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**Zoning Ordinance**  
**Article Six**  
**Development Standards**

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# Development Standards

## 6.1 Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations for the applicable zoning district.

## 6.2 Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion.

In the case of a substantial expansion, the entire site must meet the requirements of this Article. An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds 25% of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

## 6.3 Development Standards that Apply

Under the sections of this Article that follow are Development Standards arranged by category. The four digit codes listed below are referred to in the "Additional Development Standards that Apply" section on the Two-Page Layout for each Zoning District.

As an example, on pages 41-43, the four digit code "LY-01" can be found under the Additional Development Standards that Apply section for the Agriculture (AG) District. Therefore, the Development Standards following the section in this Article labeled "LY-01" (on page 6-3) would apply to the Agriculture (AG) District.

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# Lot/Yard Standards (LY)

## 6.4 Lot/Yard Standards (LY)

LY-01: This Lot/Yard Standards section applies to the following districts:



- A. **Legal Nonconforming Lots:** All existing lots in conflict with the lot/yard regulations at the effective date of this Ordinance shall be considered Legal Non-Conforming Lots.
- B. **General Requirements:** Except as provided in this Ordinance, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
  - a. Front Yard Setbacks: The minimum front yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - b. Side Yard Setbacks: The minimum side yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - c. Rear Yard Setbacks: The minimum rear yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - d. Lot Areas: The minimum and maximum lot areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - e. Lot Width: The minimum lot width shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - f. Lot Frontage: The minimum lot frontage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - g. Lot Depth: The maximum lot depth shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - h. Public Utility Requirements: The public utility requirements shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - i. Lot Coverage: The maximum lot coverage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - j. Living and Ground Floor Areas: The minimum dwelling unit and ground floor living areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
  - k. Primary Structures: The maximum number of residential and/or primary structures per lot shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- C. **Setback Standards:** No portion of an any structure or material for sale stored outdoors is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, cornices, bay windows, eaves, fire escapes, steps, and platforms above normal grade level. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance.

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# Height Standards (HT)

## 6.5 Height Standards (HT)

HT-01: This Height Standards section applies to the following districts:



- A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. Exceptions to the height standards include:
  - a. The following structures may exceed the permitted height regulations by twofold (x2), but shall not exceed a total height from grade level of 75 feet:
    - 1. Church steeples,
    - 2. Water towers, and
    - 3. Utility transmission towers.
  - b. The following structures may exceed the permitted height standards by up to 15 feet, but shall be completely shielded from view by design features of the building:
    - 1. Necessary mechanical appurtenances, and
    - 2. Elevator bulkheads.
  - c. The height of telecommunication towers and antenna shall meet the requirements of Section 6.18, Telecommunication Facilities Standards of this Article.

# Accessory Use/Structure Standards (AS)

## 6.6 Accessory Use/Structures Standards (AS)

AS-01: This Accessory Use/Structure Standards section applies to the following districts:



- A. No accessory structures shall be placed in any required setbacks and shall otherwise comply with all Development Standards for the zoning district in which they are located, except that accessory structures of 400 sq. ft. or less may be located no closer than five (5) feet to a side or rear property line subject to all recorded easements.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- D. Accessory structures shall comply with the following location requirements:
  - a. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
  - b. No accessory structures shall be placed in any operable septic fields.
  - c. A minimum separation of 10 feet shall be provided between an accessory structure and any primary structure or other accessory structure.
  - d. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- E. No vehicle may be used as an accessory structure in any district.
- F. Barns and other similar agricultural buildings shall be considered primary structures on property used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures. Single-family dwellings, child day-care homes, home occupations, and swimming pools shall be permitted **only** as accessory uses to the primary permitted uses in the AP, Agriculture Protection zoning district.
- G. Accessory structures and uses permitted as special uses are specified for each zoning district in Article 3 of this Ordinance.
- H. Agricultural uses located in any zoning district shall be permitted the accessory uses and structures specified in section AS-02 below.

AS-02: This Accessory Use/Structure Standards section applies to the following districts:



- A. The following accessory uses are permitted, subject to all applicable requirements of this Ordinance:

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## Accessory Use/Structure Standards (AS) (continued)

- a. recreational raising of non-farm animals, and
  - b. outdoor storage of agricultural products and materials used in agricultural production.
- B. If a dwelling is present on the property, the following accessory uses are also permitted, subject to all applicable requirements of this Ordinance:
- b. child day-care home,
  - c. home occupation (type I) (subject to the Home Occupation Standards of this Article), and
  - d. swimming pool.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
- a. additional agricultural structures,
  - b. antennas and satellite dishes (subject to the Satellite Dish Standards of this Article),
  - c. bath houses, hot tubs and saunas,
  - d. attached and detached decks and patios,
  - e. detached garages and carports,
  - f. gazebos,
  - g. recreational greenhouses,
  - h. mini barns, sheds and other storage buildings,
  - i. privacy fences (subject to the Fence and Wall Standards of this Article),
  - j. sport courts, and
  - k. swimming pools.
- D. In CR and AG an accessory building may be permitted as a Special Use on a lot prior to construction of the primary structure for a period of up to two years for the purpose only to allow a homeowner/builder a place to store materials for that home. A covenant is required by the BZA that the home will be started within two years and that there will be no business activity from the accessory structure.
- E. Semi-trailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items shall not be considered accessory structures in these zoning districts.
- AS-03: This Accessory Use/Structure Standards section applies to the following districts:



- A. The following accessory uses are permitted, subject to all applicable requirements of this Ordinance:
- a. child day-care home,
  - b. home occupation (type I) (subject to the Home Occupation Standards of this Article), and
  - c. swimming pool.

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## Accessory Use/Structure Standards (AS)

(continued)

- B. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance. These structures, with the exception of detached garages, may be allowed no closer than 5 feet to a side or rear property line. Detached garages must meet the setback requirement for the zoning district:
- a. antennas and satellite dishes,
  - b. bath houses, hot tubs and saunas,
  - c. attached and detached decks and patios,
  - d. detached garages and car ports,
  - e. gazebos,
  - f. mini barns, sheds and other storage buildings,
  - g. privacy fences,
  - h. sport courts, and
  - i. swimming pools.
- C. Accessory uses and structures shall be consistent with the following requirements:
- a. No more than 3 accessory structures may be placed on any one lot.
  - b. The combined size of accessory structures, including swimming pools, on any one lot may not exceed an amount equal to 65 percent of the living area of the primary structure on that lot.
  - d. detached garages and car ports,
  - e. gazebos,
  - f. mini barns, sheds and other storage buildings,
  - g. privacy fences,
  - h. sport courts, and
  - i. swimming pools.
- D. Semitrailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items shall not be considered accessory structures in these zoning districts.

AS-04: This Accessory Use/Structure Standards section applies to the following districts:



- A. Management offices, sales offices, storage facilities, child day-care centers, self-service laundries, dry-cleaning facilities, fitness centers, community centers, recreation centers, swimming pools and other uses and structures customarily incidental to manufactured home parks and multifamily developments shall be permitted, provided that the following criteria are met:
- a. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the development site;
  - b. In mobile home parks, model homes used as sales units are limited to 5 percent of the authorized units in the park. Model homes must comply with the Temporary Use/Structure Standards of this Article;

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## Accessory Use/Structure Standards (AS)

(continued)

- c. The accessory uses and structures shall be subordinate to the residential character of the development;
  - d. The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;
  - e. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the development; and
  - f. Parking for accessory uses and structures shall be consistent with the Parking Standards of this Article.
- B. The following accessory uses for each dwelling unit are permitted, subject to all applicable requirements of this Ordinance:
- a. child day-care home, and
  - b. home occupation (type I) (subject to the Home Occupation Standards of this Article).
- C. Each dwelling unit in a manufactured home park is entitled to accessory structures. The total area of all accessory structures shall not exceed an amount equal to 60% percent of the living area of the dwelling on the site. Permitted accessory structures are as follows:
- a. antenna and satellite dishes (subject to the Satellite Dish Standards of this Ordinance),
  - b. bath houses, hot tubs and saunas,
  - c. attached and detached decks and patios,
  - d. detached garages and carports,
  - e. gazebos,
  - f. mini barns and sheds,
  - g. privacy fences, and
  - h. sport courts.

AS-05: This Accessory Use/Structure Standards section applies to the following districts:



- A. Restrooms, groceries, refreshment stands, restaurants, laundries, dry cleaners, sporting goods sales and other uses and structures customarily incidental to the permitted park and recreation uses are permitted, provided that the following criteria are met:
- a. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the park and recreation site;
  - b. The accessory uses and structures shall be subordinate to the recreational character of the development;
  - c. The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;
  - d. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park facility; and
  - e. Parking for accessory uses and structures shall be consistent with the Parking Standards of this Article.

AS-06: This Accessory Use/Structure Standards section applies to the following districts:



- A. Outdoor storage shall be permitted as an accessory use subject to the following requirements:
- a. In the LC, Local Commercial; GC, General Commercial; HC, Highway Commercial; LI, Light Industrial; and GI, General Industrial districts outdoor storage shall be limited as follows:

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## Accessory Use/Structure Standards (AS)

(continued)

1. LC - outdoor storage shall be limited to seasonal sales of finished products;
  2. GC - outdoor storage shall be limited to seasonal sales of finished products;
  3. HC - outdoor storage shall be limited to seasonal sales of finished products;
  4. LI - outdoor storage shall be limited to finished products; and
  5. GI - outdoor storage of finished products and materials used in production shall be permitted.
- b. Outdoor storage of vehicles being stored at auto repair facilities and junk yards shall be consistent with the Parking Standards of this Article.
- B. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
- a. antennas and satellite dishes,
  - b. attached and detached decks and patios,
  - c. gazebos,
  - d. mini-barns, sheds, and other storage buildings,
  - e. dumpsters, and
  - f. similar structures related to the primary use.
- C. Accessory uses and structures shall be consistent with the following requirements:
- a. No more than 3 accessory structures may be placed on any one lot; and
  - b. The combined size of accessory structures on any one lot may not exceed an amount equal to 40 percent of the finished floor area of the primary structure on that lot.

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# Buffer Yard Standards (BY)

## 6.7 Buffer Yard Standards (BY)

BY-01: This Buffer Yard Standards section applies to the following districts:



- A. The general purpose of a buffer yard is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of buffer yard required.
- B. The following matrix determines the type of buffer yard which shall be installed by the subject development entirely on the subject property:

Buffer Yard Requirements																
The Buffer Yard type indicated on the table below shall be provided on the subject property when...																
..the zoning district for the subject property is...	..and adjoining property is zoned:															
	AP	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI	
AP																
AG																
CR																
R1	2	1														
R2	3	2														
R3	3	2	1													
MR	3	3	3	2	2	2										
MH	3	3	3	3	3	3	2			1	1	1	1	1	1	1
PR																
IS	3	3	2	2	2	2	2	2	1							
LC	3	3	3	3	3	3	2	2	2							
GC	3	3	3	3	3	3	3	3	2	2	1					
HC	3	3	3	3	3	3	3	3	2	2	2					
LI	2	2	3	3	3	3	3	3	3	2	2					
GI	2	2	3	3	3	3	3	3	3	3	3	2	2	1		

- C. The following general buffer yard standards will apply to all buffer yards.
  - a. The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet.
  - b. The developer or owner of the subject property is responsible for installing the buffer yard. The adjacent property owner shall not have to participate in installing the buffer yard.
  - c. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
  - d. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
  - e. All required buffer yard trees shall be irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance. However, no 2 trees shall be placed within 10 feet of one another.
  - f. All deciduous trees must have at least a 2-1/2 inch caliper measured by American Nursery Institute standards at 6 inches above the rootball, and all needled evergreen must be 6 feet in height measured by American Nursery Institute Standards from the bottom of the rootball when planted.
  - g. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation.
  - h. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance.

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## Buffer Yard Standards (BY)

(continued)

- i. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.
  - 1. All unhealthy or dead plant material shall be replaced by the end of the next planting season.
  - 2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.
  
- D. The required buffer yards shall meet the following minimum requirements:
  - a. Buffer Yard Type 1: Buffer yard type 1 shall include a minimum setback of 10 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree must be planted in the buffer yard for every 30 feet of contiguous boundary between the subject and adjoining properties.
  - b. Buffer Yard Type 2: Buffer yard type 2 shall include a minimum setback of 20 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree and 2 evergreen trees shall be planted in the buffer yard for every 25 feet of contiguous boundary between the subject and adjoining properties.
  - c. Buffer Yard Type 3: Buffer yard type 3 shall include a minimum setback of 25 feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 20 feet along the boundary between the subject and adjoining properties. Also, a 5 foot tall opaque wooden fence or brick or stone wall, a 5 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed parallel to the property line within 10 feet of the row of canopy trees along the boundary between the subject and adjoining properties.
    - 1. If an undulating mound is used to fulfill the requirements, one shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.
    - 2. If a row of evergreen trees is used to meet the requirements, one tree shall be placed every 10 feet along the property boundary.

**END OF SECTION**

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