

## ARTICLE V

### ADDITIONAL DISTRICT PROVISIONS

#### SECTION 1. CONDITIONS OF A MORE RESTRICTED DISTRICT

Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

#### SECTION 2. OPEN SPACE

No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.

- (1) In any residential district, except the R-1 District, the front yard minimum setback of any lot unoccupied as of the effective date of this ordinance shall be equal in depth to the average depth of the front yards of the nearest adjacent occupied lots.
- (2) Fences, walls, and hedges in residential districts may be permitted 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 thirty-six (36) inches in height within a twenty-five (25) foot setback of the front lot line.
- (3) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the centerline of the street easement.
- (4) No dwelling units shall be erected on a lot that does not abut or have direct access to a public street.
- (5) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, shall obstruct sight lines at elevations over two feet, six inches (2'6") above any portion of the crown of the adjacent roadways. A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection.
- (6) An attached or detached private garage or carport that faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

#### SECTION 3. HEIGHT

The regulations, herein set forth, qualify or otherwise supplement, as the case may be, the specific district regulations appearing in Article III.

- (1) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- (2) Churches, schools, hospitals, sanitariums and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of the side yards required in the district is increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

#### **SECTION 4. PLANNED UNIT DEVELOPMENT**

##### **4.1 Purpose of Provisions**

For the purpose of allowing and encouraging greater design and flexibility in development, the requirements of this Ordinance may be modified by the Planning Commission, provided that gross population and building density of any area proposed under the planned unit approach complies with the population and building density set forth for the zoning district in which the development shall be located.

The owners of any tract of land containing at least three (3) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial and related uses as a single and unified project. The basic control development intensity shall be one or more of the residential districts. The Planned Unit Development shall be a superimposed designation providing broader latitude of design to achieve the above stated goals.

##### **4.2 Uses Permitted**

Uses specified and/or permitted on review by the Planning Commission for the zoning district in which the development shall be located.

##### **4.3 Area and Setback Regulations**

Lot dimensions, building setbacks and area requirements may be modified, provided that a more functional and desirable use of property is attained.

##### **(1) PERIPHERAL BOUNDARY SETBACK REQUIREMENTS**

Where the peripheral boundary of a Planned Unit Development abuts a street or road right-of-way, the

building setback shall be the front yard requirements of the district. Where the peripheral boundary of a Planned Unit Development abuts the property line of adjoining holdings, the building setback shall be the rear yard requirement of the district in which the development is located.

**(2) HEIGHT REGULATIONS**

Building height shall be that established for the district in which the development is located, however, height regulations may be modified by the Planning Commission following review of development plans.

**4.4 Plan Review and Approval Required**

A detailed plan of any proposed Planned Unit Development shall be submitted to the Planning Commission for review. Within 30 days of the receipt of plans, the Planning Commission shall transmit the plans together with its report to the Mayor and Board of Aldermen. Said Council shall review the plans and the recommendations of the Planning Commission and shall either approve or reject the proposed development plan. The Planning Commission and the Mayor and Board of Alderman may impose conditions regarding layout, circulation and performance of the proposed Planned Unit Development and may require that appropriate deed restrictions be filed.

A plat of the approved development shall be recorded and shall show all applicable features as required by the Ordinance regulating the subdivision of land.

**SECTION 5. HOME OCCUPATION**

**5.1 Regulations**

- (1) Home occupations shall not be carried out in more than twenty (20) percent of the total dwelling building area.
- (2) There shall be no external evidence of the use except for the allowance of one unaminated; non-illuminated sign not to exceed one (1) square foot in area mounted flush against the main building.
- (3) No goods or merchandise shall be sold or offered for sale on the premises.
- (4) The Planning Commission after due notice and public hearing may terminate home occupation permits thereon.