

CHAPTER 19: SCHEDULE OF REGULATIONS

19.01 Purpose

All buildings, uses, and parcels of land shall comply with the dimensional standards set forth in the table below. Exceptions to the standards for each zoning district are provided in the footnotes following table 19.1.

VILLAGE OF MAINEVILLE ZONING ORDINANCE

TABLE 19.1: SCHEDULE OF REGULATIONS

ZONING DISTRICT	Lot Regulations (j)		Minimum Setbacks ft.				Structure Regulations		
	Minimum Lot Area sq. ft.	Minimum Lot Width ft	Front Yard (a)	Side Yard		Rear Yard	Maximum Building Height		Minimum Dwelling Unit Floor Area sq. ft.
				Least One	Total of Two		Stories	Height ft.	
R-1 Chapter 6	9600	80 (d)	50 (b)	5 (a,c,d)	20	35 (c)	2½	35	1,200
R-2 Chapter 7									
SF dwelling	10,000	30 (e)	35 (b)	5 (a,c,)	15	30 (c)	2 ½	35	1,200
Duplex	12,000	35 (e)							720
R-3 Chapter 8									
SF dwelling	5,000	25 (g)	30 (b)	5	15	25	2 ½	45 (f)	1,200
Duplex	10,000	30 (g)							720
Each additional du	10,000 plus 2,500 per du	60							720
Other allowable uses	10,000	60							
RR Chapter 9	87,120	80 (d)	50 (b)	5 (a,c,d)	20	35 (c)	2 ½	35	1,200
NB Chapter 10	9,600	80 (a)							
M-1 Chapter 11	43,560								
DC Chapter 12							3	35	
SF dwelling	10,000	30	35 (b)	5 (a,c)	15	30 (a,c)			1,200
Non-residential	--	--	(k)	(i)	(i)	(i)			--
DS Chapter 13							3	35	
SF dwelling	10,000	30	35 (b)	5 (a,c)	15	30 (a,c,l)			1,200
Non-residential	--	--	20	5 (i)	10 (i)	(l)			

19.02 Footnotes to the Schedule of Regulations

- (A) Front Yard Requirements.** All yards abutting upon a public street shall be considered as front yards for setback purposes.
- (1) On a residential lot with more than one (1) front yard, the minimum side yard shall be five (5) feet on any side, if any, not fronting on a street.
 - (2) For lots with three (3) front yards, the minimum side yard shall be five (5) feet, if any, not fronting on a street.
- (B) Front Yard Exception.** No front yard depth shall be required to exceed the average of the minimum depths of existing front yards of the lots adjacent on each side if such lots are within the same block and within one hundred (100) feet of a building.
- (C) Accessory use setbacks.** All accessory uses shall conform to the standards outlined in Chapter 23, Accessory Uses.
- (D) Area and Width for Large Lots in the R-1/RR District.** Lots of five acres or more on which a dwelling is to be built shall have a minimum frontage of two hundred fifty (250) feet and a minimum side yard of seventy five (75) feet.
- (E) Minimum width at the building line in the R-2 district.**
- (1) Single family Dwelling 60 feet
 - (2) Duplex 70 feet
- (F) Height Requirements.** Every foot over forty five (45) feet, the front, side, and rear yards shall be increased by one (1) foot.
- (G) Minimum width at the building line in the R-3 district.**
- (1) Single-family dwelling 50 feet
 - (2) Duplex 60 feet
- (H) Rear yard setback for NB district.**
- (1) Adjoining residential zone 15 feet
 - (2) Adjoining non-residential zone 10 feet
- (I) Adjoining a Residential Zone.** If a lot adjoins a residential zone the side yard minimum shall be twenty (20) feet with ten (10) feet minimum for parking area or driveway, and the minimum rear yard shall be twenty (20) feet.
- (K)** Buildings shall be constructed to a line as established by the Planning Commission, but shall not exceed ten (10) feet from right-of-way.
- (L) Rear yard setbacks for DS district:**

VILLAGE OF MAINEVILLE ZONING ORDINANCE

- (1) Adjoining residential zone 20 feet
- (2) Adjoining non-residential zone 15 feet

(M) Flag Lots:

- (A) Building Frontage shall be considered the street side of the property.
- (B) Building set backs shall be the same as R-1.
- (C) Ground set aside for property access to a building lot, shall not be considered as part of the 9,600 square feet minimum Building Lot requirement.

19.03 Measurements, Computations and Exceptions

- (A) Percentages and Fractions:** When a measurement results in a fractional number or percentage, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number. Any percentage of .5 percent or less shall be rounded down to the next lower whole number and any percentage greater than .5 percent shall be rounded up to the next higher whole number.
- (B) Distance Measurements:** Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.
- (C) Lot-Area Measurements**
 - (1) Lot-Area Measurements: The area of a lot includes the total horizontal surface area within the lot's boundaries.
 - (2) Reductions in Lot Area Prohibited
 - (a) No lot shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this ordinance are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way.
 - (b) If, however, by some means (for example, misinterpretation of law, erroneous lot descriptions, and the like) the lot area is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance.
 - (c) In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the Board of Zoning Appeals (BZA), as provided for in Section 26.02, Variances.
- (D) Setbacks and Yards**

VILLAGE OF MAINEVILLE ZONING ORDINANCE

- (1) Measurements: Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 19.03 (D)(8).
- (2) Yards Required for Buildings: A yard or other open space required about a building shall not be included as part of a yard or other open space for another building.
- (3) Front-Yard Setback
 - (a) The yard fronting a street shall be considered to be a front yard and shall meet the minimum front-yard setback.
 - (b) The front-yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.
- (4) Side-Yard Setback: The side-yard setback shall extend from the required front-yard setback line to the required rear-yard setback line and shall be measured from the side lot line. If no street or rear-yard setback is required, the setback shall extend the full depth of the lot.
- (5) Rear-Yard Setback: The rear-yard setback shall extend the full width of the lot and shall be measured from the rear lot line.
- (6) Front Yard Variance
 - (a) Where the average depth of existing front yards within 300 feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by the ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of such existing front yards.
 - (b) In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when 51% or more of lots within that block are improved with residential buildings; provided that in no case shall a front yard depth be less than 12 feet.
- (7) Side Yard Variance: Where the average width of existing side yards within 300 feet of the lot in question and within the same block front, is less than the minimum side yard width required by the ordinance, the required minimum side yard width on such lot shall be modified to be the average depth of such existing side yards. However, in no instance shall a side yard be less than four feet.
- (8) Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:
 - (a) Obstructions Permitted in All Minimum Required Yards: Driveways; private walkways; fire escapes and chimneys projecting not more than

VILLAGE OF MAINEVILLE ZONING ORDINANCE

18 inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubberies; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements of Chapter 22, Fences and Walls; and off street parking as provided for in Chapter 20, Parking and Loading Requirements).

- (b) Obstructions permitted in Minimum Front Yard: Bay windows, overhanging eaves and gutters projecting not more than three feet into the minimum required front yard; air conditioning equipment, awnings and canopies extending not more than four feet into the minimum required front yard; and roof covered steps and porches with post supports extending not more than five feet into the minimum required front yard. In no case will these encroachments be permitted to be closer than 15 feet to a right-of-way line.
 - (c) Obstructions Permitted in Minimum Rear Yards: Bay window, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three feet into the minimum required rear yard; awnings and canopies provided they extend not more than ten feet into the minimum required rear yards.
 - (d) Obstructions Permitted in Minimum Side Yards: Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters, awnings, and canopies providing that they extend not more than two feet into the minimum required side yard.
- (9) Corner Lots
- (a) Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See Table 19.3.
 - (b) The lot line of least dimension opposite the public right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied. See Table 19.3.
 - (c) The lot line of greatest dimension opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied. See Table 19.3.
- (10) Double Frontage Lots
- (a) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets. See Table 19.4.
 - (b) The remaining lot lines not abutting a public road right-of-way shall be considered side yards and shall have the required minimum side yard setback provided for each side lot line. See Table 19.4.
 - (c) For the purposes of the placement of accessory uses, the front yard located to the rear of the structure shall be considered the rear yard.

VILLAGE OF MAINEVILLE ZONING ORDINANCE

- (11) Panhandle / Flag Lots
- (a) Flag or panhandle lots shall not be used to avoid the construction of a street.
 - (b) The panhandle shall have a minimum width of 40 feet.
 - (c) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot. See Table 19.5.
 - (d) The minimum lot area requirement for panhandle lots shall be two times the minimum lot area requirement of the applicable zoning district.
 - (e) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.
- (12) Cul-de-Sac or Curved-Street Lot: For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See Table 19.6.
- (E) **Lot-Width Measurements:** Lot width is the distance between the side lot lines measured at the point of the front setback line.

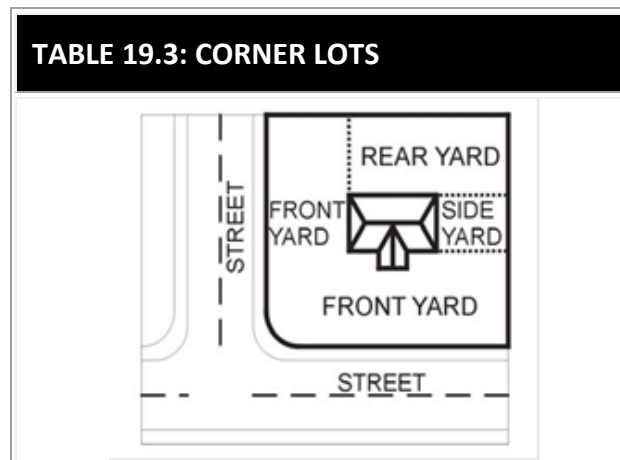


TABLE 19.4: DOUBLE FRONT LOTS

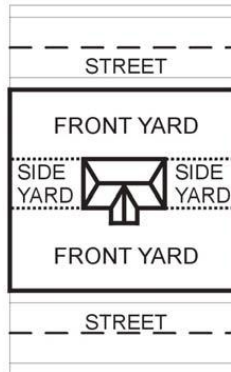


FIGURE 19.5: FLAG LOTS

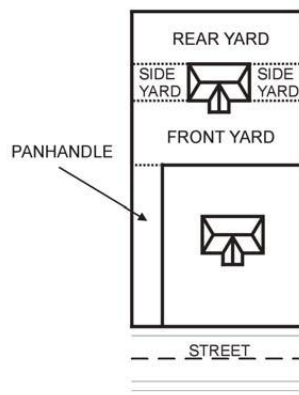


FIGURE 19.6: CUL-DE-SAC LOTS

DETERMINING SETBACK LOCATION ON A CUL-DE-SAC LOT

