

**PERSON** Person means any individual(s) responsible for an event or gathering including, but not limited to, the individual(s) who owns, rents, leases, or otherwise has controlled the premises where the event or gathering takes place, the individual(s) in charge of the premises, and/or the individual(s) who organized the event or gathering. If the residence or premises is rented, the landlord is not covered by this ordinance unless landlord othen/wise meets this definition.

**POSSESS** Possess means care, custody, dominion and control of liquor.

**RESIDENCE or PREMISES** Residence or premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**UNDERAGE PERSON** Underage person is any individual under twenty one (21) years of age.

### 130.10.D Prohibited Acts

#### 130.10.D.1

It is unlawful for any person(s) to:

- a) host or allow an event or gathering at any residence or premises where alcohol or alcoholic beverages are present when the person knows that an underage person will or does
  - i) consume any alcohol or alcoholic beverage; or
  - ii) possess any alcohol or alcoholic beverage; and
- b) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s). Reasonable steps shall including the following:
  - i) controlling access to alcohol and/or alcoholic beverages at the event or gathering; and
  - ii) verifying the age of persons attending the event or gathering by inspecting drivers license or other government issued identification cards to ensure that minors do not consume or possess alcohol and/or alcoholic beverages while at the event or gathering; and,
  - iii) supervising the activities of minors at the event or gathering.

#### 130.10.D.2

A person is criminally responsible for violating Subsection (D)(1) above if the person intentionally aids, advises, hires, counsels, or conspires with or othen/wise procures another to commit the prohibited act.

#### 130.10.D.3

A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

### 130.10.E Exceptions

#### 130.10.E.1

This section does not apply to conduct solely between an underage person and his or her parents while present in the parents household.

- 1) Certain conditions as detailed in the zoning regulations exist; and
- 2) The structure and/or land use conform to the comprehensive land use plan (if one exists) and are compatible with the existing neighborhood.

**CONDOMINIUM** A form of individual ownership of a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or townhouse unit is owned outright by its occupant and each occupant also owns a share of the land and other common property of the building.

**COOPERATIVE** A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the total enterprise.

**CURB LEVEL** The grade elevation established by the Council of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this chapter.

**DRIVE-IN** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

**DWELLING UNIT** A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three principal types:

- 1) **MULTIPLE-FAMILY** A residence designed for or occupied by three or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.
- 2) **SINGLE-FAMILY** A free-standing (detached) residence structure designed for or occupied by one family only.
- 3) **TWO-FAMILY** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

**DWELLING, ATTACHED** One which is joined to another dwelling or building at one or more sides by a party wall or walls.

**DWELLING, DETACHED** One which is entirely surrounded by open space on the same lot.

**EARTH SHELTERED BERM** An earth covering on the above grade portions of building walls.

**EARTH SHELTERED BUILDING** A building constructed so that 50% or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth sheltered.

**EASEMENT** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways; roadways; utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines.

**EFFICIENCY UNIT** A dwelling unit with one primary room which doubles as a living room, kitchen and bedroom.

**EQUAL DEGREE OF ENCROACHMENT** A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**152.35.E.2 Front Yard Regulations**

- a) Required setback distances from right-of-way.

Road Right-of-Way	Road Classification
70 ft.	State Highway
50 ft.	County Road
25 ft.	City Street

- b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

**152.35.E.3 Side and Rear Yard Regulations**

There shall be a side yard width of not less than ten feet on each side of the building and a rear yard of not less than 50 feet.

**152.35.E.4 Lot Width and Depth Regulations**

- a) For farm dwellings - none.
- b) For non-farm single-family residences - minimum width of 200 feet and depth of 200 feet.

**152.35.E.5 Lot Area Regulations**

- a) For farm residences - none.
- b) For non-farm single-family residences - one acre.

**152.35.E.6 Location of Structures**

Structures shall be so located on each lot as to permit resubdivision if and when central sewer and water systems become available.

**152.35.E.7 General Requirements**

Additional requirements for parking, signs, sewage systems and other regulations are set forth in SEC. 152.155 through SEC. 152.181.

**152.36 Single-Family Residential (R-1)****152.36.A Purpose**

The major purpose of this district is to allow low density single-family dwelling units in the developing portions of the city where central sewer and water is available.

**152.36.B Permitted Uses**

- 1) Single-family residential structures.
- 2) Public recreation including parks and playgrounds.
- 3) Historic sites.
- 4) Churches, chapels, temples and synagogues including parish houses.

- 5) Elementary schools.
- 6) City buildings including police and fire stations.
- 7) Signs subject to standards in SEC. 152.177.
- 8) Essential services - telephone, telegraph, and power lines and necessary appurtenant equipment and structures.
- 9) Solar structures.
- 10) Home occupations.

### 152.36.C Accessory Uses

- 1) Any incidental structure or building necessary to the conduct of a permitted use subject to standards set forth in SEC. 152.167(A)(1).
- 2) Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures subject to standards set forth in SEC. 152.167(A)(1).

### 152.36.D Conditional Uses

- 1) Junior and senior high schools.
- 2) Lodging and rooming houses.
- 3) Cemeteries.
- 4) Local neighborhood commercial.
- 5) Wind energy conversion systems.

### 152.36.E Performance Standards

#### 152.36.E.1 Height Regulations

The maximum height of all buildings shall not exceed two and one-half stories or 35 feet.

#### 152.36.E.2 Front Yard Regulations

- a) Required setback distances.

Road Right-of-Way	Road Classification
70 ft.	State Highway
50 ft.	County Road
25 ft.	City Street

- b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of the corner lot. Upon proper application therefor, the Zoning Administrator may authorize, in writing, a yard of not less than 15 feet on not more than one yard of a corner lot if a reduced yard is appropriate under the circumstances. In determining whether an application for a reduced corner lot yard is appropriate, the Zoning Administrator shall consider all relevant information available, including, but not limited to, the extent to which maintenance of maximum setback is desirable given the present and anticipated use of the public ways adjoining the lot in question and the distance between the proposed structure on the corner lot and the principal structure on the adjacent lot (a distance less than that required for a rear yard shall not be allowed).

**152.36.E.3 Side and Rear Yard Regulations**

- a) Side yard - 5 feet.
- b) Rear yard - 18 feet.

**152.36.E.4 Lot Area**

The minimum lot size shall be 7,500 square feet.

**152.36.E.5 Lot Width and Depth Regulations**

- a) Lot width - 70 feet.
- b) Lot depth - 100 feet.

**152.36.E.6 General Regulations**

Additional regulations for parking, signs, sewage systems and other regulations are set forth in SEC. 152.155 through SEC. 152.181.

**152.36.E.7 Dwelling Structures**

Dwelling structures shall meet the following minimum standards:

- a) Exceed 24 feet in width.
- b) Have a minimum floor area of 800 square feet.
- c) Placed on a permanent foundation.
- d) Meet all other requirements of law and city code provisions.

**152.37 One- and Two-Family Residential (R-2)****152.37.A Purpose**

The major purpose of this district is to allow one- or two-family residential dwelling units at medium density in or near major activity centers or highways.

**152.37.B Permitted Uses**

- 1) Any use permitted in the R-1 District.
- 2) Two-family dwelling units.
- 3) Bed and breakfast inns.

**152.37.C Accessory Uses**

Any accessory use permitted in the R-1 District.

**152.98.D.6 Conditions Attached to Conditional Use Permits**

Upon consideration of the factors listed above and the purpose of this Subchapter, the Board of Zoning Appeals shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Subchapter. Such conditions may include, but are not limited to, the following:

- a) Modification of waste treatment and water supply facilities.
- b) Limitations on period of use, occupancy, and operation.
- c) Imposition of operational controls, sureties, and deed restrictions.
- d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- e) Flood proofing measures, in accordance with the State Building Code and this Subchapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

**152.99 Nonconforming Uses****152.99.A**

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Subchapter but which is not in conformity with the provisions of this Subchapter may be continued subject to the following conditions. Historic structures, as defined in Section 152.091(H)(21)(b), shall be subject to the provisions of Sections 152.099(A)(1) thru (15).

**152.99.A.1**

No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

**152.99.A.2**

Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Section 152.099(A)(13) & (16).

**152.99.A.3**

The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 152.093 or 152.094 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

**152.166.B**

In the rear yard: decks.

**152.167 Accessory Buildings and Structures; Prohibited Dwelling Units****152.167.A Accessory Building and Structures****152.167.A.1 In Residential Districts**

**152.167.A.1.a** Accessory building may be located within five feet of the rear, excluding garages which must be 16 feet if the vehicle door opens on the rear lot line side.

**152.167.A.1.b** No accessory building shall exceed the height of the principal building.

**152.167.A.1.c** Accessory buildings shall not occupy more than 25% of the rear yard.

**152.167.A.1.d** Pole buildings may be permitted only if siding, roofing and building materials are similar to the principal structure. Brick, stucco and stone dwellings justify an exemption for required matched building exteriors. Alternate materials shall only be allowed in such cases by approval of the Zoning Administrator. Corrugated metal exterior finishes are prohibited for accessory buildings.

**152.167.A.2 In Commercial and Industrial Districts**

**152.167.A.2.a** No accessory building shall exceed the height of the principal building except by conditional use permit.

**152.167.A.2.b** Accessory buildings may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations except where prohibited by other subchapters of this chapter.

**152.167.A.3 In All Districts**

**152.167.A.3.a** Any accessory building shall be considered as an integral part of the principal building if it is located less than six feet from the principal building.

**152.167.A.3.b** Accessory structures located on stream or river frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location.

**152.167.B Dwelling Units Prohibited**

No garage, tent, trailer, basement home or accessory building shall be used as a permanent residence.

**152.168 Tree and Woodland Preservation**

The following restrictions shall apply to all development:

- A) Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.