

**Amended Agenda to include under New Business: Information Purposes for the UDO Rewrite**

**LANCASTER COUNTY  
BOARD OF ZONING APPEALS**

**August 11, 2015  
6:30 PM  
ADMINISTRATIVE BUILDING  
ROOM 224**

Type of meeting: Board Of Zoning Appeals/Public Hearing      Facilitator: Planning Staff  
Secretary: Judy Barrineau

Please read: Agenda Packet  
Please bring: Agenda Packet

**Approve Agenda**

**Chairman**

**Communications:**

**Approve minutes – June 2015**

**Chairman**

**Variance application of Pulte Home Corporation. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations in the Unified Development Ordinance (UDO). The applicant has constructed a new home in the Estates of Audubon Lakes Subdivision in the Indian Land community in Lancaster County. The left front corner of the garage has an encroachment of 3’4” into the front setback requirement therefore the applicant is requesting a variance of 3’4”.**

**Elaine Boone**

**BZA 015-006**

**Tax Map 6G, Block 0C, Parcel 4**

**New Business: Information Purposes for the UDO Rewrite – Kara Drane**

**Old Business:**

**BOARD OF ZONING APPEALS - STATEMENT OF MATTER**

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**I. Facts**

A. General Information

Proposal: Variance application of Pulte Home Corporation. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations in the Unified Development Ordinance (UDO). The applicant has constructed a new home in the Estates at Audubon Lakes Subdivision in the Indian Land community in Lancaster County. The left front corner of the garage has an encroachment of 3'4" into the front setback requirement therefore the applicant is requesting a variance of 3'4".

Location: 221 Claret Court

Subdivision: The Estates at Audubon Lakes

Legal Description: Tax Map: 6G, Block 0C, Parcel 4.

Zoning Classification: R-15, Moderate Density Residential Agricultural District.

Description of Plan: Same as noted in the proposal.

B. Site Information

Site Description: The property is lot 4 located in the Estates at Audubon Lake Subdivision in the Indian Land Community of Lancaster County.

C. Vicinity Data

Surrounding Conditions: Surrounding conditions include site built homes.

D. Exhibits

1. Variance Application
2. Location Map
3. Tax Parcel Map
4. Lancaster County Tax Inquiry Sheet
5. Setbacks
6. UDO - Chapter 5, Density and Dimensional Regulations
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: UDO –Unified Development Ordinance of Lancaster County, Chapter 5, Density and Dimensional Regulations.

Date of Meeting: \_\_\_\_\_  
\_\_ Approved \_\_ Denied \_\_ No Action

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I agree that the facts and findings as stated above are true and correct.

---

Applicant signature(s)

Date

**LANCASTER COUNTY BOARD OF ZONING APPEALS  
APPLICATION FORM #1**

**GENERAL INFORMATION**

Date Filed: 7/23/15 Application No: BZA-015-006

This form must be completed on a hearing on *appeal from action* of the Zoning Official, application for a *variance*, or application for a *special exception*. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

**THE APPLICANT HEREBY APPEALS (indicate one):**

- From action of Zoning Officials as stated on Form 2
- For a variance as stated on Form 3
- For a special exception as stated on Form 4

Applicant(s) Print:

11121 Carmel Commons Blvd. Ste. 450

Name: Pulte Home Corporation

Address: Charlotte, NC 28226

Telephone: 704-634-0077

Work: \_\_\_\_\_

Interest: \_\_\_\_\_ Owner(s): \_\_\_\_\_

Other: \_\_\_\_\_

Owner(s) If other than applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Work: \_\_\_\_\_ Other Information: \_\_\_\_\_

**PROPERTY INFORMATION**

Property address: 221 Claret Court

Lot Area/Acres: 4 Block: 01 Subdivision: The Estates at Audubon Lake

Tax Map #: 0006G0C004.00 Plat Book: 2014 Page: 574

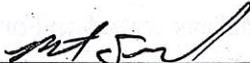
Lot Size or Dimension: 21,434 sq ft Zoning Classification: R15

Use of Surrounding Properties: Single family Residential



**Designation Agent (complete only if owner is not applicant)**

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 7-23-15 

Owner(s) Signature(s)



I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: \_\_\_\_\_ Applicant Signature(s) \_\_\_\_\_

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 7-23-15 Application No. BZA-015-006

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: Chapter 5 so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:  
For Single Family Residential

for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Cul de sac lot with a radius front set back. The face garage partially encroaches the front set-back on left corner. The intent of setback is still in place as the house sits on the lot

b) These conditions do not generally apply to other property in the vicinity as shown by: N/A

c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: N/A  
It does not restrict view from homes on both sides. It meets sides and rear set backs. The encroaching corner does not impede any views and street scape.

d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: Street scape is not compromised with current location of the garage, partially in the front set back. The intent of setback is still in place. (please see exhibits provided)

The following documents are hereby submitted in support of this application: Physical survey, pictures, letter from HOA and surrounding homeowners

Date: 7-23-15



Applicant signature(s)

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, *Pat Tins*, have signed that I am aware of the Zoning Board of Appeals hearing date.

Aug. 11<sup>th</sup> 6:30 PM (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

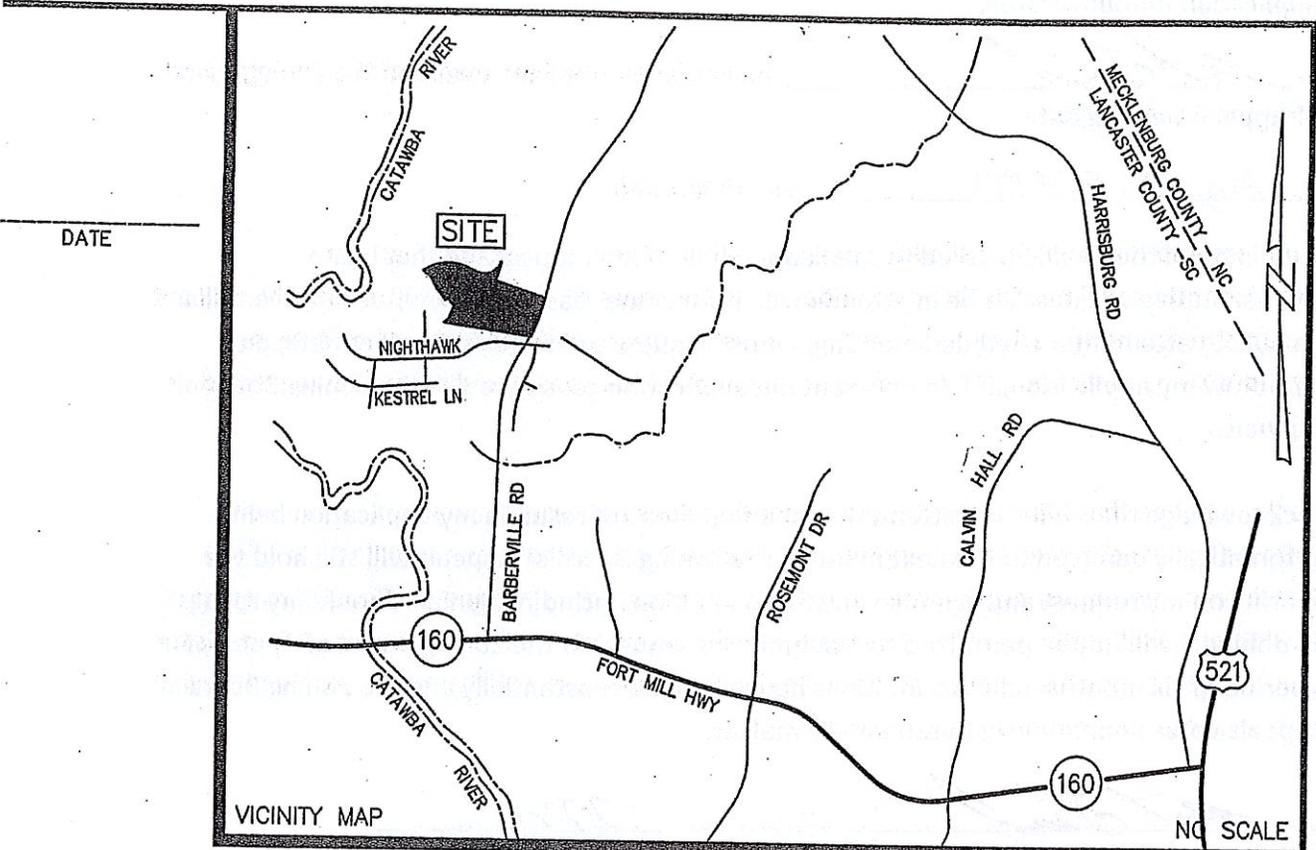
I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

*Pat Tins*  
(Property owner / Applicant's signature)

7-23-15  
(Date)

*Judy Z. Boam*  
(Staff's Signature)

7-23-15  
(Date)



DATE \_\_\_\_\_

VICINITY MAP

NO SCALE

CERTIFICATE OF OWNERSHIP AND DEDICATION

IT IS HEREBY CERTIFIED THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY DEDICATE ALL ROADS, ALLEYS, WALKS, PARKS, AND OTHER SITES TO PUBLIC OR PRIVATE USE AS NOTED.

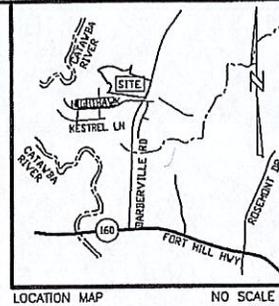
CERTIFICATE AGAINST WORK DEFECTS

I (WE) CERTIFY THAT I (WE) SHALL OPEN

**NOTES:**

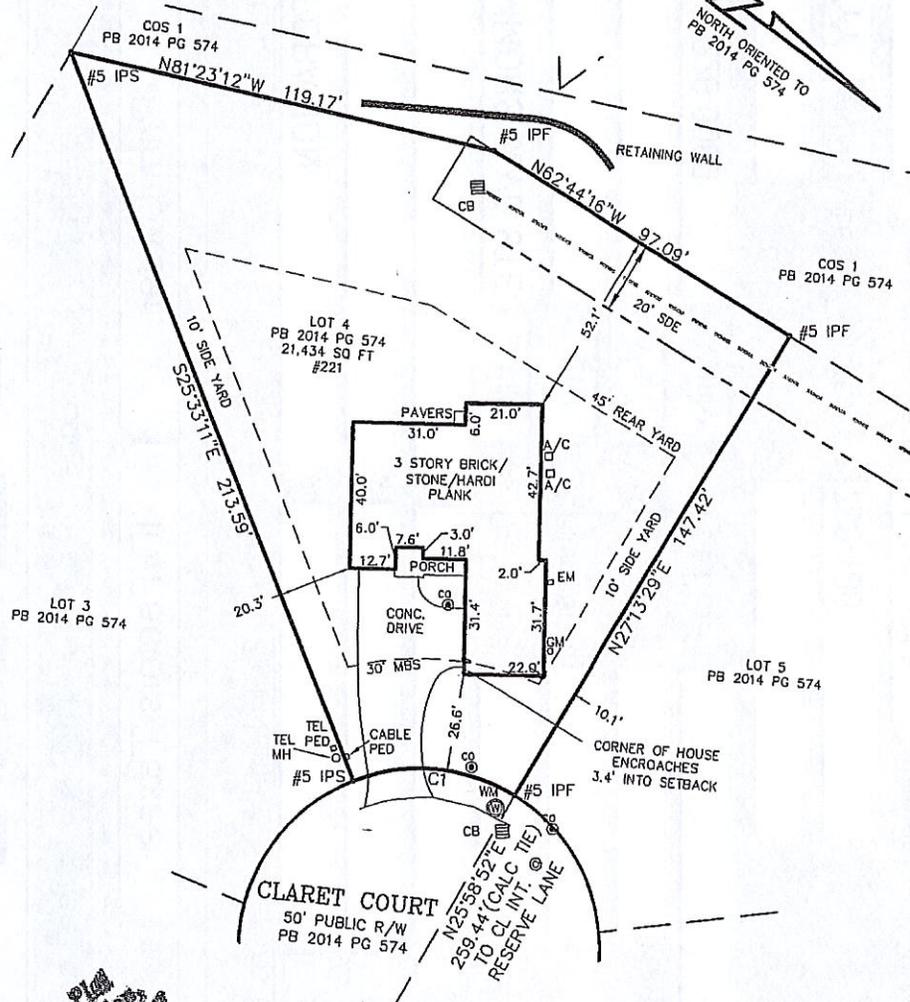
- 1.) PLAT MAY BE SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENT(S) AND OR RIGHT(S) OF WAYS, UTILITIES AND COVENANTS.
- 2.) SUBJECT TRACT IS LOCATED OUTSIDE THE 100-YEAR FLOODPLAIN AS SHOWN ON FEMA FIRM COMMUNITY PANEL NO. 45057C-0020-D AS REVISED 6-16-2011.
- 3.) DATE OF SURVEY-7-7-15.
- 4.) 10' WIDE (5' ON EACH SIDE OF PROPERTY LINE) UTILITY EASEMENT WILL BE PROVIDED ALONG THE FRONT, REAR, AND SIDES OF ALL LOT LINES AS REQUIRED FOR UTILITY LINES AND UNDERGROUND MAINS AND CABLES, PER LANCASTER COUNTY ORDINANCE.
- 5.) THIS SURVEY IS OF AN EXISTING PARCEL OF LAND, NO NEW PROPERTY LINES WERE ESTABLISHED.

- LEGEND**
- RW RIGHT-OF-WAY
  - PB PG PLAT BOOK AND PAGE
  - SQ FT SQUARE FEET
  - WM WATER METER
  - CO CLEAN OUT
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - NMS NO MONUMENT SET
  - CATV CABLE TELEVISION
  - COS COMMON OPEN SPACE
  - GM GAS METER
  - EM ELECTRIC METER
  - SDE STORM DRAINAGE
  - EASEMENT
  - CB CATCH BASIN
  - GV GAS VALVE

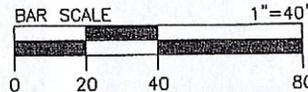


**"Preliminary Plat  
Not For Recordation,  
Conveyances, or Sales"**

Curve Table				
Curve #	Radius	Length	Bearing	Chord
C1	50.00	46.19	S 89°05'24" E	44.56



I hereby state that on the basis of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "B" survey as specified therein; also, there are no visible encroachments or projections other than those shown.



David A. Weirich, S.C.P.L.S.  
No - 20193



**ESP Associates, P.A.**  
 P.O. Box 7030 3475 Lakemont Blvd.  
 Charlotte, NC 28241 Fort Mill, SC 29708  
 704-683-4949 (NC)  
 803-802-2440 (SC)  
 www.espassociates.com

PHYSICAL SURVEY LOT 4 221 CLARET COURT ESTATES @ AUDUBON PH 1, MAP 2				Scale: 1"=40'
RODERICK T. STEPHEN INDIAN LAND TOWNSHIP LANCASTER CO., SOUTH CAROLINA				Date: 7-16-15
Job No. RL27-825-004				Drawing No. RL27-825-004
Project No. RL 27				Sheet 1
Designed By	Drawn By	Project-Mgr.	Checked By	Checked By

Indexed By  Parcel ID  Card #

Add Mod Del Save Cancel

ParcelID: 000066-0C-004.00 Card: 1 of 1 Location: 221 CLARET CT Indian Land Cost - \$50,000

Current Owner | Prior Owner | ID/Factors/Taxes

#	Title	Last Name	First Name	Res ex	% Own	Type
#1:	PULTE HOME CORPORATION					
#2:	ATN: VP FINANCE					
#3:						

Street #1:	11121 CARMEL COMMONS BLVD STE	Fill	Home Phone:	
Street #2:		List	Cell Phone:	
City/Town:	CHARLOTTE	Verify	Work Phone:	
Province/State:	NC	Postal: 28226-0000	Verify	Email:
Country:		Account Type:		Separate Bill: <input type="checkbox"/>
D.O.B.:	MM/DD/YYYY	Legal Reference:	769-180	Valid Owner: <input checked="" type="checkbox"/>
Owner Occupied:		Sale Date:	11/26/2013	Owner Lookup Number:
				47845

Sales Exemptions More Owners Other Parties

# Setbacks 28

13.

TOTAL AREA: 24,000 SQ FEET  
 TOTAL LOTS SHOWN PHASE 1: 50

16. ZONING CRITERIA:
  - MINIMUM LOT SIZE: 10,000 SF
  - MINIMUM LOT WIDTH: 70'
  - MINIMUM FRONT SETBACK: 30'
  - MINIMUM SIDE YARD: 10' (15' CORNER LOT)
  - MINIMUM REAR YARD: 45'
17. LINEAR FEET OF ROAD PHASE 1: 2401 LF
  - RESERVE LANE: 870 LF
  - CLARET COURT: 253 LF
  - VINE STREET: 1062 LF
  - CHESHIRE LANE: 216 LF
18. HORIZONTAL AND VERTICAL CONTROL BROUGHT TO THIS SITE WITH GPS SURVEY USING SOUTH CAROLINA RTN (REAL TIME NETWORK). HORIZONTAL DATUM BASED ON SCSPCS NAD 83/2011.
19. DATE OF SURVEY: MARCH 2014.

FUTURE DEVELOPMENT  
 ESTATES AT AUDUBON LAKE  
 PULTE HOME CORPORATION  
 DB 769 PG 180  
 DB 2011 PG 247  
 PB 2007 PG 526

#4 REBAR FOUND

S81°56'14"E 286.13 (TIE)

N47°30'11"E 68.89

120.45'

#4 REBAR FOUND  
 COS  
 PB 2013 PG 284

N23°21'56"E 194.91

Curve Table				
Curve #	Radius	Length	Bearing	Chord
C1	670.00	680.05	N 84°27'21" E	651.23
C2	260.00	418.85	N 67°24'15" E	375.00
C3	640.00	215.09	N 81°16'04" E	214.08
C4	275.00	4.50	N 71°40'30" W	4.50
C5	275.00	67.86	N 79°12'46" W	67.68
C6	275.00	68.59	S 86°34'24" W	68.41
C7	275.00	52.71	S 73°56'15" W	52.62

Curv

## CHAPTER 5. - DENSITY AND DIMENSIONAL REGULATIONS

## Section 5.1 - Minimum lot size requirements.

1. Subject to subsection 2., all lots in the following zones shall have a minimum of the amount of square footage indicated in the following table:

Zone	Minimum Square Feet on Central Water and Sewer
R-45B	43,560
R-45A	43,560
R-45	43,560
R-30D	29,040
R-30P	29,040
R-30S	29,040
R-30	29,040
R-15P	29,040
R-15D	14,520
R-15S	14,520
R-15	14,520
MF	14,520
B-1	3,000
B-2	5,000
B-3	7,000
B-4	7,000
I-1	No Minimum

I-2	No Minimum
<p>If served by well and/or septic tanks, SCDHEC regulations shall determine area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table then the minimums established by this table shall apply.</p>	

- The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot.
- Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)

Section 5.2 - Residential density.

- In areas which are zoned R-15 and R-30 and where both water and sewer services are available and adequate, any subdivision shall comply with the following requirements:

Zone	Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Not Available	Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Available
R-45B	43,560	43,560
R-45A	43,560	43,560
R-45	43,560	43,560
R-30D	29,040	29,040
R-30P	29,040	29,040
R-30S	29,040	29,040
R-30	29,040	10,000*
R-15D	29,040	29,040
R-15P	29,040	29,040

R-15S	29,040	29,040
R-15	29,040	10,000*
MF	5,445**	5,445**
B-1	3,000**	3,000**
B-2	5,000**	5,000**
B-3	7,000**	7,000**
B-4	7,000**	7,000**
I-1	7,000**	7,000**
I-2	7,000**	7,000**

\*See subsection 4.

\*\*See Section 4.1.21.

2. Two-family conversions and primary residences with an accessory apartment.
  - a. Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least one hundred fifty (150) percent of the minimum square footage required for a lot in the district where the property is located. With respect to multifamily conversions into three (3) or four (4) dwelling units, the minimum lot size shall be two hundred (200) percent and two hundred fifty (250) percent respectively of the minimum required for one (1) dwelling unit.
  - b. *Primary residence with accessory apartment* shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. The secondary dwelling unit shall be developed in accordance with the standards set forth in the (local code) and only in those zoning districts where the use is permitted. The accessory dwelling unit cannot be more than 25 percent of the gross floor area of the primary residence. There shall only be one accessory apartment allowed per lot.
3. The lot size requirements established in this section are based on whether adequate water and sewer facilities are available (See the chart, above). The lots sizes set forth in this section are permissible only when adequate water and sewer facilities are or shall be made available to serve the proposed density in accordance with the provisions of the utilities chapter [Ch. 15] of this appendix.
- 4.

In areas which are zoned R-15 or R-30 and where both central water and sewer services are available and adequate, or in areas zoned R-15D or R-15S, where both central water and sewer services are available and adequate and the proposed subdivision is to be constructed with either site-built or modular homes, any subdivision shall comply with the following requirements:

- a. *Density:* The maximum density is two and one-half (2.5) dwelling units per acre. The total number of dwelling units allowed on the site shall be based on the gross acreage of the site. For example, a one hundred-acre parcel of land shall be allowed to have two hundred fifty (250) dwelling units built on the site.
- b. *Lot size:* Minimum standard lot size is ten thousand (10,000) square feet.
- c. *Lot width and setback requirements:* If the square footage of the lot contains at least twenty-nine thousand forty (29,040) square feet, then the requirements for front, side and rear yards shall be the same as those contained in Chapter 5, Density and Dimensional Regulations, based on how the property is zoned.

If the square footage of the lot is at least ten thousand (10,000) square feet but less than twenty-nine thousand forty (29,040) square feet, then the following setback requirements shall apply:

Lot width:	70 feet
Front yard:	30 feet
Side yard:	10 feet

However, the side yard requirement may be reduced to zero (0) provided the following conditions are met:

- (1) A windowless wall is placed on one side property line and the total side yard requirement is provided on the opposite side property line. For example, if a lot is sixty (60) feet in width, then a twelve-foot side yard would be required to be placed on the opposite property line from where the windowless wall is placed.
- (2) The structure shall not encroach upon or be placed on the side yard property line adjacent to a street.
- (3) Whenever a structure is located within four (4) feet of a side property line, a perpetual easement for wall and roof maintenance shall be provided on the adjacent lot. The minimum width of this maintenance access shall be four (4) feet. This easement shall be incorporated into each deed.
- (4) Zero lot line development is only allowed in subdivisions where all of the lots shall use this technique.

Rear Yard, Principle Structure:	45 feet
Rear Yard, Accessory Structure:	10 feet

- d. *Open space:* At least sixty-five (65) percent of each lot shall not be covered by impervious surfaces.
  - e. *From external streets:* The minimum setback from external streets shall be same as is prescribed in the underlying zoning district.
  - f. *Between buildings:* The minimum distance between any two (2) buildings within this type of development shall be governed by the Standard Building Code. However, the director of emergency preparedness shall approve the fire protection measures for any development where the principal buildings are separated by less than twenty (20) feet.
5. Failure to achieve any of these provisions shall be sufficient reason for the planning commission to disapprove the subdivision request.

(Ord. No. 323, 2-1-99; Ord. No. 400, 4-8-02; Ord. No. 529, 2-3-03; Ord. No. 696, 10-3-05; Ord. No. 748, 5-1-06; Ord. No. 981, 4-27-09)

Section 5.3 - Minimum lot widths.

- 1. No lot shall be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:
  - a. Could be used for purposes that are permissible in that zoning district;
  - b. Could satisfy any applicable setback requirements for that district.
- 2. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundaries lines at opposite sides of the lot.
- 3. No lot created after the effective date of this ordinance shall contain less land or be smaller in width than the minimum lot area and width established by this section.

Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

Zone	Lot Width on Central Sewer	Lot Width on Septic Tank
R-45B	120	130
R-45A	120	130
R-45	120	130
R-30D	100	130
R-30P	130	130

R-30S	100	130
R-30	100	130
R-15D	90	N/A
R-15P	130	130
R-15S	90	N/A
R-15	90	N/A
MF	90	130
B-1	60	130
B-2	60	130
B-3	60	130
B-4	60	130
I-1	60	130
I-2	60	130

(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)

#### Section 5.4 - Principal building setback requirements.

1. Subject to sections 5.5 and 5.6 and the other provisions of this section, no portion of any building shall be located on any lot closer to any lot line or to a street than is authorized in the table set for the below.
  - a. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline.
  - b. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
3. Setback distances shall be measured from the property line or street right-of-way or easement line

to the nearest portion of any building, excluding:

- a. Any step, eave, gutter, canopy, or similar fixture;
- b. A deck or patio if no portion of the same extends more than twelve [twelve] (12) inches off the ground;
- c. Any structure that is a mere appendage to a building, e.g., a flagpole.
- d. Any heating or air conditioning unit, so long as such unit is located as close as reasonably possible to the wall of the building it serves.

**PRINCIPAL BUILDING SETBACK REQUIREMENTS**

Zone	Minimum Distance (Ft.)			
	Street Row Line**	Street Center Line**	Side Yard**	Rear Yard**
R-45B	40	70	20	25
R-45A	40	70	20	25
R-45	40	70	20	25
R-30D	40	70	20	25
R-30P	40	70	20	25
R-30S	40	70	20	25
R-30	40	70	20	25
R-15D	35	65	10	25
R-15P	40	70	20	25
R-15S	35	65	10	25
R-15	35	65	10	25
MF	40	70	25*	25*
B-1	25***	55	10*	10*
B-2	25***	55	10*	10*
B-3	75***	105	15*	15*

B-4	25***	55	15*	15*
I-1	40	70	25*	25*
I-2	50	80	35*	35*

\*For any multiple-family or nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For ever foot of building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.

\*\*See Section 16.15, Setbacks From Streams Outside Designated Floodplains, and Section 10.14, Location and Height Requirements (Signs).

\*\*\*\*The front setback in the B-3, General Commercial District, may be reduced from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, may be reduced from 25 feet to 20 feet only if certain conditions are met. For the list of conditions which must be met to reduce the front setback in any commercial district, see subsection 5 of this section of the Ordinance. If these conditions cannot be met or the property owner does not want to meet these requirements, then the front setback shall be 75 feet in the B-3 District, and 25 feet in B-1, B-2 and B-4 Districts.

4. The following modifications shall apply, where applicable:

- a. Where more than one (1) main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
- b. Where a lot fronts on any corner lot shall provide front yard setbacks only along the property line where the principal access to the building located on the parcel is oriented.
- c. Notwithstanding the front yard setback of this section, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block and within four hundred (400) feet of the proposed use.
- d. Commercial condominium projects are allowed to share interior property lines; provided that twenty-foot setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet parallel to the street providing principal access.
- e. For townhouses, there shall be no minimum between units, but a setback equal to the height of the building (minimum twenty-five (25) feet) shall be required between the end unit and the external property line, and between buildings on the project site. No more than six (6) units may be attached.
- f. For multi-family and attached single-family dwellings, a twenty-five-foot setback shall be required between buildings on the project site.
- g.

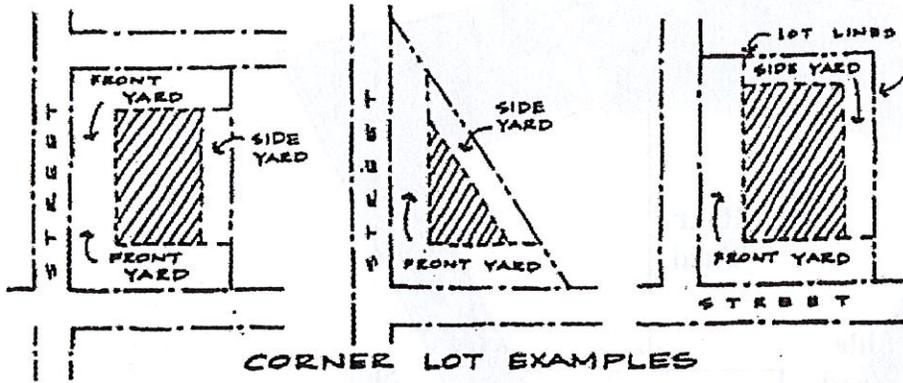
Where a lot fronts on two nonintersecting streets, a front yard setback requirement shall be provided on the street/road which is considered to have the higher street classification. On the lower classified street, the front yard shall be considered a rear yard. In this area, the rear yard setback requirement shall be one-half (½) the required front setback requirement.

5. In order to reduce the front setback requirement in the B-3, General Commercial District, from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, from 25 feet to 20, the following conditions shall be met.
  - a. All parking shall be located to the sides and the rear of the building. Parking shall not be permitted in the front twenty-five-foot setback area (the area between the building and the adjacent street frontage). On corner lots, front yard setback requirements will be required on both streets. In both of these areas no parking will be allowed. The developer will submit to the building and zoning department a site plan with the proposed setback plan. The developer must submit a plan that shows a consistent setback for the entire development. The setbacks on internal/private roads within a commercial development will have no setback requirements.
  - b. No blank walls shall be allowed to front any adjoining street. To meet this requirement, a minimum of sixty (60) percent of the total square footage of any faade [facade] which fronts an adjoining street shall contain either windows or entryways. At a minimum, at least one entryway shall be provided along the street frontage to each commercial or office use located in the building. Windows and doors shall contain clear, transparent glass. All doors which are adjacent to the street frontage shall be made of at least fifty (50) percent clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door located on the same faade [facade] which is visible from the adjacent street.
  - c. A planting strip which is a minimum of ten (10) feet in width shall be installed immediately adjacent to the road right-of-way. The planting strip can be located within the front twenty-five-foot setback. This planting strip shall contain at least one (1) non-ornamental tree every forty (40) feet or one (1) ornamental tree every twenty-five (25) feet. This spacing requirement for non-ornamental trees is greater than the spacing requirement for these same type of trees contained in Chapter 12, Landscaping Requirements, as a means to help create a traditional, small town commercial district appearance and feel. In addition, six (6) small shrubs shall be planted between each of the trees planted to meet this requirement.
  - d. A sidewalk that is at least six (6) feet in width shall be provided in each of the following locations: 1) between the building and the adjoining street frontage, 2) between the building and the parking area located to the rear of the building and 3) along both sides of all internal streets. All sidewalks shall be constructed using brick, brick panels, concrete or some other similar type of material. Where outdoor seating for restaurants, etc. will occupy part of a public sidewalk, there shall be a minimum of six (6) feet of clearance for adequate pedestrian passing.
  - e. Signage requirements for this type of development shall follow the signage requirements contained in Chapter 10, Signs, with one exception. The exception is one (1) sign shall be allowed on the side of the building facing the street frontage and one (1) sign shall be allowed

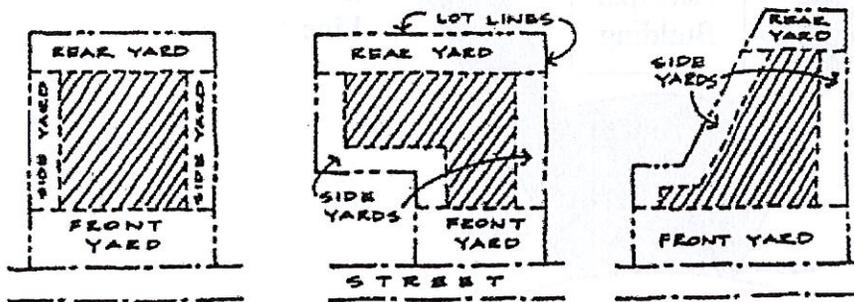
between the building and the parking area. These signs can only be wall signs, shall be the same size and the size shall be determined as outlined in section 10.10, Maximum sign surface area for other than freestanding signs.

(Ord. No. 323, 2-1-99; Ord. No. 454, 10-1-01; Ord. No. 696, 10-3-05; Ord. No. 746, 5-1-06; Ord. No. 861, 11-5-07; Ord. No. 930, 7-7-08)

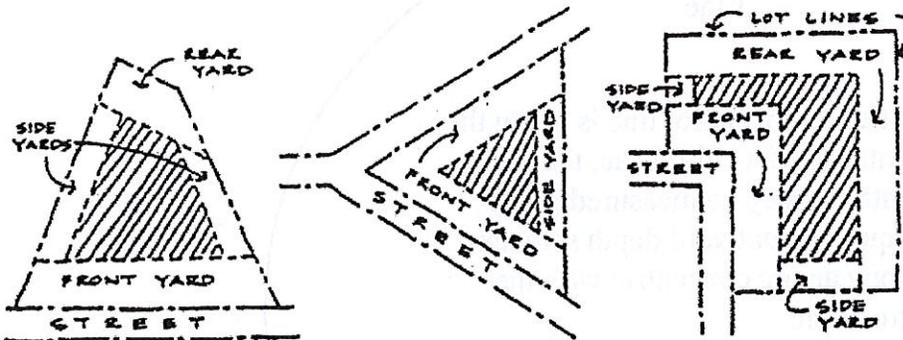
**FIGURE 1**



**CORNER LOT EXAMPLES**



**INTERIOR LOT EXAMPLES**

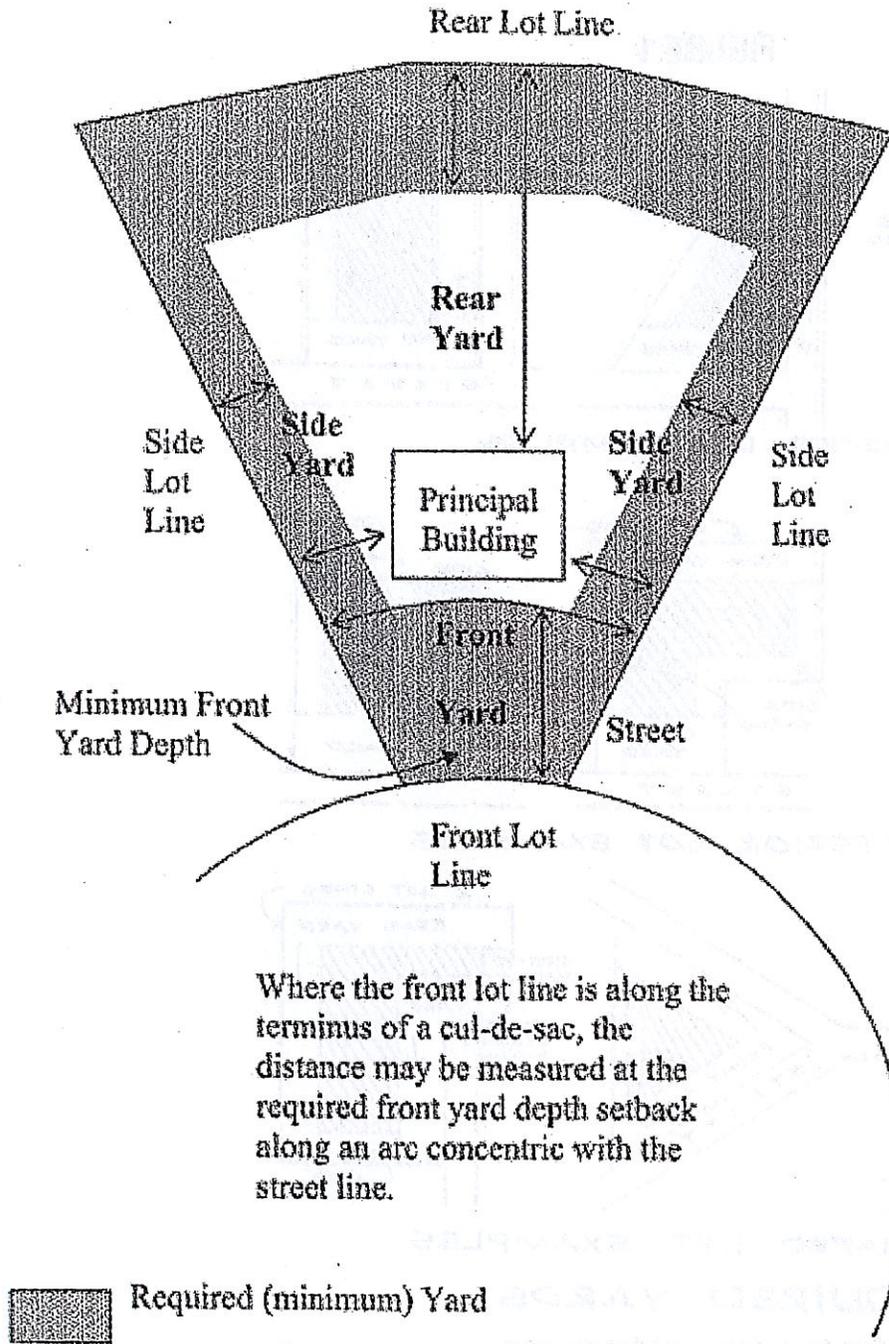


**ODD-SHAPED LOT EXAMPLES**

**REQUIRED YARDS**

 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)

### ILLUSTRATION OF LOT FRONTAGE MEASUREMENT ON CUL-DE-SAC

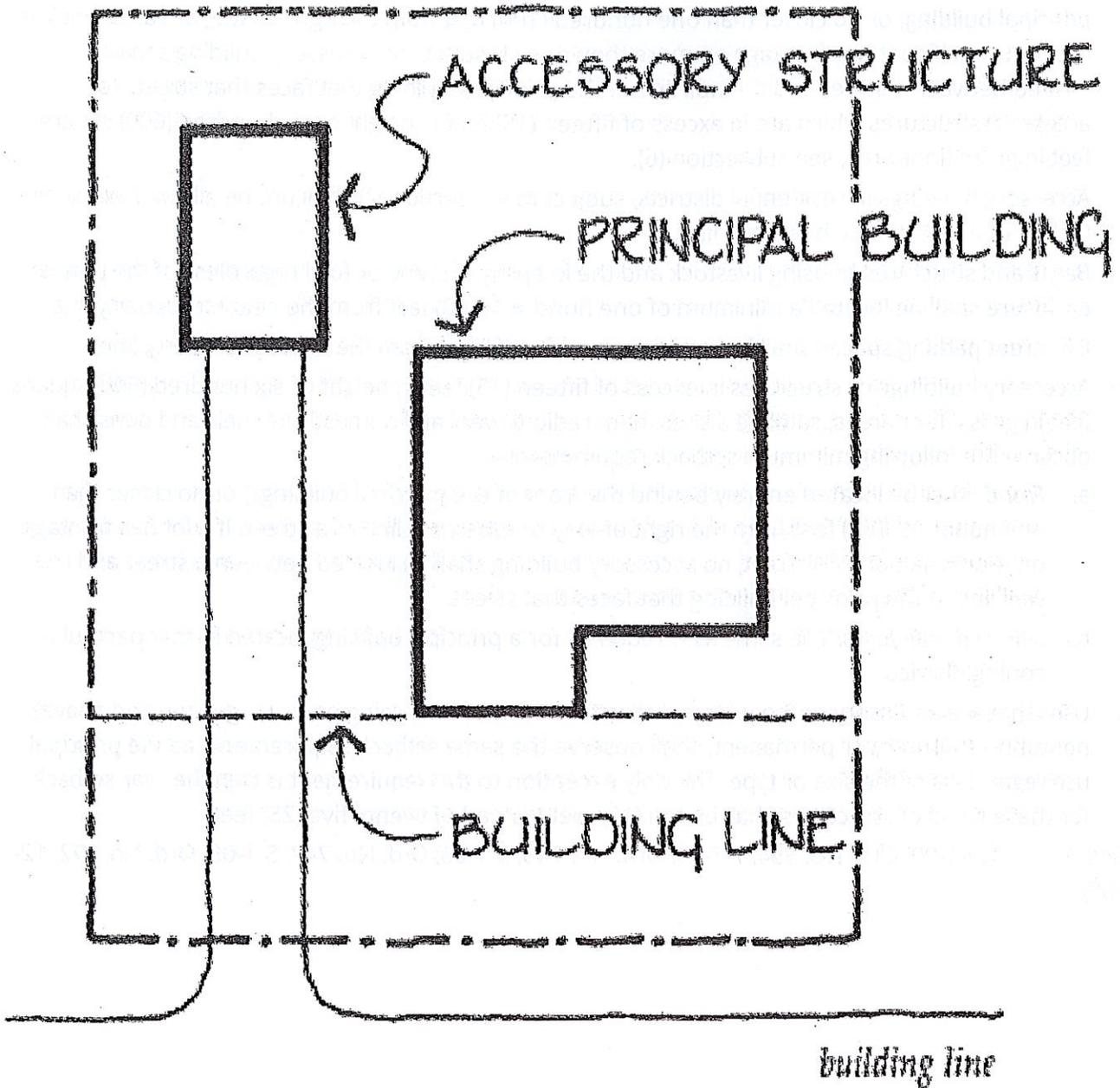


#### Section 5.5 - Accessory building setback requirements.

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in section 5.4.

2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building, or no closer than one hundred (100) feet from the right-of-way or easement line of the street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street. For accessory structures which are in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor area, see subsection (6).
3. Accessory buildings in residential districts, subject to subsection (2) shall not be allowed within five (5) feet of a rear or side boundary line.
4. Barns and structures housing livestock and the keeping of swine or fowl regardless of the type of enclosure shall be located a minimum of one hundred (100) feet from the nearest property line.
5. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.
6. Accessory buildings or structures in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor areas, satellite dishes, ham radio towers and domestic kennels and pens shall observe the following minimum setback requirements.
  - a. *Front:* Must be located entirely behind the front of the principal buildings, or no closer than one hundred (100) feet from the right of-way or easement line of a street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.
  - b. *Side and rear yards:* The same as is required for a principal building located in that particular zoning district.
7. Uses that are accessory to the principal structure such as swimming pools (in ground and above), hot tubs, temporary or permanent, shall observe the same setback requirements as the principal use regardless of the size or type. The only exception to this requirement is that the rear setback for these types of structures shall be ten (10) feet instead of twenty-five (25) feet.

(Ord. No. 323, 2-1-99; Ord. No. 554, 7-7-03; Ord. No. 746, 5-1-06; Ord. No. 747, 5-1-06; Ord. No. 872, 12-3-07)



Acessory Building Setback

Section 5.6 - Building height limitations.

1. For purposes of this section:

- a. Subject to subsection 1.b., the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
- b.

With respect to single-family detached residences, the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.

- c. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roofs surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.
2. Subject to the remaining provisions of this section, building and structure height limitations in the various zoning districts shall be as follows:

Zone	Maximum Height (see subsection (4))
B-3	50 feet
I-2	60 feet
All other districts	35 feet

- 3. The following features are exempt from the district height limitations set forth in subsection 2.:
  - a. Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);
  - b. Flagpoles and similar devices;
  - c. Towers and antennas (to the extent such uses are allowed in the Table of Permissible Uses) and excluding wireless communication towers.
  - d. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- 4. Notwithstanding subsection (2), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any building shall not exceed 35 feet unless the building and zoning official certifies to the permit-issuing authority, after consultation with the director of emergency preparedness, that such building is designed to provide adequate access for fire fighting personnel or the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. In the B-3 and I-2 Districts, the height limitations shall be followed unless the building and zoning official certifies to the permit issuing authority, after consultation with the director of emergency preparedness that the structure is designed to provide adequate access for fire fighting personnel or such building is designed or is equipped to provide adequate protection against the dangers of fire, or that such building is served by an internal fire service organization.
- 5. The height limits contained in the Airport Overlay District may apply additional height limitations to a specific piece of property. Check the regulations in Chapter 2, Zoning Districts and zoning map, of the unified development ordinance and with the building and zoning department to determine how these regulations apply to a specific piece of property.

(Ord. No. 1004, 11-30-09)

Section 5.7 - Density on lots where portion dedicated to county.

1. Subject to the other provisions of this section, if any portion of a tract lies within an area that the county would like to acquire or have dedicated as part of a proposed school site, public park, greenway, other open space area, or public right-of-way and before the tract is developed, the owner of the tract, with the concurrence of the county, dedicates to the county or the state that portion of the tract that lies within such an area, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder shall be developed shall be calculated in accordance with the provisions of this section.
2. If the proposed use of the remainder is a single-family detached residential subdivision, then the lots in such subdivision may be reduced by up to 25 percent except that the developer need not set aside open space to the extent that an equivalent amount of land has previously been dedicated to the county in accordance with subsection 1.
3. If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder shall be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
4. If the portion of the tract that remains after dedication as provided in subsection 1. is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections 2. and 3.

Section 5.8 - Impervious surface standards.

1. Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measured of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the base site area.
2. The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas, lot line "black topping" is declared by this ordinance to be an unacceptable practice.
3. The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

Proposed Use	Percent Total Lot/Site Area
Residential	55
Commercial/business	80
Industrial/warehousing/storage	80
Institutional	65

#### Section 5.9 - Number of principal buildings on a lot.

Except for the following uses and projects, no more than one principal building may be located upon a lot of record; provided the subject parcel contains a minimum lot area of one acre regardless of the zoning district in which it is located.

Institutional buildings

Industrial buildings

Multi-family dwellings

Commercial buildings

Planned development projects

Manufactured home parks in accord with section 13.13

Manufactured homes in accord with section 4.1.12

#### Section 5.10 - FAA notice requirements.

The owner of any parcel whereupon the construction, erection, or alteration of any existing or proposed building or structure that exceeds two hundred (200) feet above ground level shall comply with the provisions of 14CFR77 subpart B by filing a Notice of Construction or Alteration with the Federal Aviation Administration (FAA).

(Ord. No. 1024, 4-12-10)

## Findings Required for Granting Variance

BZA-015-006

Pulte Home Corporation

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

N/a

- b. These conditions do not generally apply to other property in the vicinity;

N/a

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

N/a

- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.

N/a

- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map.

N/a

### **Finding Required for Granting Variance**

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.
- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.