

## CHAPTER 172: AREA, YARD, HEIGHT, AND PARKING REGULATIONS

### Section

- 172.01 Area regulations
- 172.02 Yard regulations – R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O Districts
- 172.03 Height regulations – all districts
- 172.04 Minimum residential floor area – specified districts
- 172.05 Fences, walls, hedges, and shrubbery
- 172.06 Off-street parking and loading
- 172.07 Accessory uses and structures

### § 172.01 AREA REGULATIONS.

(A) *General.* Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the minimum lot area regulations of the district in which it is located. The “Table of Standards for Principal Buildings on Individual Lots” set forth in § 171.08 shall apply.

(B) *Ingress and egress.* Every lot shall front and have ingress and egress to and from the proposed building site from a dedicated street or right of way maintained by the town or other participating jurisdiction unless the lot is subject to the following modifications:

(1) Recorded lots on non-maintained dedicated town or other participating jurisdiction street or right-of-way. Where a lot fronts and has ingress and egress to and from the proposed building site from a dedicated street or right-of-way which has not been accepted for maintenance by the town and was a lot of record prior to the effective date of this title the lot shall qualify for an improvement location permit.

(2) Lots in subdivisions recorded after the effective date of the Subdivision Control Ordinance of 2001, which have streets or rights-of-way which are not maintained by the town or other participating jurisdiction but have met bonding or other proof of financial responsibility for their construction. Where a lot fronts and has ingress and egress to and from the proposed building site from a dedicated street or right-of-way which has not been accepted for maintenance by the town or other participating jurisdiction but the subdivision has been approved and recorded after the effective date of the Subdivision Control Ordinance, 2001, and which the street improvement has been bonded or other proof of financial responsibility has been provided, the lots shall qualify for an improvement location permit.

(3) Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the minimum lot area regulations of the district in which it is located.

(C) *Area, reduction of lot area.* No lot area shall be reduced, diminished or maintained so that the yards, other open spaces or total lot area shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

(D) *Area, principal main building on a lot.* Every building hereafter erected shall be on a lot as herein defined. In no case shall there be more than 1 principal residential building and its accessory buildings on 1 lot. Row dwelling or group housing may be considered as 1 principal residential building.

(E) *Area, lot coverage.* The lot coverage of an accessory building or combination of accessory buildings shall not exceed the lot coverage of the principal structure (dwelling).

(F) Except for dwellings permitted pursuant to § 173.05, where a lot has a width or contains less area than herein required and was a lot of record prior to adoption of this title, such lot may be utilized for residential use permitted in R-1, R-1A, R-1B, R-1C, R-1D and R-2, provided yard regulations in § 172.02 are met.

(G) A through lot may be 2 lots. Where a through lot has a depth of 180 feet or more, and an area of 15,000 feet or more, the lot may be assumed to be 2 lots with the rear line of each approximately equidistant from the front lot line, provided all area requirements are complied with and both lots front onto a dedicated street or right-of-way. Accessory buildings shall not be located in either front yard.

(H) *Lot coverage or accessory building.* Except as hereinafter provided no residential building or structure shall be erected, enlarged, or reconstructed to exceed the lot coverage established for the district wherein such building or structure is located. See § 171.08, “Table of Standards for Principal Buildings on Individual Lots.” (Lot coverage in square feet divided by lot square feet = % of lot coverage).

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

### § 172.02 YARD REGULATIONS – R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O DISTRICTS.

(A) Except hereinafter provided, no building or structure shall be erected on a lot unless such building or structure or enlargement conforms with the yard regulations of the district in which it is located. The “Table of Standards for Principal Buildings on Individual Lots” set forth in § 171.08 shall apply.

(B) *Yards apply to only 1 building.* No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

(C) *Front yard.*

(1) *Setback.* Every lot shall have a front yard between the building line and the right-of-way line of streets not less than 40% of the width of the right-of-way, but in no case less than 25 feet.

(2) *Front yard on a through lot.* At each end of a through lot there shall be a front yard of a depth required by this title for the district in which each street frontage is located, and 1 of such front yards may serve as a required rear yard.

(3) *Front yard – between projected buildings.* Where a lot is situated between 2 lots, each of which has a main building projecting beyond the established front yard line and so maintained when this title became effective, the front yard requirements on such lot may, except on major highways and thoroughfares, be the average of the front yards of the existing building, provided, however, the front yard of such lot shall not be less than ten feet.

(4) *Front yards – adjoining projected buildings.* Where a lot adjoins only 1 lot having a main building which projects beyond the established front line and has been so maintained when this title became effective, the front yard requirements on such lot may be the average of the front yard of the existing building and the required front yard line, provided, however, the front yard of such lot shall not be less than 10 feet.

(5) *Front yard – sloping lot.* To be determined.

(6) *Front yard – between buildings in block.* Where 25% or more of the lots on the same street within the block are occupied by buildings on the effective date of this title, no building or other structure shall be erected, reconstructed, altered or moved so as to project closer to the right-of-way line of the street on which it faces than the average building setback line established by such buildings. Where no front yard line has thus been established the front yard requirements contained herein shall be complied with.

(D) *Side yards.*

(1) There shall be 2 side yards for each lot. The minimum width of each side yard shall be as follows: All districts permitting residential uses shall have a side yard on each side, 1 side shall be at least 10% of the lot width and the aggregate total shall be at least 25% of the lot width.

(2) *Side yard – corner lot.* A side yard at least 25 feet in width shall be provided on the side of the lot abutting on the side street.

(3) *Side yard waived.* For the purpose of side yard regulations, the following type of dwellings with common party walls shall be considered as 1 building occupying 1 lot: duplexes; semi-detached dwellings; row dwellings; and group dwellings.

(E) *Rear yard.*

(1) All districts permitting residential uses shall have a rear yard of not less than 25 feet from the face of the main building wall to the rear property line.

(2) *Rear yard – accessory building(s).*

(a) An accessory building or combination of accessory buildings, not exceeding 20 feet in height, and not exceeding the floor area (footprint) of the principal dwelling, may occupy not more than 30% of the area of a required rear yard, provided that no accessory building shall be closer than 3 feet to a side or rear lot line.

(b) The distance between the rear vertical wall of the principal dwelling and the front of the vertical wall of the accessory building(s) shall not be less than 10 feet apart at a point perpendicular from the principal building to the accessory building(s).

(F) *General provisions and modifications to yard requirements.*

(1) *Yards apply to only 1 building.* No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

(2) *Projections into yards.*

(a) *Cornice, sill, or chimney.* A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay windows or other vertical projection) may extend or project into a required side yard not more than 2 inches for each 1 foot of width of side yard and may extend or project into a required front, side or rear yard not more than 30 inches. Chimneys may project into a required front, side or rear yard not more than 1 foot, provided the width of such side yard is not reduced to less than 3 feet.

(b) An open unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required yard not more than 4 feet, and such balcony may extend into a required front yard not more than 30 inches.

(c) An open, unenclosed porch, platform or landing not covered by a roof or canopy, which does not extend above the

level of the first floor of the building, may extend or project into any required side or rear yard not more than 4 feet.

(d) A fire escape may extend or project into any side or rear yard not more than 4 feet.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

### § 172.03 HEIGHT REGULATIONS – ALL DISTRICTS.

(A) Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the district wherein such building or structure is located. The “Table of Standards for Principal Buildings on Individual Lots” set forth in § 171.08 shall apply.

(B) *Modification to height limitations.*

(1) On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either side. In the event no curb is present the height of a building may be measured from the closest edge of the adjoining street on either side.

(2) On through lots more than 150 feet in depth, the height of a building may be measured from the street permitting the greater height and shall apply to a depth of not more than 150 feet from the closest edge of the street.

(C) *Exclusions from height limits.* Penthouses on 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, skylights, television aerials, steeples, roof signs, flagpoles, smokestacks, chimneys, 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 herein prescribed, but no penthouse or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business, or industrial use.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

### § 172.04 MINIMUM RESIDENTIAL FLOOR AREA – SPECIFIED DISTRICTS.

(A) Except for dwellings permitted pursuant to § 173.05, no building or structure shall be erected, enlarged or reconstructed for residential purposes having a total floor area, exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum established for the district wherein such building or structure is located as follows.

Minimum floor area shall be as follows:

Single-family dwelling	1,000 square feet *
Two-family & multiple-family dwellings	700 square feet per unit
Apartment units	
Efficiency unit	400 square feet
One-bedroom unit	500 square feet
Two-bedroom unit	600 square feet
Three-bedroom unit	800 square feet
More than 3-bedroom unit	1,000 square feet
Townhouse	650 square feet
Residential mobile home (R-MH1)	950 square feet
Residential mobile home (R-MH2)	1,000 square feet
* Single family dwelling shall include manufactured homes, modular homes and prefabricated homes	

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

### § 172.05 FENCES, WALLS, HEDGES, AND SHRUBBERY.

(A) No person shall erect, cause to be erected or substantially alter, or cause to be substantially altered a fence, wall, hedge or shrubbery within the town without first having obtained a fence permit issued by the Executive Director.

(B) No permit shall be issued by the town until the Executive Director as directed by the APC has determined that the proposed fence, wall, hedge or shrubbery complies with applicable regulations hereunder and with all other applicable laws and ordinances of the town.

(C) *General restrictions and prohibitions.*

(1) The installation of any fence, wall, hedge or shrubbery to be used as a fence, wall, or property line separation shall require a fencing permit as issued by the APC, Executive Director. Located in the Town Hall.

(2) The fence permit application shall include a scaled drawing showing the proposed fence location on the property and shall include a picture of the proposed fence profile and material for approval and for final installation comparison. All fence

material shall match.

(3) No fence, wall, hedge or shrubbery shall be erected, or cause to be erected, or plant or cause to be planted within the right-of-way of any public street, road, avenue, alley, highway, or parkway (hereafter called "street"), dedicated easement, drainage easement, public utility easement or combination thereof (hereafter called "easement").

(4) No fence, wall, hedge or shrubbery shall be maintained, erected or cause to be erected with any material, which is likely to inflict bodily harm if a person or animal was to come in contact with the fence, wall, hedge or shrubbery. Materials covered by this prohibition, but not limited to, sharp or ragged metal spikes or spears, rough wood surfaces, and the like, as determined by the APC. No barbed wire or barbed wire fences shall be used on any residential property within the town limits.

(5) A fence, wall, hedge or shrubbery shall have at least 25% open space from the front of the building to the street right-of-way on single streets or street right-of-way on each street of corner lots. Such open space shall be reasonably dispersed throughout the entire area of the fence.

(6) No fence, wall, hedge or shrubbery shall be installed closer than 24 inches off of the installer's property line in order for the installer to maintain the fence, wall, hedge or shrubbery without impeding on the adjacent owner's property, or forcing the adjacent property owner to maintain the installer's fence, wall, hedge or shrubbery.

(a) *Exception.* A fence, wall, hedge or shrubbery may be installed on a property line or adjacent to a property line with the following requirements:

1. Both property owners must agree on the location of the property line. If in doubt the property shall be surveyed by the property owners.

2. Both property owners must sign an agreement to erect a fence, wall, hedge or shrubbery on the property line and have said agreement notarized. A copy of the notarized agreement shall be attached to the application for a fence, wall, hedge or shrubbery and maintained in the office of the APC, Executive Director.

(b) The cost, exact location, type of profile, type of material, and maintenance shall be determined by the property owners.

(c) In the event the front of the buildings of the adjacent property owners do not align a 6-foot (72-inch) high fence shall stop at the front of the building of the property owner who is paying for the fence. If both property owners are paying for the fence the fence can stop at the front of either building, but no closer than the building closest to the street side.

(7) All fences, walls, hedges or shrubbery shall not be installed beyond the property's right-of-way or inside any easement(s). The owner shall install a gate or gates or provide an open space between hedges or shrubbery of sufficient width to allow access of equipment to maintain the right-of-way or easement side of the property beyond the fence, wall, hedge or shrubbery.

(8) No above ground electric or electronic fence or fences shall be installed within the town limits. Below grade electric fence for animal control are acceptable with the Executive Director's approval.

(9) No fence, wall, hedge or shrubbery shall interrupt, impede or otherwise alter the natural flow of water shall be erected or cause to be erected in any district.

(10) All fences, or walls shall be erected or cause to be erected so that the supporting structure (posts, supporting cross members, and the like) faces the installer side of the fence, or wall. The finish side shall face out (away from the installer).

(11) All fences, walls, hedges or shrubbery shall be maintained in a good, structurally sound, and in a neat, clean and attractive condition at all times.

(12) All hedges or shrubbery shall be planted or cause to be planted and maintained so that the hedge or shrubbery will not overhang or interfere with the use of a public way such as, but not limited to a sidewalk, street or beyond the right-of-way easement for streets.

(13) No person shall plant or cause to be planted, construct or cause to be constructed or maintain or cause to be maintained upon any land or premises within the town any fence, wall, hedge, shrubbery or other structure or object that will interfere with, obstructing the view of or create a safety hazard for any motor vehicle being driven, or bicycle being ridden, whether on private property or on any public property.

(D) *Height restrictions.*

(1) *Front yards: facing 1 street.*

(a) No fence, wall, hedge or shrubbery shall exceed 48 inches maximum in height above the finish ground level starting at the front of the building to the street right-of-way line for any Residential, Commercial, or Industrial District.

(b) *Exception.* A higher fence can transition down to the lower fence starting in line with the front of the building toward the street for a maximum distance of 72 inches in length.

(2) *Front yard and side yard (corner lots): fronting on 2 streets.*

(a) No fence, wall, hedge or shrubbery shall exceed 48 inches maximum in height above the finish ground level from starting at the front or side street of the building for any Residential, Commercial, or Industrial District.

(b) *Exception.* A higher fence can transition down to the lower fence starting in line with the front of the building toward the street for a maximum distance of 72 inches in length.

(3) *Side and rear yards.* No fence or wall shall exceed 72 inches maximum in height above the finish ground level from the front of the building to the rear of the property or to a recorded dedicated easement for any Residential District.

(4) Residential property that abuts commercial or industrial property may erect a fence or wall that shall not exceed 96 inches maximum in height above the finish ground level from the front of the residential building to the rear or side of the property or to a recorded dedicated easement for any Residential District. The 96-inch high fence can only be erected on the abutting property line with the commercial or industrial property.

(5) *Commercial and Industrial Districts.*

(a) No fence or wall shall exceed 96 inches maximum in height (plus the maximum 12-inch high barbed wire) above the finish ground level from the front of the building to the rear of the property or to a recorded dedicated easement for any Commercial or Industrial District. With the approval of the APC the use of barbed wire may be used on fences in Commercial or Industrial Districts only where the fence exceeds 96 inches (plus the maximum 12-inch high barbed wire). Barbed wire may not project or extend beyond the installers property line.

(b) *Exception.* The higher fence can transition down to the lower fence starting in line with the front of the building toward the street for a maximum distance of 96 inches in length. No barbed wire will be allowed on a fence or wall lower than 96 inches in height or beyond the front of the building or side of the building if located on a side street.

(6) *Pool fence.* All pool and deck areas must be contained within a fenced enclosure of not less than 60 inches minimum in height above the finish ground or deck level. Such fence shall be design to obstruct access to the pool. All gates shall open out and should be self-closing and self-latching. Latching device shall be mounted a minimum of 54 inches above the finish ground or deck. When the latching device will be mounted less than 54 inches install the latch on the side facing the pool and 3 inches below the top of the gate.

(a) Above ground pools with a fixed stairway or other permanent access to above ground deck around the pool shall have a lockable gate at ground level that will open out or at the pool level deck, no gate shall open over the steps.

(b) Chain link fence shall have a maximum mesh size of 1-1/4 inch square.

(c) All fencing openings shall not allow a 4-inch diameter sphere to pass through.

(d) All fencing shall not allow the passage of a 4-inch diameter sphere from the bottom to the top of the grade on the side facing away from the pool.

(e) Unacceptable fences are any type of fence material installed horizontally that will act as a ladder to access the pool area.

(E) *Exceptions.*

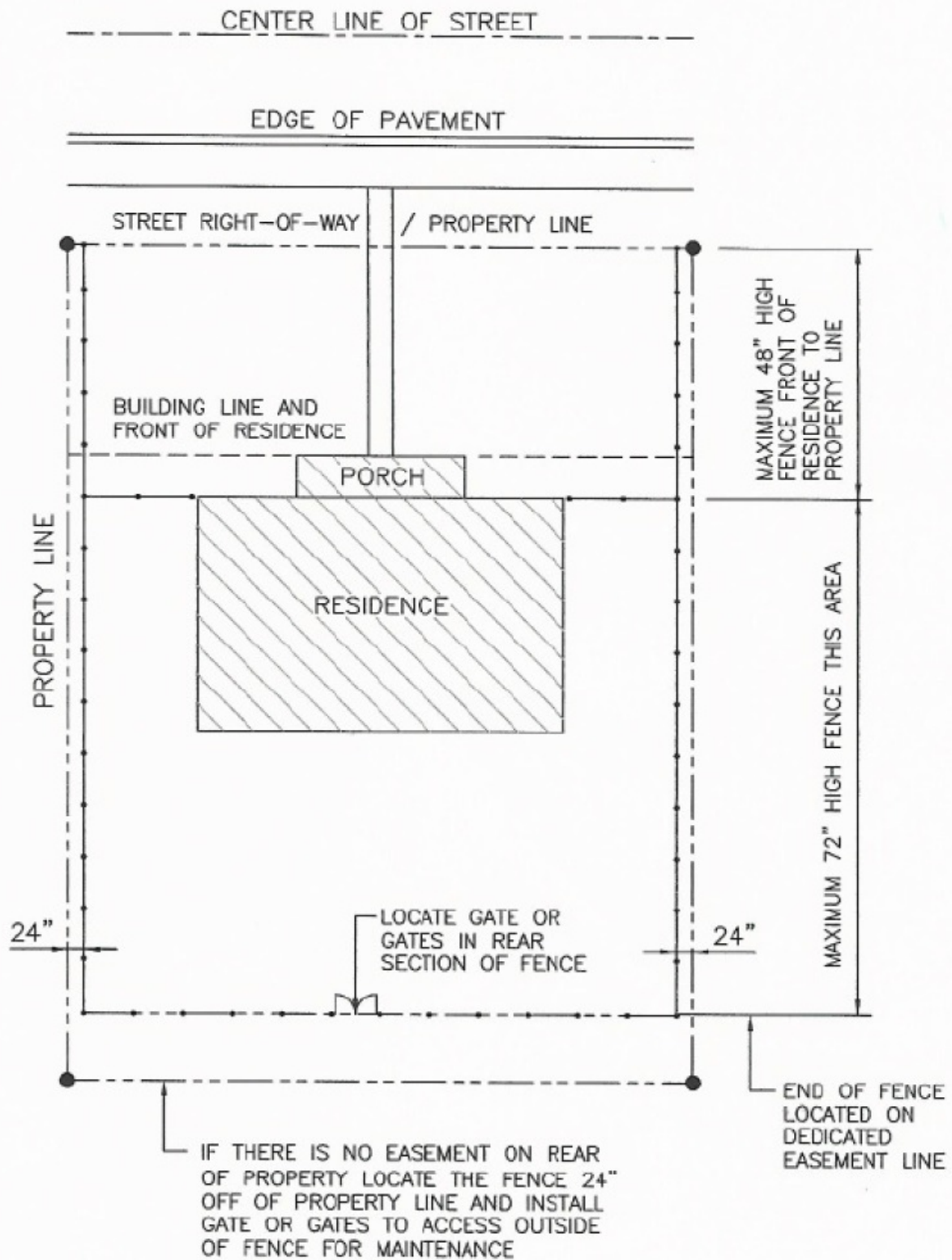
(1) Privacy screens around air conditioning condensing units, trash containers, and similar equipment not exceeding 48 inches in height above finish grade shall not be considered a fence and will not require a fence permit.

(2) Pet enclosures and similar uses not exceeding 24 inches in height above finish grade shall not be considered a fence and will not require a fence permit.

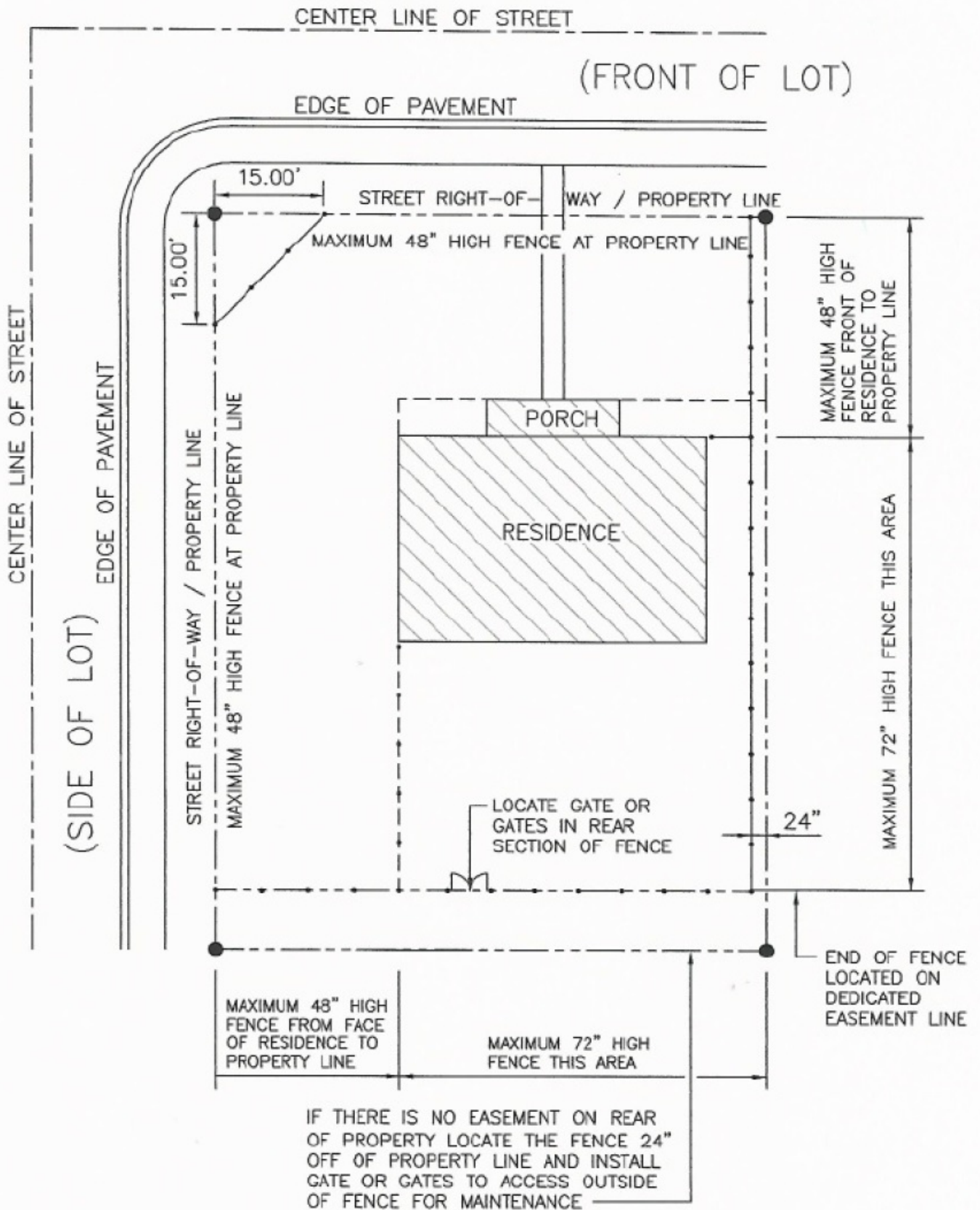
(F) *Exemptions.* Fences, walls, hedges or shrubbery legally in existence at the time of adoption of this title which are not in violation of current ordinances, and which do not prevent a safety hazard to pedestrian or vehicular traffic, and which do not prevent accessibility by emergency vehicles, but which violate other provisions of this section may continue to be maintained and to exist, but may not be replaced unless current ordinances are complied with.

(G) *Nonconforming fences, walls, hedges or shrubs.* Nonconforming fences, walls, hedges or shrubbery not exempted, above, shall be subject to repair or removal. If, following inspection by the APC Executive Director, any fence, wall, hedge or shrub in the Executive Director's determination does not meet the requirements herein, the Executive Director shall order the owner or occupier of the premises to make the necessary repairs, improvements or to remove the fence, wall, hedge or shrub. A reasonable period time not to exceed 90 days shall be provided to make repairs, based upon the nature, extent and cost of such repairs, improvements or removals. Should the aforesaid owner or occupant fail to make the requested repairs, improvements or removal within the time provided, the owner or occupier shall be in violation of these regulations, and the town shall be authorized to undertake the necessary repairs, improvements or removal at the expense of the owner or occupier.

# FENCE REQUIREMENTS FOR AN INTERIOR RESIDENTIAL LOT



FENCE REQUIREMENTS FOR A CORNER RESIDENTIAL LOT



(Ord. 2017-02, passed 2-20-2018)

**§ 172.06 OFF-STREET PARKING AND LOADING.**

(A) *General.* The following off-street parking spaces shall be provided and satisfactorily maintained, by the owner of the property for each building which is hereafter erected, enlarged, or altered for use for any of the following purposes herein.

- (1) Standard parking space shall be minimum 9 feet wide and 18 feet long.
- (2) All non-residential parking areas and/or lots shall be paved with portland cement concrete or asphaltic concrete.
- (3) All non-residential parking areas and/or lots shall be striped and all disabled spaces shall have appropriate markings/graphics and signage.
- (4) See Americans with Disabilities Act (ADA) guidelines for parking standards for disabled parking and quantity.

(B) *Amount of off-street parking.*

- (1) *Dwellings.*
  - (a) Single-family dwelling: at least 2 parking spaces.
  - (b) Duplex dwelling: at least 2 parking spaces per unit.
  - (c) Apartment dwellings: at least 2 parking spaces per unit and 1 visitor parking space for every 3 units.
- (2) For any general auditorium, gymnasium, churches or theatre; high school or college, or university auditorium or stadium; or other place of public assembly, there shall be provided at least 1 parking space for each 6 seats provided for its patrons, based on the maximum seating capacity, including fixed and movable seats. In computing required off-street parking spaces, and the use of joint parking facilities in connection with any building or use not normally open used or operated during the principal operating hours of the uses shall be allowed, providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the Town Attorney, shall be filed with the application, for a permit.
- (3) For any hotel, apartment hotel, clubhouse, dormitory, fraternity house or any other similar use or establishment there shall be provided at least 1 parking space for each 2 guest sleeping rooms.
- (4) For any dancing, exhibitions, labor temple, lodge hall; skating rink or other assembly hall without fixed seats, there shall be provided not less than 1 parking space for each 100 square feet of net floor area thereof.
- (5) For any bank, clinic, funeral home, office building; professional office, welfare institution or any other similar use or establishment, there shall be provided not less than 1 parking space for each 400 square feet of gross floor area.
- (6) For any hospital, sanitarium, convalescent home or any other similar use or establishment, there shall be provided not less than 1 parking space for each 3 beds or any portion thereof.
- (7) For any eating or drinking establishment or any similar use, there shall be provided not less than 1 parking space for each 200 square feet of gross floor area thereof.
- (8) For any retail store, except a food market, there shall be provided not less than 1 parking space for each 400 square feet of gross floor area thereof.
- (9) For any food market, or any similar use, there shall be provided 1 parking space for each 100 square feet of gross floor area in excess of 500 square feet.
- (10) For any manufacturing, processing, wholesaling, or any other industrial use or establishment including any printing or engraving establishment or any warehouse or storage building, there shall be provided 1 parking space for each 500 square feet of gross floor area thereof or at least enough parking for at least 90% of proposed employees per shift.
- (11) For any laundrette, laundromat, self-service laundry, washateria, or any similar use or establishment under a different name there shall be provided 1 parking space for 2 washing or drying machines.
- (12) For any bowling alley, there shall be provided 4 parking spaces for each alley thereof.
- (13) For any motel, tourist court, or similar use or establishment, there shall be provided 1 parking space on the same parcel of land for each individual sleeping or living unit.
- (14) For any trailer coach park, there shall be provided not less than 1 parking space on the same parcel of land for each individual house trailer.
- (15) For any supermarket there shall be provided not less than 1 parking space for each 100 square feet floor area in excess of 2,000 square feet of floor area.

(C) *Mixed uses.* In the case of any use not listed herein, the number of parking spaces required for such use shall be the same as for a similar use, which is listed. In the case of mixed uses in the same building or structure, the total requirement of off-street parking facilities shall be the sum of the requirement of the various uses computed separately from the item set out in this section and off-street parking facilities for 1 use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.

(D) *Collective parking facilities.* Nothing in this section shall be construed to prevent the provision of any off-street parking facility for 1 or more buildings or uses, provided, however, that the total number of off-street parking spaces shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the time set out in this section. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Plan Commission may permit the parking spaces to be on any properly zoned lot within 300 feet of the building; provided that the requirements of division (B) above shall not be waived. The distance to any parking space areas as herein required shall be



measured between the nearest point of the off-street parking facility and the nearest point of the building the parking area or facility is to serve.

(E) *Off-street loading.* On the same premises with every building, structure, or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

(F) *Separate accessory parking lots in Residential Districts.* Open parking lots for the parking of self-propelled passenger vehicles accessory to a permitted use located on a lot separate from the lot occupied by the main use and approved by the Plan Commission shall be arranged, maintained and used in accordance with these requirements:

(1) The lot shall front onto a dedicated street and have a front yard not less than 25 feet in depth. Corner lots shall provide a side yard not less than 15 feet in depth.

(2) A solid, opaque barrier (i.e., wall, fence, and the like), with necessary openings, not more than 5 feet and not less than 4 feet in height shall be placed between the parking area and the side and rear lot lines with only such openings as may be required to perform maintenance. No solid, opaque barrier shall be required in the front yard between the parking area and street.

(3) The required front yard shall be planted with landscaping or grass and maintained so as to present a healthy, neat and orderly appearance. The required yard shall be kept free from refuse and debris.

(4) No signs shall be permitted other than unlighted entrance and exit markers not exceeding 2 square feet in area located within the parking area.

(5) The parking area shall be paved with an asphaltic concrete or portland cement concrete and graded so as to prevent dust and surface water accumulation and no flow of water onto either adjacent property.

(6) If lighting is provided for the parking area, all lights shall be deflected, shaded and focused away from all residentially-zoned property.

(7) (a) No charge shall be made for parking.

(b) *Exception.* Unless a parking lot has been specifically designed and approved as a pay parking lot.

(G) *Business parking lots in Residential Districts.* Open parking lots located in Residential Districts for the parking of automobiles incidental to a commercial zoned area adjacent thereto and approved by the Planning Commission shall be designed, maintained, and used in accordance with the following requirements:

(1) Parking area shall be used only for the parking of private passenger vehicles of customers, clients, patrons, visitors, and employees in the business area. No charge shall be made for parking. No business of any kind, including repair, service, washing, sale, display or storage shall be conducted on or from the lot. No structures, other than those specifically permitted or required, shall be erected on the premises. No advertising signs shall be erected on the premises, except that not more than 1 directional sign at each point of ingress and egress may be erected which may also bear the name of the operator of the parking area and the enterprise it is intended to serve. Such sign shall not exceed 20 square feet in area nor extend to a greater height than 6 feet above the ground and shall be erected within the parking area. Such transitional use shall not extend more than 100 feet from the boundary of the less restricted zone.

(2) Ingress and egress for parking area shall be over business zoned property or from a public alley lying between the business and residential-zoned property. There shall be no vehicular access to such parking area through or across any yard required under this section, provided that the Plan Commission may, after investigation and public hearing, authorize not more than 1 driveway not over 10 feet in width, over or through a required yard in cases where it finds that public convenience, relief of street congestion and peculiar circumstances required such action that the spirit and purpose of this title will be promoted and that the surrounding neighborhood will not be unduly affected in connection with authorizing such a driveway; the Plan Commission may impose any conditions or requirements reasonably necessary to effectuate the objective of this section.

(3) A solid, opaque barrier (i.e., wall, fence, and the like), with necessary openings, not more than 5 feet and not less than 4 feet in height shall be placed between the parking area and the side and rear lot lines with only such openings as may be required to perform maintenance. No solid, opaque barrier shall be required in the front yard between the parking area and street. The ingress/egress shall not exceed 20 feet in width and subject to conditions in this section.

(4) The lot shall provide a front yard not less than 25 feet in depth nor less than the front yard of any existing residential structure immediately adjacent and on either side of the lot. The space or yards between the parking area and residential lot lines or building lines shall not be used or occupied for any purpose except as permitted or required in this section.

(5) All yards and spaces between the walls required by this section and residentially-zoned property or building lines shall be planted with landscaping or grass and maintained so as to present a healthy, neat, and orderly appearance. The required yard shall be kept free from refuse and debris.

(6) The parking area shall be paved with an asphaltic concrete or portland cement concrete and graded so as to prevent dust and surface water accumulation and no flow of water onto either adjacent property.

(7) If lighting is provided for the parking area, all lights shall be deflected, shaded and focused away from all

residentially-zoned property.

(Ord. 2017-02, passed 2-20-2018) Penalty, see § 175.99

### **§ 172.07 ACCESSORY USES AND STRUCTURES.**

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

(B) Accessory uses and structures must 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 district in which they are located.

(C) Accessory structures must be subordinate in height, and a combination of all accessory structures must be subordinate in area to the principal structure, and accessory uses must be subordinate in purpose to the principal use.

(D) The principal structure and combination of all accessory structures shall not exceed the maximum allowable lot coverage, as specified for the district in which the lot is located per § 171.08, "Table of Standards for Principal Buildings on Individual Lots."

(E) The accessory structure must meet the minimum front yard, and side yard on a street side of a corner lot, setback and other requirements as established by § 171.08. In a rear or side yard, all residential accessory structures not attached to or part of the principal structure shall be located at least 10 feet away from the principal structure, cannot extend past the front of the principal structure, and at least 3 feet from any lot line as measured from the face of the vertical walls. An accessory structure with no vertical wall within 10 feet of the principal structure will have no required distance from the principal structure.

(F) Detached garages and other permanent accessory structures shall meet the requirements for building codes.

(G) Accessory structures must not be erected prior to the principal residential structure. No accessory structure shall be located in or over any easement or within the right of entry of any regulated drainage as defined in I.C. 36-9-27.

(H) For clarification the following list is considered accessory structures also, but is not limited to these items:

- (1) Travel trailers or campers.
- (2) Utility trailers open or enclosed.
- (3) In ground swimming pools.
- (4) On ground (above ground) swimming pools.

(Ord. 2017-02, passed 2-20-2018; Am. Ord. 2021-04, passed 12-6-2021; Am. Ord. 2024-05, passed 2-5-2024) Penalty, see § 175.99