

## **ARTICLE VII**

### **GENERAL PROVISIONS AND REGULATIONS**

The regulations contained in this Article are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

#### **Section 7-1. Street Access**

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; or approved private street.

#### **Section 7-2. Yard and Setback Modifications**

##### **7-2.1 Setbacks on Corner Lots**

Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than the minimum front yard setback prescribed by Table II for the district in which the lot is located.

##### **7-2.2 Front Yard Setbacks From Streets**

The street (front yard) setback requirements of this Ordinance shall not apply on any lot where fifty (50) percent or more of the frontage between two (2) intersecting streets or within 200 feet on each side of such lot is improved with buildings that are setback from the street line or where all of the buildings, though occupying less than fifty (50) percent but more than twenty (20) percent of such frontage, are setback from the street line. In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this Ordinance, the frontage along the side line of a corner lot is excluded.

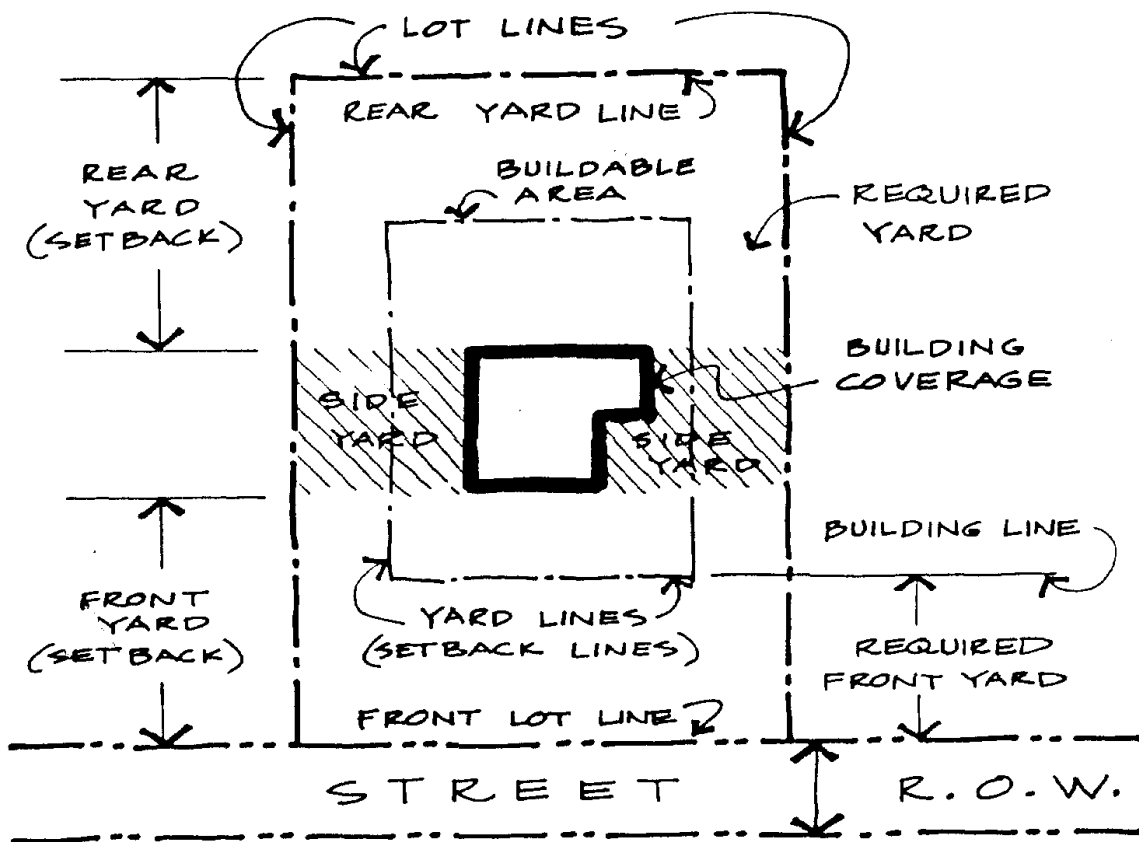
##### **7-2.3 Setbacks From Railroads**

Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the Zoning Ordinance.

### Section 7-3. Yard Measurements - Buildable Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the **buildable area** within which the approved structure(s) shall be placed.

## YARDS AND SETBACKS



### Section 7-4. Structures and Projections Into Required Yards and Setback Areas

Every building or structure hereafter erected or established shall be located within the buildable area as defined by this Ordinance, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except for the following:

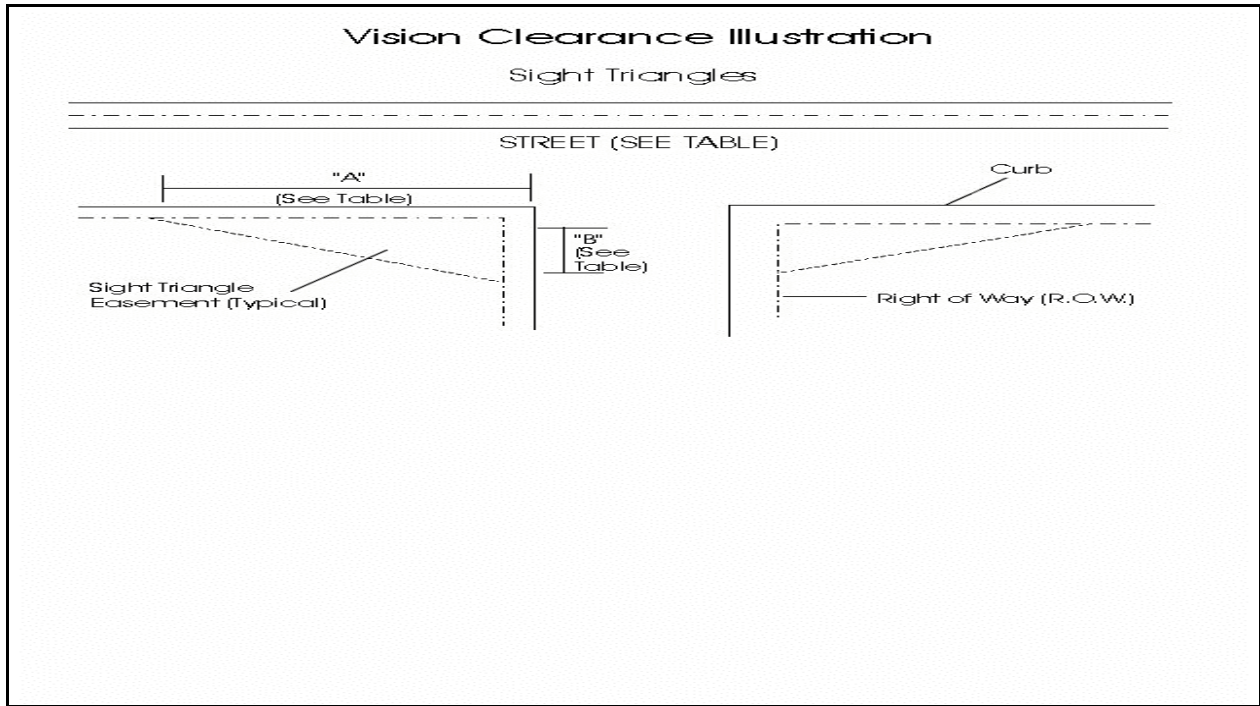
- (1) Ornaments, eaves, chimneys, cornices, window sills, awnings and canopies, which may project into any required yard a distance not to exceed three (3) feet.
- (2) Accessory uses, as specified by Section 7-7.1.
- (3) Fences, walls, and hedges, provided that no such structure or hedge shall impede visibility as required by Section 7-6.

### **Section 7-5. Exceptions To Height Limitations**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, utility poles, chimneys, conveyors, flag poles, masts, communication towers and antennas, or roof mounted mechanical equipment; provided, however, water towers, communication towers and antennas shall be separated from any adjoining property line in the R-1 and R-2 Residential Zoning Districts by a distance equal to one foot for each one foot in height, measured from the required property line.

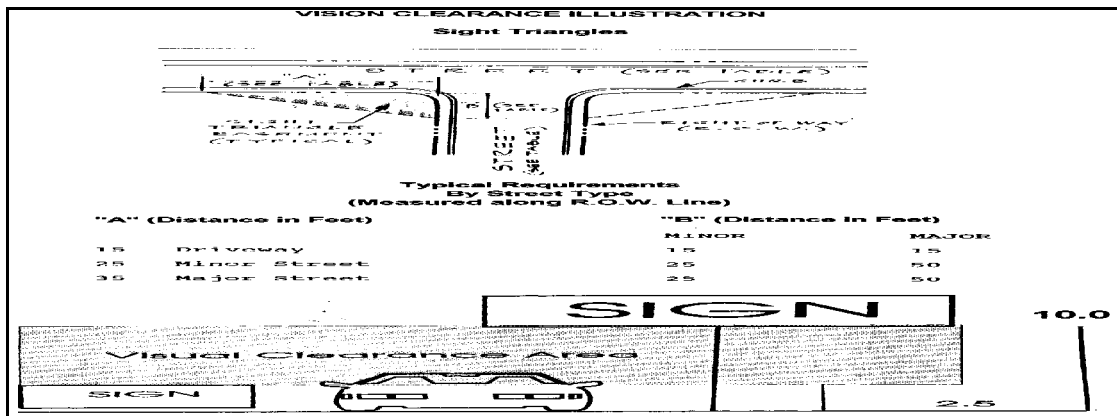
### **Section 7-6. Visibility At Intersections**

Visibility at railroad and street intersections shall be unobstructed. No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed after the effective date of this Ordinance, in such a manner as to obstruct visibility at intersections. No structure or planting shall be permitted at any point between a height of two and a half (2-1/2) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street or railway right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.



Typical Requirements  
By Street Type  
(Measured Along R.O.W. Line)

		"B" (Distance in Feet)	
		Minor	Major
"A" (Distance in Feet)			
15	Driveway	10	10
30	Minor Street	20	30
45	Major Street	20	30



## **Section 7-7. Accessory Buildings and Uses**

### **7-7.1 Generally**

- (1) The number of accessory buildings shall not exceed two on any residentially zoned lot or parcel.
- (2) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (3) Non-farm accessory buildings shall not exceed 50 percent of the Gross Floor Area (GFA) of the principal building or use.
- (4) The use of mobile homes as accessory buildings shall not be permitted in any zoning district.

### **7-7.2 Location**

Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel, and within required yards and setback areas under the following conditions:

- (1) Accessory buildings and uses are permitted in all required yards and setback areas in the C-1, C-2 and IND Districts; provided such uses are located no closer than five (5) feet to any front yard property line, are not located in any required buffer area or setback contiguous to any property zoned R-1, R-2, HC or MU and otherwise comply with the regulations for accessory uses in said districts.
- (2) Accessory buildings and uses in the R-1, R-2, HC, MU and FA Districts are permitted within required yards and setback areas; provided no such uses shall be closer than five (5) feet to any property line, and where indicated shall meet the following conditions.

**ACCESSORY USE**

**CONDITIONS**

Off-Street Parking	Not more than four off-street parking spaces shall be allowed in any required front yard.
Accessory buildings, including garages, carports, domestic kennels, storage sheds, satellite dishes, ham radio ground supported TV antennas, etc.	Are permitted in required rear and side yards only, and if located in the buildable area shall not extend or be located in front of any principal building.
Swimming pools, tennis courts, recreational uses	Are permitted in all required yards; provided said uses shall be no closer than 10 feet to the nearest residential property line, and shall have all lighting shielded or directed away from adjoining residences.

**Section 7-8. Use of Land or Structures**

**7-8.1 Conformity With Regulations**

No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations specified for the district in which it is located.

No structure shall be erected or altered:

- (1) with greater height, size, bulk, or other dimensions,
- (2) to accommodate or house a greater number of families,
- (3) to occupy a greater percentage of lot area,
- (4) to have narrower or smaller rear yards, front yards, side yards or other open spaces, than required by this Ordinance, or in any other manner contrary to the provisions of this Ordinance.

**7-8.2 Number of Principal Buildings Per Lot**

Except for the following uses and projects, no more than one principal building

may be located upon a lot of record.

- (1) Institutional buildings
- (2) Industrial buildings
- (3) Multi-family dwellings, apartments
- (4) Commercial buildings
- (5) Manufactured Home Parks

Where more than one principal building is located on a lot, the required setbacks for the district shall be maintained along all property lines, and distances between principal buildings shall be approved by the Fire Chief prior to permitting.

### **7-8.3 Minimum Requirements Established**

The minimum lot area, yards, buffer areas, and open space required by these regulations for each lot, parcel or building existing at the time of the passage of this Ordinance shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance for the district in which they are created.

## **Section 7-9. Nonconformities**

### **7-9.1 Existing Nonconforming Lots Of Record**

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Zoning Administrator is authorized to issue a permit for the use of the property provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than 20%. Dimensional (setback) reductions greater than 20% shall be referred to the Board of Zoning Appeals for consideration, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

### **7-9.2 Existing Nonconforming Uses, Buildings, and Structures**

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance, except that said nonconforming use, building, structure or portions thereof shall not be:

- (1) **Changed to another nonconforming use** which would not otherwise be permitted in the same zoning district in which the existing nonconforming use is permitted.
- (2) **Repaired, rebuilt, or altered after damage** exceeding sixty (60) percent of its replacement cost at the time of destruction. Reconstruction to begin within six (6) months after damage is incurred. Structures with less than 60 percent damage may be repaired or rebuilt provided said repair or alteration does not increase the nonconformity of side, rear or front yard setbacks or other applicable requirements or reduce the amount of off-street parking below the amount provided prior to such damage. The provision of this sub-section shall not apply to any residential unit, which unit may be reestablished, irrespective of the amount of damage.
- (3) **Enlarged or extended by more than 10% of the gross floor area.** Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, buffer area and off-street parking requirements are met.
- (4) **Reused, reestablished, reoccupied or replaced** after discontinuance, physical removal, or relocation of the use or structure from its original location, except in accord with the following schedule:
  - (a) Non-conforming mobile homes and/or manufactured homes, once removed shall not be replaced by another mobile home but may be replaced by a manufactured home, provided such manufactured home is in full compliance with the siting requirements of Section 3-2 and the habitability requirements of Section 3-3.
  - (b) Nonconforming buildings structurally designed for commercial

or other non-residential uses may be renovated and reoccupied at any time, provided that:

1. All off-street parking requirements associated with the new occupant (use) shall be met on site,
  2. Buffer area requirements of Section 4-1 shall be met,
  3. The reoccupied use shall be permitted in the HC and/or MU Zone Districts,
  4. There is no encroachment into existing side, rear or front yard setbacks.
- (c) All other nonconforming buildings or uses shall have 180 days in which to reuse, reoccupy, or reestablish such nonconforming use or forego the right to do so under the provisions of this Section.

#### **Section 7-10. Parking, Storage or Use of Campers or Recreational Vehicles in Residential Zones**

No recreational vehicle or boat in excess of 17 feet shall be parked or stored in any required front or side yard setback area or within 5 feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

#### **Section 7-11. Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones**

- (1) No automobile, truck or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.
- (2) Parking of vehicles, implements and/or equipment used for commercial, industrial, farm or construction purposes in the R-1 and R-2 Districts shall be limited to one vehicle per residence, with a capacity no greater than 2 tons.

- (3) Vehicles with capacity greater than 2 tons and used for commercial, industrial, farm or construction purposes are prohibited from parking in the above referenced Zoning Districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.