

SECTION 16 RURAL RESIDENTIAL R-2

Effective 9/27/07 (Revised effective 9/03/09), (Revised effective 5/12/10), (Revised effective 3/21/2017)

16.01 PURPOSE: In accordance with the Comprehensive Plan, the Rural Residential zone is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. Efforts to preserve and enhance riparian corridors, wetlands, mature wood lots, agricultural activities and scenic corridors during future growth are encouraged.

16.02 PERMITTED USES: The following uses and no other shall be deemed Rural Residential, R-2, uses and permitted in all R-2 districts:

1. Single-family dwelling for residential purpose and buildings accessory thereto, but excluding the use of tents, cabins cottages and trailer coaches (recreational vehicle) for residential purposes except as hereinafter permitted.
2. Community center, fire station, township hall, township or church cemetery and public parks.

16.03 CONDITIONALLY PERMITTED USES: The following uses shall be permitted upon issuance of a Conditional Use Permit in accordance with Section 14 of this resolution.

1. School, university, public library, public museum, public and private golf courses, and private parks.
2. Church, hospital, and nursing home, provided that such church, hospital, and nursing home shall have a lot area of not less than five (5) acres and a frontage not less than five hundred (500) feet.
3. Residential care facilities for the developmental disabled, residential care facilities, nursing homes, and home for the aging in accordance with ORC 3721.01 (A).
4. Child day care facilities.
5. Assisted living home.
6. Cable television and telecommunication tower with a Conditional Use Permit as specified in Section 14 and 24 of this resolution.
7. Bed and breakfast residences.
8. Mining or surface extraction of gravel or other earth material in accordance with ORC 519.141.

SECTION 16 RURAL RESIDENTIAL R-2

16.04 *(Revised effective 3/21/2017)*

ACCESSORY USES: The following accessory uses, clearly incidental and secondary to the primary use of the land in an R-2 district shall be limited to the following:

16.04.01 STANDARDS FOR A HOME OCCUPATION ZONING PERMIT: The purpose of the Home Occupation resolution is to protect the character of the surrounding residential neighborhood while recognizing that traditional workplaces are no longer necessary in all situations due to changing technology, computerization, networking, and the changing job market. The following regulations are intended to recognize this trend and allow Home Occupations that are located and conducted in such a manner that the existence of the Home Occupation is not detectable outside of the dwelling unit, accessory building, or screened area. The Home Occupation use shall be clearly subordinate and incidental to the residential use of the property.

A. Classes of Home Occupation:

- 1. Home Occupations Type I** - Home occupations that have little or no impact on the surrounding residential area as follows:
 - a. Personal home business and professional offices; a service-oriented business use.
 - b. Home craft businesses, including (but not limited to) artists, sculptors, dressmakers.
 - c. Instructional services including music, art, dance, voice, and tutoring.
 - d. Day care for six (6) or fewer individuals, whether for adults or children. Day care for children shall comply with the requirements for "Family Day Care Home, Type B" as defined in the Ohio Revised Code §5104.054.
- 2. Home Occupations Type II** - Home occupations that have or might have a noticeable impact on the surrounding residential area. Examples include:
 - a. Day care for seven (7) or more individuals, whether adults or children.
 - b. Professional services including (but not limited to) medical, dental or physical therapy facilities, barbers, beauticians, and photographers.
 - c. Motor vehicle repair.
 - d. Repair or testing of small internal combustion or turbine engines.
 - e. Contractor or service business, provided that all requirements of this section are met.

SECTION 16 RURAL RESIDENTIAL R-2

B. Standards for Home Occupation Type I

1. Clients or customers will not be present on the site on a regularly scheduled basis and shall not exceed ten (10) per week on average except that instructional services are limited to a maximum of five (5) students at any one time in one day.
2. The type I home occupation conducted in a residential dwelling shall not exceed 25% in total of the dwelling square feet in size.
3. Signage, a maximum of 3.75 square feet in size with a maximum dimension of 30” including framing, non-illuminated, identifying the home occupation and located no closer to the right of way than 5.0’, is permitted in a residential district.
4. Retail sales on the premises shall be prohibited, except for products or goods produced or fabricated on the premises as part of the home occupation.
5. No home occupation type I shall have more than one (1) employee that is not a resident of the household.

C. Standards for Home Occupation Type II

1. If the home occupation type II is day care for children, 100 square feet of fenced outdoor play space is required per child. The play area must be at the side or rear of the house and a drop-off area for two (2) cars must be provided.
2. If the home occupation type II is conducted in an accessory building, area of the home occupation shall not exceed 1,200 square feet in size total.
3. An outdoor area, not exceeding 1,200 square feet is permitted, provided it is screened with an 80% opaque fence 6’ in height, or vegetation of equal opacity maintained at a minimum of 6’ in height.
4. Signage, a maximum of 3.75 square feet in size with a maximum dimension of 30” including framing, non-illuminated, identifying the home occupation and located no closer to the right of way than 5.0’, is permitted in a residential district.
5. Two (2) off-street parking spaces shall be provided, unless additional spaces are required by the Board of Zoning Appeals. Required parking shall not be provided in the front yard, except for the driveway (which may be used to fulfill this requirement).
6. On-site customer/client contact is limited to one appointment at any time not to exceed eight (8) visits per day, except day care facilities, which may have more than eight (8), if approved by the Board of Zoning Appeals.

SECTION 16 RURAL RESIDENTIAL R-2

7. No more than three trucks and/or vans over one ton may be stored on-site, if related to the home occupation and if stored in an enclosed structure or behind a screened area.
8. Home occupations type II are permitted two (2) employees who are not residents of the household and may have additional employees who are not residents of the household, if approved by the Board of Zoning Appeals.

16.04.02 DEFINITIONS: As used in this chapter;

- A. **"Customary home occupation"** means any trade, profession or business conducted only by members of the family occupying a residential dwelling (being a permanent structure or building used primarily for residential purposes), and only as an accessory to the principal residential use thereof. Customary home occupations shall comply in all respects with the regulations provided in Section 16.04.03.

A customary home occupation shall not include and shall not be permitted on unimproved land in a Residential District or in any dwelling not currently occupied principally as a residence. The following activities are not permitted as customary home occupations:

1. The repair and/or storage of vehicles for commercial purposes, including vehicles purchased primarily for resale.
 2. The repair and/or storage and operation of heavy machinery and/or heavy equipment for commercial purposes.
 3. External wood cutting, external wood splitting and/or wood processing, metal cutting, and metal fabricating for commercial purposes.
- B. **"Living area"** means that area of the dwelling that would normally contain active (as opposed to storage) furniture and appliances for the use of the residents, but shall not include basements, garages or porches.
- C. **"Residential district"** means a district in which residences are a permitted use.

16.04.03 USE REGULATIONS:

- A. A person may carry on a customary home occupation only in the dwelling house used by him or her as his or her private residence, or accessory building located on the same parcel.

SECTION 16 RURAL RESIDENTIAL R-2

- B.** A customary home occupation may be permitted and carried on only if it complies with all of the following:
- 1.** The customary home occupation shall comply with all local, State and Federal laws, the Township Zoning Resolution and/or regulations pertinent to the activity pursued.
 - 2.** The person conducting such customary home occupation must, before commencement, receive permission from the Zoning Inspector and must receive a permit for such purpose, which permit shall be issued by the Zoning Inspector.
 - 3.** Such use must not involve extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes.
 - 4.** Except for one non-illuminated sign of not more than 3.75 square feet, such use shall not include the posting of any other sign or involve any other display that will indicate from the exterior that the building or premises is being used for any purpose other than that of a residential dwelling.
 - 5.** Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes.
 - 6.** Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property.
 - 7.** Such use shall not involve the storage of any materials, other than those normally used in the maintenance and use of the property solely as a dwelling, which are hazardous to persons or to adjacent and nearby property.
 - 8.** Trucks or other mobile equipment used in conjunction with the customary home occupation shall not be parked in the open on the premises.
 - 9.** Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts.
 - 10.** Such use shall not result in an increase in frequency of, or the generation of, vehicular or pedestrian traffic abnormal to either the neighborhood or the Township.
 - 11.** No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a customary home occupation at any one time. Vehicles used solely for the personal use of the proprietor or owner of the customary home occupation shall not be included within the limitation of this paragraph.

SECTION 16 RURAL RESIDENTIAL R-2

12. Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable for the use of the property solely for residential purposes.
13. Such use shall not involve the external storage of equipment, mobile or otherwise finished materials and/or finished inventory related thereto.
14. Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if:
 - a. The gross vehicle weight of such vehicle (including cargo) is 10,000 pounds or less;
 - and**
 - b. Such vehicle is of a size capable of fitting into a normal residential garage with the door closed.
15. Only one customary home occupation will be permitted per residence.

16.04.04 ZONING PERMIT REQUIRED; FEE; RENEWALS:

- A. No customary home occupation shall be permitted to operate unless the person conducting it first obtains permission from the Zoning Inspector and obtains a zoning permit to operate from the Zoning Inspector as provided in Section 16.04.03-Subsection B.2.
- B. A fee, as established by the Township Board of Trustees, is hereby established for the original issuance of a zoning permit.
- C. A fee, as established by the Township Board of Trustees, is hereby established for each bi-annual renewal or a permit previously issued under the authority of this chapter.

16.04.05 CONDITIONS FOR ISSUANCE OF INITIAL ZONING PERMIT: The Zoning Inspector shall issue an initial zoning permit for a customary home occupation when the following conditions have been met:

- A. All conditions set forth in Sections 16.04.03 and 16.04.04 have been satisfactorily complied with and completed, and evidence of such compliance and completion is filed with the Zoning Inspector;
- and**
- B. The applicant has tendered the fee for the original issuance of a permit as provided in Section 16.04.04 - Subsection B.

SECTION 16 RURAL RESIDENTIAL R-2

16.04.06 ZONING PERMIT DURATION; RENEWALS; REAPPLICATION:

- A.** The zoning permit required under this chapter, and each renewal thereof, shall be valid from the date of issuance through the next following January 31, and may be renewed on a bi-annual basis on or before January 31 thereafter as provided in Subsection B hereof.
- B.** The Zoning Inspector shall issue renewals of zoning permits hereunder when all of the following conditions have been met:
 - 1.** All conditions of Sections 16.01.01, 16.01.02, 16.01.03, 16.01.04 and this section have been complied with and completed and evidence of such compliance and completion is filed with the Zoning Inspector.
 - 2.** The permittee has tendered the fee for each renewal of a permit as provided in Section 16.04.04 – Subsection C.
 - 3.** The permittee applying for the permit renewal has committed no violation of any provision of this chapter that remained unabated for more than a cumulative total of fifteen days after notice in the twelve-month period immediately preceding the application for renewal.

16.04.07 RIGHT OF ENTRY OF ZONING INSPECTOR; INSPECTIONS; COMPLIANCE WITH PERMIT; FRAUD; REVOCATION OF PERMIT:

- A.** The Zoning Inspector and/or his or her representative, and a representative of the fire department are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, with a 24 hour notice, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.
- B.** If the Zoning Inspector determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, he or she shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Zoning Inspector within five working days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be revoked by the Zoning Inspector. Such action by the Zoning Inspector shall be in addition to the penalty provided in Section 16.04.10

SECTION 16 RURAL RESIDENTIAL R-2

16.04.08 DECISIONS OF ZONING INSPECTOR IS FINAL; EXISTING HOME OCCUPATIONS; VIOLATIONS; INJUNCTIVE RELIEF:

- A. Decisions of the Zoning Inspector relating to violations of this chapter, including appeals from the denial of issuance of or the revocation of permits, shall be final within the Township.
- B. Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Zoning Inspector and comply with the provisions of this chapter within six months of the passage of this chapter.
- C. No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the Township, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

16.04.09 TRANSFERRING OF ZONING PERMITS: No zoning permit or renewal thereof issued under the provisions of this chapter may be sold, conveyed, transferred or assigned to any part other than the permittee named therein. No permit or renewal thereof issued under the provisions of this chapter may be transferred to or used at a location other than the location for which it was issued.

16.04.10 PENALTY: Whoever carries on a customary home occupation in the dwelling house used by him or her as his or her private residence, or accessory building located on the same parcel, without first securing a home occupation permit as provided in this chapter, and is discovered by the Township, shall be fined one hundred fifty dollars (\$150.00) per day.

16.04.11 SWIMMING POOLS: as provided for in Section 19 of this Zoning Resolution.

16.04.12 ROADSIDE STANDS: Any person may maintain a roadside stand consisting of removable structures used solely for the display and sale of products in accordance with ORC 519.21 (C) provided such stands are at least twenty-five (25) feet back from the traveled portion of the road and provided that adequate facilities are maintained in conjunction therewith for off road parking of customer vehicles.

16.04.13 STORAGE OF HOUSEHOLD EQUIPMENT, TOOLS AND VEHICLES FOR PRIVATE TRANSPORTATION.

- A. Storage of more than five (5) vehicles shall be in an approved accessory use building.
- B. Storage of not more than two (2) licensed recreational vehicles, as defined in ORC 4501.01 (Q) of the Ohio Revised Code, shall be behind the building setback line.

16.04.14 SMALL WIND FARMS as defined by ORC 519.213 and Section 33 of the LeRoy Township Zoning Resolution.

SECTION 16 RURAL RESIDENTIAL R-2

16.04.15 PERSONAL PROPERTY SALES:

- A.** The number of personal property sales allowed per residence per calendar year, which use shall not constitute a commercial use, is three (3).
- B.** Each such personal property sale shall not last more than five (5) consecutive days.
- C.** All personal property sale signs must be removed immediately after the sale and shall be subject to Section 23.01.11.

16.05 ACCESSORY BUILDINGS:

Accessory buildings shall not be constructed on vacant lots.

- A.** Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include, but not be limited to:
 - 1.** Private garages.
 - 2.** Storage barns and sheds.
 - 3.** Equipment storage where the actual work is not performed at the building site, but all materials and equipment are stored on the premises in an accessory building. A Conditional Use Permit shall be required, as specified in Section 14 of this Zoning Resolution, for such an accessory use to be permitted.
- B.** In no event shall an accessory building be used as living quarters or for any use in violation of this Zoning Resolution.
- C.** The total square footage of all accessory buildings on any lot of two (2) acres or less or any lot in a platted subdivision shall not exceed two thousand (2,000) square feet in any combination. A maximum of two (2) accessory buildings per lot of two (2) acres or less is permitted.
- D.** All accessory buildings shall be a minimum of twenty (20) feet from any main building or existing residence. Minimum side yard clearance shall be twenty (20) feet, except on corner lots where the side line clearance on the side of the lot abutting the side street shall be no less than fifty (50) feet from the road right-of way sideline of the road or eighty (80) feet from the traveled portion of the road, whichever is greater.

Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this Section. Provided, however that on lots lawfully with one hundred (100) feet frontage or less, the minimum side yard clearance on each side shall be fifteen (15) feet.

SECTION 16 RURAL RESIDENTIAL R-2

16.06 DEVELOPMENT STANDARDS:

Table 16.1	R-1	R-2
Development Standards	Residential	Rural Residential
Lot Requirements		
Minimum Lot Size (1)	1.5 acre	3 acre
Minimum Lot Frontage/lot width	150'	200'
Cul-de-sac bulb lot frontage (2)	75'	75'
Rear or flag lot (2)	60'	60'
Minimum front yard setback/depth (3)	50'	100'
Minimum side yard setback (each side) (4)	20'	20'
Minimum rear yard	20'	20'
Building Specifications		
Height (5)	35'	35'
Minimum Square footage (6)		
Single floor dwelling	1,400 sq. ft.	1,400 sq. ft.
Two floor dwelling	1,600 sq. ft.	1,600 sq. ft.
Notes		
<p>(1) For flag or rear lots, the lot area computation shall include all property from the point the minimum lot width specified is met. Land located in the "flag pole" portion of the lot shall not be included in the computation.</p> <p>(2) Lot shall have minimum lot width at building setback as required</p> <p>(3) Front building setback line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. Setback measured from the road right-of-way line.</p> <p>(4) On corner lots, side yard clearance shall be no less than fifty (50) feet from the right-of-way sideline of the road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater.</p> <p>(5) Does not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, silo, barn, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.</p> <p>(6) Minimum square footage of dwelling unit does not include basement, porches, garages, breezeways, terraces or attics.</p>		

SECTION 16 RURAL RESIDENTIAL R-2

16.07 LOTS ESTABLISHED PRIOR TO ZONING - See section 8.7

- A.** On lots lawfully platted with one hundred (100) feet frontage or less (excluding flag lots) the minimum side yard clearance of the dwelling shall be fifteen (15) feet.
- B.** On lots lawfully platted with development standards below the minimum set forth in Section 16.06, the minimum front yard setback may be reduced proportionately based on the depth of such parcel in relation to a lot of minimum size under the requirements of this resolution. In no such instance shall the front yard setback be less than fifty (50) feet.

16.08 SITE CONSIDERATIONS:

- A.** Environmental variables include soil type, riparian corridors, and steep slopes shall be given due consideration during the planning, construction, reconstruction or modification of structures or land improvements.
- B.** Conformance to Section 31, Natural Resource Protection.
- C.** New ingress and egress points onto public right-of-way are subject to review by the Ohio Department of Transportation (ODOT), Leroy Township or Lake County Engineer, where applicable.

16.09 FUTURE SPACE HOLDER

16.10 SCREENING AND LANDSCAPING: - See Section 26

16.11 PARKING: - See Section 25