

ARTICLE IX – Medium Density Residence District (R–3) (VPR)

Section 9.01 – PURPOSE: There is hereby created in Ostrander a Medium Density Residence District to permit a diversity of residential plans including single and/or multi-family units carved out of small tracts served by central sewer and water systems. Use of this district should be limited to those circumstances where large numbers of units are not involved and provisions for recreation, etc. are not a prerequisite to the preservation of the quality of life. Where these areas abut the old village, the grid pattern streets with alleys in the rear must be maintained.

Section 9.02 – APPLICATION: All lands under Village Zoning which are to be used for multi-family or apartment development shall be controlled and governed by the provisions of this Article of the Zoning Ordinance unless the owner thereof elects to apply the provisions of Article X of this Ordinance or unless the size of the tract or density is so large that, in the opinion of the Zoning and Planning Commission, provisions for recreation areas or other amenities are required, in which case the Commission may require that the application be filed under Article X.

Section 9.03 – PERMITTED USES: Within any Medium Density Residence District (R–3) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted.

- A) Single family dwellings and two family detached dwellings.
- B) Accessory buildings and accessory uses including private garages.
- C) Manufactured dwellings, as defined in Ohio Revised Code, (303.12) “Manufactured Home”.
- D) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Ostrander Village Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- E) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

Section 9.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission Board pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s)

or his agent shall be required to reapply for a continuation and/or modification of such uses(s) to the Zoning and Planning Commission Board. A designation by the Zoning and Planning Commission Board that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- A) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
 - 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit or fifty (50%) percent of the combined floor space in any garage or accessory building.
 - 4) No more than one (1) non-resident employee shall work on said premises.
 - 5) Services may be rendered on the premises or elsewhere.
 - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces. See Article XXI)
 - 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building.

In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of

said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- B) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- C) Churches or other places of worship provided it occupies a lot not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.
- D) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.
- E) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Zoning and Planning Commission.
 - 1) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.
 - 2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
 - 3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood
- F) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served. This area must have proper screening.
- G) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.
- H) Neighborhood community meeting and recreation centers.
- I) Business and professional offices.
- J) Retail stores serving the neighborhood (non-motoring public)
- K) Day care centers
- L) Personal services
- M) Private swimming pools

Section 9.05 – PROHIBITED USES:

- A) No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
- B) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road. Outdoor storage of junk or inoperable vehicles; see definition under Section 4.02
- C) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- D) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- E) Except as specifically permitted in Sec. 9.03(d) herein no mobile home shall be placed or occupied in this district.

Section 9.06 – DEVELOPMENT STANDARDS: All lands and uses within the Medium Density Residence District (R-3) shall be developed in strict compliance with the standards hereinafter established:

- A) Lot Area – Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than .30 acres per single family unit or 6,000 square feet per unit in multi-family development. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Ordinance. Not more than one structure may be constructed on any parcel herein.
- B) Lot Frontage – All lots or parcels developed within this district shall have a minimum lot width of sixty-six (66) feet minimum at front yard setback on an adjoining approved street or road.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width at the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty-six (66) feet and width of sixty-six (66) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.
- C) Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

- D) Building Dimensions – Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand four hundred fifty (1,450) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to wit:
One (1) bedroom unit – 850 sq. ft
Two (2) bedroom unit – 950 sq. ft.
Additional required for each bedroom beyond two (2) – 120 sq. ft. per bedroom
- E) Building Set Back – No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.
- F) Side Yard Set Back – Except as modified by the Zoning and Planning Commission in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than sixteen (16) feet total; six (6) feet minimum to any side lot line.
- G) Rear Yard Requirement – No principal dwelling shall be located closer than thirty-five (35) feet to the rear line of any lot. Garages shall be located no closer than ten (10) feet to said rear lot line. Any other accessory structures shall be located no closer than three (3) feet to said rear lot line.
- H) Coverage Maximum Lot – On no lot or parcel in this zoning district shall buildings be constructed which cover more than thirty-five (35%) percent of the lot area.
- I) Parking – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Ordinance.
- J) Sidewalks – Sidewalks are required; see definition, Section 4.022.
- K) Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.
- L) Streetlights – Streetlights will be required in an alternating pattern on both sides of new streets. Said streetlights will be of a type, style and placement as approved by the Zoning and Planning Commission and the Village Engineer.
- M) Garages and Accessory Structures – Front yard set back shall be at least a twenty (20) feet minimum behind the front of the dwelling unit.
- N) Residential Development of three (3) lots or more – Sixty-five (65%) percent of all residential units shall have covered front porches.