

RESIDENTIAL DISTRICTS R-1 AND R-2

§ 154.050 Statement of intent.

- (A) The Residential Districts of R-1 (one acre) and R-2 (two acre) are composed of certain low to medium concentrations of residential uses, plus certain open areas where similar development appears likely to occur.
- (B) The regulations for these districts are designed to regulate family dwelling and as well as the other structures as set forth in the use regulations of the districts in order to stabilize and protect the essential characteristics of the districts, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising.
- (C) To these ends, retail activity is sharply limited and this district is protected against encroachment of general, commercial and industrial uses.
- (D) The residential districts are not completely residential as they include public and semi-public, institutional and other related uses.
- (E) However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses without specific town council enabling action.

(Ord. passed 9-12-2013)

§ 154.051 Use regulations.

- (A) In Residential Districts R-1 and R-2, structures to be erected on land to be used shall be for one or more of the following uses the major difference being acreage requirements (see § 154.052).
- (B) A zoning permit has been obtained from the zoning administrator.
- (C) Off-street parking in Residential Districts R-1 and R-2 is required.
- (D) Sewage/disposal/wastewater treatment systems which incorporate a drainfield as an integral part of the system requires health department approval.
- (E) Permitted uses:
 - (1) One single-family dwelling **and one ADU** per lot as defined in § 154.004;
 - (2) In Residential District R-1, one two-family dwelling per lot, the part of which must be joined by a conventional room whose width is at least two-thirds of its length. Two-family dwellings are prohibited in Residential District R-2;
 - (3) Agricultural with conditional use permits, but not to include the raising of animals, including horses, pigs, cattle, fowl or the like;
 - (4) Schools;
 - (5) Churches;
 - (6) Parks and playgrounds;

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- (7) Home occupations as defined, conducted by the occupants with conditional use permits;
- (8) Off-street parking as required by this chapter;
- (9) Accessory buildings and structures and uses permitted as defined hereafter, however garages or other accessory structures such as carports, porches and stops attached to the main building should be considered part of the main building. No accessory building or structures may be closer than ten feet to any property line or private right of way or 100 feet from mean high water line of a lot on a creek except docks and bulkheads. Accessory building, other than carports or garages shall not exceed ~~300~~700 square feet nor 15 feet in height. No accessory building over 300 square feet may be closer than twenty-five feet to any property line. Total square footage of all accessory buildings other than swimming pools, and tennis courts, shall not exceed 25 percent of the rear yard area. Accessory structures or buildings may not be used for rental or similar purposes. ~~No~~Unless permitted as an ADU, ~~no~~ accessory building or structure may be fitted with indoor kitchen appliances ~~and/or~~ sleeping accommodations;
 - (a) Swimming pools inside the Resource Protection Area (RPA), with conditional use permits;
 - (b) Swimming pools outside the RPA, no conditional use permit required;
- (10) Boat docks/piers for private use, no conditional use permit required; and
- (11) Farm winery. See § 154.070 for special requirements.
- [(12) Reserved.]
- (13) Short term rentals with a conditional use permit, and for which the town has a valid registration or, if exempted from registration, a valid business license permit for the STR operator. Provided, however, that owner-occupied STRs may be operated for up to two stays of up to ten days each per year maximum without a conditional use permit.

(Ord. passed 9-12-2013; Ord. No. 2021-01, §§ 1, 2, 5-13-2021; Ord. No. 2022-10, § 1, 9-13-2022)

§ 154.052 Area regulations.

- (A) For lots containing or intended to contain a single-family dwelling the minimum lot areas shall be one and two acres as designated by the R-1 and R-2 Residential Districts, zoning map. The administrator may require a greater area if considered necessary by the health official.
- (B) For lots containing or intended to contain a two-family dwelling, the minimum lot area shall be one and one-half acres. All lots of record prior to March 9, 1989, shall be exempt from this requirement. The administrator may require a greater area if considered necessary by the health official.

(Ord. passed 9-12-2013)

§ 154.053 Setback regulations.

- (A) These regulations may be appealed to the board of zoning appeals if the application of the chapter produces an undo hardship or restricts the use of the property.
- (B) Structures shall be located 75 feet or more from the centerline of any street or road right-of-way, but in no event less than 50 feet from the edge of the right-of-way. This shall be known as the setback line.
- (C) The administrator may require a different setback to keep said structure more in line with existing houses or structures.