

## **ORDINANCE NO. 2005-9**

### **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GERMANTOWN, TENNESSEE TO ENSURE NEIGHBORHOOD PRESERVATION, ENCOURAGE NEIGHBORHOOD AESTHETICS, AND TO DEFINE NUISANCES IN THE CITY OF GERMANTOWN, TENNESSEE**

WHEREAS, both dangerous conditions and the deterioration of property, buildings, and accessory structures are a growing concern within the City of Germantown; and

WHEREAS, the Board of Mayor and Aldermen of the City of Germantown is charged with protecting the health, safety and welfare of the citizens of Germantown, which task includes assuring that both developed and undeveloped property within the City is properly maintained; and

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on May 11, 2005 pursuant to notice thereof published in a newspaper of general circulation within the community on April 20, 2005.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF GERMANTOWN, TENNESSEE, THAT:

Section 1. Chapter 5 (ANIMALS), Article I, Section 5-8 of the City Code is amended by replacing the existing Chapter 5, Article I, Section 5-8 with the following:

The owner of any animal shall immediately remove any excreta deposited by his animal on public walks, recreation areas, public streets or private property of others, except where attendants are employed for the purpose of removing the deposits, such as would be the case in a horse show arena, at a riding stable or other such event or establishment. Residents shall regularly rid their property of animal and pet waste.

Section 2. Chapter 6 (BUILDINGS AND BUILDING REGULATIONS), Article VI, Section 6-102 of the City Code is amended by adding a new subsection (g) to the existing Chapter 6, Article VI, Section 6-102 as follows:

(g) All fences and walls shall be maintained in a structurally sound condition and in good repair. Fences and walls shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices.

Section 3. Chapter 6 (BUILDINGS AND BUILDING REGULATIONS), Article VI, Section 6-102 of the City Code is amended by adding a new subsection (h) to the existing Chapter 6, Article VI, Section 6-102 as follows:

(h) All fences constructed after September 12, 2005, which are parallel to and/or face the street and are constructed completely or partially of wood, shall have the smooth side of

the fence facing toward the street with the supports on the side not observable from the street.

Section 4. Chapter 9 (ENVIRONMENT), Article III, Division 1, Section 9-65 of the City Code is amended by replacing the existing Chapter 9, Article III, Division 1, Section 9-65 with the following:

Sec. 9-65. Acts or conditions which create a nuisance.

- (a) No owner or tenant of property within the city shall commit an act, or allow a condition to exist on property within the city, which act or condition endangers life or health, violates the laws of decency, obstructs or interferes with the reasonable and comfortable use of other property in the vicinity, and/or causes the value of property in the near vicinity to be diminished in value. Any person or entity who or which violates this ordinance shall be guilty of committing a nuisance or allowing a nuisance to exist. A violation of this ordinance shall subject the offender to a fine not to exceed \$50.00 or the maximum amount allowable by law. Each violation on a separate day shall constitute a separate offense.
- (b) The existence of any of the following conditions on buildings, accessory structures, or property, where same has an adverse impact on safety, health, environment, aesthetics or property values of properties in the near vicinity as a result of being visible from outside the property, is declared to be a nuisance under (a) above:
1. Broken windows;
  2. Window shutters that are damaged or not secured properly;
  3. Rain gutters and down spouts that are rusted, sagging, or improperly fastened;
  4. A roof with missing or deteriorated roofing materials such that repair or replacement is required;
  5. Any garage door that is inoperable, broken, sagging, lacking paint or missing visible parts or materials;
  6. Any driveway that is deteriorated, crumbling, weed-infested, or lacks adequate covering of asphalt, brick, or concrete or is missing portions thereof;
  7. Exterior light fixtures in need of repair or replacement;
  8. Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, shall be shielded, redirected, or relocated to prevent the light source from illuminating neighboring property.

9. Exterior walls that have exposed, rotten or deteriorated materials;
10. Screens on doors or windows that are torn or in need of repair or replacement;
11. Stairs or railings affixed to the exterior of buildings that are in need of repair or replacement;
12. Peeling, flaking or chipped paint and mildew;
13. Metal surfaces showing rust or corrosion;
14. Property damaged or destroyed by fire or acts of nature that has not been demolished or repaired within a reasonable time period and debris or refuse from fires or natural disasters remaining on property for an unreasonable period of time;
15. Torn or ripped window awnings;
16. Inadequately secured antennas;
17. Damaged, rotted, or decayed mailboxes or mailbox posts;
18. Graffiti;
19. Scattered building or repair material in a yard;
20. Storage of construction, repair or maintenance material or equipment on a premises that is not to be used on the premises;
21. Construction debris and refuse remaining on property for an unreasonable period;
22. Lumber or construction materials (excluding materials for a construction project on the property with a current valid permit), salvage items, including but not limited to auto parts, scrap metals, tires and the like, stored on property in excess of seventy-two hours;
23. Missing bricks on exterior walls and chimneys;
24. Windows, doors, or building exteriors covered with inappropriate materials including, but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending permanent repairs;
25. Lawn areas that are not properly planted and maintained to prevent soil erosion, excessive dust or mud, or the accumulation of stagnant water;

26. Piles of dirt;
  27. Scattered or rotted firewood;
  28. Erosion caused by lack of ground cover, resulting in dirt accumulation on sidewalks, streets, or adjacent properties;
  29. Discarded garbage, rubbish, refuse, or recyclable items placed near the street for collection by city contractors that have not been collected within seven days of being deposited because such do not meet the criteria for collection established by the city;
  30. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety; and
  31. Any other condition existing on or in a building, accessory structure, or property that is a safety or health hazard whether or not same is visible from outside the property.
- (c) Garage doors shall be kept closed when no one is on the premises and between the hours of 11:00 pm and 5:00 am, except when immediately entering or exiting the garage.
  - (d) Because the use of carports for other than vehicle and trailer parking may encourage the accumulation of unreasonable amounts of personal property that are unsightly when viewed from outside the property, materials, equipment, or other items of personal property shall not be stored inside a carport to the extent that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed.
  - (e) Materials, equipment, or other items, except for appropriate furniture, shall not be stored on a porch, breezeway, or balcony if the porch, breezeway, or balcony is visible from the street.
  - (f) Property owners shall be responsible for the maintenance of the owner's property and premises in a manner consistent with the provisions of this Code; provided, however, that an owner may require by written agreement that a tenant, lessee, or occupant of the owner's property maintain same in accordance with this Code; but the failure of such tenant, lessee, or occupant to so maintain the owner's property shall not relieve the owner of the owner's responsibilities hereunder.
  - (g) If the city determines that there is a violation of this chapter, a notice shall be given to the property owner. Such notice may be given by personal service on the owner, or the owner's duly authorized agent, or upon any person of suitable age and discretion residing in the owner's usual place of residence, or by first-class letter addressed to the last known place of residence of such owner. Proof of the mailing of such first-class letter by the city shall be a complete compliance with this section. In case of failure to locate the owner, the notice of

violation shall be posted on the property where the violation exists by taping or affixing on or near the front door of the property an envelope containing the notice. If a property owner fails to correct the condition set forth in the notification within the time specified in the notice to the owner, the owner shall be subject to a fine as provided in (a) above.

- (h) In addition to the fine provided in (a) above, if a property owner fails to correct a violation under this chapter, the city shall have the right to enter upon the property and correct said violation. All costs incurred by the city in connection with the correction of said violation shall be due and payable to the city by the property owner upon demand. Unpaid costs shall constitute a lien on said property, and notice thereof shall be filed in the Shelby County Register's Office. The city shall thereafter proceed to collect such costs and enforce such lien in accordance with the provisions of law.
- (i) This chapter shall be enforced by the Director of Community Development, his or her designee(s), or by other duly authorized officials of the city. Such officials shall have the power to make inspections of buildings, accessory structures and property upon reasonable notice to the property owner or occupant, taking into consideration all existing circumstances, and as may be reasonably necessary to carry out the requirements of this chapter.
- (j) If any section of this chapter as now enacted or as subsequently amended or as applied to any person or circumstances is held invalid, the invalidity shall not affect other sections that can be given effect without the invalid section or application. If any portion or application of this section is held invalid, the invalidity does not affect the remainder of this section unless:
  1. The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
  2. The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

Section 5. Chapter 9 (ENVIRONMENT), Article III, Division 1 of the City Code is amended by adding a new Section 9-66 to the existing Chapter 9, Article III, Division 1 as follows:

Sec. 9-66. Holiday/Seasonal Decorations.

Residential holiday and seasonal decorations, including, but not limited to, holiday lights on houses or in the yard or shrubbery, yard ornaments or decorations, and the like, shall not be installed or placed more than forty-five (45) days before the date of the holiday for which said decorations are intended and shall be removed within a reasonable period of time, not to exceed thirty (30) days, following the date of the holiday for which said

decorations were intended. Holiday lights, even if not illuminated, are not permitted to remain on any house or structure year-round.

Section 6. Chapter 9 (ENVIRONMENT), Article III, Division 2 of the City Code is amended by replacing the existing Chapter 9, Article III, Division 2, Section 9-82 as follows:

Sec. 9-82. Grass, shrubs, trees; condition; height of grass.

All shrubs, trees and other landscaping located between the curbline or paved edge of the roadway and the fence on such double frontage lots and all grass or planted surfaces shall be maintained at all times by the lot owner of such double frontage lot. Except as provided in chapter 22 of this Code, as such chapter may be renumbered or amended from time to time, all grass, weeds and noxious growths shall be mowed, cut or clipped, as frequently as necessary to ensure that weeds, grass and noxious growths do not exceed a height of six inches. Cuttings and clippings and other debris shall not be allowed to accumulate and shall be placed adjacent to the property line from which garbage and trash collections are customarily made.

Section 7. Chapter 10 (FIRE PREVENTION AND PROTECTION), Article I of the City Code is amended by adding a new Section 10-16 to the existing Chapter 10, Article I as follows:

Sec. 10-16. House numbers.

House numbers in Arabic numerals, a minimum of four inches in height to a maximum of six inches in height and a minimum stroke width of 0.5 inch, shall be located on each home and shall be plainly visible from the front street, or, house numbers in Arabic numbers, a minimum of three inches to a maximum of five inches in height and a minimum stroke width of .375 inch, shall be located on the front, or both sides, of a mailbox at the street.

Section 8. Chapter 15 (SOLID WASTE), Article II, Section 15-22 of the City Code is amended by adding a new subsection (d) to the existing Chapter 15, Article II, Section 15-22 as follows:

(d) *Garbage or refuse container storage.* Garbage and refuse containers and recycling bins shall be stored behind the front line of the building and shall not be visible from the street, except when placed for collection and shall not be placed in their collection location before 6:00 p.m. of the day prior to the regularly scheduled collection day and shall be returned to their storage location no later than 8:00 a.m. the day following collection. Any garbage or refuse not in containers placed near the street for collection shall not be placed so before 6:00 p.m. of the day prior to the regularly scheduled collection day.

Section 9. Chapter 15 (SOLID WASTE), Article II, Section 15-33(a) of the City Code is amended by replacing the existing Chapter 15, Article II, Section 15-33(a) as follows:

- (a) It shall be unlawful for any person to dispose of or cause to be disposed of any garbage, rubbish or other waste materials upon any property other than a lawfully operated garbage dump or sanitary landfill. Excessive amounts of cuttings, clippings, leaves, and other yard debris shall not be allowed to accumulate in the lawn area for an unreasonable time so as to adversely affect the value of properties in the near vicinity.

Section 10. Chapter 22 (VEGETATION), Article IV, Section 22-162 of the City Code is amended by replacing the existing Chapter 22, Article IV, Section 22-162 with the following:

Except as otherwise provided in this chapter, the owners of all lands or lots in the city shall keep all grass, weeds, and noxious growths of any kind upon such property cut or clipped at a height not to exceed six (6) inches.

Chapter 22 (VEGETATION), Article IV, Section 22-163 of the City Code is amended by replacing the existing Chapter 22, Article IV, Section 22-163 with the following:

- (a) Within the first fifty (50) feet on all sides of any unimproved lot or parcel that is three (3) or more acres in size and adjacent to or within fifty (50) feet of residentially zoned property, all weeds, grass and noxious growths in or upon such lot or parcel shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that such grass, weeds and noxious growths do not exceed a height of six (6) inches. The remainder of such lot or parcel that is beyond the first fifty (50) feet on all sides shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that grass, weeds and noxious growths in or upon such lot or parcel do not exceed a height of twelve (12) inches.
- (b) All unimproved lots or parcels that are three (3) or more acres in size and not adjacent to or within fifty (50) feet of residentially zoned property shall be kept, cut, clipped or controlled through chemical means as frequently as necessary to ensure that grass, weeds and noxious growths in or upon such lots or parcels do not exceed a height of twelve (12) inches.
- (c) Notwithstanding other provisions of this Code, it being in the best interest of the city to preserve forest lands, wood lands, and natural areas in their natural state,

lots or parcels of at least one acre in size and upon which mature forest, woodlands, or natural areas are preserved in their natural state shall not be subject to the requirements of this Code, relative to the height of grass, weeds and noxious growths, except upon a showing by the city that such lots or parcels or portions thereof constitute an imminent threat to the health, safety and welfare of the community.

Section 11. Chapter 22 (VEGETATION), Article IV of the City Code is amended by adding a new Section 22-166 as follows:

All trees, shrubs, and other landscaping shall be properly maintained to remain in a healthy growth state and any dead growth shall be removed. Any vegetation, including native and/or wild vegetation in lawn areas or adjacent to a building or structure, that is so overgrown or lacking maintenance as to be unsightly to neighboring property or not in character with the neighborhood or, potentially, because of size and lack of maintenance, shall be removed or trimmed.

Section 12. Chapter 23 (ZONING), Article II, Division 4 of the City Code is amended by adding a new Section 23-88 as follows:

Sec. 23-88 Driveways

- (a) The maximum width of a driveway in the required front yard shall be twenty-four feet at the apron with a maximum driveway surface width of 18 feet, except that for houses that require additional width to accommodate garage/carport access, driveways may be up to the width of the garage/carport within twenty feet of the garage/carport. No parking spaces shall be permitted within the required front yard.
- (b) Parking spaces constructed in a legal location and of a permitted material prior to the effective date of this ordinance shall be permitted and may be maintained in their current location.
- (c) Non-conforming driveways. Any driveway installed according to the ordinances in effect at the time of installation may be maintained, repaired or replaced in its present configuration. However, no driveway may be altered except in conformity with the provisions of this article.
- (d.) Driveway permits. It shall be unlawful to commence the installation or alteration of a driveway until the city engineer or his designated representative has issued a permit for such work. Applications for driveway permits will be available at the offices of the City. The City Engineer may require the owner to provide an official signed and sealed survey, by a land surveyor in the state of Tennessee, in order to determine the appropriateness of the application for a permit.

- (e.) Violation and penalty. Any person violating any provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-10. Each day's continuance of a violation shall be considered a separate offense. The owner of any premises, or part thereof, where anything in violation of this article shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense. Persons in violation of this article may also be subject to injunctive proceedings.

Chapter 23 (ZONING), Article II, Division 4 of the City Code is amended by adding a new Section 23-89 as follows:

Sec 23-89. Businesses in Residential Zoning Districts

- (a) Within all zoning districts designated as residential districts, the transaction of administrative matters by the immediate family members who reside on the premises is a permitted use, provided that the principal building on the premises is used primarily as a place of abode.
- (b) The following activities are deemed inconsistent with the nature and the purpose of residential neighborhoods and are prohibited within homes or dwelling units in all zoning districts designated as residential districts:
  1. Receiving persons at a residential property for the purpose of buying, selling, ordering, or picking up products in connection with a business;
  2. Individuals coming about a residential property for the purpose of receiving task assignments, performing work, or performing other functions if any of these is related to a business conducted on or off the premises of the residential property, with the exception of work or services for the purposes of repair or maintenance of the owner's property;
  3. Using residential property as a facility for the repair, manufacture, processing or growing of products sold in conjunction with the operation of a business;
  4. Using residential property for the parking or storage of vehicles, equipment, or materials that are used or intended for use for business purposes, with the exception of a vehicle used for business purposes, which is less than eight (8) feet in height at all

points and less than twenty (20) feet in length and less than 8,000 pounds gross vehicle weight;

5. Using residential property for the purpose of receiving materials for transshipment to other locations when done for business purposes; and
6. Conducting any activity on a residential property for business purposes that creates noise, odors, or degradation of the neighborhood aesthetics.

Section 14 Chapter 23 (ZONING), Article III Districts.

Chapter 23 (Zoning), Article III is amended by replacing the existing Section 136 (AG), Section 161 (RE-10), Section 186 (RE), Section 211 (RE-1), Section 235 (R), Section 260 (R-1), Section 285 (R-2), Section 310 (R-3), Section 23-330 (8) (RT- Multifamily), Section 23-333 (6), Section 23-350 (10) (RH-Townhouse and Multifamily), Section 23-351 (6) (Single family and two-family), Section 23-352 (7) (Congregate Housing) with the following:

DIVISION 2. AGRICULTURAL DISTRICT (AG)\*

Sec. 23-136. Parking regulations.

(a) Off-street parking spaces required in the AG district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line;

provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Municipal, state or other governmental uses: one parking space for every ten seats or one for each 200 square feet of gross floor area, whichever is greater.
  - (2) Public utilities: one parking space for each 200 square feet of office space.
  - (3) Golf courses: one parking space for each three members.
  - (4) Private and country clubs: one parking space for each three members.
- (Code 1986, § 25-35; Ord. No. 1999-16, 12-27-99)

**DIVISION 3. RESIDENTIAL ESTATE DISTRICT (R-E-10)Sec. 23-161. Parking regulations.**

(a) Off-street parking spaces required in the R-E-10 district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
- (2) Municipal, state or other governmental uses: one parking space for every ten seats or for each 200 square feet of gross floor area, whichever is greater.
- (3) Golf courses: one parking space for each three members.
- (4) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.
- (5) Places of worship:

- a. One parking space for each five seats provided in the main auditorium for every new place of worship.
  - b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
  - c. One parking space for each five additional seats added to an existing main auditorium.
- (Code 1986, § 25-38.9; Ord. No. 1999-16, 12-27-99)

#### DIVISION 4. RESIDENTIAL ESTATE DISTRICT (R-E)

##### Sec. 23-186. Parking regulations.

(a) Off-street parking spaces required in the R-E district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
- (2) Municipal, state or other governmental uses: one parking space for every ten seats or for each 200 square feet of gross floor area, whichever is greater.
- (3) Public utilities: one parking space for each 200 square feet of office space.
- (4) Golf courses: one parking space for each three members.
- (5) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.
- (6) Places of worship:
  - a. One parking space for each five seats provided in the main auditorium for every new place of worship.

- b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
- c. One parking space for each five additional seats added to an existing main auditorium.  
(Code 1986, § 25-65; Ord. No. 1999-16, 12-27-99)

#### DIVISION 5. RESIDENTIAL ESTATE DISTRICT (R-E-1)

##### Sec. 23-211. Parking requirements.

(a) Off-street parking spaces required in the R-E-1 district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
- (2) Municipal, state or other governmental uses: one parking space for every ten seats or for each 200 square feet of gross floor area, whichever is greater.
- (3) Public utilities: one parking space for each 200 square feet of office space.
- (4) Golf courses: one parking space for each three members.
- (5) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.

(Code 1986, § 25-80; Ord. No. 1999-16, 12-27-99)

#### DIVISION 6. RESIDENTIAL DISTRICT (R LOW DENSITY)

Sec. 23-235. Parking requirements.

(a) Off-street parking spaces required in the R district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
- (2) Place of worship:
  - a. One parking space for each five seats provided in the main auditorium for every new place of worship.
  - b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
  - c. One parking space for each five additional seats added to an existing main auditorium.

The board of zoning appeals shall have the right to permit land within 800 feet of the nearest place of worship property line to be used for the parking spaces required in connection with such place of worship, but only when there is a written agreement between the place of worship and the owner of such property outlining the use arrangements which is approved by the board of zoning appeals.

- (1) Schools:
  - a. Elementary schools (K through eight): 1.15 parking spaces per staff member. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  - b. High schools (nine through 12): five parking spaces for each classroom or administrative office or one parking space for each five seats in the auditorium, whichever is greater. For

computation purposes any fractional amount over one will be rounded to the next larger whole number.

c. College or university: eight parking spaces for each classroom.

(2) Libraries, museums or other public buildings: one parking space for each 200 square feet of floor space in the building.

(3) Country and private clubs: one parking space for each five members, except that a club with a swimming pool or golf course shall provide one parking space for each three members.

(4) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.

(Code 1986, § 25-94; Ord. No. 1999-16, 12-27-99)

#### DIVISION 7. RESIDENTIAL DISTRICT (R-1 MEDIUM DENSITY)

Sec. 23-260. Parking requirements.

(a) Off-street parking spaces required in the R-1 district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

(1) Single-family dwellings: two parking spaces.

(2) Place of worship:

a. One parking space for each five seats provided in the main auditorium for every new place of worship.

- b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
  - c. One parking space for each five additional seats added to an existing main auditorium. The board of zoning appeals shall have the right to permit land within 800 feet of the nearest place of worship property line to be used for the parking spaces required in connection with such place of worship, but only when there is a written agreement between the place of worship and the owner of such property outlining the use arrangements which is approved by the board of zoning appeals.
    - (1) Schools:
      - a. Elementary schools (K through eight): 1.15 parking spaces per staff member. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
      - b. High schools (nine through 12): five parking spaces for each classroom or administrative office or one parking space for each five seats in the auditorium, whichever is greater. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
      - c. College or university: eight parking spaces for each classroom.
    - (2) Libraries, museums or other public buildings: one parking space for each 200 square feet of floor space in the building.
    - (3) Country and private clubs: one parking space for each five members, except that a club with a swimming pool or golf course shall provide one parking space for each three members.
    - (4) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.
- (Code 1986, § 25-119; Ord. No. 1999-16, 12-27-99)

#### DIVISION 8. RESIDENTIAL DISTRICT (R-2 MEDIUM DENSITY)

##### Sec. 23-285. Parking requirements.

- (a) Off-street parking spaces required in the R-2 district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.
- (b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no

closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
  - (2) Place of worship:
    - a. One parking space for each five seats provided in the main auditorium for every new place of worship.
    - b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
    - c. One parking space for each five additional seats added to an existing main auditorium.
- The board of zoning appeals shall have the right to permit land within 800 feet of the nearest place of worship property line to be used for the parking spaces required in connection with such place of worship, but only when there is a written agreement between the place of worship and the owner of such property outlining the use arrangements which is approved by the board of zoning appeals.

- (1) Schools:
  - a. Elementary schools (K through eight): 1.15 parking spaces per staff member. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  - b. High schools (nine through 12): five parking spaces for each classroom or administrative office or one parking space for each five seats in the auditorium, whichever is greater. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  - c. College or university: eight parking spaces for each classroom.
- (2) Libraries, museums or other public buildings: one parking space for each 200 square feet of floor space in the building.
- (3) Country and private clubs: one parking space for each five members, except that a club with a swimming pool or golf course shall provide one parking space for each three members.
- (4) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.

(Code 1986, § 25-144; Ord. No. 1999-16, 12-27-99)

#### DIVISION 9. RESIDENTIAL DISTRICT (R-3 TWO-FAMILY DWELLINGS)

Sec. 23-310. Parking requirements.

- (a) Off-street parking spaces required in the R-3 district under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front

yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- (1) Single-family dwellings: two parking spaces.
- (2) Two-family dwellings: two parking spaces per dwelling unit.
- (3) Place of worship:
  - a. One parking space for each five seats provided in the main auditorium for every new place of worship.
  - b. One parking space for each five seats provided in a new main auditorium constructed by an existing place of worship.
  - c. One parking space for each five additional seats added to an existing main auditorium.The board of zoning appeals shall have the right to permit land within 800 feet of the nearest place of worship property line to be used for the parking spaces required in connection with such place of worship, but only when there is a written agreement between the place of worship and the owner of such property outlining the use arrangements which is approved by the board of zoning appeals.
- (4) Schools:
  - a. Elementary schools (K through eight): 1.15 parking spaces per staff member. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  - b. High schools (nine through 12): five parking spaces for each classroom or administrative office or one parking space for each five seats in the auditorium, whichever is greater. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  - c. College or university: eight parking spaces for each classroom.

- (5) Libraries, museums or other public buildings: one parking space for each 200 square feet of floor space in the building.
  - (6) Country and private clubs: one parking space for each five members, except that a club with a swimming pool or golf course shall provide one parking space for each three members.
  - (7) Any permitted uses not specifically listed: one parking space for every 200 square feet of gross floor area.
- (Code 1986, § 25-169; Ord. No. 1999-16, 12-27-99)

#### DIVISION 10. RESIDENTIAL DISTRICT (R-T MULTIFAMILY)

Sec. 23-331. Multifamily and townhouse condominiums and developments not involving a subdivision of property.

Within the areas designated R-T rental and condominium townhouse and multifamily developments, those which do not involve subdivision of the tract area into individual lots shall adhere to the following regulations:

- (1) *Minimum tract area.* The minimum area which may be developed for townhouse or multifamily dwellings shall be contained in a contiguous parcel of land under common ownership comprising a total area of at least two acres.
- (2) *Minimum width of the tract of building line.* A minimum frontage of 100 feet, as measured at the front building line, shall be required for rental on condominium townhouse or multifamily developments.
- (3) *Yard regulations.*
  - a. *Front yard.* There shall be a required perimeter front yard having a depth of not less than 40 feet. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches or patios with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - b. *Side yard.* There shall be required perimeter side yards having a width of not less than 50 feet each between any building and the side property line. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches or patios, with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - c. *Rear yard.* There shall be a required perimeter yard having a depth of not less than 50 feet. as measured between the rear lot line and any portion of a building. This yard area shall be open area with no encroachments permitted including drives, parking areas, porches or patios, with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
- (4) *Parking requirements.* Off-street parking shall be provided on the same tract as the residential units on a paved driveway or parking space, but not in the required perimeter front, side or rear yards at a minimum of 2.5 spaces per townhouse or multifamily unit.
  - a. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

(Code 1986, § 25-190; Ord. No. 1999-16, 12-27-99)

Sec. 23-332. Townhouse developments including a subdivision of property.

Within the areas designated R-T townhouse, developments involving the sale of lots shall adhere to the following additional regulations:

- (1) *Minimum tract area.* The minimum tract area which may be developed for townhouse or multifamily complexes shall be contained in a contiguous parcel of land comprising a total area of at least two acres.
- (2) *Minimum width of tract of building line.* A minimum frontage of 100 feet, as measured at the front building line, shall be required for townhouse or multifamily developments.
- (3) *Minimum lot area.* The minimum lot area which may be sold with individual townhouses is 480 square feet which shall correspond to the ground floor area of the townhouse unit.
- (4) *Minimum lot width at building line.* A minimum frontage of 20 feet, as measured at the front building line, shall be required for each interior townhouse unit offered for sale. A minimum frontage of 30 feet, as measured at the front building line, shall be required for each end townhouse unit offered for sale.
- (5) *Area regulations.*
  - a. *Front yard.* There shall be a required perimeter front yard having a depth of not less than 40 feet. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches or patios with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - b. *Side yard.* There shall be required perimeter side yards having a width of not less than 25 feet each between any building and the side property line. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches or patios with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - c. *Rear yard.* There shall be a required perimeter rear yard having a depth of not less than 30 feet as measured between the rear lot line and any portion of a building. This yard area shall be an open area with no encroachments permitted including drives, parking areas, porches or patios

with the exception of entrances the length of which does not exceed the depth of the perimeter yard.

d. *Site plan.* The developer shall submit a site plan prepared in accordance with the requirements set forth in this division.

(6) *Height regulations.* No structure shall exceed 35 feet in height, as measured from the average of the finished ground elevations at the front line of the building, except where the building is adjacent to a public street, in which case the height shall be measured at the perimeter yard building line. This limitation shall not apply to belfries, chimneys, church spires, radio and television antennas or aerials, and water tanks; provided, however, that they comply with the provisions of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height, plus ten feet from the nearest property line.

(7) *Maximum number of dwelling units per building.* The maximum number of dwelling units per building shall be eight.

(8) *Parking requirements.* Off-street parking shall be provided on the same tract as the residential units, but not in the required perimeter front, side or rear yards at a minimum of 2.5 spaces per townhouse or multifamily unit.

a. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

(b) Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

(9) *Accessory buildings.*

a. Accessory buildings shall not extend into the front, side or rear perimeter yards.

b. Such buildings shall not be closer than 15 feet to the principal building.

c. Accessory buildings shall not exceed 20 feet in height and shall not be nearer than 30 feet from the rear property line, nor closer than five feet to any recorded easement. A recreational center building having a floor area equal to or greater than the average dwelling unit in the complex may be 35 feet in height.

(10) *Preliminary plan approval.* Prior to the approval of any townhouse or multifamily development, the developer shall submit a preliminary site plan to the planning commission for review. This preliminary plan shall:

- a. Be drawn to an appropriate scale.
- b. Include:
  1. Existing zoning.
  2. Existing and proposed roads and drainage.
  3. Curb cuts, drives and parking areas.
  4. Lot lines.
  5. Building lines.
  6. Open space and recreational areas.
  7. Boundaries, tracts and names of adjacent property owners.
  8. Existing sewer and water lines.
  9. Contours at vertical intervals of two feet or less.
  10. Exhibit a vicinity map showing the relation of the proposed development to the city.
  11. Proposed landscape areas.
  12. Show the relation of the proposed development to:
    - i. The street system; and
    - ii. The surrounding property and use districts.
- c. Where the development constitutes a subdivision, all requirements of the subdivision regulations shall be met.

(11) *Final plan approval.* After approval of the preliminary plan and prior to the issuance of any building permit or construction contract, the developer must secure planning commission approval of the final plan. The final plan shall embody all the requirements imposed by the planning commission. The final plan shall:

- a. Be drawn to a scale of one inch equals 50 feet.
- b. Shall include the following:
  1. Existing and proposed roads.
  2. Curb cuts, drives and parking areas.
  3. Lot lines.
  4. The building line and location of all structures to be built on the site.
  5. Open space, recreational areas and landscaping.
- c. Meet the design features set forth in the preliminary plan section.
- d. Contain a certification by a licensed civil engineer that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown.
- e. Provide a form for certification of approval by the planning commission by the secretary of the planning commission.
- f. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements to adjacent streets as shown on the plan.
- g. If home ownership is planned for the residents of the development, a master deed and/or any homeowner association contracts must accompany the final plan for review by the planning commission.

h. Where the development constitutes a subdivision, all requirements of the subdivision regulations shall be met.  
(Code 1986, § 25-191; Ord. No. 1999-16, 12-27-99)

Sec. 23-333. Uses other than townhouses, multifamily structures and assisted-care living facilities.

Within the areas designated R-T on the zoning map of the city but not developed as a townhouse, a multifamily development or an assisted-care living facility, the following provisions shall apply as set forth in this section:

(1) *Minimum lot area.*

- a. Single-family dwellings: 10,000 square feet.
- b. Two-family dwellings: 15,000 square feet.
- c. Places of worship: three acres.
- d. Schools: five acres, plus one acre for each 200 students over 200 the school is designated to serve.
- e. Libraries: 40,000 square feet.
- f. Museums: 40,000 square feet.

(2) *Minimum lot width measured at the building line.*

- a. Single-family dwellings: 70 feet.
- b. Two-family dwellings: 100 feet.
- c. Places of worship: 200 feet.
- d. Libraries: 200 feet.
- e. Museums: 200 feet.

(3) *Area requirements.*

a. *Front yards.*

1. There shall be a required front yard of not less than 40 feet.
2. On double frontage or corner lots, there shall be a required front yard on each street, provided that the buildable width of a corner lot of record need not be reduced to less than 30 feet.

3. On a corner lot, no structure, planting, sign or object of natural growth which obstructs visibility shall be placed or permitted to remain within a triangle formed by connecting the three points which are the intersection of the extension of the adjacent rights-of-way and the points 50 feet from the intersection, along each right-of-way line. A structure, planting, sign or object of natural growth, excluding trees between the height of 30 inches to 96 inches, shall be deemed as obstructing visibility. This measurement shall be made from the top-of-curb.

b. *Side yard.* There shall be one or more required side yards of not less than ten feet each.

c. *Rear yard.* There shall be a required rear yard having a depth of not less than 40 feet or 20 percent of the average lot depth whichever shall be less, but not less than 25 feet.

(4) *Height regulations.* No structure shall exceed 35 feet in height, as measured from the average of the finished ground elevations at the front line of the building. This limitation shall not apply to belfries, chimneys, church spires, radio and television antennas or aerials, and water tanks; provided, however, that they comply with the provisions of all pertinent codes and

ordinances, and provided further that they are located a distance equal to their own height, plus ten feet from the nearest property lines.

(5) *Maximum number of principal buildings permitted.*

- a. Residential uses shall be limited to one principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings, but the aggregate of all buildings shall not exceed 25 percent of the entire lot.

(6) *Parking requirements.*

a. Off-street parking spaces required under this section shall be provided on the same lot, parcel or tract as the principal building, but not in any portion of the required front yard. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

b. Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

The number of required off-street parking spaces shall be in accordance with the following minimum standards:

- a. Single-family dwellings: two parking spaces.
- b. Places of worship: one parking space for each five seats provided in the main auditorium for every new place of worship; one parking space for each five seats provided in a new main auditorium constructed by an existing place of worship; and one parking space for each five additional seats added to an existing main auditorium.

The board of zoning appeals shall have the right to permit land within 800 feet of the nearest place of worship property line to be used for the parking spaces required in connection with the place of worship, but only when there is a written agreement between the place of worship and the owner of such property outlining the use arrangement which is approved by the board of zoning appeals.

- c. Schools:

1. Elementary schools (K through eight): 1.15 parking spaces per staff member. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  2. High schools (nine through 12): five parking spaces for each classroom or administrative office or one parking space for each five seats in the auditorium, whichever is greater. For computation purposes any fractional amount over one will be rounded to the next larger whole number.
  3. College or university: eight parking spaces for each classroom.
  - d. Libraries, museums or other public buildings: one parking space for each 200 square feet of floor space in the building.
  - e. Any uses not specifically listed: one parking space for every 200 feet of gross floor area.
- (7) *Accessory buildings.* Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture and birdhouses in the R-T district, shall be located in compliance with the following:
- a. No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front building line of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front line of the building of the principal building.
  - b. Such buildings may extend into the required rear yard but shall be located a distance from the rear and side lot line equal to at least the height of the structure and not closer than five feet to any recorded easement. However, this subsection shall not be granted to structures containing habitable space.
  - c. Accessory buildings shall not exceed 20 feet in height and shall not be nearer than 30 feet from the rear property line, nor located a distance from the side property line equal to the height of the structure and not closer than five feet to any recorded easement. A recreational center building having a floor area equal to or greater than the average dwelling unit in the complex may be 35 feet in height.
  - d. Accessory buildings shall not cover more than 25 percent of the required rear yard.
  - e. Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.
  - f. Flagpoles on single-family dwellings and two-family dwellings may be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.
- (Code 1986, § 25-192; Ord. No. 1996-12, 9-23-1996; Ord. No. 1999-16, 12-27-99; Ord. No. 2002-7, 6-10-02)

## DIVISION 11. RESIDENTIAL DISTRICT (R-H RETIREMENT HOUSING)

Sec. 23-350. Townhouse and multifamily.

Within the areas designated R-H, all townhouse and multifamily developments shall adhere to the following regulations:

- (1) *Density.* One townhouse dwelling unit or multifamily dwelling unit shall be allowed for each 4,356 square feet of parcel area.
- (2) *Open space.* A minimum of 30 percent of the total area to be developed for townhouse or multifamily purposes shall be devoted to open space.
- (3) *Internal building spacing.* No building group shall be nearer than 30 feet to any other building group.
- (4) *Landscaping.* A landscape screen having a minimum width of 25 feet shall be provided along all rear and side lot lines contiguous to roadways or land zoned R-E-10, R-E, R-E- 1, R, R-1, R-2 and R-3 districts. Such a landscape screen may be located in the required perimeter side and/or rear yards but shall not extend into or beyond the required front yard.
- (5) *Minimum tract area.* The minimum area which may be developed for townhouse or multifamily dwellings shall be contained in a contiguous parcel of land under common ownership comprising a total area of at least two acres.
- (6) *Minimum width of the tract at building line.* A minimum frontage of 100 feet, as measured at the front building line, shall be required for townhouse or multifamily developments.
- (7) *Yard regulations.*
  - a. *Front yard.* There shall be a required front yard having a depth of not less than 40 feet. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches or patios, with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - b. *Side yard.* There shall be required perimeter side yards having a depth of not less than 50 feet each between any building and side property line. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
  - c. *Rear yard.* There shall be a required perimeter rear yard having a depth of not less than 50 feet, as measured between the rear lot line and any portion of a building. This yard area shall be an open area with no encroachments permitted including drives, parking areas, porches or patios, with the exception of entrances the length of which does not exceed the depth of the perimeter yard.
- (8) *Height regulations.* No structure shall exceed 35 feet in height, as measured from the average of the finished ground elevations at the front line of the building, except where the building is adjacent to a public street, in which case the height shall be measured at the perimeter yard building line. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas or aerials, and water tanks; provided, however, that they comply with the provisions of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height plus ten feet from the nearest property line.
- (9) *Maximum number of dwelling units per building.* The maximum number of dwelling units per building shall be 12.
- (10) *Parking requirements.* Off-street parking shall be provided on the same tract as the townhouse or multifamily units on a paved driveway or parking space, but not in the required

perimeter front, side or rear yards, at a minimum of two spaces per townhouse or multifamily unit.

a. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.

b. Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

(11) *Accessory buildings.* Accessory structures in townhouse and multifamily developments shall not exceed 20 feet in height and shall not be nearer than 30 feet from the rear property line, nor located a distance from the side property line equal to the height of the structure and not closer than five feet to any recorded easement. A recreational center building having a floor area equal to or greater than the average dwelling unit in the development may be 35 feet in height.

(12) *Minimum age.* Occupancy shall be limited to persons 55 years of age or older with the following exceptions:

- a. A spouse under 55 years of age married to one over that age.
- b. Up to two children over 18 years of age residing with at least one parent over 55 years of age, whose presence is required to care for that parent.
- c. A spouse under 55 years of age who is the surviving member of the household, if the 55 years of age occupant dies.
- d. An employed member of the development management staff and his family; not to exceed one unit per 100 dwelling units, or portion thereof in the project.
- e. A live-in nurse or similar caretaker whose presence is required to care for a 55 years of age or older occupant.

(13) *Preliminary plan approval.* Prior to the approval of any townhouse or multifamily development in the R-H district, the developer shall submit a preliminary site plan to the planning commission for review. The preliminary plan shall:

- a. Be drawn to an appropriate scale.
- b. Include:
  1. Existing zoning.

2. Existing and proposed roads and drainage.
3. Curb cuts, drives and parking areas.
4. Lot lines.
5. Building lines.
6. Open space and recreational areas.
7. Boundaries, tracts and names of adjacent property owners.
8. Existing sewer and water lines.
9. Contours at vertical intervals of two feet or less.
10. Exhibit a vicinity map showing the relation of the proposed development to the city.
11. Proposed landscape areas.
12. Show the relation of the proposed development to:
  - i. The street system; and
  - ii. The surrounding property and use districts.

(14) *Final plan approval.* After approval of the preliminary plan and prior to the issuance of any building permit or construction contract, the developer must secure planning commission approval of the final plan. The final plan shall embody all the requirements imposed by the planning commission. The final plan shall:

- a. Be drawn to a scale of one inch equals 50 feet.
- b. Include:
  1. Existing and proposed roads.
  2. Curb cuts, drives and parking areas.
  3. Lot lines.
  4. The building line and location of all structures to be built on the site.
  5. Open space, recreational areas and landscaping.
- c. Meet the design features set forth in the preliminary plan section.
- d. Contain a certification by a registered land surveyor that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown.
- e. Provide a form for certification of approval by the planning commission by the secretary of the planning commission.
- f. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements to adjacent streets as shown on the plan.
- g. The owner or operator of any development in an R-H district shall annually, on the anniversary date of the certificate of occupancy, submit certification to the code enforcement officer that the development is in compliance with these regulations of this division. Such certification shall include:
  1. The ages of the heads of household of each dwelling unit.
  2. Documentation that those heads of household not 55 years of age or older qualify as surviving spouse or as management personnel.

(Code 1986, § 25-196; Ord. No. 1999-1, 1-25-99; Ord. No. 1999-16, 12-27-99)

Sec. 23-351. Single-family and two-family.

Within the areas designated R-H, all single-family and two-family developments shall adhere to the following regulations:

- (1) *Minimum lot area.*
  - a. Single-family dwellings: 4,356 square feet.
  - b. Two-family dwellings: 8,712 square feet
- (2) *Minimum lot width measured at the building line.*
  - a. Single-family dwellings: 40 feet.
  - b. Two-family dwellings: 70 feet.
- (3) *Yard regulations.*
  - a. *Front yards.*
    1. There shall be a required front yard of not less than 20 feet.
    2. On double frontage or corner lots, there shall be a required front yard on each street, provided that the buildable width of a corner lot of record need not be reduced to less than 30 feet.
    3. On a corner lot no structure, planting, sign or object of natural growth which obstructs visibility shall be placed or permitted to remain within a triangle formed by connecting the three points which are the intersection of the extension of the adjacent rights-of-way and the points 50 feet from the intersection, along each right-of-way line. A structure, planting, sign or object of natural growth, excluding trees between the height of 30 inches and 96 inches, shall be deemed as obstructing visibility. This measurement shall be made from the top-of-curb.
    4. *Side yard.* There shall be one or more required side yards of not less than five feet each.
    5. *Rear yard.* There shall be a required rear yard having a depth of not less than 15 feet.
  - (4) *Height regulations.* No structure shall exceed 35 feet in height, as measured from the average of the finished ground elevations at the front line of the building. This limitation shall not apply to belfries, chimneys, flagpoles, radio and television antennas or aerials, and water tanks; provided, however, that they comply with the provision of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height, plus ten feet from the nearest property lines.
  - (5) *Maximum number of buildings permitted.* Maximum number of buildings shall be limited to one principal building per lot.
  - (6) *Off-street parking.* Two parking spaces per unit. Off-street parking spaces required under this section shall be provided on the same lot, parcel or tract as the principal building but not in any portion of the required front yard.
    - a. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.
    - b. Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles,

snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

(7) *Accessory buildings.* Accessory buildings and other outdoor accessory structures and items that are normal and incidental to single-family and two-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture and birdhouses in the R-T district, shall be located in compliance with the following:

- a. No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line of the building of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front line of the building of the principal building.
- b. Such buildings may extend into the required rear yard but shall be located a distance from the rear and side lot lines equal to at least the height of the structure and not closer than five feet to any recorded easement. However, this subsection shall not be granted to structures containing habitable space.
- c. Accessory buildings shall not cover more than 25 percent of the required rear yard.
- d. Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.
- e. Accessory structures in single-family and two-family developments shall not exceed 20 feet in height.

(8) *Minimum age.* A note shall be placed on the final plat requiring that occupancy, including units rented or leased, shall be limited to persons 55 years of age or older with the following exceptions:

- a. A spouse under 55 years of age married to one over that age.
- b. Up to two children over 18 years of age residing with at least one parent over 55 years of age, whose presence is required to care for that parent.
- c. A spouse under 55 years of age who is the surviving member of the household, if the 55 years of age occupant dies.
- d. A live-in nurse or similar caretaker whose presence is required to care for a 55 years of age or older occupant.

(Code 1986, § 25-197; Ord. No. 1999-16, 12-27-99; Ord. No. 2002-7, 6-10-02)

Sec. 23-352. Congregate housing.

Within the areas designated R-H, all congregate care facilities shall adhere to the following regulations:

- (1) *Open space.* A minimum of 35 percent of the total area to be developed as a congregate care facility shall be devoted to open space.
- (2) *Landscaping.* A landscape screen having a minimum width of 25 feet shall be provided along all rear and side lot lines contiguous to roadways or land zoned R-E, RE-1, R, R-1, R-2, or R-3. Such a landscape screen may be located in the required perimeter side or rear yards but shall not extend into or beyond the required front yard.
- (3) *Minimum tract area.* The minimum area which may be developed for congregate care housing shall be contained in a contiguous parcel of land under common ownership comprising a total area of at least two acres.
- (4) *Minimum tract width at the building line.* A minimum frontage of 200 feet as measured at the front building line shall be required for congregate care facilities.
- (5) *Yard regulations.*
  - a. *Front yard.* There shall be a required front yard having a depth of not less than 40 feet as measured between the front property line and any portion of a building, including porches and patios. There shall be a 60 foot required front yard on lots that provide parking within the required front yard, as measured between the front property line and any portion of a building, including porches and patios.
  - b. *Side yard.* There shall be required perimeter side yards having a depth of not less than 50 feet each between the side property line and any portion of a building, including porches and patios.
  - c. *Rear yard.* There shall be a required perimeter rear yard having a depth of not less than 50 feet as measured between the rear lot line and any portion of a building, including porches and patios.
- (6) *Height regulations.* No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building except where the building is adjacent to a public street, in which case the height shall be measured at the perimeter yard building line. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas or aerials, and water tanks; provided they comply with the provisions of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height plus ten feet from the nearest property line.
- (7) *Parking requirements.* Off-street parking spaces shall be provided on the same tract as the townhouse or multifamily units, but not in the required perimeter front, side or rear yards at a minimum of two spaces per townhouse or multifamily unit.
  - a. Automobiles, and all other vehicles designed for passenger use which do not exceed eight (8) feet in height at any point and do not exceed twenty (20) feet in length and do not exceed 8,000 pounds gross vehicle weight may be parked or stored on a paved driveway, parking space or any other hard-surfaced area that is normally considered the driveway area of the lot.
  - b. Any vehicle which exceeds eight (8) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and, without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles,

snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building but no closer than fifteen (15) feet to any property boundary line and no closer than fifteen (15) feet to the rear line of the principal building, except that any such item which is not greater than six (6) feet in height at any point may be parked or stored closer than fifteen (15) feet to a property line; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

(8) *Accessory buildings.* Accessory structures associated with congregate care facilities shall not exceed 20 feet in height and shall not be nearer than 30 feet from the rear property line, nor located a distance from the side property line equal to the height of the structure and not closer than five feet to any recorded easement. A recreational center building having a floor area equal to or greater than the average dwelling unit in the development may be 35 feet in height.

(9) *Minimum age.* Occupancy shall be limited to persons 55 years of age or older with the following exceptions:

- a. A spouse under 55 years of age married to one over that age;
- b. Up to two children over 18 years of age residing with at least one parent over 55 years of age, whose presence is required to care for that parent;
- c. A spouse under 55 years of age who is the surviving member of the household, if the occupant 55 years of age or older dies;
- d. An employed member of the development management staff and his or her family; not to exceed one unit per 100 dwelling units, or portion thereof in the project;
- e. A live-in nurse or similar caretaker whose presence is required to care for an occupant 55 years of age or older.

(10) *Preliminary plan approval.* Prior to the approval of any congregate care facility in the R-H district, the developer shall submit a preliminary site plan to the planning commission for review. The preliminary plan shall:

- a. Be drawn to an appropriate scale;
- b. Include:
  1. Existing zoning;
  2. Existing and proposed roads and drainage;
  3. Curb cuts, drives and parking areas;
  4. Lot lines;
  5. Building lines;
  6. Open space and recreational areas;
  7. Boundaries, tracts, and names of adjacent property owners;
  8. Existing sewer and water lines;
  9. Contours at vertical intervals of two feet or less;
  10. Vicinity map showing the relation of the proposed development to the city;
  11. Proposed landscape areas;
  12. Show the relation of the proposed development to:
    - (i) The street system; and

(ii) The surrounding property and use districts.

(11) *Final plan approval.* After approval of the preliminary plan and prior to the issuance of any building permit or construction contract, the developer must secure planning commission approval of the final plan. The final plan shall embody all the requirements imposed by the planning commission. The final plan shall:

- a. Be drawn to a scale of one inch equals 50 feet;
- b. Include:
  1. Existing and proposed roads;
  2. Curb cuts, drives and parking areas;
  3. Lot lines;
  4. Building line and location of all structures to be built on the site;
  5. Open space, recreational areas, and landscaping.
- c. Meet the design features as set forth in the preliminary plan section;
- d. Contain a certification by a registered land surveyor that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown;
- e. Provide a form for certification of approval by the planning commission by the secretary of the planning commission;
- f. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements to adjacent streets as shown on the plan.

(12) *Compliance with age restriction.* The owner or operator of any development in an R-H district shall annually, on the anniversary date of the Certificate of Occupancy, submit certification to the Code Enforcement Officer that the development is in compliance with these regulations. Such certification shall include:

- a. The ages of the heads of household of each dwelling unit.
- b. Documentation that those heads of household not 55 years of age or older qualify as a surviving spouse or as management personnel.

(Ord. No. 1999-1, 1-25-99; Ord. No. 1999-16, 12-27-99)

Section 15. This ordinance shall take effect upon passage of third and final reading, for the health, safety and welfare of the citizens requiring it.

Passed First Reading: April 11, 2005

Passed Second Reading: May 9, 2005

Passed Third Reading September 12, 2005

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk