

**Section XVIII RESIDENTIAL R-4**

(All Section XVIII 12/17/1998, except as noted)

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18.01 PERMITTED USES: The following uses of buildings and land and no others shall be classified as R-4, Residential:

- A. Detached single family dwellings. (12/17/1998; Amended 12/15/2001)
- B. Two-family (duplex) dwellings.
- C. Fire Station, township hall, township cemetery.
- D. Golf course.
- E. Adult Family Home, when licensed as an Adult Care Facility by the Ohio Department of Health. (12/17/1998; Amended 12/15/2001)

18.02 CONDITIONALLY PERMITTED USES: The granting of a Conditional Use Permit shall be as provided in Section XIII of this Resolution:

- A. Church, school, college, university, library, museum, arboretum, community center, park, playground or camp when operated by an established and recognized governmental, religious, charitable, or non-profit organization and when granted as a Conditional Use per Section XIII of this Resolution. (12/17/1998; Amended 12/15/2001)
- B. Residential Care Facility, Nursing Home, Home for the Aging and Hospice Care Facility as a Conditional Use per Section XIII of this Resolution and as defined in Section V of this Resolution. (12/17/1998; 12/15/2001 & 6/19/2009)
- C. Surface extraction of sand, gravel or other earth materials as a Conditional Use per Section XIII of this Resolution. (12/17/1998; Amended 12/15/2001)

18.03 ACCESSORY USE REGULATIONS:

- A. Types of Uses, Buildings and Structures Permitted: Accessory uses, buildings and structures permitted shall be limited to uses that are clearly incidental and secondary to the main use of buildings and land in an R-4 District and shall include, but shall not be limited to, the following: (Amended 4/1/2011)
  - 1. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, real estate or insurance agent, or other member of a recognized profession.
  - 2. Customary home occupations such as handicrafts, dressmaking, laundering, home cooking, beauty parlor, barbershop; such home occupations shall not include mechanical or electrical repair shops, or manufacturing of any kind.

3. Swimming pools
4. Private garages, storage barns or sheds that shall include, but shall not be limited to, the storage of recreational vehicles, household equipment, tools, and automobiles for use as private transportation.
5. Fences
6. Gazebos or pavilions
7. Decks
8. Signs
9. Satellite Receiving Antennas- Dish Type

(Amended 4/1/2011)

**B. General Requirements for Accessory Uses in R-4 Districts:**

1. Accessory uses shall not involve any outward evidence of such use or change in outside appearance of the dwelling or principal building other than a sign as authorized in Section XXX (30.03) of this Resolution. (Amended 4/1/2011)
2. Accessory uses located within the main or principal building of the lot shall not occupy more than twenty-five percent (25%) of the gross floor area of the principal building in which such use is located, including but not limited to, home office or occupation or private garages. (Amended 4/1/2011)
3. Permitted accessory uses shall not offer for sale any article except as may be produced or grown on the premises by members of the immediate family. (Amended 4/1/2011)
4. Permitted accessory uses shall not employ more than one (1) person who is not a member of the immediate family in any office, studio or other home occupation. (Amended 4/1/2011)
5. Home occupations shall be carried on in such a manner so as not to create a need for off-street parking in excess of what is customarily provided for the residential use. (Amended 4/1/2011)

**C. General Requirements for Accessory Buildings in R-4 Districts:**

1. Shall be limited to one thousand twenty-four (1,024) square feet on parcels with a lot area less than two (2) acres in size; and to fifteen hundred thirty-two (1,532) square feet on parcels with a lot area two (2) acres or greater in size. When calculating the building size, the gross floor area shall be used, which includes both the ground floor and any area equal to a half story or greater above the ground floor of the building. (12/17/1998; Amended 12/15/2001 and 4/1/2011)
2. Shall be limited to one (1) accessory building per parcel on parcels of less than two (2) acres.
3. Shall not be constructed or used in violation of any use permitted in an R-4 District.
4. Shall not be constructed on vacant lots, and shall only be located on lots with a

principal building. (Amended 4/1/2011)

5. Agricultural uses and buildings shall comply with the requirements set forth in Section 6.13 of the Zoning Resolution. (Amended 4/1/2011)
6. Accessory buildings shall not be used as living quarters or exceed the square footage of the primary use or building on the premises. (4/1/2011)
7. Home occupations, as permitted in Section 18.03, shall be conducted entirely within the dwelling unit or principal building, and shall not be permitted within an accessory building. (4/1/2011)
8. Any yard structure that is enclosed on at least three (3) sides and has a roof shall be regulated as an accessory building. (4/1/2011)
9. The regulations of this Section shall also apply to an accessory building that is not attached to a permanent foundation. (4/1/2011)

D. General Requirements for Other Accessory Structures Permitted:

1. **Swimming Pools:** A swimming pool shall conform to the applicable requirements set forth in Section XXXI of the Zoning Resolution. A zoning permit shall be required prior to the installation or construction of a swimming pool on a property, unless specifically exempt from the permit requirements. (4/1/2011)
2. **Fences and Walls:** Fences and walls may be erected in compliance with the requirements set forth in Section XXXIV of the Zoning Resolution. (4/1/2011)
3. **Gazebos and pavilions shall comply with the following:** (4/1/2011)
  - a. Gazebos shall not be larger than 14 feet in diameter.
  - b. Pavilions shall not exceed 400 sq. ft.
  - c. Gazebos and Pavilions shall not be included in the area and number calculations for accessory buildings, but shall conform to the setback requirements set forth in Sections 18.06 and 18.07 B.
  - d. Gazebos and Pavilions shall not contain any enclosed areas.  
(4/1/2011)
4. **Freestanding decks** located in the side or rear yards shall be permitted in compliance with the minimum side and rear yard clearance requirements for accessory buildings, as set forth in Section 18.07 B. Decks that are attached to the principal building are considered building additions and shall comply with the minimum front, side and rear yard clearance requirements set forth in Section 18.06 and 18.07 A. (4/1/2011)
5. The parking or storage of outdoor recreation vehicles shall comply with the requirements of Section 29.13 of the Zoning Resolution. (4/1/2011)
6. Signs shall be permitted in compliance with the applicable requirements for residential district signs set forth in Section XXX of the Zoning Resolution. (4/1/2011)
7. **Carport:** Any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units. (4/1/2011)

- a. Attached carports shall comply with the regulations for principal buildings.
- b. Detached carports shall comply with setback requirements in Sections 18.06 and 18.07 B, but shall not be included in the area and number calculations for accessory buildings.

(4/1/2011)

8. Satellite Receiving Antennas-Dish Type shall comply with the requirements set forth in Section XXXIII of the Zoning Resolution. (4/1/2011)

E. Permit Requirements:

Accessory uses, buildings or structures shall conform to the permit requirements outlined in Section 11.01 of the Zoning Resolution, unless specifically exempt as outlined in this Section. (4/1/2011)

F. Accessory Structures Not Requiring a Zoning Permit: The following uses do not require a Zoning Permit and shall be permitted to encroach within required yards, unless specifically provided for in this section. (4/1/2011)

1. Gardens, wood piles or landscape materials
2. Uncovered patios, driveways and other paved areas, except that driveways shall not be located less than three (3) feet from any from any side property line.
3. Pergolas, trellises and arbors
4. Doghouses and children's playhouses; however, a storage shed used as a children's playhouse shall require a permit and conform to applicable regulations.
5. Mail boxes and newspaper tubes
6. Statuary, fountains or art objects
7. Basketball hoops provided they are installed outside of the right-of-way and any temporary road or cul-de-sac easements.
8. Swing sets, trampolines and similar recreational equipment
9. Flag poles
10. Freestanding air conditioning or heating units or backup generators
11. Bird baths
12. Fire pits, outdoor fireplaces and grills.
13. Hot tubs

(4/1/2011)

G. Temporary Structures

1. Temporary outdoor storage units, as defined in this Resolution, shall be subject to the following restrictions: (4/1/2011)
  - a. Not more than two (2) temporary outdoor storage units shall be permitted per address in a calendar year.

- b. The maximum size of a temporary outdoor storage unit shall not exceed a dimension of 10'x10'x22'.
- c. Only one (1) temporary outdoor storage unit shall be stored on a property at any given time, for a period up to 30 days. Extensions may be granted, but no applicant shall receive more than two 30-day extensions (not to exceed a total of 90 days).
- d. Temporary outdoor storage units are prohibited from being placed within the right-of-way, on the front lawn of a property, or in any temporary road or cul-de-sac easements. Units must be kept in the driveway, or on a paved surface, at the furthest accessible point from the street, or as otherwise approved by the Zoning Inspector.
- e. A Temporary Outdoor Storage Unit Permit shall be obtained from the Zoning Office prior to locating the storage unit on the property. A plot plan or survey shall be provided at the time of application, depicting the proposed location of the unit. A \$100 deposit is also required, which shall be forfeited if the unit is not removed within the specified time frame.
- f. Any temporary outdoor storage unit found to be in violation of these requirements will be subject to the penalties set forth in this Resolution.

(4/1/2011)

- 2. Temporary construction equipment, materials and dumpsters used in conjunction with construction work, maintenance or repair on site shall be permitted only during the actual progress of construction work on the property and shall immediately be removed upon completion of the work. No zoning permit shall be required. (4/1/2011)

H. Family Day Care Home, Type "B": A type "B" family day-care home, whether certified or not certified by the Lake County Department of Job and Family Services, shall be considered to be a residential use of property for purposes of Township Zoning, and shall be a permitted use in all zoning districts in which residential uses are permitted. In accordance with ORC 5104.054, a type "B" family day care home is a permanent residence of the provider where childcare is provided for one to six children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day care home shall be counted. Type "B" family day-care homes are permitted as an accessory use in residential districts, and do not require a zoning permit. (4/1/2011)

18.04 MINIMUM LOT AREA: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained or any parcel of land divided unless the following yard and lot areas are provided and maintained in connection with such building or structure.

- A. Single family dwelling                      1 acre (12/17/1998; Amended 12/4/1999)
- B. Two-family dwelling                        2 acres (12/17/1998; Amended 12/15/2001)

#### 18.05 MINIMUM LOT WIDTH:

- A. A single family dwelling shall be located upon a lot having a width of at least one hundred (100) feet at the building setback line and having a frontage of at least fifty (50) feet on the right-of-way sideline of a dedicated road.
- B. A two-family dwelling may be constructed on a lot having the same lot requirements set forth in Section 18.04-A. Where three (3) or more two-family dwellings share contiguous common frontage, the minimum lot size for each third, two-family dwelling shall meet the following minimum requirements:  
  
Each third, two-family dwelling shall be located upon a lot having a width of at least one hundred fifty (150) feet at the building setback line and having a frontage of at least eighty-five (85) feet on the right-of-way sideline of a dedicated road.
- C. The minimum frontage on the right-of-way sideline of a dedicated road, as required in Sections 18.04-A and 18.04-B of this Resolution, shall not be reduced in size from the right-of-way sideline of the dedicated road to the building setback line.
- D. Property lines contiguous to the right(s)-of-way of a controlled access highway shall not be considered frontage on the right(s)-of-way sideline of a dedicated road.

#### 18.06 SETBACK BUILDING LINE:

- A. A dwelling and any building or structure in an R-4 District, except steps and any uncovered porches less than ten (10) feet in width shall be erected or located at least eighty (80) feet from the centerline of any road or street upon which it fronts or fifty (50) feet from the sideline of the road or street right-of-way, whichever is greater.
- B. A roadside stand shall be erected at least fifty (50) feet from the centerline of any road or street upon which it fronts or twenty (20) feet from the sideline of the road or street right-of-way, whichever is greater.

#### 18.07 SIDE AND REAR YARDS: Every building shall have a minimum side and rear yard clearance which space shall remain open and unoccupied.

- A. A dwelling or other permitted principal building, or addition thereto, shall have a fifteen (15) foot side yard clearance on each side and a forty (40) foot rear yard clearance. (12/17/1998; Amended 7/16/2004 and 4/1/2011)
- B. An accessory building or structure to a dwelling shall have a ten (10) foot side yard clearance and a ten (10) foot rear yard clearance, unless otherwise specified in this Resolution. (Amended 4/1/2011)
- C. Projections into Required Yards: Appurtenances, such as skylights, sills, belt courses, cornices, and ornamental features attached to the principal building may project not more than 24 inches into a required yard. The ordinary projections of chimneys, flues or bay windows are also permitted in the required side, rear and front yards. Wing walls attached to and made part of the principal building shall conform to the minimum clearance requirements for principal buildings, as outlined in this Section. (4/1/2011)

- 18.08 MINIMUM DWELLING AREA: Every single family or duplex dwelling shall contain the following minimum residential floor area:
- A. Single family dwelling (less than two (2) floors): twelve hundred (1,200) square feet of residential floor area on the ground floor when built with a basement area of at least six hundred (600) square feet.
  - B. Single family dwelling (less than two (2) floors): thirteen hundred (1,300) square feet of residential floor area on the ground floor when built with no basement or a basement area of less than six (600) hundred square feet.
  - C. Single family dwelling (more than one (1) floor): eight hundred (800) square feet of residential floor area on the ground floor with a minimum of fifteen hundred (1,500) square feet of total residential floor area when built with a basement area of at least six hundred (600) square feet. (12/17/1998; Amended 12/15/2001)
  - D. Single family dwelling (more than one (1) floor): eight hundred (800) square feet of residential floor area on the ground floor with a minimum of sixteen hundred (1,600) square feet of total residential floor area for dwellings when built without a basement or a basement area of less than six hundred (600) square feet. (12/17/1998; Amended 12/15/2001)
  - E. Two-family dwelling (less than two (2) floors): twenty-four hundred (2,400) square feet of total residential floor area on the ground floor when built with a basement area of at least twelve hundred (1,200) square feet. Floor area may be divided as desired except that the minimum residential floor area for either dwelling unit shall not be less than eight hundred (800) square feet.
  - F. Two-family dwelling (less than two (2) floors): twenty-six hundred (2,600) square feet of total residential floor area on the ground floor when built with no basement or a basement area of less than twelve hundred (1,200) square feet. Floor area may be divided as desired except that the minimum residential floor area for either dwelling unit shall not be less than eight hundred (800) square feet.
  - G. Two-family dwelling (more than one (1) floor): sixteen hundred (1,600) square feet of residential floor area on the ground floor with a minimum of twenty-six hundred (2,600) square feet of total residential floor area when built with a basement area of at least twelve hundred (1,200) square feet. Residential floor area may be divided as desired except that the minimum residential floor area for either dwelling unit shall not be less than eight hundred (800) square feet. (12/17/1998; Amended 12/15/2001)
  - H. Two-family dwelling (more than one (1) floor): sixteen hundred (1,600) square feet of residential floor area on the ground floor with a minimum of twenty-eight hundred (2,800) square feet of total residential floor area when built without a basement or a basement area of less than twelve hundred (1,200) square feet. Floor area may be divided as desired except that the minimum residential floor area for either dwelling unit shall not be less than eight hundred (800) square feet. (12/17/1998; Amended 12/15/2001)
  - I. There shall be a garage containing a minimum of two (2) enclosed parking spaces, which may or may not be attached to the dwelling unit, required for each residential dwelling unit. Each garage built as required for a residential dwelling unit shall be

accessible by automobile. Accessory buildings not intended for use as garages shall not be required to be accessible by automobile. (12/17/1998; Amended 12/15/2001)

18.09 MAXIMUM HEIGHT OF BUILDINGS: A building or structure, or the enlargement of any building or structure, shall comply with the following height regulations, as measured from the established grade: (1/13/1983; Amended 12/15/2001 and 4/1/2011)

- A. The height of principal buildings shall not exceed 35 feet. (Amended 4/1/2011)
- B. The height of accessory buildings and structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution. (4/1/2011)
- C. Permitted height exceptions include church spires, belfries, clock towers, wireless towers, scenery lofts, chimneys, radio and television aerials, cupolas or other mechanical appurtenances where erected upon and as an integral part of the building, but not intended for human occupancy. (Amended 4/1/2011)

18.10 PUBLIC SITES:

- A. Dedication to public use with a public right-of-way a minimum of sixty (60) feet in width fronting on a dedicated public road. (12/17/1998; Amended 12/15/2001)
- B. Due regard shall be shown for preserving outstanding scenic, cultural or historic areas. (12/17/1998; Amended 12/15/2001)

18.11 AREAS ZONED R-4: On file in Zoning Office, Concord Town Hall.