

CHAPTER 1107

Compliance Requirements and General Provisions

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1107.01 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located. Such regulations include, but are not limited to, the following: the use of buildings, structures or land and their performance standards as defined herein in connection with such use; the height, size or dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; and the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces. (Ord. A-2248. Passed 4-9-01.)

1107.02 EFFECT OF CODE ON EXISTING BUILDINGS.

Nothing contained in this Zoning Code shall require any change in the plans, construction, alteration or intended use of a building, the construction of which was actually begun and diligently prosecuted and had progressed to the point where the foundation was in and completed at the time of the passage of Ordinance A-83, passed June 22, 1953, and which entire structure was completed within one year of the passage of such ordinance.

(Ord. A-2248. Passed 4-9-01.)

1107.03 DISPOSAL OF WASTES AND WATER SUPPLY; CONNECTIONS REQUIRED.

- (a) The disposal of wastes discharged into public streams and sewage systems shall meet the requirements of the State of Ohio and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval shall be obtained from the Ohio EPA.
- (b) Except in the N-1 District, no building for human occupancy shall be constructed or used unless it is connected to both the public sanitary sewer and the public water supply, unless the City Engineer determines that it is not economically feasible to connect such development to the City water and sewer systems in accordance with Sections 913.06 and 913.07 of the Streets and Public Services Code.

(Ord. A-2248. Passed 4-9-01.)

1107.04 BUILDING LINE ESTABLISHED.

Where twenty-five percent or more of the lots in a block frontage are occupied by buildings, the average setback of such buildings shall determine the location of the building line, except that this requirement shall not apply to business or service establishment uses in the B-2 District and except that in any S or R District such setback need not exceed forty feet in any case. Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivision.

(Ord. A-2248. Passed 4-9-01.)

1107.05 GENERAL YARD REGULATIONS.

- (a) Rear Yard. One-half of an alley abutting the rear of the lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
- (b) Front Yard. On through lots in any N, S or R District, a front yard is required on each street.
- (c) Tapered Yard. In any N, S or R District where a reversed interior lot abuts a corner lot or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall be set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than five feet.
- (d) Side Yard. Side yard width may be varied where the side wall of the building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width. However, such side yard shall not be narrower at any point than one-half the otherwise required least width or narrower than three feet in any case.

- (e) Rear and Side Yards Reduced. Depth of a rear yard or width of each side yard for a one-family or two-family dwelling may be reduced by four inches and two inches, respectively, for each foot by which a lot at the time of passage of Ordinance A-83 (passed June 22, 1953) is less than 100 feet deep or less than fifty feet wide. However, no such side yard shall be less than three feet at any point, or, in the case of such a side yard along a side street lot line, less than five feet, and no such rear yard shall be less than ten feet. The width of one side yard may be reduced, when authorized by the Board of Appeals in the case of a one-family or two-family dwelling, to a width of not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum and the distance between the proposed dwelling and another dwelling, existing or proposed, on the adjacent lot is not less than the required minimum sum of the widths of the two side yards. Such reduction may be authorized only when the Board finds it warranted by the location of existing buildings or conducive to the desirable development of two or more lots.
- (f) Extension of Existing Structures. An existing structure that is located within the required rear or side yard may be expanded or extended, provided that there is not further encroachment into the required rear or side yards.
- (Ord. A-2248. Passed 4-9-01.)

1107.06 PROJECTIONS INTO REQUIRED YARDS.

- (a) Projections into a Required Front Yard. Steps, walks, terraces and open, unenclosed porches may project into a required front yard a distance not to exceed five feet, and may occupy no more than thirty percent of the width of the building. Architectural appurtenances such as cornices, canopies and eaves may project into a front yard not to exceed two feet.
- (b) Projections into Required Yards with Frontage on Corner Lots. Steps, walks, terraces and open, unenclosed porches may project into a required front yard with frontage on a corner lot along a public or private right-of-way a distance not to exceed five feet, and may occupy no more than thirty percent of the width of the building. Architectural appurtenances such as cornices, canopies and eaves may project into a required front yard not to exceed two feet.
- (c) Projections into a Required Side Yard. Architectural appurtenances such as cornices, canopies and eaves may project into a required side yard not to exceed two feet. Open and lattice-enclosed fire escapes or fireproof outside stairways may project into a required side yard not to exceed four feet.
- (d) Projections into a Required Rear Yard. Decks may project into a required rear yard not more than thirty-five percent of the required rear yard setback and not more than thirty percent of the width of the principal building it is attached to. Steps, walks, terraces and open, unenclosed porches may project into a rear yard a distance not to exceed five feet. Architectural appurtenances such as cornices, canopies and eaves may project into a required rear yard not to exceed two feet.
- (Ord. A-2248. Passed 4-9-01 and Ord. A-2419. Passed 1-24-05.)

1107.07 REQUIREMENTS FOR CORNER LOTS.

- (a) Area of Residential Corner Lots. The area of a corner lot within the N, S and R Districts shall be twenty percent (20%) greater than the minimum area required for an interior lot.

- (b) Front Yard Setbacks. On all corner lots, the principal building and its accessory structures shall be required to have the same setback distance from all public and private right-of-ways as required for the front yard in the district in which such structures are located.

(Ord. A-2248. Passed 4-9-01.)

1107.08 ACCESSORY BUILDINGS IN N, S AND R DISTRICTS.

- (a) No accessory buildings shall be located closer to a side or rear lot line than three feet in any N, S or R District, except that adequate distance shall be required for the opening and closing of doors between accessory buildings and the rear lot line. Swimming pools shall be located in accordance with Section 1323.02 of the Building Code.
- (b) A detached accessory building shall only be permitted in the rear yard. An accessory building connected by a breezeway or similar structure shall be permitted in the side or rear yard.
- (c) Accessory uses, such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, nameplates, lampposts, bird baths and structures of a similar nature, are permitted in any required front, side or rear yard. Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required. Fences, latticework, screens, hedges or walls are considered accessory uses and are permitted in a required front, side or rear yard, subject to the provisions of Section 1107.17.
- (d) In any N, S or R District, no accessory building shall be used as a dwelling, except that the Board of Appeals may authorize such use only for the domestic employees of residents of the principal building.
- (e) In any N, S or R District, an accessory building may be erected detached from the principal building or may be connected therewith by a breezeway or similar structure not less than six feet in length. Accessory buildings shall be at least six feet from any dwelling situated on the same lot and shall not, in the aggregate, occupy more than thirty percent of the required rear yard.
- (f) In any N, S or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal building, except for a temporary building incident to construction of the principal building.
- (g) An accessory building or structure may exceed 1,000 square feet in total gross floor area as a conditional use with the following conditions:
 - (1) The total gross floor area of all accessory uses shall not exceed 1,250 square feet for lots of more than 21,780 square footage, but less than 43,560 square feet and 1,500 square feet for lots of 43,560 square feet or more.
 - (2) Any accessory structure or building exceeding 1,000 square feet is required to have the same rear and side yard setback distance from all property lines as required for the zoning district in which that structure is located.
 - (3) The total square footage of the accessory structure or building must not exceed 80% of the total ground floor area of the principal building.

(Ord. A-2248. Passed 4-9-01 and Ord. A-2419. Passed 1-24-05.)

1107.09 ACCESSORY USES IN B-1 DISTRICTS.

Accessory uses in the B-1 District are permitted in the required front yard on lots where a business is located.

(Ord. A-2248. Passed 4-9-01.)

1107.10 VISION CLEARANCE.

Vision clearance, as defined in Chapter 1103, is required on all corner lots at the street corner.

(Ord. A-2248. Passed 4-9-01.)

1107.11 LOT REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS.

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted, if the lot was a single parcel in single ownership or a single parcel included in a subdivision of record at the time of passage of this Zoning Code (Ordinance A-2248 passed April 9, 2001), even though the lot does not have the minimum lot area or minimum lot width specified for the district in which it is located, provided that yard spaces satisfy requirements stipulated for such district or as may be modified under Section 1107.05.

(Ord. A-2248. Passed 4-9-01.)

1107.12 HEIGHT REQUIREMENTS.

- (a) In the districts limiting height to twenty-five feet, a dwelling may be increased in height not to exceed thirty-five feet, provided the required side yards are increased an additional foot for each foot such structure exceeds twenty-five feet in height.
- (b) The building height requirements for places of public assembly in churches, schools and other public or semipublic buildings may be increased, provided that such places are located on the ground floor of such buildings and provided, further, that side and rear yards are increased one foot for each two feet of additional height above such height requirement.
- (c) In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances, provided that such features shall not occupy more than twenty-five percent of the area of the lot and shall be at least fifty feet from every lot line not a street lot line.

(Ord. A-2248. Passed 4-9-01.)

1107.13 EXISTING CONDITIONAL USES.

An existing use which is listed herein as a conditional use, in a district in which such conditional use may be permitted, is a conforming use. Any expansion of such conditional use involving the enlargement of buildings, structures and land area devoted to such use shall be subject to the requirements and procedures described for such conditional use in this Zoning Code.

(Ord. A-2248. Passed 4-9-01.)

1107.14 REQUIRED AREAS AND DIMENSIONS.

No lot, yard, court, parking area, floor area or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Zoning Code. No part of a yard, court, parking area, floor area or other space provided about or for any building or structure for the purpose of complying with the provisions of this Zoning Code shall be included

as part of a yard, court, floor area parking area or other space required under this Code for another building or structure.

(Ord. A-2248. Passed 4-9-01.)

1107.15 ESSENTIAL SERVICES.

Essential services, as defined in Section 1103.43, shall be permitted as authorized and regulated by law or other ordinances of the City, it being the intention hereof to except such installations from the application of this Zoning Code.

(Ord. A-2248. Passed 4-9-01.)

1107.16 EXTRACTION OF MINERALS, OIL OR GAS PROHIBITED.

(a) Upon the effective date of Ordinance A-1130, passed April 19, 1976, through April 18, 1978, the extraction of minerals, oil or gas by any process is expressly prohibited within the corporate limits of the City, except that the extraction of gas will be permitted as a conditional use in an I-2 Heavy Industrial District.

(b) From and after April 19, 1978, the extraction of minerals, oil or gas by any process is expressly prohibited within the corporate limits of the City.

(Ord. A-2248. Passed 4-9-01.)

1107.17 FENCES.

(a) Fences, latticework, screens, hedges or walls not more than seven feet in height may be located in the required side or rear yard. Hedges, open fences or walls not more than forty-two inches in height may be located in any front yard. Private swimming pools shall be surrounded by a fence at least five feet high.

(b) In any I-1 or I-2 District, fence that are at least 80% open (such as chain link) may be installed with a height of seven feet on any property line or within any yard setback, except that vision clearance as defined by Section 1103.118 shall be maintained on all corner lots.

(c) A fence permit shall be obtained from the City Manager or his or her designee for the installation of all fences. A fence permit shall be required to change, alter or replace an existing fence.

(d) The fence installer or owner shall make application for the permit on forms provided by the City Manager or his or her designee.

(e) Plans shall accompany the application, which indicate the location and height of the proposed fence in relationship to property lines, existing buildings and structures.

(f) The fee schedule for fence permits shall be in accordance with Section 1309.11 of the Building Code.

(Ord. A-2248. Passed 4-9-01 and Ord. A-2419. Passed 1-24-05.)

1107.18 ADDITIONAL USES; BOARD DETERMINATION.

Uses other than those specifically mentioned in this Zoning Code as permitted uses in each of the districts may also be allowed therein, except for uses prohibited therein or which are permitted in another district; provided that, in the judgment of the Board as evidenced by resolution of record, such other uses are of similar character as those mentioned and will have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or the community than the permitted uses specifically mentioned for the district.

(Ord. A-2248. Passed 4-9-01.)

1107.19 FLOOD HAZARD AREAS.

Areas of special flood hazard in the City have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Sidney". Actual enforcement of the flood damage prevention regulations will be based upon specific site elevations and the cross section elevation data provided in the Flood Insurance Study for the City of Sidney. This Study, with accompanying Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, is on file in the City Manager's Office, 201 West Poplar Street, Sidney, Ohio. The flood damage prevention regulations in Chapter 1108 will be applied to areas identified as special flood hazard areas, in addition to the applicable zoning district regulations for the property involved.

(Ord. A-2248. Passed 4-9-01.)

1107.20 SATELLITE DISH ANTENNA REGULATIONS.

Satellite dish antennas shall be permitted as an accessory use in all zone districts, and are subject to requirements as follows:

- (a) Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- (b) Setbacks for all satellite dish installations shall be a minimum of ten feet from any property lines, a minimum of fifteen feet from public rights of way and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector.
- (c) Roof-mounted satellite dishes shall be limited to a maximum diameter of six feet or less, and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- (d) All satellite dish antennas shall be properly grounded and resistant to lightning strikes and shall meet all Electrical Code requirements.
- (e) All satellite dish antenna systems shall be noncorrosive and be designed, engineered and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- (f) The maximum diameter of any satellite dish shall be twelve feet.
- (g) The maximum overall height for ground-mounted satellite dish antenna systems shall be fifteen feet.
- (h) Placement of satellite dish antenna systems within any easement shall be prohibited.
- (i) A permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans or other documents shall be submitted in accordance with the Building Inspector's requirements, for the purpose of verification of each of the provisions of this section.

(Ord. A-2248. Passed 4-9-01.)

1107.21 RADIO AND TELEVISION ANTENNA REGULATIONS.

Radio and television antennas shall be permitted as an accessory use in all zone districts, and are subject to requirements as follows:

- (a) Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.

- (b) Setbacks for all antenna system installations shall be a minimum of five feet from any property lines, a minimum of fifteen feet from public rights of way and of a sufficient safe distance from all overhead and or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.
 - (c) Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of fifteen feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
 - (d) Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of sixty feet. Maximum overall height for ground-mounted television antenna systems shall not exceed fifteen feet above the highest roof peak of the principal structure or sixty feet total, whichever is least. It is noted that amateur radio operators have specific and valid reasons for exceeding the height limits established in this section. The Board of Appeals should be sensitive in its review of amateur radio operator's height variance requests and should refer to Order PRB-1 of the Federal Communications Commission during such reviews.
 - (e) All antenna systems shall be properly grounded and resistant to lightning strikes and meet all Electrical Code requirements.
 - (f) All antenna systems shall be noncorrosive and designed, engineered and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
 - (g) A permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans or other documents shall be submitted in accordance with the Building Inspector's requirements, for the purpose of verification of each of the provisions of this section.
- (Ord. A-2248. Passed 4-9-01.)

1107.22 BUFFER AND TRANSITION BETWEEN NONCOMPATIBLE USES.

- (a) Any new development which occurs where property lines separate an industrial, business or office zoning district or use from a residential zoning district or use, shall be subject to the following.
- (b) All buffer and transition plans are subject to the review and approval of the Planning Commission.
 - (1) The buffer and transition area must be accomplished through the use of a six-foot high masonry wall (except in a front yard area, where the maximum height shall be three feet), an earthen berm singularly or in combination or a greenbelt area (where such area is at least 100 feet in depth). An alternate wall material may be permitted by the Planning Commission where all affected property owners mutually agree.
 - (2) All buffer and transition plans must provide for the installation of landscaping materials or use of existing landscaping to assist in the obscuring effect. The landscaping plan shall be subject to the review and approval of the Planning Commission, as an element of the buffer plan.
 - (3) The installation of the buffer and transition area must not interfere with existing stormwater drainage flow patterns or utilities which may be located within easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.

- (4) The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Planning Commission may permit the installation of the obscuring wall on the opposite side of an alley, street or right-of-way when mutually agreeable to the affected property owners.
 - (5) The City may require that suitable maintenance guarantees be provided for the continued maintenance of the buffer materials.
 - (6) In cases where the Planning Commission determines that a residential area is designated as a future industrial or commercial area, the Board of Appeals may temporarily waive the installation of the buffer for an initial period of up to twelve months. Granting further temporary waivers by the Board may be permitted, provided that the Planning Commission shall make a determination that the waiver will not be detrimental to the intent of this Zoning Code.
- (Ord. A-2248. Passed 4-9-01.)

1107.23 ALLOWANCE FOR BUSINESS USE EXTENSIONS INTO ADJOINING I-2 ZONE.

Principal and accessory uses permitted in the B-2 District may extend on to adjoining property within the I-2 District, subject to requirements as follows:

- (a) All property within the development shall be under common ownership at the time such extension is made.
- (b) Gross floor area for all buildings and structures in the development shall exceed 200,000 square feet.
- (c) All principal and accessory uses within the development shall conform to height, lot area, frontage, and yard requirements for the zone in which such uses are located.
- (d) Any B-2 District use extended shall be classified as a legal, conforming use in the industrial zone in which it is located.

(Ord. A-2248. Passed 4-9-01.)

1107.24 INFRINGEMENT ON PROPERTY LINES.

- (a) No proposed freestanding building, structure, facility, or sign shall infringe on an existing property line.
- (b) A replat/vacation plat shall be required in accordance with Section 1161.05(a)(2) of the Subdivision Regulations to prevent such infringement.
- (c) These regulations shall not preclude the lawful extension of an existing building, structure, facility, or sign.

(Ord. A-2248. Passed 4-9-01.)

1107.25 DEVELOPMENT STANDARDS FOR SERVICE STATIONS.

- (a) Setbacks for Dispensing Pumps. No gasoline or petroleum dispensing pump shall be located within fifteen feet of a public right-of-way, or within twenty-five feet of any residential zoning district, except where such pump is located within an enclosed building.

- (b) Setback of Canopies. Canopies may be erected over service station pump islands provided that no canopy shall be closer than ten feet to the public right-of-way and provided that vertical supports for the canopy shall not be closer than fifteen feet to the public right-of-way.
 - (c) Height of Canopies. Canopies located in a required yard shall not exceed eighteen feet from ground level.
- (Ord. A-2248. Passed 4-9-01.)

1107.26 REQUIREMENTS FOR OUTDOOR DISPLAYS.

- (a) Outdoor display of retail goods, wares and merchandise are permitted accessory uses in the B-1, B-2, I-1 and I-2 Districts.
 - (b) Such outdoor display must be customarily incidental to a principal use in the district in which the outdoor display is permitted.
 - (c) Such outdoor display is permitted in any yard, subject to a minimum setback of 20 feet from an adjoining property line.
 - (d) All outdoor displays must be located on the same zoning lot as the principal use.
 - (e) Areas use for such display shall be furnished with an all weather hard surface of a material such as bituminous or Portland concrete cement.
 - (f) Areas designated for required off-street loading, parking and handicap parking shall not be used for such outdoor display.
 - (g) Such display shall not violate applicable Federal, State, or local laws specific to the use of solid, liquid and gaseous chemicals, materials or products.
 - (h) Outdoor display of retail goods, wares and merchandise in the B-5 District is regulated by Section 1125.08 of the Zoning Code.
- (Ord. A-2248. Passed 4-9-01.)

1107.08 ACCESSORY BUILDINGS IN N, S AND R DISTRICTS.

- (a) No accessory buildings shall be located closer to a side or rear lot line than three feet in any N, S or R District, except that adequate distance shall be required for the opening and closing of doors between accessory buildings and the rear lot line. Swimming pools shall be located in accordance with Section 1323.02 of the Building Code.
 - (b) A detached accessory building shall only be permitted in the rear yard. An accessory building connected by a breezeway or similar structure shall be permitted in the side or rear yard.
 - (c) Accessory uses, such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, nameplates, lampposts, bird baths and structures of a similar nature, are permitted in any required front, side or rear yard. Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required. Fences, latticework, screens, hedges or walls are considered accessory uses and are permitted in a required front, side or rear yard, subject to the provisions of Section 1107.17.
 - (d) In any N, S or R District, no accessory building shall be used as a dwelling, except that the Board of Appeals may authorize such use only for the domestic employees of residents of the principal building.
 - (e) In any N, S or R District, an accessory building may be erected detached from the principal building or may be connected therewith by a breezeway or similar structure not less than six feet in length. Accessory buildings shall be at least six feet from any dwelling situated on the same lot and shall not, in the aggregate, occupy more than thirty percent of the required rear yard.
 - (f) In any N, S or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal building, except for a temporary building incident to construction of the principal building.
 - (g) An accessory building or structure may exceed 1,000 square feet in total gross floor area as a conditional use with the following conditions:
 - (1) The total gross floor area of all accessory uses shall not exceed 1,250 square feet for lots of more than 21,780 square footage, but less than 43,560 square feet and 1,500 square feet for lots of 43,560 square feet or more.
 - (2) Any accessory structure or building exceeding 1,000 square feet is required to have the same rear and side yard setback distance from all property lines as required for the zoning district in which that structure is located.
 - (3) The total square footage of the accessory structure or building must not exceed 80% of the total ground floor area of the principal building.
- (Ord. A-2248. Passed 4-9-01 and Ord. A-2419. Passed 1-24-05.)