

ARTICLE 5. – MEASUREMENTS AND DIMENSIONAL STANDARDS

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ARTICLE 5. – MEASUREMENTS AND DIMENSIONAL STANDARDS

Sec. 5-1. Minimum lot area and lot width, minimum house size, maximum density and maximum lot coverage.

5-1.1 *Single- and two-family residential dwelling units.* Within use districts permitting single- and two-family residential dwelling units, the minimum lot areas, minimum lot widths, minimum house size and maximum lot coverage in Table 5-1-1 shall apply. These figures for minimum lot area and minimum lot width do not apply to lots of record.

	Minimum Lot Area (Sq. Feet)	Minimum Lot Width (Measured at Building Line)	Minimum House Size (Heated Sq. Feet) ⁶	Maximum Lot Coverage of Buildings (Percent)
R-Ag Residential-Agricultural	5 acres	300'	1,200	25
R-1 Single-Family Residential	15,000 ^{1, 3, 4}	90'	1,200	25
R-2A Single-Family Residential	12,000 ^{1, 3, 4}	80'	1,200	25
R-2 Two-Family Residential				
Single-family detached	12,000 ^{1, 3, 4}	80'	900	25
Single-Family Townhouses	2,000 ²	20'	n/a	40
Two-Family (Duplex)	10,000 ^{1, 3, 4}	85'	n/a	25
R-3 Multi-Family Residential⁷				
Single-family detached	9,000 ^{1, 3, 4}	70'	900	35
Single-Family Townhouses	2,000 ²	20'	n/a	40
Two-Family (Duplex)	8,000 ^{1, 3, 4}	75'	n/a	35
Multi-Family Dwellings	See Table 5-1-2			
R-MH Residential Manufactured Homes				
Single-family detached	9,000 ^{3, 4}	70'	n/a	35
Manufactured home subdivision ⁵	9,000 ^{3, 4}	70'	n/a	35
Manufactured home park	See Section 4-3.1(B)			
<p>1 New lots abutting platted residential lots may have larger minimum size requirements. See Section 5-1(A)(1) below.</p> <p>2 Townhouses in an R-2 zone require an additional two thousand (2,000) square feet of common open space for each dwelling unit. This area cannot be used for any other purpose except as open space.</p> <p>3 Lots served by private septic tank and well shall be a minimum area of 63,340 square feet and width of 150 feet.</p> <p>4 Lots served by private septic tank and public water shall be a minimum area of 32,670 square feet and width of 100 feet.</p> <p>5 The minimum area for a manufactured home subdivision is ten (10) acres.</p> <p>6 House size less than the minimum may be allowed by Special Exception.</p> <p>7 The R-3 standards apply to non-residential zoning districts which allow residential uses.</p> <p>*See Appendix A for requirements in Form Based Code districts.</p>				

(A) Minimum lot size adjustment. In order to provide a transition from existing subdivided lots to lots in proposed single-family and two-family subdivisions, the lots abutting platted residentially zoned (R-1, R-2, R-2A and R-3) lots shall be adjusted using the following requirements in addition to the requirements in Table 5-1-1. However, the minimum lot size shall not be more than two (2) times the minimum size required in Table 5-1-1. These regulations shall not apply to existing or proposed multifamily dwellings or to existing or proposed developments in the R-MH or R-Ag districts.

(1) The required minimum size of the proposed lots shall be established by determining the average size of the smallest two-thirds (2/3) of the existing lots abutting the new subdivision. The proposed lots abutting the existing lots shall be eighty-five (85) percent of the average size but not more than two times the minimum lot size required in Table 5-1-1 for the zoning classification in which the development is located.

(b) If the adjusted minimum lot size is within ten (10) percent of the minimum lot size requirements mandated in Table 5-1-1, these regulations shall not apply.

5-1.2 *Multifamily residential dwelling units.* Multi-family residential developments shall meet the requirements in Table 5-1-2. All multifamily dwelling units shall be connected to a public sewer.

Zoning District	Maximum Dwelling Units per Acre	Minimum Lot Width (measured at building line)	Maximum Lot Coverage of Buildings (Percent)
R-3, RMH	8	85	40
LC, OC, IN	12	85	40
C-1, C-2	20	85	40
C-3	No maximum	0	100
IMU, MUC, NMU, FBR	See Appendix A for requirements in Form Based Code districts.		

Sec. 5-2. Building Setbacks.

5-2.1. *Minimum building setbacks.* Minimum building setbacks are established in Table 5-1-3.

Zoning District	Front Yard		Rear Yard	Side Yard		
	Arterial/ Collector Streets	Minor Streets		Interior Lot	Corner Lot	
					Arterial/ Collector Streets	Minor Streets
R-Ag Residential-Agricultural	50'	50'	25'	15'	50'	50'
R-1 Single-Family Residential	40'	30'	35'	10'	40'	30'
R-2A Single-Family Residential	40'	25'	25'	8'	40'	25'
R-2 Two-Family Residential	40'	25'	25'	8'	40'	25'
R-3 Multi-Family Residential						
One- and two-family	40'	25'	25'	8'	40'	25'
Multifamily	40'	25'	25'	a	40'	25'
RMH Residential Manufactured Home						
Multifamily	40'	25'	25'	8'	40'	25'
Individual manufactured homes	40'	25'	25'	8'	40'	25'
Manufactured home parks	(See Section 4-3.1(B))					
C-1 Highway Commercial District						
Multifamily	40'	25'	25'	a	40'	25'
Commercial or mixed-use	40'	25'	b	b	40'	25'
C-2 General Commercial District ³						
Multifamily	35'	25'	25'	a	35'	25'
Commercial or mixed-use	40'	25'	b	b	35'	25'
C-3 Central Business District (CBD)						
Multifamily	10'	10'	b	b	10'	10'
Commercial or mixed-use	none	none	b	b	none	none
LC Limited Commercial District ³	40'	25'	b	b	50'	50'
OC Office Commercial District ³	40'	25'	b	b	50'	50'
IN Institutional District ³	40'	25'	b	b	50'	50'
M-1 Wholesale & Light Industrial	50'	50'	b	b	50'	50'
M-2 Industrial	50'	50'	b	b	50'	50'

a. Eight (8) feet plus two (2) additional feet for each story (floor) above two (2) stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit shall not be less than twenty (20) feet from the side lot line.

b. None, except when abutting residential district and then not less than twenty-five (25) feet.

1 See Appendix A for requirements in Form Based Code districts

2 Setbacks for accessory structure are 5 feet from rear and interior side property lines, unless the otherwise required setback listed above is less. (Also see Sec. 4-4.2(E))

3 Single- and two-family dwellings in nonresidential districts shall comply with the setbacks established for such uses in the R-3 zoning district.

- (A) *Front and side yard setbacks for dwellings.* The setback requirements of this ordinance for side yards on corner lots and/or front yards shall not apply to any lot where the average setback on developed lots located, wholly or in part, one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots.
- (B) *Zero side yard setbacks.* Upon review and approval by the Commission, the side yard setback requirement for single-family dwelling lots may be reduced to allow a zero-side yard setback on one side of a lot providing the following conditions are met.

- (1) Any reduction in one yard requirement shall result in a corresponding increase in the side yard requirement for the opposite side yard. In this manner the overall side yard requirement of the district shall be met.
- (2) Front yard, rear yard and corner side yard requirements of the district shall not be modified.
- (3) Side yard setback requirements shall not be modified for an individual lot unless it is part of a block in which each lot's side yard setback is to be modified. The arrangement of modified side yard requirements shall allow for an open yard area between each dwelling unit.
- (4) The developer of a subdivision for which modifications to the side yard setback requirements are requested shall furnish to the Commission a copy of proposed deed restrictions, conditions, or covenants. Such covenants shall include at a minimum, provisions for:
 - (a) A maintenance easement which will allow for the maintenance of exterior dwelling walls facing a zero-setback line.
 - (b) A requirement that dwelling walls facing a zero setback be windowless.
- (5) The developer of a subdivision for which modifications to the side yard setback requirements are requested shall be fully responsible for constructing the development in compliance with the approved final plat. Therefore, the applicant shall place a disclaimer in black ink on each page of the final plat which boldly states:

"The City of Perry assumes no responsibility or liability for any changes to this final plat made during construction or any material defects in construction of the development resulting from noncompliance with the requirements of this final plat that were not expressly authorized by the Perry Planning Commission."

No final plat for a development utilizing the zero side yard setback option that does not contain the aforementioned disclaimer shall be approved by the Planning Commission.

- (6) If, during construction of an approved development for which modifications to the side yard setback requirements were approved, the need for changes to the final plat arise, the applicant shall petition the administrator in writing for approval of said changes prior to construction in accordance with the amendment of an approved final plat. The petition shall contain a clear written description of the requested change, a revised final plat illustrating the requested change, an assessment of all properties that would be affected by the requested change (including properties within the development and adjacent to the development), and a rational outlining the specific need for the requested change. The administrator may approve or disapprove changes that will not affect overall development densities or result in a significant change to the overall development concept. All other requested changes shall be referred by the administrator to the Planning Commission for approval or disapproval. If the requested changes will affect any property abutting the development, the Planning Commission may require a public hearing on the proposed change. The Planning Commission may further require that the developer submit a copy of the written petition for final plat amendment (absent a copy of the revised final plat) via certified mail, return receipt requested to the owners of each affected abutting property at least fifteen (15) days prior to the scheduled public hearing.
- (7) The developer of a subdivision for which modifications to the side yard setback requirements are requested shall prepare an "as-built" plat for approval by the Planning Commission after construction improvements have been completed and prior to recording of the final plat. The "as-built" plat shall indicate the true location of all construction improvements, property lines, and maintenance easements as determined by a transit survey of the development as constructed. If the Planning Commission determines that any changes to the final plat have been made during construction without Planning

Commission approval as specified in Section 5-2(B)(6), the developer may be required to repair any such unauthorized changes prior to recording of the final plat.

- 5-2.2. *Minimum distance between buildings.* The following minimum distances between buildings shall be required unless otherwise specified within this chapter. The minimum distance between main building located on the same lot or parcel shall be:
- (A) Front to rear arrangement—Fifty (50) feet.
 - (B) Front to front arrangement—Forty (40) feet.
 - (C) Rear to rear arrangement—Thirty (30) feet.
 - (D) Side to side arrangement—Twenty (20) feet.
 - (E) All other combinations—Twenty (20) feet.
 - (F) There shall be a distance of not less than twenty (20) feet between a main and accessory building located on the same lot or parcel.

Sec. 5-3. Lots.

- 5-3.1. *Lots.* No lot even though it may consist of one or more adjacent lots of record shall be reduced in size so that lot width or depth, front, side, or rear yard, inner, or outer courts, lot area per family or other requirements or this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use or when a lot is divided between the two adjacent lots so that the divided lot becomes part of the adjacent standard size lots.
- 5-3.2. *Lots of record.* Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, the following exceptions may be allowed.
- (A) *Land use.* Where a lot, tract or parcel of land is an area or width that does not conform to the requirements of the district in which it is located, the lot may be used for a single-family dwelling in the Residential Districts, (R-1, R-2, R-3). A two-family dwelling may be constructed in a R-2 or R-3 Residential District provided the lot to be used has a minimum area of five thousand (5,000) square feet and a minimum lot width at the building line of fifty (50) feet and provided that it is connected to a public sewer.
 - (B) *Replatting.* When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots shall be platted or reparcelled so as to create one (1) or more lots which conform to the minimum frontage and area requirements of the use district.
 - (C) *Improvements.* Buildings or structures located on sub-standard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the Council, provided that the yard requirements in Section 91 are adhered to.
 - (D) *Side yard requirements.* The side yard requirements for sub-standard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the Council, provided that the yard requirements in Section 91 are adhered to.
 - (E) *Expansion of existing dwelling on sub-standard lots of record.* Where a residential lot is an area or width that does not conform to the requirements of the district in which it is located, and said lot has an existing dwelling, said dwelling may be improved or expanded provided the following requirements are met:
 - (1) Proposed improvements or expansions comply with current setback requirements.
 - (2) Total lot coverage including proposed improvements or expansions do not exceed current allowable maximum coverage.
- 5-3.3. *Access to public streets.* Access to public streets shall be maintained in accordance to the following requirements:
- (A) Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.
 - (B) Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

5-3.4. *Additional dwellings on a single lot.* The Commission, after a review of an application and public hearing thereon, may grant a special exception to permit one (1) additional single-family dwelling, or mobile home on the same lot or parcel of land as that of the main dwelling provided that:

- (A) Each additional dwelling conforms to the minimum lot area, minimum width and maximum lot coverage requirements for such dwellings as set forth in Section 5-1.1, and conforms to the setback requirements as set forth in Section 5-2.1.
- (B) The arrangement of such additional dwellings are in such a manner that if the lot or parcel of land is ever subdivided, no nonconforming lots or nonconforming buildings are created; and
- (C) Each additional dwelling or mobile home has access to a public street by means of an unobstructed passageway of at least fifteen (15) feet in width.
- (D) Special exceptions to permit mobile homes as an additional dwelling on a single lot shall be effective for a period of one (1) year and may renewed by the Commission.

Sec. 5-4. Yards.

- (A) No part of a yard or other open space required for any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.
- (B) Yard requirements. Yard requirements shall be modified subject to the following conditions:
 - (1) On double frontage lots, the required front yard shall be provided on each street.
 - (2) Whenever a rear property line of a lot abuts upon a [an] alley one-half (½) of the alley width shall be considered as a portion of the required rear yard.
 - (3) An unroofed porch shall project into a required front yard for a distance not exceeding ten (10) feet.
 - (4) The front and side yard requirements may be waived where dwellings occupy space above commercial uses upon approval of the Planning Commission.

Sec. 5-5. Building height.

- (A) *General.* Building height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of the parapet wall of a flat roof, to the deck line of a mansard roof, or to the average height level between the eaves and ridge of a shed, gable, hip, or gambrel roof.
- (B) *Maximum building height.* Maximum building heights are established in Table 5-5-1.

Table 5-5-1: Maximum building height*	
Zoning District and Use	Maximum Building Height (in feet)
Single-family, two-family, and townhouse residential in any district	35
Non-residential uses in R-Ag, R-1, R-2, R-2A, R-3 and RMH	40
Multi-family residential in R-3	40
C-1, C-2	50
C-3, LC, OC, IN	40
M-1, M-2	50
IMU, MUC, NMU, FBR	See Appendix A for requirements in Form Based Code districts.
*Maximum building height for accessory structures is provided in Section 4-4.2(E).	

- (C) *Exceptions.* Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings, mechanical equipment or other such structures placed above the roof level and not intended for human

occupancy shall not be subject to height limitations. Silos, granaries and other similar agricultural structures are not subject to height limitations.