

## ZONING ORDINANCE

### ARTICLE 8

#### SUPPLEMENTAL DISTRICT REGULATIONS

##### **800 APPLICABILITY**

Except as hereinafter specified, the provisions of this Article shall apply to all districts.

The provisions of this Ordinance affect every building and use. No building or land shall be used and no building shall be erected, moved, altered, or demolished, except in conformity with these regulations. No excavation, cut or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this Ordinance.

##### **810 YARD REGULATIONS**

1. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.
2. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
3. Front yards for corner and/or through lots shall be of the depth required by this ordinance for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.
4. Front yards and side yards for corner lots shall be measured from the street right-of-way line; provided that for the purposes of this measurement no city street shall be considered to be less than fifty (50) feet wide. This provision shall not be construed as requiring the dedication of any property to the public.
5. In any required front yard or side yard for corner lots, no fences or walls shall be permitted along the edge of a yard except as provided above.

6. In no case shall a lot of less than 5 acres in an R-1 or R-2 district be used for commercial raising of livestock. Raising of animals for recreational (noncommercial) purposes on lots of less than 5 acres is permitted.

### **811 SETBACK LINES, EXCEPTIONS**

Front yard setback lines may be varied where the average depth principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this Ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) other lots immediately adjoining.

### **820 LOT ACCESS REQUIREMENTS**

Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent access to a public street.

The following restrictions regarding lot access control shall apply:

1. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.
2. No curbs on public streets or public rights-of-way shall be cut, removed, or altered, nor shall any curb or payment be constructed within the right-of-way without written approval of the Administrative/Enforcement Officer.

### **830 ACCESSORY BUILDINGS**

Accessory buildings shall be permitted.

No access buildings of a main or principal building on the same lot shall be used or residential purposes unless it conforms to all requirements of this Ordinance.

### **831 SWIMMING POOLS**

All private in-ground and above-ground pools except as noted below must have covered or completely enclosed, including a gate, with a minimum of a four foot fence so as to prevent unauthorized or accidental access by children. Above-

ground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18” in depth or less and not containing any recirculating equipment shall be exempt from this requirement.

The Enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

All public swimming pools must meet all applicable state regulations regarding fencing.

#### **840 LOT FOR EVERY BUILDING**

Every principal building shall be located on a separate lot. Only one principal building may be erected on a single lot unless requirements of this Ordinance are met as though it were on an individual lot.

#### **850 EXCEPTIONS TO HEIGHT LIMITATIONS**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, mission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of Adjustment.

#### **860 SUBDIVISION OF CONSOLIDATION OF LOTS**

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the Subdivision Regulations shall apply (if adopted) in addition to the provisions of this Ordinance.

#### **870 VISIBILITY AT INTERSECTIONS**

On a corner lot there shall be no obstruction which will materially impede vision.

The above provisions do not apply to the Central Business District or to any location requiring retaining wall. The Board may either reduce or increase the requirements of this section in the interest of public safety upon finding that special conditions exist.

## **880 WATER SUPPLY AND SEWAGE DISPOSAL**

No building or dwelling can be constructed without water supply and sewage disposal facilities which have been approved by the County Health Department. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Department and the City's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for building permits and certificates of occupancy.

## **891 TEMPORARY BUILDING OR TEMPORARY USE**

Temporary permits not to exceed six (6) months and renewable for additional (6) months periods for a maximum of eighteen (18) months may be issued by the Administrative/Enforcement Officer for site construction purposes. Nonrenewable temporary permits not be exceed (60) sixty days may be issued by the Administrative/Enforcement Officer for carnivals, circuses, tent revival meetings and similar special event activities. Temporary events by local schools, churches and civic clubs short duration shall not require a permit.

Before issuing a temporary permit, the Administrative/Enforcement Officer shall find that the site id adequate for the proposed activity and that the proposed use, including related parking and traffic is not detrimental to the surrounding area.

The Board of Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for the site adequacy, parking, and traffic are met in addition to the Board's conditions.

## **892 MINIMUM DISTRICT SIZE**

No land district created under the provisions of this Ordinance shall be less than two (2) acres in size.

## **893 FLOOD PLAN DEVELOPMENT**

Land within West Liberty that is located below 770 feet (above mean sea level) is subject to flooding. It is the intent of this Ordinance to prevent

development within flood plain of any buildings and structures that would impede the flow of water and increase the height of flood waters. The erection of any permanent structure within the flood plain for purposes of residence, industry, or commerce is prohibited. All other uses will be treated as conditional and must be approved by the Planning Commission with a Conditional Use Permit issued by the Board of Adjustment.