

GENERAL STANDARDS

15.153.015 STANDARDS FOR PRINCIPAL STRUCTURES AND USES ON INDIVIDUAL LOTS.

The standards established by Table A are the standards for principal structures or uses on individual lots.

TABLE A
Standards for Principal Buildings on Individual Lots

| DISTRICT | MAXIMUM HEIGHT (FEET) | MINIMUM LOT SIZE (FEET) | MINIMUM WIDTH (FEET) | MINIMUM FRONT YARD (FEET) | MINIMUM SIDE YARD (FEET) | MINIMUM SIDE YARD STREET SIDE CORNER LOT (FEET) | MINIMUM REAR YARD (FEET) | LOT COVERAGE | GREEN SPACE REQUIRED |
|----------|-----------------------|-------------------------|----------------------|---------------------------|--------------------------|---|--------------------------|--------------|----------------------|
| A, AIR | 35 | 6,000 | 60 | 25 ⁶ | 5 ⁵ | 10 | 25 | 30% | 100% |
| R-1 | 35 | 6,000 | 60 | 25 ⁶ | 5 ⁵ | 10 | 25 | 30% | FRONT |
| R-2 | 35 | 5,000 | 50 | 25 ⁶ | 5 ⁵ | 10 | 25 | 40% | YARD |
| R-3 | 35 | 5,000 | 50 | 20 | 5 ⁵ | 10 | 20 | 40% | IN |
| R-4 | 40 | 5,000 | 50 | 20 | 5 ⁵ | 10 | 20 | 40% | ALL |
| R-5 | 150 | 5,000 | 50 | 20 | 5 ⁵ | 10 | 20 | 40% | ZONES |
| CO-1 | 35 | 6,000 | 60 | 20 | 5 ^{1,5} | 10 | 20 | 40% | ↓ |
| CO-2 | 35 | 6,000 | 60 | 20 | 5 ^{1,5} | 10 | 20 | 40% | ↓ |
| C-1 | 35 | NONE | NONE | 10 ⁴ | 5 ^{1,5} | 10 | NONE ¹ | 75% | ↓ |
| C-2 | 50 | NONE | NONE | 10 ⁴ | NONE ¹ | 5 | NONE ¹ | 75% | ↓ |
| C-3 | NONE | NONE | NONE | NONE ⁴ | NONE ¹ | NONE | NONE ¹ | NONE | ↓ |
| C-4 | 50 | NONE | NONE | 10 ⁴ | NONE ¹ | 5 | NONE ¹ | 75% | ↓ |
| W-R | 35 | NONE | NONE | 20 ^{2,4} | NONE ¹ | 5 | NONE ¹ | 75% | ↓ |
| W-I | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | ↓ |
| M-1 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | ↓ |
| M-2 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | ↓ |
| M-3 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | ↓ |

| | | | | | | | | | |
|-----|-------------------------------------|------|------|------|-------------------|------|-------------------|-----|---|
| F-1 | NONE | NONE | NONE | NONE | NONE ³ | 5 | NONE ³ | 10% | ↓ |
| PUD | AS APPROVED IN THE DEVELOPMENT PLAN | | | | | | | | |
| CON | 35 | NONE | NONE | NONE | NONE | NONE | NONE | 30% | ↓ |

1. See 15.153.019 (H)
2. Applies only to lots fronting on dedicated street right-of-way
3. See 15.153.019 (I)
4. See 15.153.019 (J)
5. On lots smaller than 40 feet in width which were platted before the effective date of this ordinance, a percentage computation will apply: Every yard shall have a side yard on each side, each of which shall be at least 10% of the width of the lot in width, and the aggregate width of both side yards on any lot shall be at least 25% of the width of the lot in width.
6. A twenty-foot front yard for residential lots with frontage on a cul-de-sac.

(NOTE: Zoning code continues on next page)

15.153.016 MINIMUM FLOOR AREA

Standards for minimum floor area are as follows:

Single family dwelling 720 sq.ft.

Duplex and multiple dwellings:

| | |
|---------------------|-------------|
| Efficiency unit | 400 sq.ft.* |
| 1-bedroom unit | 500 sq.ft.* |
| 2-bedroom unit | 600 sq.ft.* |
| 3-plus bedroom unit | 700 sq.ft.* |

* Floor area per unit measured by outside measurements.

15.153.017 PLATTING AND REPLATTING

(A) A building or structure, except a building for agricultural uses, may not be constructed on unplatted ground.

(B) A parcel of land platted after the effective date of this chapter must conform to the minimum lot area and lot width established for the district in which it is located.

(C) In all districts, a parcel of land may not be divided into two or more lots until a subdivision plat has been approved and recorded. Subdivision plats, including amended subdivision plats, must conform to the minimum lot area and lot widths established for the district in which they are located. (See Subdivision Ordinance)

(D) In all districts, adjoining platted lots, those lots having a common lot line and common zoning, may adjust their common lot lines without replatting, provided that the newly-created sites meet all requirements of the zoning code for the district and create no additional lot(s).

(E) Corner lots may be refaced provided that the newly-created sites meet the minimum lot requirements for the district.

15.153.018 STREET FRONTAGE

(A) A residential lot must meet the requirements for minimum front lot width in Table A. On a curve, frontage may be measured at the building line.

(B) If a lot is bounded on two opposite sides by street, minimum front yard setbacks shall be maintained on both front yards. Accessory buildings or structures may not be located in either front yard setback. The Area Plan Commission may make exceptions to this requirement through the subdivision approval process.

15.153.019 SETBACK REQUIREMENTS

(A) In all districts, the requirements of Table A apply to minimum front, rear, and side yards.

(B) If the permitted use does not include buildings, the required yards must still be maintained.

(C) Every part of every required yard shall be open and unobstructed from the ground to the sky except as follows;

(1) Sills or belt courses may project not over 12 inches into a required yard.

(2) Cornices, eaves, gutters, or other projections from a building or structure may project not over three feet into a required yard, but may not extend closer than one foot to any lot line.

(3) Chimneys, fireplaces, pilasters, bay windows, or similar uses may project not over two feet into a required yard.

(4) Movable awnings may be placed over doors or windows in any required yard, but awnings may not project closer than two feet to any lot line, and may not be vertically supported.

(5) Unenclosed fire escapes, stairways, decks, and balconies may project not over five feet into a required rear yard and not over three feet, eight inches into a required side yard. Unenclosed decks and balconies may not project over three feet into a required front yard, but may not extend closer than one foot to any lot line.

(6) Unroofed terraces, patios, or decks, not over three feet six inches above the ground except for railings, may extend five feet into a required front yard, ten feet into a required rear yard, and three feet into a required side yard, but may not extend closer than one foot to any lot line.

(7) Hoods, canopies, or marquees may project not over three feet into a required yard, but may not extend closer than one foot to any lot line.

(8) With the exception of permitted driveways, all required front yards shall be planted and maintained in grass and/or other natural ground cover which establishes comparable aesthetic standards.

(D) All required yards and setbacks are measured from the property line or the right-of-way line, whichever is more restrictive.

(E) Front yard means the yard extending across the full width of the lot between the front line of the building and the front lot line. On a corner lot, the front lot line is the shorter of any two adjacent lot lines having frontage on a street.

(F) Rear yard means the yard extending across the full width of the lot between the rear line of the building, structure, or use and the rear line of the lot.

(G) Side yard means the yard between the foundation line of any part of the building, structure, or use and the side line of the lot, and extending from the front yard to the rear yard.

(H) If a commercial lot abuts a residential lot, an unobstructed yard at least ten feet wide shall be provided adjacent to the residential lot. No primary or accessory uses or structures may be placed in this 10-foot yard.

(I) If an industrial lot abuts a residential lot, an unobstructed yard at least twenty feet wide shall be provided adjacent to the residential lot. No primary or accessory uses or structures may be placed in this 20-foot yard.

(J) If a commercial or industrial lot abuts a residential lot in the same block frontage, the yard requirements in the residential district apply to the commercial or industrial district.

15.153.020 FENCES, WALLS, AND HEDGES

(A) The height of fences, walls, or hedges in required yard setbacks may not exceed the following:

(1) Three feet in all required front yards on corner lots, and four feet in all other required front yards;

(2) Six feet along a side or rear lot line of residential property;

(3) Eight feet along a side or rear lot line of non-residential property.

(B) A six foot impassable fence shall surround all swimming pools, all accessories thereto, and all entries thereto. Swimming pools shall include but are not necessarily limited to pools over two feet in depth at any point. Swimming pools shall not include lakes.

(C) All junkyards, salvage yards, storage yards, outside storage areas, commercial vehicle and equipment parking lots, scrap yards, scrap metal reduction operations, garbage reduction operations, or similar operations to any of the above shall be completely enclosed with an opaque fence not less than eight feet high. This fencing requirement is mandatory for all storage areas for inoperable vehicles or inoperable equipment in conjunction with repair shops or similar operations when such storage areas abut residential areas or are visible from public thoroughfares.

15.153.021 ACCESSORY USES AND STRUCTURES

(A) A structure or use which is clearly incidental to a principal structure or use, and is located on the same lot with the principal structure or use, is an accessory use. All accessory uses are subject to the restrictions in this section.

(B) All accessory uses must meet the following requirements:

(1) Be operated and maintained under the same ownership and use as the principal use or structure, and must be a permitted use in the zoning classification in which they are located.

(2) Be subordinate in height, area, and purpose to the main structure or use. For the purpose of this subsection, area shall be designed as lot coverage.

(3) All residential accessory structures and uses in a side or rear yard, not attached to or part of the main structure or use, shall be located at least two feet from any lot line, at least fifteen feet from any street line, at least ten feet from the main structure, and total lot coverage for all structures on the lot may not exceed the maximum allowed per Table A. All residential accessory uses attached to or part of the main structure must meet all minimum requirements established by Table A.

(4) May not be erected prior to the principal use or structure.

(5) May not be located in a required front yard.

(6) Accessory uses in Agricultural zones may not be used as living quarters unless approved as a Special Use.

(C) Docks for non-commercial watercraft are permitted as an accessory use. A dock may not project more than ten feet beyond the waterway, property, or bulkhead line, or ten percent of the width of the waterway, whichever is less.

(D) Satellite and antenna receiving systems are permitted as an accessory use, but may be located less than ten feet from the main structure.

15.153.022 EXCLUSION FROM HEIGHT LIMITATION

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls; sky-lights; television aerials; steeples; cupolas; flag-poles; chimneys; smokestacks; wireless masts; water tanks; grain elevators; silos; gas containers; industrial installations requiring a vertical production procedure such as flour mills, steel mills and refineries; or similar structures may be erected above the height limits. However, no penthouse or roof structure or any space above the height limit may be used for residential, commercial, or industrial use.

15.153.023 STANDARDS FOR MIXED USED

(A) If a structure contains both a residential use and a non-residential use and the gross floor area occupied by the residential use exceeds 25% of the total floor area of the structure, the structure is a residential use and must conform with the regulations of the R-5 residential district.

(B) If the gross floor area occupied by the residential use is 25% or less of the total floor area of the structure, the structure is a non-residential use and must conform with the regulations of the commercial district in which it is located.

15.153.024 COMMERCIAL VEHICLE PARKING

(A) Commercial vehicles and equipment, other than those used in the principal use, may not be parked or stored on property in an A, R-1, R-2, R-3, R-4, R-5, CO-1, CO-2, C-1, C-2, or C-3 district. Vehicles designed and intended for agricultural use are permitted in Agricultural zoning districts.

(B) A commercial vehicle originally designed or intended as a private passenger vehicle (pick-up trucks up to and including one-ton pick-up trucks, passenger vans, automobiles, or station wagons) which has been materially or structurally altered for use in connection with a commercial use may be parked on residential property when used as a commuter vehicle by the owner or resident of the premises. However, said vehicles while parked on the property may not be loaded with trash or debris.

15.153.025 USE OF RESIDENTIALLY ZONED PROPERTY

Residentially zoned property may not be used for public access to non-residential property.

15.153.026 RESIDENTIAL LOTS OF RECORD

Any lot in a recorded subdivision may be considered a lot suitable for building purposes. A lot of record which existed in its present configuration and size prior to 1957, may be considered a lot suitable for building purposes.

15.153.027 HOUSE CARS, TRAILERS, MOBILE HOMES

The following may not be used as living or sleeping quarters within the City except when within the confines of an approved mobile home court:

- (A) Recreational vehicles;
- (B) Trailers;
- (C) Mobile homes;
- (D) Manufactured homes with an inside area of less than 720 square feet.

15.153.028 GARAGE OR YARD SALE

(A) A garage or yard sale may be conducted not more than two times in any one calendar year on any premises located in any R-1, R-2, R-3, R-4, R-5, CO-1, and CO-2 zone; no sale shall be conducted for more than three consecutive days.

(B) All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

15.153.029 NONCONFORMING USES

Within the zoning districts of this ordinance or by amendments which may later be adopted, there exist:

- (1) nonconforming structures;
- (2) nonconforming uses of land;
- (3) nonconforming uses of land and structures in combination; and
- (4) nonconforming characteristics of use;

which lawfully exist as of the effective date of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments thereto. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other uses or structures which are prohibited elsewhere in the same zoning district. Note: illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

(A) Nonconforming uses of land: Where, at the time of enactment of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

(1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

(2) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.

(3) If any such nonconforming uses of land are discontinued, or if such nonconforming uses are abandoned for more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

(B) Nonconforming structures: Where a lawful structure exists as of the effective date of this ordinance that could not now be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following restrictions:

(1) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to the extent of more than double its assessed value immediately prior to the damage, it shall not be reconstructed or repaired except in conformity with the provisions of this ordinance.

(3) Should such structure be moved for any reason for any distance whatever, or removed from the property for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved or rebuilt.

(C) Nonconforming uses of structures or of structures and land in combination: If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of this ordinance that would not be an allowed use in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following restrictions:

(1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the effective date of this ordinance, but no such use shall be extended to occupy land outside such building.

(3) If no structural alterations are made, any nonconforming use of a structure or a structure and land may, upon approval of a zoning use permit, be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Area Plan Commission may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(5) When the nonconforming use of a structure, or when a structure and land in combination, is discontinued, or the nonconforming use is abandoned for more than six months, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(D) Incompatibility of nonconforming uses: Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the district in which such use is

located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this ordinance by attachment on a building or premises of additional signs intended to be seen from the premises, or by the addition of other uses which would be generally prohibited in the district in which such use is located.

(E) Repairs and maintenance: On any nonconforming structure or portion of a structure containing a nonconforming use, work can be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to the extent not exceeding double the assessed value of the nonconforming structure or nonconforming portion of the structure, whichever the case may be, providing that the floor area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon such order from such official. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of neglect of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(F) Special Uses are not nonconforming uses: Any use which is permitted as a special use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall be considered a conforming use.