

ORDINANCE NO. 2024-47

Introduced by: Sam Artino

AN ORDINANCE AMENDING AND REPLACING SECTION 1137.03 (YARD MODIFICATIONS) OF THE HURON CODIFIED ORDINANCES AND AMENDING AND RESTATING CHAPTER 1123 (RESIDENCE DISTRICTS) TO ADD RELATED CROSS REFERENCES.

WHEREAS, the City of Huron has adopted a comprehensive Zoning Code to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the City and to allow for the orderly growth and development of the land within the corporate limits of the City.

WHEREAS, the current code language in Section 1137.03(a) Average Depth of Front Yards conflicts with Sections 1123.01 through 1123.04 of Chapter 1123 Residence Districts and leads to difficulty in interpretation and implementation of the code to achieve the purpose of the Zoning Code; and

WHEREAS, the City Staff requested that amendments be made to Section 1137.03 to eliminate confusion and allow for more consistent placement of homes for uniformity and promotion of the purposes of the City's Zoning Code; and

WHEREAS, the existing Sections 1123.01 through 1123.04 of Chapter 1123 Residence Districts lack cross reference to Section 1137.03(a), leading to confusion as to the applicability and interpretation of the Zoning Code; and

WHEREAS, the Council believes it is in the best interests of the City to amend and replace Section 1137.03 Yard Modifications of the Huron Codified Ordinances and to amend and restate Chapter 1123 Residence Districts to add necessary and related cross references to assure a more consistent, uniform, and clear interpretation and implementation of the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1. That Section 1137.03(a) Average Depth of Front Yards of Chapter 1137 (Exceptions and Modifications) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference), shall be and is hereby amended to read as follows (see Exhibit B attached hereto and incorporated herein by reference).

Section 2. That Chapter 1123 (Residence Districts) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit C attached hereto and incorporated herein by reference), shall be and is hereby amended and restated to read as follows (see Exhibit D attached hereto and incorporated herein by reference).

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to authorize the Mayor and/or Council to take any and all measures to protect the public and the City's employees from contracting and/or spreading the COVID-19, thus for the public health, safety and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.



Monty Tapp, Mayor

ATTEST:



Clerk of Council

ADOPTED:

10 DEC 2024

EXHIBIT A

1137.03 YARD MODIFICATIONS.

(a) Average Depth of Front Yards. In any R District, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this chapter, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, provided however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

In any R District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming to the requirements of this chapter, such garage may be located within such front yard, but not in any case closer than six feet to the street line.

Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided however on both streets.

(b) Computing Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be, provided however, that no side yard shall be less at any point than three feet and no rear yard less than ten feet.

(c) Side Yard Modifications. Each side yard, where required, shall be increased in width by two inches for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty feet.

Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width, provided however, that such side yard is not narrower at any point than one-half the otherwise required least width, or narrower than three feet in any case.

A side yard along the side street lot line of a corner lot, which lot abuts in the rear either directly or across an alley, the side lot line of another lot in an R District, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street. (Ord. 1990-20. Passed 11-26-90.)

EXHIBIT B

1137.03 YARD MODIFICATIONS.

(a) Average Depth of Front Yards. The required minimum front yard depth of any lot in any R District shall be modified to be at least equal to the average front yard depth of lots immediately adjoining it and within the same block front. Such modification will be made only if such average front yard depth is not equal to the required minimum front yard depth. The modified required minimum front yard depth of such lot shall be at least ten feet and not exceed fifty feet. If any immediately adjoining lot is vacant, then the front yard depth of such immediately adjoining lot will be presumed to be the required minimum front yard depth.

In any R District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming to the requirements of this chapter, such garage may be located within such front yard, but not in any case closer than six feet to the street line.

Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided however on both streets.

(b) Computing Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be, provided however, that no side yard shall be less at any point than three feet and no rear yard less than ten feet.

(c) Side Yard Modifications. Each side yard, where required, shall be increased in width by two inches for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty feet.

Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width, provided however, that such side yard is not narrower at any point than one-half the otherwise required least width, or narrower than three feet in any case.

A side yard along the side street lot line of a corner lot, which lot abuts in the rear either directly or across an alley, the side lot line of another lot in an R District, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street. (Ord. 1990-20. Passed 11-26-90.)

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CHAPTER 1123 Residence Districts

1123.01	R-1 One-Family Residence District.	1123.03	R-2 One and Two-Family Residence District.
1123.02	R-1-A One-Family Residence District.	1123.04	R-3 Multi-Family Residence District.

CROSS REFERENCES

Animal and fowl - see GEN. OFF. Ch. 505
Home sales in residential districts - see BUS. REG. Ch. 741
Districts established; boundaries; general regulations - see
P. & Z. Ch. 1121
Special provisions - see P. & Z. Ch. 1126
Exceptions and modifications - see P. & Z. Ch. 1137

1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land 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 following uses except as provided in Section 1121.07:

- (1) One-family detached dwellings.
- (2) Churches and other places of worship and Sunday school buildings located not less than twenty feet from any other lot in and R-District; schools and colleges for academic instruction, located not less than forty feet, and public libraries, public museums, public art galleries and similar public cultural uses, located not less than twenty feet from any other lot in any R-District; cemeteries.
- (3) Public parks, playgrounds, golf courses or country clubs, provided that any principal building used therefore shall be located not less than forty feet from any other lot in any R-District.
- (4) Nurseries, greenhouses, and general farming, not including commercial animal farms or kennels, provided any lot or tract in such use shall be not less than five acres in area and provide that any greenhouse heating plant or any building in which farm animals are kept shall be distant not less than 200 feet from every lot line.
- (5) Essential services as defined in Section 1121.04.
- (6) Licensed adult family homes as defined in Ohio R.C. 3722.01.
- (7) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests. (Ord. 1990-20. Passed 11-26-90.)

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- A. “Residential Premises” shall have the same meaning as ascribed in Section 1369.98 of the Codified Ordinances.
- B. “Transient Guests” shall have the same meaning as ascribed in Section 1369.98 of the Codified Ordinances.
(Ord. 2021-8. Passed 3-23-21.)

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities not listed above including tennis courts and club swimming pools, provided that no such swimming pool is located nearer than 100 feet from any other lot in any R-District.
- (2) Static transformer stations, booster stations and other utility stations when operating requirements necessitate locating in an R-1 District in order to serve the neighborhood; provided there is no yard or garage for service or storage and provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.
- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R-District.
- (4) Seasonal dormitories for human habitation in publicly owned school buildings.
- (5) Planned development projects, subject to the provisions of Section 1126.05.
(Ord. 1990-20. Passed 11-26-90.)
- (6) Any nonprofit fraternal organization, but not to include residential uses.
(Ord. 1993-7. Passed 5-24-93.)

(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated

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to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.

- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter 1126, and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
(Ord. 1990-20. Passed 11-26-90.)

(d) Height Regulations. No principal structure shall exceed thirty-five feet in height, and no detached accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.

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(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided in this Zoning Ordinance:

Dwelling (Stories)	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
				Least Width (Ft.)	Sum of Width (Ft.)	
1	9,000	75	30	7	15	30
2	9,000	75	30	8	20	30

In the case of cul-de-sac turnaround or curvilinear streets or where usual circumstances force irregular lots, the minimum width of the lot shall be seventy-five feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet.

Other permitted uses (except agricultural):

1 story	16,000	100 ft.	30 ft.	12 ft.	30 ft.	40 ft.
2 stories	16,000	100 ft.	30 ft.	15 ft.	35 ft.	40 ft.

(Ord. 2005-29. Passed 2-14-05.)

1123.02 R-1-A ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land 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 following uses, except as provided in Section 1121.07:

- (1) One-family detached dwellings;
- (2) Public parks and playgrounds;
- (3) Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District; and
(Ord. 2020-3. Passed 3-10-20.)
- (4) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests, as those terms are defined in Section 1121.04(69) and Section 1369.98 of the Codified Ordinances.
(Ord. 2021-8. Passed 3-23-21.)

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities including tennis courts and swimming pools, provided that no such swimming pool is located nearer than twenty-five feet from any other lot in any R District.
- (2) Static transformer stations, booster stations and other utility stations, when operating requirements necessitate locating in an R-1-A District in order to serve the neighborhood; provided there is no yard or garage for service or storage and, provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.

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- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R District.
- (4) Planned development projects, subject to the provisions of Section 1126.05.

The following minimum requirements shall be observed except as otherwise provided herein:

Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
			Least Width (Ft.)	Sum of Width (Ft.)	
4500	60	15	7	15	15

(Ord. 1990-20. Passed 11-26-90.)

1123.03 R-2 ONE AND TWO-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 District, and as hereinafter specified in this section: Two-family dwellings. Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning and Building Appeals in accordance with the provisions of Section 1139.02; any conditionally permitted use as regulated in the R-1 District, and as hereinafter modified:

- (1) Dwelling groups.
- (2) Dwellings for any number of families located on a lot adjoining and within 100 feet of a less restricted district or on a lot abutting a primary or secondary thoroughfare as shown on the official Thoroughfare Plan of the City, provided all height, area and yard requirements for a four-family dwelling in an R-2 District are met.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Any general hospital for human care, religious and charitable institution, not less than 100 feet distant from any other in any R District.
- (5) Private noncommercial recreation areas and facilities, including tennis courts and/or swimming pools, provided that no such swimming pool is located nearer than 100 feet to any other lot in any R District.

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 District; except that the raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes; the keeping of not more than three roomers or boarders by a resident family in a structure that is not a bed and breakfast residence.

(d) Height Regulations. Same as specified in R-1 District.

(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided herein:

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	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One Family Dwelling (Stories)							
1 and 1-1/2	7,000	60		25	7	15	30
2 and 2-1/2	7,000	60		25	8	20	30
Two Family Dwellings (Stories)							
1 and 1-1/2	7,000	60	3,500	25	8	20	30
2 and 2-1/2	7,000	60	3,500	25	10	24	30
Dwelling Groups	9,000	70	4,500	25	12	30	30

In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet. (Ord. 1990-20. Passed 11-26-90.)

1123.04 R-3 MULTI-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 and R-2 Districts and as hereinafter specified in this section: multi-family dwellings for any number of families or housekeeping units.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of Section 1139.02, any conditionally permitted use as regulated in an R-2 District and as hereinafter specified:

- (1) Motels, motor hotels and tourist homes, on premises only that front on a street officially designated as a state or federal highway or primary thoroughfare as designed on the Thoroughfare Plan, and subject to the provisions of Section 1126.02.
- (2) Fraternities, sororities, private clubs, lodges, and meeting places for other similar organizations, not including those that are ordinarily conducted as a gainful business; provided all buildings in which such organizations or activities are housed shall be located at least twenty feet from any lot in any R-1 District.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Apartment hotels, lodging houses, boarding houses for any number of guests, but not primarily for transients; dormitories.
- (5) Clinics for human care, convalescent homes, nursing homes, homes for the aged, group retirement homes, children's nurseries and preschool facilities.

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- (6) Professional offices, and offices of financial, insurance, real estate, civic, educational, religious, and philanthropic establishments or organizations, funeral homes, when located only on premises that front on an officially designated state or federal highway, or on a street designated as a primary or secondary thoroughfare under the Thoroughfare Plan.
- (7) Private noncommercial recreation areas and facilities, including tennis courts and/or swimming pools, provided that no such swimming pool is located nearer than twenty-five feet from any other lot in any R District.
- (8) Dwelling groups.
- (9) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R District.
- (10) Attached single-family dwellings
- (11) Patio homes.

(c) Accessory Uses. Any accessory use or structure permitted and as regulated in the R-2 district, and any accessory use or structure customarily incident to accessory to a principal permitted use or conditionally permitted use in the R-3 District.

(d) Height Regulations. No principal structure shall exceed three stories or forty feet in height and no accessory structure shall exceed two stories or twenty-five feet in height except as provided in Section 1137.02.

(e) Lot Area, Frontage and Yard Requirements.

	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One and Two-Family Dwellings and Dwelling Groups	Same as R-2						
Attached Single Family Dwellings	3,500	35	3,500	25	0*	0*	30
Patio Homes	3,500	50	3,400	25	0*	16**	10
Multi-Family Dwellings Stories 1-1 ½	8,000	60	3,000	25	6	16	40
2-2 ½	8,000	60	3,000	25	10	20	40
3	8,000	60	3,000	25	12	25	45
In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback lines, provided, however, that the frontage at the street shall be not less than thirty feet.							

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	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
Motels	10,000	80	-	25	10	20	40
Other Uses	Same as R-2						

* Zero-lot-line; minimum of 10 feet at end units.

** 16 feet minimum between buildings where not zero-lot-line.

(Ord. 2010-42. Passed 12-14-10.)

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CHAPTER 1123 Residence Districts

1123.01	R-1 One-Family Residence District.	1123.03	R-2 One and Two-Family Residence District.
1123.02	R-1-A One-Family Residence District.	1123.04	R-3 Multi-Family Residence District.

CROSS REFERENCES

Animal and fowl - see GEN. OFF. Ch. 505
Home sales in residential districts - see BUS. REG. Ch. 741
Districts established; boundaries; general regulations - see
P. & Z. Ch. 1121
Special provisions - see P. & Z. Ch. 1126
Exceptions and modifications - see P. & Z. Ch. 1137

1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land 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 following uses except as provided in Section 1121.07:

- (1) One-family detached dwellings.
- (2) Churches and other places of worship and Sunday school buildings located not less than twenty feet from any other lot in and R-District; schools and colleges for academic instruction, located not less than forty feet, and public libraries, public museums, public art galleries and similar public cultural uses, located not less than twenty feet from any other lot in any R-District; cemeteries.
- (3) Public parks, playgrounds, golf courses or country clubs, provided that any principal building used therefore shall be located not less than forty feet from any other lot in any R-District.
- (4) Nurseries, greenhouses, and general farming, not including commercial animal farms or kennels, provided any lot or tract in such use shall be not less than five acres in area and provide that any greenhouse heating plant or any building in which farm animals are kept shall be distant not less than 200 feet from every lot line.
- (5) Essential services as defined in Section 1121.04.
- (6) Licensed adult family homes as defined in Ohio R.C. 3722.01.
- (7) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests. (Ord. 1990-20. Passed 11-26-90.)

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- A. "Residential Premises" shall have the same meaning as ascribed in Section 1369.98 of the Codified Ordinances.
- B. "Transient Guests" shall have the same meaning as ascribed in Section 1369.98 of the Codified Ordinances.
(Ord. 2021-8. Passed 3-23-21.)

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities not listed above including tennis courts and club swimming pools, provided that no such swimming pool is located nearer than 100 feet from any other lot in any R-District.
- (2) Static transformer stations, booster stations and other utility stations when operating requirements necessitate locating in an R-1 District in order to serve the neighborhood; provided there is no yard or garage for service or storage and provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.
- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R-District.
- (4) Seasonal dormitories for human habitation in publicly owned school buildings.
- (5) Planned development projects, subject to the provisions of Section 1126.05.
(Ord. 1990-20. Passed 11-26-90.)
- (6) Any nonprofit fraternal organization, but not to include residential uses.
(Ord. 1993-7. Passed 5-24-93.)

(c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Gardening, the raising of fruits or vegetables, including an incidental roadside stand offering for sale produce grown on the premises, the keeping of domestic or farm animals exclusively for the use of residents of the premises and not for commercial purposes, provided that any heating plant and any structures in which farm animals are kept are located at least 100 feet from every lot line.
- (2) Home occupations, which by definition shall be limited to occupations remunerative in nature carried on in a dwelling solely by persons residing on the premises, such activity not involving the conduct of a retail business or manufacturing business. In connection with such home occupation, there shall be no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; no commodity shall be sold upon the premises; no parking space or spaces shall be provided or designated

to accommodate the home occupation use; no bulk delivery or sending of goods shall be permitted to service the home occupation use, all materials being delivered and sent are required to be so transported within the confines of a normal passenger automobile; not more than twenty-five percent (25%) of the total actual floor area of only one story shall be utilized for such home occupation; there shall be no exterior storage of equipment or materials used in connection with such home occupation; no mechanical or electrical equipment shall be used except such as is permissible for purely domestic or household purposes; no objectionable odor, noise, radio interference or other nuisance shall be created; and no accessory building shall be used for such home occupation. A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.

- (3) Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall or other enclosure, not less than four feet in height.
- (5) Real estate, small announcement and professional signs subject to the provisions of Chapter 1126, and such other applicable provisions of the Zoning Code.
- (6) Moorages for private pleasure watercraft for the exclusive use of the residents of the premises. Moorage for no more than five pleasure watercraft per dwelling unit is permitted. Rental of moorage or pleasure watercraft in a residential zone is strictly prohibited, as is use by other than blood relatives of the residents of the premises for periods totaling more than ten days in any one calendar year. (Moorage of occupied houseboats, or other lived-in watercraft, is not permitted where the moorage is not a part of a residential site containing a residence with full cooking and sanitary facilities.) Moorage of occupied houseboats or other lived-in watercraft, is not permitted where the occupants of the craft, plus the occupants of the on-shore residence or residences, result in occupation of the site by a number of families in excess of that permitted in that residential zone and the occupants are not blood relatives, for periods in excess of ten days and/or totaling more than twenty days of houseboat unit use in any one calendar year.
(Ord. 1990-20. Passed 11-26-90.)

(d) Height Regulations. No principal structure shall exceed thirty-five feet in height, and no detached accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.

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(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as to the minimum front yard depth as modified in accordance with 1137.03 or as otherwise provided in this Zoning Ordinance:

Dwelling (Stories)	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
				Least Width (Ft.)	Sum of Width (Ft.)	
1	9,000	75	30	7	15	30
2	9,000	75	30	8	20	30

In the case of cul-de-sac turnaround or curvilinear streets or where usual circumstances force irregular lots, the minimum width of the lot shall be seventy-five feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet.

Other permitted uses (except agricultural):

1 story	16,000	100 ft.	30 ft.	12 ft. 30 ft.	40 ft.
2 stories	16,000	100 ft.	30 ft.	15 ft. 35 ft.	40 ft.

(Ord. 2005-29. Passed 2-14-05.)

1123.02 R-1-A ONE-FAMILY RESIDENCE DISTRICT.

(a) Principal Permitted Uses. No building, structure or land 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 following uses, except as provided in Section 1121.07:

- (1) One-family detached dwellings;
- (2) Public parks and playgrounds;
- (3) Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District; and
(Ord. 2020-3. Passed 3-10-20.)
- (4) Transient Rental of any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests, as those terms are defined in Section 1121.04(69) and Section 1369.98 of the Codified Ordinances.
(Ord. 2021-8. Passed 3-23-21.)

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board in accordance with provisions of Section 1139.02:

- (1) Private noncommercial recreation areas and facilities including tennis courts and swimming pools, provided that no such swimming pool is located nearer than twenty-five feet from any other lot in any R District.
- (2) Static transformer stations, booster stations and other utility stations, when operating requirements necessitate locating in an R-1-A District in order to serve the neighborhood; provided there is no yard or garage for service or storage and, provided further, that the premises upon which such utility station is erected and maintained is appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.

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- (3) Any general hospital for human care, religious and charitable institutions, not less than 100 feet distant from any lot in any R District.
- (4) Planned development projects, subject to the provisions of Section 1126.05.

The following minimum requirements shall be observed except as to the minimum front yard depth as modified in accordance with 1137.03 or as otherwise provided herein:

Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
			Least Width (Ft.)	Sum of Width (Ft.)	
4500	60	15	7	15	15

(Ord. 1990-20. Passed 11-26-90.)

1123.03 R-2 ONE AND TWO-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 District, and as hereinafter specified in this section: Two-family dwellings.

Churches and other places of worship and Sunday school buildings located no less than twenty feet from any other lot in any R District.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning and Building Appeals in accordance with the provisions of Section 1139.02; any conditionally permitted use as regulated in the R-1 District, and as hereinafter modified:

- (1) Dwelling groups.
- (2) Dwellings for any number of families located on a lot adjoining and within 100 feet of a less restricted district or on a lot abutting a primary or secondary thoroughfare as shown on the official Thoroughfare Plan of the City, provided all height, area and yard requirements for a four-family dwelling in an R-2 District are met.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Any general hospital for human care, religious and charitable institution, not less than 100 feet distant from any other in any R District.
- (5) Private noncommercial recreation areas and facilities, including tennis courts and/or swimming pools, provided that no such swimming pool is located nearer than 100 feet to any other lot in any R District.

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 District; except that the raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes; the keeping of not more than three roomers or boarders by a resident family in a structure that is not a bed and breakfast residence.

(d) Height Regulations. Same as specified in R-1 District.

(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as to the minimum front yard depth as modified in accordance with 1137.03 or as otherwise provided herein:

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	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One Family Dwelling (Stories)							
1 and 1-1/2	7,000	60		25	7	15	30
2 and 2-1/2	7,000	60		25	8	20	30
Two Family Dwellings (Stories)							
1 and 1-1/2	7,000	60	3,500	25	8	20	30
2 and 2-1/2	7,000	60	3,500	25	10	24	30
Dwelling Groups	9,000	70	4,500	25	12	30	30

In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback line, provided however, that the frontage at the street shall be not less than thirty feet. (Ord. 1990-20. Passed 11-26-90.)

1123.04 R-3 MULTI-FAMILY RESIDENCE DISTRICT.

(a) Principal Uses Permitted. Any principal use permitted and as regulated in the R-1 and R-2 Districts and as hereinafter specified in this section: multi-family dwellings for any number of families or housekeeping units.

(b) Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Building and Zoning Appeals in accordance with the provisions of Section 1139.02, any conditionally permitted use as regulated in an R-2 District and as hereinafter specified:

- (1) Motels, motor hotels and tourist homes, on premises only that front on a street officially designated as a state or federal highway or primary thoroughfare as designed on the Thoroughfare Plan, and subject to the provisions of Section 1126.02.
- (2) Fraternities, sororities, private clubs, lodges, and meeting places for other similar organizations, not including those that are ordinarily conducted as a gainful business; provided all buildings in which such organizations or activities are housed shall be located at least twenty feet from any lot in any R-1 District.
- (3) Planned development projects, subject to the provisions of Section 1126.05.
- (4) Apartment hotels, lodging houses, boarding houses for any number of guests, but not primarily for transients; dormitories.
- (5) Clinics for human care, convalescent homes, nursing homes, homes for the aged, group retirement homes, children's nurseries and preschool facilities.

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- (e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as to the minimum front yard depth as modified in accordance with 1137.03 or as otherwise provided herein:

	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
One and Two-Family Dwellings and Dwelling Groups	Same as R-2						
Attached Single Family Dwelling	3,500	35	3,500	25	0*	0*	30
Patio Homes	3,500	50	3,400	25	0*	16**	10
Multi-Family Dwellings							
1-1 1/2	8,000	60	3,000	25	6	16	40
2-2 1/2	8,000	60	3,000	25	10	20	40
3	8,000	60	3,000	25	12	25	45

In the case of cul-de-sac turnaround or curvilinear streets or where unusual circumstances force irregular lots, the minimum width of the lot shall be sixty feet measured at the building setback lines, provided, however, that the frontage at the street shall be not less than thirty feet.

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	Lot Area (Sq. Ft.)	Lot Frontage (Ft.)	Lot Area Per Family (Sq. Ft.)	Front Yard Depth (Ft.)	Side Yards		Rear Yard Depth (Ft.)
					Least Width (Ft.)	Sum of Width (Ft.)	
Motels	10,000	80	-	25	10	20	40
Other Uses	Same as R-2						

* Zero-lot-line; minimum of 10 feet at end units.

** 16 feet minimum between buildings where not zero-lot-line.

(Ord. 2010-42. Passed 12-14-10.)