

CHAPTER 1266
General Use Provisions

- 1266.01 Intent.
- 1266.02 Accessory buildings, structures and uses.
- 1266.03 Minimum floor area of dwelling units.
- 1266.04 Building units.
- 1266.05 Temporary buildings and uses.
- 1266.06 One-family dwellings and
- 1266.07 Home occupations.
- 1266.08 Historic structures and

1266.01 INTENT.

The intent of this chapter is to provide for those regulations that generally apply to all uses regardless of the particular zoning district.
(Ord. 275. Passed 9-23-03.)

1266.02 ACCESSORY BUILDINGS, STRUCTURES AND USES.

(a) Detached accessory buildings. Except as otherwise permitted in this Zoning Code, all detached accessory buildings are subject to the following regulations:

- (1) No accessory building shall be erected in a required yard except a rear yard.
- (2) No accessory building shall occupy more than twenty-five (25) percent of the area contained within the rear yard setback, plus forty (40) percent of the area between the rear yard setback line and the main structure, provided that in no instance shall the ground floor area of the accessory building exceed the ground floor area of the main building.
- (3) No detached accessory building of greater than two hundred (200) square feet shall be located closer than ten (10) feet from the main building, nor closer than six (6) feet from any other accessory building, regardless of whether or not the buildings are on the same or adjacent lots. Additionally, no detached accessory building shall be located closer than three (3) feet from the side or rear lot line so long as the maintenance of six (6) feet between the accessory buildings exists.
- (4) No detached accessory building in an R-1 One-Family Residential, R-T Two-Family Residential, R-M Multiple Family Residential, O-1 Office, B-1 Local Business or P-I Vehicular Parking District shall exceed one (1) story or fourteen (14) feet in height. An accessory building in any other district may be constructed to equal the permitted maximum height of structures in such district, subject to the review and approval of the Board of Zoning Appeals if the building exceeds one (1) story or fourteen (14) feet in height.

2004 Replacement

- (5) If an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to its rear, the building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.
- (6) In a residential, business or office district, an accessory building may be permitted which is intended for the storage of private automobiles or the storage of materials, tools or other equipment necessary to maintain the property on which it is located, if the use is clearly incidental to the principal use and will not be used as a separate business or a home occupation. In a residential district, a detached accessory building shall not exceed five hundred (500) square feet in area and shall be used exclusively for the storage of private motor vehicles.

(b) Attached accessory buildings and structures. Except as otherwise permitted in this Zoning Code, all attached accessory buildings and structures are subject to the following regulations:

- (1) All attached accessory buildings and structures with a permanent covering shall be subject to all applicable provisions of this Zoning Code.
- (2) All ground floor attached accessory buildings and structures without a permanent covering may extend within ten (10) feet of the rear or side property lines.

(c) Decks. Decks requiring a foundation shall be subject to the following:

- (1) The total square footage, excluding steps, shall not exceed the ground floor area of the principal building.
- (2) Decks shall be subject to the following minimum setback requirements:
 - A. A deck shall meet the required side yard requirements of the district in which it is located.
 - B. A deck shall be permitted to encroach in the required rear and/or front yard by no more than ten (10) feet, provided the portion of a deck that occupies the required yard shall not be above the elevation of the first floor of the residence. Furthermore, the portion of a deck that occupies the required yard shall not contain any enclosed or covered structures, such as a gazebo or screened porch.

(d) Private swimming pools. Except as otherwise permitted in this Zoning Code, all private swimming pools shall be subject to the following:

- (1) Only permitted in the rear yard.
- (2) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
- (3) No swimming pool shall be located less than thirty-five (35) feet from a front lot line.
- (4) No swimming pool shall be located less than ten (10) feet from a side street or alley right-of-way, or the distance required for side

yards by this Zoning Code, whichever is greater.

2004 Replacement

(5) Fencing requirements shall comply with Chapter 1416 of city ordinances.

(e) Accessory residential dwelling units. Except as otherwise permitted in this Zoning Code, all accessory residential dwelling units located on a parcel containing a permitted or special land use is subject to the following conditions:

- (1) Dwelling units shall be located above the first floor.
- (2) The minimum floor area requirements for multiple family dwellings set forth in Section 5.03 shall be met.
- (3) The Planning Commission may impose reasonable conditions to ensure the health, safety and welfare of the occupants.
(Ord. 275. Passed 9-23-03.)

1266.03 MINIMUM FLOOR AREA OF DWELLING UNITS.

The minimum floor area of dwelling units shall be as follows, and shall be satisfied within the stories above the basement:

<u>Type of Dwelling</u>	<u>Total Floor Area (sq. ft.)</u>
One-Family	900
Two-Family, per dwelling unit	800
Multiple Family:	
Efficiency Unit	250
1 Bedroom Unit	450
2 Bedroom Unit	600
3 Bedroom Unit	750

(Ord. 275. Passed 9-23-03.)

1266.04 BUILDINGS TO BE MOVED.

(a) No permit shall be granted for the moving of buildings or structures from outside of or within the limits of the city to be placed on property within said limits unless the Building Official completed an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood at the new location, and will fully comply with the Building Code and other codes regulating public health, safety, and general welfare. A performance guarantee, as established by the City Council, of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

(b) Any building to be moved shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates of said new zoning district.

(Ord. 275. Passed 9-23-03.)

1266.05 TEMPORARY BUILDINGS AND/OR USES.

(a) A temporary building and/or use shall be considered as special land uses subject to the review by the Planning Commission. All applications for a

temporary building and/or use shall be accompanied by a site plan prepared in accordance with Section 1266.04.

2004 Replacement

- (b) The following standards shall apply to temporary buildings and/or uses:
- (1) The granting of a permit for the temporary building and/or use shall in no way constitute a change in the basic use permitted in the district or on the property where the temporary building and/or use are permitted.
 - (2) The permit shall be granted in writing, stipulating all conditions as to time, the nature of the development permitted and arrangements for removal of the termination of the temporary permit.
 - (3) All setback, land coverage, off-street parking, lighting and other requirements to be considered in protecting the health, safety and general welfare of the residents of the city shall be made at the discretion of the Planning Commission.
 - (4) Approval may be granted for a period not to exceed one (1) year.
 - (5) The Planning Commission may grant a one time extension for a period of up to one (1) year.
(Ord. 275. Passed 9-23-03.)

1266.06 ONE-FAMILY DWELLINGS AND PRE-MANUFACTURED HOUSING.

- (a) Construction standards. Minimum construction standards for all one-family dwellings shall be pursuant to all applicable state, federal and/or local laws, codes and ordinances.
- (b) Unit size and dimensions. Each dwelling unit shall comply with the minimum square footage requirements of the zoning district in which it is located. Each dwelling unit shall have a minimum width on all elevations of twenty-four (24) feet.
- (c) Foundation and anchoring.
 - (1) One-family dwellings must be installed on a permanent foundation. At a minimum, this shall include a cement block or poured foundation with cement footings around the complete outside perimeter of the dwelling. A basement, in accordance with applicable City Codes, may be substituted for equivalent portions of the foundation. If the foundation or basement does not meet specifications for imposed load capacity, adequate additional support shall be provided.
 - (2) A crawl space of not less than twenty-four (24) inches shall be provided between the bottom of the home and the ground level. The crawl space shall not be utilized for storage purposes.
 - (3) A minimum of two (2) exterior doors must be provided. All means of access, such as porches, steps and ramps, shall be fixed to the foundation of dwellings.
- (d) Roof design. The roof of each dwelling unit shall be pitched with a minimum 5:12 slope and shingled, with an overhang of not less than six (6) inches on all sides. The roof must be permanently attached to

and supported by the dwelling and not by exterior supports. All dwellings shall have roof drainage systems concentrating roof drainage at collection points. Eaves troughs must be provided where appropriate. Exceptions to roof design and materials may be granted when said roof

2004 Replacement

design and materials are typical of a particular architectural style and/or are compatible with dwelling units in the surrounding area. Sealed architectural plans shall be furnished to the Zoning Administrator for his or her review as to this exception.

- (e) Sewer and water service. All one-family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.
- (f) Storage areas. All one-family dwellings shall contain inside storage areas equal to ten (10) percent of the square footage of the building, or one hundred (100) square feet, whichever is less. Such storage areas may be located in a basement beneath the dwelling, in an attic area, in one (1) or more closet areas or in an attached or detached structure, with construction standards and material of equal quality and durability to the principal structure.
(Ord. 275. Passed 9-23-03.)

1266.07 HOME OCCUPATIONS.

Home occupations that are clearly incidental and secondary to the principal residential use are permitted in specific zoning districts; however, the following conditions shall apply:

- (a) The total floor area utilized by the home occupation shall not exceed an area defined as not more than twenty-five (25) percent of the total floor area of any one (1) story of the residential premises so used.
- (b) The home occupation shall involve no employees on the premises, other than members of the immediate family residing on the premises.
- (c) All home occupation activities shall be conducted indoors, except gardening.
- (d) There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation.
- (e) There shall be no vehicular traffic permitted for the home occupation other than that which is normally generated for a one-family dwelling unit in a residential area, both as to volume and type of vehicles.
- (f) No home occupation shall be permitted which is injurious or a nuisance to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.
- (g) Any uses inconsistent with the home occupation provisions of this Zoning Code shall be permitted to continue, but only until there is any change in the ownership of the land so used from and after the effective date of this section.
- (h) Any uses inconsistent with the home occupation provisions of this Zoning Code shall have one (1) year from and after the effective date hereof to cease and desist or to comply with this section.
(Ord. 275. Passed 9-23-03.)

2004 Replacement

1266.08 HISTORIC STRUCTURES AND BUILDINGS.

(a) Structures and buildings may have historic significance for many reasons. Among them are their age, their use now or in the past, the people who have used them and their architecture. Over the years they will have become part of the heritage of Perry. Since they are an important part of the story of our community, we desire to encourage and accommodate their continued original use or adaptive reuse.

(b) Structures and buildings constructed prior to the passage of zoning ordinances often do not conform to current zoning standards. This may include their size, location on the site and setbacks. These structures and buildings may not meet the requirements of the zoning ordinance as they are or after changes and improvements are made.

(c) When a proposal for the original or adaptive reuse of a historic structure or building is under consideration, the planning commission shall evaluate its historical significance to the community. When historical significance is present, every effort shall be made to accommodate the continued economic viability of the structure. Where the accommodation requires a variance from the requirements of this ordinance, the planning commission shall also consider the impact of the variances on the surrounding property and the community as a whole. If there are conflicting impacts that are of similar importance, the accommodation shall be granted.
(Ord. 275. Passed 9-23-03.)

2004 Replacement