

## **ARTICLE 4**

### **SUPPLEMENTARY PROVISIONS**

#### **Section 4-10 1. Permitted Uses and Conditional Uses**

Permitted uses and uses permitted by special review may be located in the same building

#### **Section 4-102. District Boundaries**

Unless otherwise specified, district boundaries are lot lines or the centerline of streets, alleys, railroad rights-of-way, or such lines extended. Where a district divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty (20) feet. If the adjustment involves a distance of more than twenty (20) feet, the procedures for a district change shall be followed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

#### **Section 4-103. General Provisions Regarding Accessory Uses**

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance.

#### **Section 4-104. Accessory Buildings**

An accessory building in a residential district shall be located at least ten (10) feet from any dwelling or building existing or under construction on the same lot or any adjacent lot. In all residential districts, a building or structure attached to the principal building or structure by only a breezeway having a maximum width of six (6) feet shall be considered as being a detached accessory building or structure.

#### **Section 4-105. Projections from Buildings**

(A) Cornices, eaves, canopies, platforms, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three (3) feet into a required yard or into required open space as established by coverage standards- Open and unenclosed terraces or porches, platforms, ornamental features and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard.

### **Section 4-106. Maintenance of Minimum Ordinance Requirements**

No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this Ordinance shall be reduced in area, dimension, or size below the minimum required by this Ordinance, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this Ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

### **Section 4-107. General Exception to Lot Size Requirements**

If, at the time of passage of this Ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the district subject to the other requirements of the district.

### **Section 4-108 Exceptions to Yard Requirements**

The following exception to the front yard requirement for dwellings abutting local streets not including collector or arterial streets is authorized for a lot in any district, if there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings, *if* there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-halfway between the depth of the abutting lot and the required front yard depth.

### **Section 4-109. General Exception to Building Height Limitations**

The following type of structures or structural parts are not subject to the building height limitations of this Ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, cupolas, radio and television towers, masts, ranch and farm accessory uses and other similar projections placed above the roof level and not intended for human occupancy. These structures require the issuance of a conditional use permit.

### **Section 4-110. Vision Clearance**

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(A) In a residential district, the minimum distance shall be forty-five (45) feet or at the intersections including an alley, fifteen (15) feet. In all other districts, the minimum

distance shall be fifteen (15) feet or, at intersections including an alley, fifteen (15) feet, except that when the angle of intersection between streets is less than thirty (30) degrees, the distance shall be twenty-five (25) feet. However, fences, walls, and hedges two and a half (2.5) feet in height or less may be located in the vision clearance areas of all districts. When topography prevents a clear view, the earth bank shall be modified to correct the problem.

#### **Section 4-111. Screening**

- (A) All exterior activity areas including, but not limited to, parking areas, service areas and outdoor storage areas shall be screened by means of plant materials, earth mounding, architectural screens or siting so as to provide visual and aural separation between these elements and adjacent residential property whether existing or proposed.
- (B) Where there is commercial and developed residential areas, the owner of said commercial land shall erect a fence that properly screens residential lots from adverse influences such as noise, vehicular lights, trespass, and other adverse influences as part of the normal construction of buildings dedicated to said non-residential usage.
- (C) When fences, walls or hedges are utilized for screening the minimum height shall be eight (8) feet.

#### **Section 4-112. Fences. Walls and Hedges**

Fences, walls and hedges six (6) feet in height or less shall be permitted in any side or rear yard. No solid fence, wall or hedge over two and one-half (2.5) feet in height and no fence less than eighty (80) percent open over two and one-half (2.5) feet in height shall be located closer than twenty-five (25) feet from a public street (excluding alleys). The only exceptions to the foregoing shall be:

- (A) Solid fences, walls and hedges six (6) feet in height or less shall be permitted in side or rear yards which abut an arterial street;
- (B) Fences, walls and hedges shall be permitted in any required front yard in the RE10, RE5, R2, R1, and MH Districts. Provided that no solid fence, wall or hedge over two and one-half (2.5) feet shall be located closer than twenty-five (25) feet of a street or right-of-way. Fences six (6) feet or less and at least eighty (80) percent open may be located within the property boundaries provided the fencing does not violate Section 4-109 Vision Clearance.
- (C) When fences, walls or hedges are utilized for screening as required in Section 4-110., the

maximum height may be increased to eight (8) feet.

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(D) All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such a gate shall be three (3) feet.

(E) All gates for residential driveways shall be a minimum of eighteen (18) feet inside the property line in order to adequately provide maneuvering off of public streets and alleys.

(F) Gates across front entrances of homes must be eighteen (18) feet inside property line to avoid stopping in public street.

(G) No gates may swing into the street right-of-way.

#### **Section 4-113. Renting of Rooms**

The renting of rooms to one (1) person not a member of the family residing in the same dwelling unit may be permitted as an accessory use provided the following conditions are met:

(A) Quarters used by the roomers must not be more than one-third (1/3) the total floor area of the dwelling unit; and

(B) The dwelling unit must have only one (1) meter for each utility.

#### **Section 4-114. Animals**

Regulations pertaining to control of certain animals in the Town of Talty are specified in other ordinances of the Town of Talty.

#### **Section 4-115. Swimming Pools**

It is the purpose of these provisions to recognize an outdoor swimming pool as a potential

attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

(A) Permits and Approvals: No swimming pool shall be constructed or used until a Swimming Pool Building Permit and a Certificate of Occupancy have been issued therefor. No Building Permit and no final Certificate of Occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State Health Department regulations.

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(B) Requirements: A swimming pool may be constructed and operated when:

- (1) The pool is not located in any required front or side yard abutting a street;
- (2) All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, that direct rays from the lights shall not be visible from adjacent properties; and
- (3) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
- (4) During the construction phase, a permanent or temporary barrier meeting the requirements of (5A) below is required.
- (5) An outdoor swimming pool shall be provided with a permanent barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

A. The top of the barrier shall be at least

**sixty-eight (68) inches** four feet (48 inches) (*As amended by Ordinance 2000-12*) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure. When barriers have horizontal members spaced less than forty-five (45) inches apart, the horizontal members shall be placed on the poolside of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

B. Openings in the barrier shall not allow passage of a 1-3/4-inch-diameter sphere.

EXCEPTIONS: 1. When vertical spacing between such openings is sixty seven (67) inches or more, the opening size may be increased such that the passage of a four (4)-inch-diameter sphere is not allowed. 2. For fencing composed of vertical and horizontal members, the spacing between

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vertical members may be increased up to four (4) inches when the distance between the tops of horizontal members is forty-five (45) inches or more.

C. Chain link fences used as the barrier shall not be less than 11 gage

D. Access gates shall comply with the requirements of Items A through C. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least three (3) inches below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch within eighteen (18) inches of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware of padlocks and shall remain locked at all times when not in use.

### **Section 4-116. Buildings on the Same Lot**

Only one (1) principal building shall be permitted on any lot.

### **Section 4-117. Major Recreational Equipment**

For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, home occupation, or household purposes when parked or stored on a residential lot, or in any location not approved for such use.

### **Section 4-118. Temporary Buildings and Equipment**

Temporary buildings and equipment for uses incidental to construction work on premises must be approved by the Building Inspector and shall be removed upon the completion or abandonment of construction work

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### **Section 4-119. Structures to Have Access**

Every building hereafter erected or moved into Town of Talty shall be on a lot or building plot with direct access on a public or approved private street. All structures shall be so located on lots or building plots as to provide safe and convenient access for servicing, fire protection, and the required on-site parking.

### **Section 4-120. Noise Abatement**

Noise magnitudes shall be controlled to reasonable levels in accordance with the Noise Abatement and Control Ordinance of the Town of Talty.

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