

## Chapter 17.16 – General Provisions

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### **17.16.010 Districts–Boundary interpretation.**

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property. (Prior code §4-4-5 (part))

### **17.16.020 Conformity with district regulations required.**

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located. (Prior code §4-4-5(part))

### **17.16.030 Building height limitations–Exceptions.**

No structure may be erected to exceed the height limits of the zone in which it is located, except as herein provided in Section 17.54. Aerials or antennas designed to aid home television reception may be erected to a height not to exceed sixty feet from the ground level, provided said aerial or antenna is erected on a building or in the rear yard area. (Prior code §4-4-5(part))

### **17.16.040 Conditional use–Conformity with district regulations required.**

No building or structure other than a building **approved** for conditional use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the zone in which the building is located. (Prior code §4-4-5(part))

**17.16.050 Open space- -Method of calculation.**

No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this chapter, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building. (Prior code §4-4-5(part))

**17.16.060 Projections permitted into yards-setbacks.**

An open terrace, but not including a roofed-over porch or terrace, may occupy a front yard provided the unoccupied portion of the front yard has a depth of not less than fifteen feet. A one-story bay window, or second story gable, may project into a front yard not more than three feet. Overhanging eaves, including gutters, may project over the minimum required side yard not more than eighteen inches. (Prior code §4-4-5(part))

**17.16.070 Yards, open space or lot area–Encroachments prohibited.**

The minimum yards or other open spaces, including lot areas per family required by this title for each and every building existing or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building. (Prior code §4-4-5(part))

~~**17.16.080 Number of buildings per lot–Requirements generally.**~~

~~Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this title. (Prior code §4-4-5(part))~~

**17.16.090 Existing lots utilizable when.**

Any separate lot, the title of which was of record at the time of the adoption of ~~this title~~ the 2006 Arco Comprehensive Plan, that does not meet the requirements of this title for yards, courts or other area of open space, may be utilized for single residence purpose, provided the requirements for such yard or court or lot area, width, depth or open space are within seventy-five percent of that required by this title. The purpose of this provision is to permit utilization of recorded lots that lack adequate width or depth as long as reasonable living standards can be provided. (Prior code §4-4-5 (part))

**17.16.100 Easements for public access required.**

No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street, which easement shall have a minimum width of twenty-five feet unless an easement of lesser width was of record prior to the adoption of this title. (Prior code §4-4-5 (part))

**17.16.110 Wall, fence and shrubbery restrictions.**

No wall, fence or shrubbery shall unreasonably obstruct or interfere with traffic visibility. (Prior code §4-4-5 (part))

**17.16.120 Dwellings prohibited in “I” zone–Exceptions.**

A dwelling shall not be erected in the industrial district (zone I); however, the sleeping quarters of a watchman or caretaker are permitted. (Prior code §4-4-5 (part))

**17.16.130 Number of buildings per lot–Exceptions and restrictions.**

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling, except by conditional use permit and that in a two-story garage with living quarters upon the second floor, such quarters may be occupied by a member of the family occupying the main structure. There may also be constructed a guest house without kitchen, or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others. (Prior code §4-4-5 (part))

**17.16.140 Provisions not to affect certain plans or acts.**

~~Prior to adoption of revisions of this title in the year 2025, n~~Nothing in this title shall be deemed to require any change in the plans for construction or designated use of any building upon which actual construction was lawfully begun prior to the ~~revision~~adoption of this title in the year 2025 and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within ~~one year~~ 18 (eighteen) months. ~~(Prior code §4-4-5 (part))~~

~~**17.16.150 Public or semipublic areas–Use limitations–Reclassification procedure.**~~

~~An area indicated on the official zoning map as a public park or recreation area, public utility area, cemetery, public school site or semipublic open space, shall not be used for any other purpose; and when the use of the area is discontinued, it shall automatically be zoned residence R-1 one family district, until otherwise zoned. (Prior code §4-4-5 (part))~~

**17.16.160 Annexed areas–Classification.**

Any area annexed to the municipality shall, upon such annexation, ~~be automatically zoned residence R-1 one family district, until otherwise zoned. (Prior code §4-4-5(part))~~ retain its existing zoning.

**17.16.170 Accessory buildings–Limitations and regulations.**

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this title applicable to the main building;
- B. An accessory building may not be located nearer than five feet to any interior lot line and not nearer than five feet to the rear lot line;
- C. No detached accessory building shall be located closer than ten feet to any main building;
- D. An accessory building shall not be erected prior to the ~~establishment or construction of~~

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~~the principal use of the building. (Prior code §4-4-14)~~ approval of the main building plot plan.