

## **ARTICLE IV GENERAL CONDITIONS**

The following conditions and supplementary regulations shall apply inclusively to Article V through Article XII, unless specifically stated otherwise.

### **§ 20-401. DEGREE OF RESTRICTIVENESS**

The phrase "more restrictive uses" as employed in this Chapter shall mean the following:

- A. Those uses permitted in the "R-1-A" Single Family Residential Zone are the most restrictive.
- B. All other uses are less restrictive in the order they are permitted in the zones in the following sequence, "R-1-A", "R-1", "R-2", "R-3", "C-1", "C-2", "M-1", and "M-2".
- C. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restricted zone unless it is specifically enumerated as a permitted use therein.
- D. Uses Permitted in the Mineral Extraction Overlay District (MEO) shall be considered restrictive in that compliance with Section 20-1308 of this Chapter is mandated, as well as compliance with the "Surface Mining Conservation and Reclamation Act" (P.L. 1198, No. 418), the "Noncoal Surface Mining Conservation and Reclamation Act" (P.L. 1093, No. 219), the "Oil and Gas Act" (P.L. 1140, No. 223), and the Bituminous Mine Subsidence and Conservation Act" (P.L. 31, No. 1).

### **§ 20-402. LIMITATION OF LAND USE**

Except as provided in this Chapter, no building or part thereof, or other structure, shall be erected, altered, added to or enlarged, nor shall any land, buildings, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

### **§ 20-403. LOT REQUIREMENTS**

- A. Existing lots of record containing less area and/or having less lot frontage on a public street than required as a minimum for the zoning district in which the lot is located shall be considered a lot legally recorded prior to the adoption of this Chapter. These lots may be developed for any use permitted in the zoning district without application being made for a variance, provided:
  1. The lot does not abut other properties in the same ownership.

2. No reduction in depth of front, side or rear yards is required. (In areas which have been changed from an "R-1-A" District to an "R-1" District, the front yard of a new residence adjacent to an existing residence can have a thirty-five foot (35') setback in lieu of the stipulated fifty-foot (50') setback.
- B. Lot frontage measurement for all proposed lots shall be measured from the street right-of-way line, but in no case shall the lot width abutting the street to which the lot has access, be less than that required in the specified zoning district.
  - C. The maximum number of dwellings and principal structures on a lot shall be no more than one (1) principal structure of the principal permitted use. This principal structure shall be constructed on an undivided property or lot. This shall not apply to apartment complexes or commercial shopping centers, where permitted, under one (1) owner. This section shall also apply to municipal uses in the R-3 zoning district.
  - D. Corner lots at all street intersections shall have no obstructions to vision (other than an existing building or tree) exceeding thirty inches (30") in height above the established grade of the street at the property line. No obstruction to vision shall be erected or maintained on any lot within the triangle formed by the right-of-way lines of such lot and a line drawn between points along such right-of-way lines for a distance as defined in Section 20-202 44.
  - E. Through lots in which a single lot under individual ownership extends from a street to an alley shall have its property front determined by the street which is widest, and no principal structures and no dwelling shall be erected on the rear of such a lot.
  - F. The required area, space or dimensions of any zoned lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Chapter; and if already less than the minimum required by this Chapter, said area or dimension may be continued and shall not be further reduced.
  - G. Projections into required yards: Chimneys, canopies, eaves, cornices, fire escapes, bay windows, balconies or covered porches may extend not more than two feet (2') into any required yard on the lot.

**§ 20-404. HEIGHT REQUIREMENTS**

- A. The height limitations of this Chapter shall not apply to the following structures: Church steeples or spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated

water tanks, derricks, public utility structures and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen feet (15').

- B. Barns and other farm outbuildings on existing working farms, not intended for human habitation, shall not exceed thirty-five feet (35') in height.

#### **§ 20-405. LAND DEVELOPMENT**

Any developer of land proposing to construct a multi-family residential structure, or structures, or any nonresidential structure or structures, shall be required to meet all applicable standards of this Chapter, including Supplemental Regulations, Signs and Parking requirements; as well as those application and review requirements established in Chapter 14, Subdivision and Land Development regulations, as may be amended from time to time.

#### **§ 20-406. ACCESSORY STRUCTURES**

- A. Maximum permitted height shall be one and a half (1-1/2) stories or fifteen feet (15'). (See Appendix B Figure 15) (*Ord 2008-06-03, 06/11/08, §17*)

Exception: Conforming structures in C and M Zoning Districts shall be a maximum of thirty-five feet (35') in height. (*Ord 2008-06-03, 06/11/08, §17*)

- B. Minimum yard regulations for unattached accessory structures shall be in accordance with the following requirements:
  - 1. Prohibited in front yard unless lot size and configuration permit a one hundred fifty foot (150') setback from the street right-of-way line, combined with the setback requirements for that Zoning District. (*Ord. 2007-02-03, 2/14/07, §4*)
  - 2. Side yard - not less than ten feet (10') from property line.
  - 3. Rear yard - not less than ten feet (10') from property line.
  - 4. Distance between structures - a clear area not less than ten feet (10') must be maintained between all structures on property. This does not include a deck between the principal structure and its pool. (*Ord. 2007-02-03, 2/14/07, §5*)
  - 5. Swimming pools shall meet the setback requirements stated for the principal structures in that Zoning District along with the requirements set forth in Section 20-1313. (*Ord. 2007-02-03, 2/14/07, §6*)