permanent occupants of the residence where the recreational vehicle is located.
- (8) Temporary outside parking of such recreational equipment shall be permitted in the front yard and/or side yard for a period not to exceed a total of seventy-two hours in any consecutive twenty-one day period.

(h) Raising of domestic animals. The raising and keeping of domestic animals is permitted in Residential Districts as regulated by other ordinances of the City.

(i) The selling of used or previously owned motor vehicles is permitted but subject to the following restrictions:

- (1) No more than two vehicles may be displayed for sale, on any residential premises, within any 12-month period of time. Notwithstanding the foregoing, no more than one vehicle at a time may be displayed for sale on the premises.
- (2) A single vehicle for sale may be displayed for a maximum of 21 days per calendar year.
- (3) Any vehicle for sale shall be properly licensed and operable. Any display of a vehicle for sale shall be located outside of the legal right-of-way and may be located on an improved parking surface or on a portion of the front yard.
- (4) No person shall display for sale any vehicle without first obtaining a permit therefor from the Mayor or his designee. The application for a "sale of vehicle permit" shall contain the following information:
 - A. The name, address and telephone number of the applicant and the owner of the vehicle if the applicant is not the owner;
 - B. Address where vehicle is to be displayed for sale;
 - C. The vehicle identification number, make, model and year of the vehicle;
 - D. Estimated value of the vehicle; and
 - E. A \$5.00 non-refundable fee shall be submitted with each application.

(j) Gardens. Fruits, vegetables, flowers and nursery plants raised on the premises for private use or for sale are permitted, provided that no permanent structure is erected for the sale or display of such produce or plants.

(k) Child care. Day care may be provided for up to six children between the hours of 6:00 a.m. to 7:00 p.m. only if such service is provided solely by the resident of the premises.

(l) Lighting, sound systems. Flood lights, loudspeakers or similar structures that will cause hazards or annoyance to the public generally or to the occupants of adjacent properties shall not be erected or used in Residential Districts. Exterior lighting shall be designed as provided in Section 1284.08.

1268.05 BUILDINGS PERMITTED ON ZONING LOT.

(a) There shall be no more than one one-family dwelling or not more than one two-family dwelling located on a zoning lot and both dwelling units of a two-family dwelling shall be within the same building.

(b) No dwelling shall be located to the rear of another dwelling on the same lot.

(c) Each one-family dwelling and each two-family dwelling shall have frontage on a dedicated public street, provided that a one-family dwelling or a two-family dwelling may have frontage on an approved private drive that was approved prior to the adoption of this ordinance.

1268.06 AREA, YARD AND HEIGHT REGULATIONS.

Land and buildings shall be used in accordance with the lot area regulations, and buildings shall be designed, erected, altered, moved or maintained in accordance with the yard and building height regulations set forth in the following section.

(a) R-3 Residential Districts have four area designations: R-3A, R-3B, R-3C and R-3D.

(b) R-2 Residential Districts have three area designations: R-2A, R-2B and R-2C.

1268.07 SCHEDULE OF AREA, YARD AND HEIGHT REGULATIONS.

(a) <u>AREA AND WIDTH</u>	<u>Residential District</u>							
	A	B	R-3 C	D	A	R-2 B	C	R-1
1. Minimum lot area	1 ac	2 ac	3 ac	5 ac	1 ac	2 ac	5 ac	12,000 SF
2. Minimum lot width (ft.)	130	150	175	225	100	150	225	60
3. Minimum frontage (ft.)	130	150	175	225	100	150	225	60
4. Minimum frontage on cul-de-sac	80	80	90	120	60	80	120	45

(b) <u>YARDS</u>	<u>Residential District</u>							
	A	B	R-3 C	D	A	R-2 B	C	R-1
1. Front								
Right-of-Way	50	80	90	100	50	80	100	30
Centerline	80	110	120	130	80	110	130	60
2. Side	20	25	25	30	15	20	30	5
3. Side (corner lot)*	30	40	50	70	30	40	70	20
4. Rear	50	80	90	100	50	80	100	5

(c) HEIGHT The height of a one-family dwelling or two-family dwelling shall not exceed 2-1/2 stories nor more than 35 feet. The height of non-residential main buildings may exceed 2-1/2 stories or 35 feet if approved by the Planning and Zoning Commission.

*From right-of-way; for corner lots on approved private drives the side yard setback shall be measured from the edge of the easement.

1268.08 SUPPLEMENTARY AREA AND WIDTH REGULATIONS.

Land and buildings shall be used in accordance with the supplementary area and width regulations and buildings shall be designed, erected, altered, moved or maintained in accordance with the supplementary area and width regulations set forth in the following sections.

1268.09 REQUIRED LOT AREA TO BE MAINTAINED.

A parcel of land may be divided into two or more zoning lots, if all lots resulting from such division conform to all lot area and width regulations of the district in which it is located. A lot of record, whether vacant or occupied by a building, which has an area or width equal to or less than required by these regulations and which was owned separately from adjoining lots on the effective date of this Zoning Code or an amendment thereto which shall make the lot nonconforming, shall not be further reduced in any manner.

The required lot area which is provided for a dwelling or other use shall not be considered as providing any part of the required lot area for another dwelling or use.

1268.10 LOTS OF RECORD OF INSUFFICIENT AREA OR WIDTH.

A lot of record which does not comply with the area and/or width of lot regulations of the district in which it is located on the effective date of this Zoning Code, or any amendment thereto which shall make the lot nonconforming, may be used as follows:

(a) If occupied by a dwelling, such dwelling may be maintained, repaired or altered, provided however, that the building may be enlarged in floor area only if the enlarged sections comply with all other regulations of this Zoning Code except lot area and lot width regulations.

(b) If vacant, the lot may be used as a site for a one-family dwelling only, provided that all other regulations of this Zoning Code shall be met except lot area and lot width regulations.

1268.11 SUPPLEMENTARY YARD REGULATIONS.

Land and buildings shall be used in accordance with the supplementary yard regulations and buildings shall be designed, erected, altered, moved or maintained in accordance with the supplementary yard regulations set forth in the following sections.

1268.12 REQUIRED YARDS TO BE MAINTAINED.

The required yards surrounding an existing main building shall not be separated in ownership from that part of the lot upon which the building is located and no part of a required yard shall be considered as providing a yard for any other existing main building. A yard shall not be reduced to less than the required dimensions for the district in which it is located and a yard of less than the required width shall not be further reduced. Every required yard shall be open and unobstructed from the ground upward.

1268.13 FRONT YARDS OF PARTIALLY BUILT-UP BLOCKS.

Where sixty percent or more of the aggregate street frontage between two successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this Zoning Code or an amendment thereto, the average setback of conforming buildings located within 300 feet on either side of a lot proposed for development shall be the minimum front yard setback required for that lot.

1268.14 YARDS OF CORNER LOTS.

The depth of the front yard of a corner lot shall be not less than the required setback as provided in Section 1268.07.

1268.15 YARD AND HEIGHT REGULATIONS FOR ACCESSORY USES IN R-1, R-2 AND R-3 DISTRICTS.

Accessory Use	Yard in Which Use Permitted	Rear Lot Line		Minimum Distance From (ft.)			Side Street (corner lot)		Height (ft.)
		R-1	R-2;R-3	Side Lot Line		Main Building	R-1	R-2;R-3	All
				R-1	R-2;R-3				
Detached Garage	Rear, Side	5	20(d)	5	20(d)	10	20	30	15/25(a)
Vehicular Recreational Equipment	Rear, Side (b)	5	25	5	20	0	20	30	11
Utility Building	Rear, Side	5	20(d)	5	20(d)	10	20	30	15/25(a)
Swimming Pool	Rear, Side	10	20	10	20	0	30	30	N.A.
Stable	Rear, Side Front(c)	50	50	50	50	100	30	30	35

- (a) Height shall not exceed 15 feet on lots less than 12,000 square feet in area and shall not exceed 25 feet on lots more than 12,000 square feet in area.
- (b) Recreational equipment may be stored in a required front, side or rear yard provided equipment is screened from a public right-of-way, approved private drive easement or adjacent property by a fence or live plantings and further provided such equipment is not less than 20 feet from a front lot line.
- (c) A stable or barn may be located in a required front yard but shall be not less than 50 feet from public right-of-way or approved private drive easement.
- (d) Side and rear yard setbacks shall be 5 feet for lots of 12,000 square feet or less, and 10 feet for lots more than 12,000 square feet and less than two acres in area.

1268.16 DWELLING UNIT AREA REGULATIONS.

The minimum floor area or floor space per family of buildings or structures used as dwellings in all Residential Districts, exclusive of garages, porches, furnace rooms, basements, breezeways or extensions of the main portion of such structures, is as follows:

(a) R-1 and R-2 Districts.

(1) One and one and one-half story dwellings: 1,020 square feet on the ground floor; and

(2) Two story dwellings: 1,440 square feet per dwelling unit, all of which minimum floor area shall also have a minimum ceiling height of seven and one-half feet.

(b) R-3 Districts.

(1) One and one and one-half story dwellings: 1,400 square feet on the ground floor; and

(2) Two story dwellings: 2,000 square feet, all of which minimum floor area shall also have a minimum ceiling height of seven and one-half feet.

1268.17 SINGLE FAMILY CONSERVATION DEVELOPMENTS

(a) Purpose. In order to encourage flexibility in design of single family residential developments that promote efficient use of land and preserve any natural, scenic and historic qualities, the Planning and Zoning Commission may permit a single family Conservation Development in an R-2 or R-3 District provided there shall be no increase in the number of dwelling units than are permitted in conventional developments and further provided the proposed development meets the minimum standards for Conservation Developments in this Zoning Code.

These regulations are intended:

(1) To maximize protection of the City's natural resources by:

- Avoiding development on and destruction of sensitive natural resource areas;
- Reducing the quantity and improving the quality of storm water runoff;
- Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);
- Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and
- Conserving areas of prime agricultural soils, to the extent possible.

(2) To conserve the quality of ruralness in a community which is characterized by:

- Large, aggregated, undeveloped land areas;
- Natural features such as woodlands, steep slopes, floodplains, wetland, stream and river corridors, hedgerows and rock outcroppings;
- Scenic vistas and rural views;
- Significant historic features such as old barns, heritage trees, etc.;
- Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces.

(3) To encourage more efficient use of land and public services through unified development.

(4) To ensure the proposed Conservation Development is in compliance with the goals and objectives of the City’s Comprehensive Plan.

(b) Permitted uses. The following uses shall be permitted in a Conservation Development:

- (1) Single and two-family dwellings in R-2 Districts.
- (2) Single-family dwellings in R-3 Districts
- (3) Single-family cluster dwellings.
- (4) Recreation facilities.
- (5) Common open space.

(c) Minimum project area. The area of the proposed Conservation Development shall be not less than 25 contiguous acres and shall not include the area within any public right-of-way.

The area proposed shall be in one ownership, however multiple ownership of two or more contiguous property owners may be permitted provided the development is undertaken jointly.

(d) Lot area and width regulations. The minimum lot area and lot width required for single-family dwellings in a Conservation Development shall be as follows:

<u>Area Designation</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Minimum Street Frontage on a Cul-de-sac</u>
R-2A; R-3A	½ acre	75 feet	50
R-2B; R-3B	1 acre	100 feet	75
R-3C	1-½ acre	125 feet	90
R-2C; R-3D	2 acres	150 feet	100

Provided that the overall density as described or the number of dwelling units per acre of buildable land within the area of the Conservation Development shall not exceed the following:

<u>Area Designation</u>	<u>Maximum Number of Dwelling Units per Acre</u>
R-2A; R-3A	0.8
R-2B; R-3B	0.45
R-3C	0.3
R-2C; R-3D	0.2

(e) Yard regulations. The minimum front, side and rear yards in Conservation Developments in R-2 and R-3 Districts shall be not less than as follows:

<u>Area Designation</u>	<u>Minimum Yard</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-2A; R-3A	35	15	30
R-2B; R-3B	35	20	50
R-3C	40	20	50
R-2C; R-3D	50	25	60

In a condominium single-family development, dwellings shall be separated by a space equal to two times the side or rear yard required for the Area Designation in which dwellings are located.