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Section 4.03 Building Separation

Except as required for building groups in Section 3.30(c), where two or more buildings are located on the same lot, they shall be separated from one another as though they were located on separate lots.

Section 4.05 Courts and Facing of Dwellings

4.05.10 Minimum and Maximum Dimensions

For multifamily and mixed buildings, minimum and maximum dimensions of courts shall be as follows:

inner court:

least dimensions, minimum: 40 feet plus 10 feet for each story over three stories, but need not exceed 60 feet.

outer court:

width, minimum: 20 feet plus 5 feet for each story over three stories.
depth, maximum: width less 10 feet, but no maximum depth requirement if width is 60 feet or more.

4.05.20 Facing of Dwelling Units in Group of Multifamily, Multiple Dwellings, or Mixed Buildings

Each dwelling unit in a group or multifamily dwelling or mixed building shall front either on a street or other permanent open space at least 30 feet wide or on an outer court. The least width of such court, if flanked by buildings on one side only, shall be:

| | | | |
|------------------|---------|-------------------|---------|
| 1 to 1.5 stories | 30 feet | 3 to 3.5 stories | 40 feet |
| 2 to 2.5 stories | 35 feet | 4 stories or more | 45 feet |

If flanked by buildings on both sides, the least width of such court shall be:

| | | | |
|------------------|---------|-------------------|---------|
| 1 to 1.5 stories | 40 feet | 3 to 3.5 stories | 60 feet |
| 2 to 2.5 stories | 50 feet | 4 stories or more | 70 feet |

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Such court shall extend clear and unobstructed of the same width to a public street or to another court of equal or greater width which extends to a public street.

Section 4.10 Fences and Screen Walls

4.10.1 General Requirement

Wherever any provision of these regulations requires the construction and maintenance of a fence or screen wall as a condition for initiating and subsequently continuing any use, such fence or screen wall shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with the provisions of this section.

4.10.3 Fence, Required

The fence required by subsection 4.10.1 shall be of the chain-link type (barbed wire not permitted), at least six feet high (unless a different height is required elsewhere in these regulations), constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, insure public safety, and present a neat, attractive, uniform appearance. Supporting uprights shall be erected on the inside of such fence.

4.10.5 Screen Wall

The screen wall required by subsection 4.10.1 shall be a solid fence of the stockade type or a masonry wall not less than six feet in height, unless a different height is provided elsewhere in these regulations. The fence or wall shall be so constructed that all bracing, supports, or posts, except those provided expressly for esthetic purposes shall be on the same side of the fence or wall as the use which is to be screened. The fence or wall shall be designed and constructed in such a way as to (1) facilitate maintenance and (2) not modify natural drainage in such a way as to endanger property other than that on which such use is located.

4.10.7 Required Maintenance of Fence or Screen Wall

The required fence or wall, and trees, shrubs, and grass, if provided, shall be properly cared for and maintained by the owner of the zoning lot containing the use required to provide the fence or wall. Any dead trees or shrubs shall be replaced by such owner at the next appropriate planting season. No sign shall be erected on the outer side of the wall or fence.

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Section 4.30 Enclosure of Uses

A. Except as provided in paragraph (B) hereof, no raw materials, waste materials, products, goods, machinery, or equipment shall be stored, displayed, operated, or processed out-of-doors within 200 feet of a major street or highway or within 200 feet of any property in an AR, R, P, O, C1, or I1 District, even though such activities may be permitted uses in such district, unless such materials or articles are so screened as not to be visible to an observer driving on such street or highway or standing on the ground in such district.

B. The requirement of paragraph (A) hereof shall not apply to the following:

Animals, living

Boats

Construction equipment in use on construction projects

Electric substation or similar facility, unless required by the Board of Adjustment

Farm and garden equipment, in use in fields and gardens

Gasoline pumps and similar service station equipment customarily not enclosed

Household articles customarily stored or used out-of-doors

Monuments and tombstones

Motor vehicles

Oil derricks or pumps and similar equipment, at oil wells

Pressure regulator station or similar facility, unless required by the Board of Adjustment

Plants, living, including trees and shrubs

Signs

Sports, play, and similar equipment, customarily used outdoors

Structures attached to the ground or a building

Transit vehicles

Transportation equipment in operation of goods being transported

Trucks and Trailers

Utility facilities, not elsewhere classified

Section 4.40 Height Exceptions

(a) Any building may exceed the height limits set forth in the district provisions, provided that the portions of the building whose height exceeds such limits shall be set back in accordance with the pertinent tables of the district provisions. Such setbacks shall be measured from lines parallel to and inside the side lot lines and the rear lot line and distant therefrom the width of the narrowest required side yard for such building. Where two or more buildings are located on the same lot, height requirements shall be calculated as though the buildings were located on separate lots.

(b) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limits set forth in the district provisions without additional setback being required, provided that the sum of the horizontal cross-sectional areas of all such projections on any lot does not exceed five percent of the area of the lot.

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Section 4.70 Open Space, Other than Yards; Access

(a) Single Use of Space and Area: An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure. Land area used in computing permitted floor area for one building shall not be used in computing permitted floor area for any other building.

(b) Access: No dwelling shall be erected on a lot which does not abut on at least one street, at least 50 feet in width, for at least 35 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(c) **Corner Visibility:** On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches and six feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

Section 4.80 Planned Developments

4.80.1 Approval

On recommendation by the Planning Commission, after public hearing, the governing body may approve a plan for a planned development for a tract of land which lies in one or more of the following districts: AR, R, or O.

4.80.3 Modification of Requirements

The plan for a planned development may depart from the dwelling type, lot area, lot area per dwelling unit, lot width, yard, and coverage requirements of the district or districts in which it is located, provided that:

(a) the total number of dwelling units to be built on the tract shall not exceed the number which could be built on the tract under the district provisions, count one-fifth of the tract area for streets, regardless of the area actually used for streets,

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(b) the total area of the tract covered by structures shall not exceed the sum of the areas that would be permitted under the district provisions, counting one-fifth of the tract area for streets,

(c) all lots in the tract contiguous to property in an AR or R District outside the tract shall meet the provisions of the districts in which they are located,

(d) no mobile homes shall be permitted, except in mobile home parks in RT Districts.

4.80.5 Assurances re: Common Area and Density

No plan for a planned development shall be approved unless the governing body makes a finding that the plan contains adequate provisions to assure:

(a) that the conditions set forth in subsection 4.80.3 will be met, and

(b) that adequate provisions have been made to provide for the ownership and continued maintenance of any areas provided for common use and/or ownership by residents of the planned development.

4.80.7 Requirement of Plan

Following approval of a plan for a planned development as provided by this section, no structure shall be built in such development, nor shall any permit be issued for any construction therein, until a plat for the planned development has been approved by the Planning Commission and filed of record.

Section 4.85 Lot Area and Width

4.85.1 Substandard Lot of Record

(a) In any district where dwellings are permitted, if any lot is smaller than the minimum requirements herein contained and all sides of such lot touch lands that were under other ownership at the effective date of these regulations, such lot may be used for the erection of one single-family detached dwelling. In such case, the Board of Adjustment may permit appropriate reductions of required yards and increase of permitted lot coverage.

(b) Where a lot has been created for nonresidential purposes under Section 4.85.2 or other section of these regulations and such lot does not comply with the residential bulk and area requirements of the district in which it is located, such lot shall not be used for residential purposes.

4.85.2 Lots for Certain Utility Facilities

Where a lot is proposed to be used as the site for a utility substation, pumping station, pressure regulating station, or similar facility, whose nature is such that the lot area or width may appropriately be less than the minimum established herein for the district in which the lot is located, the Board of Adjustment may, on application, reduce such minimum for such individual facility, and the Planning Commission may approve a plat containing a lot so reduced.

Section 4.87 Street Access

No dwelling shall be erected on a lot which does not abut on at least one street, a least 50 feet in width, for at least 35 feet, except that a townhouse lot need not abut a street for more than the required width of a townhouse lot. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

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Section 4.90 Yards

4.90.1 Projections into Required Yards

Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet. Fences, walls, and hedges in residential districts may be erected in any required yard or along the edge of any yard, provided that no fence, wall, or hedge located in front of the front building line shall exceed three feet in height and no other wall or fence shall exceed seven feet in height.

4.90.2 Front Yards on Narrow Streets

Where a lot abuts on a dedicated street right-of-way less than 50 feet wide (or a half right-of-way less than 25 feet wide), the required front or exterior side yard shall be measured from a line 25 feet from the center line of such street.

4.90.3 Coverage of Rear Yard

Accessory buildings which are not a part of the main building may be built in the rear yard, but shall not cover more than 30 percent of the rear yard.

4.90.4 Building Setback Lines

Where building setback lines adopted by proper authority establish deeper building setbacks than the front and exterior side yards established by these regulations, such setback lines shall prevail.

