
§ 154.004 Definitions.

- (A) For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows. Words used in the present tense include the future, words in the singular number include the plural, and the plural, the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the "parcel;" the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved;" any reference to this chapter includes all ordinances amending or supplementing the same; all distance and areas refer to measurement in a vertical or horizontal plane.
- (B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Dwelling Unit, "ADU" means an attached or detached dwelling unit on a single-family residential dwelling lot that provides complete independent living facilities for one or more individuals; is located on the same lot as an existing single family primary residence; includes facilities for living, sleeping, eating, cooking, and sanitation; and meets each of the following requirements:

(a). One ADU is allowed per single-family residential lot. ADU's are not permitted on lots with multi-family homes. ADU's can not be subdivided.

(b). The ADU size shall not exceed [500/700] square feet.

(c). The ADU structure shall adhere to the setback, height, lot coverage, & frontage zoning restrictions as are applicable for primary-dwelling units (for an attached ADU) or accessory buildings and structures (for a detached ADU).

(d). Compliance with (i) building codes, including the requirements of the Uniform Statewide Building Code, for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached and (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements. A mobile home or manufactured home on wheels is not allowed to serve as ADU, regardless of whether or not it is attached to a foundation. The ADU has received a Certificate of Occupancy from the county.

(e). In addition to any Off-street parking required for the Main Structure, at least one Off-street parking space shall be dedicated for the ADU.

(f). The ADU shall not be rented for a period of fewer than 30 consecutive days and shall be excluded for any use by any such renters of the primary residence.

(g). The ADU owner has made payment in the amount designated in the most recent fee schedule adopted by Town Council and received a permit from the town (the "ADU Permit").

(h). The owner must be an occupant of the single-family dwelling in order to apply for an ADU Permit.

Accessory structure, permanent. A structure attached to a base, bottom or foundation. Zoning permit required.

Accessory structure, portable or temporary. A structure placed on a site, lot or property for housing of chattels (personal property) not to exceed 60 days. Zoning permit required.

Accessory use or structure. A subordinate use or structure including, but not by way of limitation, tool and storage sheds, garages, bulkheads, piers, swimming pools, tennis courts and other customarily incidental to, but separate from, the main use of building and located upon the same lot occupied by the main use or building. Unless permitted as an ADU, No accessory structure or building may be fitted with ~~a~~-indoor kitchen appliances or sleeping accommodations.

Acreage. A parcel of land, regardless of area, described by metes and bounds.

Administrator. The official or officials charged with the enforcement of the zoning ordinance. He or she may be any appointed or elected official who is by formal resolution designated to the position by the town council. He or she may serve with or without compensation as determined by council.

Agriculture. The tilling of the soil, the raising of crops, horticulture, forestry, the keeping of animals and fowl, and any agricultural industry or business, such as fruit packing plants, dairies or similar use.

Agriculture lands. Those lands used for the planting and harvesting of crops or plant growth of any kind; pasture; horticulture; dairying; horticulture; or raising of poultry and/or livestock.

Alteration. Any changes in the total floor area, use, adaptability or external appearance of an existing structure.

Apartment house. A building used or intended to be used as the residence of three or more families living independently of each other.

Automobile graveyard. Any lot or place which is exposed to the weather upon which one or more motor vehicles of any kind, incapable of being operated are placed for a period of more than three months. (See §§ 91.01 through 91.03 of this Code of Ordinances for additional information.)

Basement. A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purposes of height regulations if it is used for business purposes, or for dwelling purposes.

Best management practices (BMPs). A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with environmental quality goals.

Boarding house. A building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.

Boat dock. A dock, six feet wide or less, with or without a "L" or "T" head not to exceed eight feet wide and 25 feet long, for private use, to which a boathouse, finger pier or other structure is not attached. Boat lifts are exempt. (See drawing, § 154.215.)

Boat sales and service. Boat sales and sales of equipment, parts, supplies and other marine items; and the repair of service thereof. Such a business is not necessarily located upon the water.

Buffer area. An area of natural or established vegetation managed to protect other environmental resources and state waters from significant degradation.

Building. Any structure having a roof supported by columns or walls.

Building, accessory. A subordinate structure, including, but not by way of limitation, garages, carports, tool and storage sheds, ADU's, and pens, customarily incidental to and located upon the same lot occupied by the main structure.

Building, height of. The vertical distance measured from the average elevation of the ground surface or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof. For a building set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building line. The distance which a building is from the front lot line or front boundary line.

Building, main. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

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~~10 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 buildings and structures, other than carports or garages, shall not exceed ~~300~~700 square feet nor ~~20~~15 feet in height. No accessory buildings and structures over 500 square feet, other than carports and garages, may be closer than 25 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.