

## Chapter 22

### LAND USE\*

#### Article 5 Application of Ordinances

##### Sec. 22-5-1. Use.

- a) No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with this Zoning Ordinance.
- b) All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Zoning Ordinance which are applicable to the zoning district in which such buildings, structures, uses or land are located.
- c) Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Zoning Ordinance. Existing buildings, structures and uses that do not comply with the regulations of this Zoning Ordinance shall be authorized to continue subject to the provisions of this Article relating to nonconformities.
- d) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

##### Sec. 22-5-2. Height Limits.

- a) No building or structure shall hereafter be erected, constructed, reconstructed or altered to:
  - 1) Exceed the height limits.
  - 2) Be occupied by more dwelling units per acre or occupy a smaller lot area per family than are herein required.
  - 3) Have narrower or smaller front, rear or side yards or other open spaces than are herein required or specified; or in any other manner contrary to the provisions of this Zoning Ordinance.
- b) The height limits of this Ordinance will not apply to structures not intended for human occupancy such as religious institution spires, flag poles, chimneys, water towers or similar structures. However, height limits will apply to monuments within cemeteries pursuant to existing Code of Ordinances. The height limits apply to signs.

### **Sec. 22-6-3. Lot Area and Lot Size.**

- a) No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this article are not maintained. This section shall not apply when a portion of a lot is acquired for public use.
- b) Lots which do not meet the minimum lot size requirements and which existed prior to the enactment and effective date of this article are not required to meet the minimum lot size requirements in order to obtain a building or development permit. However, any future subdivision of property must meet the requirements of this article.

### **Sec. 22-6-4. Existing Lots.**

If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this article and such lots individually are too small to meet the yard width and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this article.

### **Sec. 22-6-5. Yard Dimensions and Locations.**

- a) **Front Yard** - The front yard shall be an open space on the same lot with the principal building, extending across the full width of the lot, situated between the front lot line and the front line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the front yard shall be measured as the least horizontal distance between the front line of the principal building and the front lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

On corner lots and double frontage lots, the front yard should be considered as parallel to the street upon which the lot has its least dimension, excepting that where necessary to promote continuity of design and where in accordance with all other provisions of this Ordinance, the Mayor and Council or their designee may allow such lots to be oriented in the same manner as adjacent developed lots along the same street within the same district. In all cases, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

- b) **Rear Yard** - The rear yard shall be an open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building/use and extending the full width of the lot, situated between the rear lot line and the rear line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the rear yard shall be measured as the least horizontal distance between the rear line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the rear yard shall be measured as the last horizontal distance between the rear line of the principal building and the rear lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required rear yard.

On all lots, including corner lots and double frontage lots, the rear yard shall be at the opposite end of the lot from the front yard, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

- c) **Side Yard** - The side yard shall be an open space on the same lot with the principal building, situated between the side line of the principal building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. For the purposes of this Ordinance, the width of the required side yard shall be measured horizontally from the side line of the principal building to the nearest point of the side lot line, or right-of-way line. Covered porches, whether enclosed or open shall be considered as part of the main building and shall not project into a required side yard.

On all lots, including corner lots and double frontage lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension, excepting that where necessary to promote continuity of design and where in accordance with all other provisions of this Ordinance, the Planning Commission may allow such lots to be oriented in the same manner as adjacent developed lots along the same street within the same district. In all cases, however, the minimum front yard setback required for the zoning district shall be met on all sides of the lot with street frontage.

#### **Sec. 22-6-6. Right-of-Way Easements.**

Right-of-way easement for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting yard requirements.

#### **Sec. 22-6-7. Reduction of Lot Area or Dimensions.**

Unless otherwise specified in this Ordinance, no lot, yard, or other open space shall be hereafter reduced in dimension or area below the minimum requirements set forth in this Ordinance, except to provide for the extension, establishment or widening of a county street or state highway.

#### **Sec. 22-6-8. Corner Lots.**

The side yard setback requirements of corner lots shall be the same as the front yard requirements for adjoining lots on the same street.

#### **Sec. 22-6-9. Principal Buildings.**

Only one (1) principal building, together with its customary accessory buildings, shall occupy each lot, except in the case of Multi-Family Developments or Planned Developments. In such developments, more than one (1) principal building may be permitted on the same lot, subject to the requirements and approval of the Health Department, provided that the structures or units are under one ownership, or if separately owned, are covered by a condominium declaration setting out the various rights and responsibilities of ownership, including access and the maintenance of common areas.

**Sec. 22-6-7. Vision Clearance.**

In all districts, no fence, wall, shrubbery, or other obstruction to vision between the heights of 2½ feet and 10 feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or of streets and railroads.