

## § 154.105 RURAL RESIDENTIAL DISTRICTS (RR-1, RR-2).

### (A) Purpose.

(1) The purpose of the Rural Residential Districts is to provide for varying densities of rural residential development on selected lands identified in the comprehensive plan for preservation of low density rural living.

(2) The RR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and septic tank sewage-disposal systems, and rural fire protection. Ultimate density limitations in the RR District shall be determined by prevailing lot sizes community character, compatibility with existing uses in the district, limitations of domestic water sources, soil conditions and groundwater tables for subsurface sewage disposal, and area designations identified in the Valencia County comprehensive plan. Opportunities for small-scale or intensive farm activities compatible with low density rural residential uses shall be encouraged in the RR Districts.

(B) *Permitted uses.* In the RR Districts, the following uses shall be permitted subject to the standards and limitations set forth in division (F) below:

- (1) Farm uses, subject to the limitations in division (F) below;
- (2) One principal dwelling per parcel;
- (3) Accessory uses;
- (4) **HOME OCCUPATION**, as defined by this chapter, subject to the standards and limitations set forth in §154.168.
- (5) Signs, pursuant to the sign provisions set forth in §154.166;
- (6) Public facilities;
- (7) Community or municipal water-supply system; and
- (8) Community or municipal sanitary-sewer system.

(C) *Conditional uses.* In the RR Districts, pursuant to the Type B application procedure set forth in § 154.076, and subject to the conditional use review criteria listed in § 154.057, and any other applicable criteria established by this chapter, the following uses may be allowed conditionally:

(1) Temporary secondary mobile home or residential trailer dwelling, in conjunction with a principal dwelling on the same parcel, only for family members requiring special care, subject to the following:

(a) The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence;

(b) The permit for the temporary home for special care shall be valid for a period of 2 years or shorter period as the Zoning Department determines to be appropriate, provided, however, that the permit may be revoked by the Department at any time if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated;

(c) The permit for the temporary home for special care shall be granted to the applicant only and shall not be deemed to run with the land; and

(d) Under any circumstances, a second dwelling under this section, and in any RR Districts shall not be approved if the net size of the parcel for the principal dwelling is less than 0.76 acres in size.

(2) Home occupation where the business includes visits to the site from clients, customers, patients, patrons, or similar individuals. Such home occupations may allow for employment of UP to two non-family members and may be approved for a period of time not to exceed two years, and are subject to the standards and limitations set forth in § 154.168;

(3) Kindergarten, day nursery, or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in § 154.169;

(4) Utility facility, with the exception of energy generation facilities, subject to §§154.035 through 154.040 for site design review;

(5) (a) Temporary structures as may be required during construction of an authorized permanent structure.

(b) The temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.

(c) Temporary structures under this subsection shall be reviewed under the Type A application procedure as described in § 154.075 of this chapter;

(6) Temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in § 154.075 and subject to § 154.056 for temporary permits;

(7) Public or private school, including all buildings essential to the operation of a school, subject to §§154.035 through 154.040 for site design review;

- (8) Church, subject to §§ 154.035 through 154.040 for site design review; and
- (9) Clubs and lodges, subject to §§ 154.035 through 154.040 for site design review.

(D) *Prohibited uses.*

- (1) Uses of land and water not specifically mentioned in this section shall be prohibited in the RR Districts.
- (2) Cluster developments and parcel averaging shall not be permitted in the greenbelt as defined in this chapter and in the comprehensive plan.

- (3) Recreational vehicles (RVs) shall not be used as primary residences in any Rural Residential (RR) District.

(E) *Non-conforming uses.* Non-conforming uses found in the RR Districts are subject to the non-conforming use provisions of § 154.059 as well as any other applicable provisions of this chapter.

(F) *Standards and limitations.* In the RR Districts, the following standards and limitations shall apply:

(1) *Dwelling density.*

(a) *Dwelling density for permitted uses.*

- 1. The maximum overall dwelling density for any new development shall not exceed:
  - a. One dwelling per 2 acres net in the RR-2 District; and
  - b. One dwelling per 1 acre net in the RR-1 District.
- 2. Not more than 1 principal dwelling shall be permitted on any parcel, except in the case of clustering development and as follows:
  - a. One duplex may be allowed on any 4 acre parcel in the RR -2 District;
  - b. One duplex may be allowed on any 2 acre parcel in the RR-1 District.
- 3. For the division of any contiguous lands under the same ownership or under a common promotional plan, parcel sizes may be averaged if the tract to be averaged under this section is at least 10 acres, and provided that the maximum overall net density of the applicable RR Districts are not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by division (2) below.

(b) *Dwelling density for conditional uses.* Not more than 1 secondary dwelling (other than guest house secondary dwelling) shall be permitted on any parcel.

(2) *Parcel size and dimension.*

(a) *RR-1 District.*

1. *Newly-created parcels.* The maximum depth-to-width ratio for any newly-created parcel shall be 3 to 1. The minimum size of any newly-created parcel shall be 1 acre, exclusive of any easements for public right-of-way and except as follows:

- a. In the case of parcel-size averaging, the minimum parcel size shall be no less than 3/4 of 1 acre, net 32,670 square feet;
- b. In the case of a duplex, the minimum parcel shall be 1-1/2 acres; and
- c. In the case of a residential planned development, the minimum parcel size shall be 10 acres prior to a subdivision of the parcel.

2. *Pre-existing lots of record.* Any permitted or conditional use provided for in this district may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of § 154.057 shall be satisfied.

(b) *RR-2 District.*

1. *Newly-created parcels.* The maximum depth-to-width ratio for any newly-created parcel shall be 3 to 1. The minimum size of any newly-created parcel shall be 2 acres, except as follows:

- a. In the case of parcel-size averaging, the minimum parcel size shall be 1-1/2 acres;
- b. In the case of a duplex, the minimum parcel size shall be 2 acres; and
- c. In the case of a duplex or multi-family planned development, the minimum parcel size shall be 10 acres prior to a subdivision of the parcel.

2. *Pre-existing lots of record.* Any permitted or conditional use provided for in this district may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of § 154.057 shall be satisfied.

- (3) *Setbacks.* The following setback requirements apply to all RR Districts unless varied or waived by a planned

development, subject to § 154.121.

(a) *Front yard.* The minimum front yard setback shall be 30 feet except that the minimum setback for all yard signs shall be 5 feet.

(b) *Side and rear yard.* The minimum side and rear yard setbacks shall be 15 feet, except as provided in this section.

(c) An accessory structure not more than 15 feet in height, at least 60 feet from a road, and at least 10 feet from any dwelling may be located a minimum distance of 15 feet from the property line in a side yard or rear yard.

(d) Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of division (6) below.

(4) *Parcel coverage.*

(a) For any parcel of 1 acre or more, but less than 10 acres, the maximum parcel coverage shall be 20%.

(b) For any parcel of less than 1 acre, the maximum parcel coverage shall be 15%.

(5) *Access.*

(a) Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least 30 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 30 feet.

(b) Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in the Valencia County Subdivision Chapter adopted by Valencia County.

(6) *Clear-vision areas.*

(a) A clear-vision area shall be maintained on the corner of any parcel at the intersection of any 2 of the following: county roads; public roads; private roads serving 4 or more parcels; and railroads.

(b) A clear-vision area shall contain no sight-obscuring structures or planting exceeding 30 inches within a triangle formed by the projected intersection of the right-of-way or public road easement lines on the lot corner nearest the intersection, and the 2 points 20 feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way.

(c) Trees exceeding these requirements may be located so that their branches extend into this triangle, provided they are maintained to allow at least 12 feet of visual clearance within the triangle below the lowest hanging branches.

(7) *Height.*

(a) The maximum building height for any dwelling shall be 30 feet;

(b) The maximum building height for all other structure shall be 45 feet, except for accessory structures on any parcel of less than 10 acres the maximum building height shall be 35 feet; and

(c) Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this chapter.

(8) *Occupancy of recreational vehicles.*

(a) One recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 180 days total in any year.

(b) In no case shall any recreational vehicle be used as a principal dwelling or rented unless and until the necessary permits have been obtained which include septic disposal and setback requirements for a dwelling.

(9) *Off-street parking.*

(a) In the RR Districts, prior to establishment of any dwelling, sufficient area must be provided to allow for at least 1 emergency vehicle turnaround; and

(b) Parking requirements for those uses which may generate traffic beyond what is normally expected in the RR Districts, including multi-family dwellings, shall be determined by the Zoning Department subject to the provisions of §§ 154.035 through 154.040.

(10) *Livestock.* The keeping of livestock shall be allowed in the RR Districts subject to the following restrictions:

(a) All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property;

(b) There shall be at least 10,000 separate square feet of pervious surface area for each cow, horse or similar animal;

(c) There shall be at least 4,000 separate square feet of pervious surface area for each sheep, goat, pig or similar animal;

(d) There shall be at least 600 separate square feet of pervious surface area in an enclosed structure for poultry or

rabbits or similar animals;

(e) There shall be at least 3,500 separate square feet of surface area for each dog or cat; and

(f) Animals which are less than 6 months old are excepted from the requirements of this division herein.

(Ord. 2004-05, passed 9-15-2004; Am. Ord. 06, passed 9-15-2004; Am. Ord. 09, passed 9-15-2004; Am. Ord. 2006-06, passed 6-16-2006; Am. Ord. 2017-01, passed 4-5-2017; Am. Ord. 2017-03, passed 11-1-2017; Am. Ord. 2021-02, passed 7-21-2021) Penalty, see § 154.999