

**DIVISION 1. - R-1 RESIDENTIAL ZONE**

Sec. 38-41. - Permitted uses.

- (1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.
- (2) Schools.
- (3) Parks, play grounds and community-owned not-for-profit buildings.
- (4) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (5) Fire stations and other publicly-owned buildings.
- (6) Churches and including a columbarium and/or mausoleum as an accessory use.
- (7) Home occupations.
- (8) Kindergartens operated by governmental units or religious organizations.
- (9) Day care homes.
- (10) Accessory uses and buildings customarily incidental and subordinate to the above.

(Code 1995, App. B, Art. V, § 101; Ord. No. 9661, 1-21-92; Ord. No. 12241, § 2, 5-19-09)

Sec. 38-42. - Uses permitted as special exceptions by the board of appeals.

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Day care centers:

Such uses shall require a Special Permit under the terms of Article VIII of this chapter.

- (2) Kindergartens:

Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this chapter.

- (3) Assisted Living Facilities:

The Board of Appeals may issue a Special Permit for an Assisted Living Facility under the terms specified in Article VIII of this chapter, provided that the facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependants) acting as houseparents or guardians, who need not be related to the persons residing in the house.

- (4) Communication Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.

- (5) Special Permit for Equine for Personal Use.

(Code 1995, App. B, Art. V, § 102; Ord. No. 10447, 7-16-96; Ord. No. 10705, 6-2-98; Ord. No. 11082, 10-17-00; Ord. No. 12508, § 2, 5-24-11)

Sec. 38-43. - Uses permitted as special exceptions by the city council.

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

(1) Cemeteries:

The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-1 Residential Zone, as a special exception under terms specified in Article VI of this chapter.

(2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:

The City Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this chapter, provided that the Home shall not contain more than (8) handicapped and/or aged persons.

(3) Planned Unit Development:

Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-1 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Permit under the terms of Article VI of this chapter.

(4) Reserved.

(5) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 38-525.

(Code 1995, App. B, Art. V, § 103; Ord. No. 11597, § 1, 8-17-04; Ord. No. 12046, § 1, 11-20-07; Ord. No. 12232, § 1, 4-21-09; Ord. No. 12896, § 1, 1-20-15)

Sec. 38-44. - Height and area regulations.

- (1) Height: No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (2) Front Setbacks: There shall be a front yard of not less than twenty-five (25) feet. For minimum Suburban Infill Lot Setback, see item (7)(f) of this section. For the Urban Infill Lot Compatibility Option, see Article V, Division 30.
- (3) Side Setback: There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 38-509.
- (4) Rear Setback: There shall be a rear yard of not less than twenty-five (25) feet.
- (5) Minimum Lot Area: The only minimum lot area requirement is twenty-five thousand (25,000) square feet for single-family lots on individual wells and septic tanks and seven thousand five hundred (7,500) square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Health Department and to provide an area for one hundred percent (100%) duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective

capacity of the proposed sewage disposal facilities. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

- (6) Minimum Lot Frontage: The minimum lot frontage shall be sixty (60) feet on sewers and seventy-five (75) feet on septic tanks. For Suburban Infill Lot minimum frontage, see subsection (7). For Urban Infill Lot minimum frontage alternative, see Division 30, Urban Infill Lot Compatibility Option.
- (7) Minimum Suburban Infill Lot Frontage and Setback: The minimum frontage and front yard setback for Suburban Infill Lots shall be determined as follows:
- (a) Applicability. The Minimum Suburban Infill Lot Frontage Regulations shall apply only to:
- i. Proposed or existing lots *outside* of the Urban Overlay Zone
  - ii. Lots zoned R-1 Residential.
  - iii. Proposed lot frontage less than one hundred twenty (120) feet.
  - iv. Lots fronting an existing public street.
  - v. Lots served by sewers.
- (b) Exceptions. This rule shall not apply to:
- i. Planned Unit Developments (PUDs).
  - ii. Lots created on a new street.
  - iii. The consolidation of lots.
  - iv. Lots at the terminus of permanent dead end streets with thirty-five (35) feet of street frontage or more.
  - v. Lots that are a combination of existing lots where all of the lots are as large or larger than the previous lots and have equal or greater frontage than the previous lots.
  - vi. Lots, if, in the opinion of the Regional Planning Agency Staff, a smaller lot frontage is consistent with the Comprehensive Plan and the intent and purposes of these regulations.
- (c) Compatible Lots. The following properties shall be used to determine the block character for purposes of establishing lot compatibility:
- i. Lots with on the same and opposing block faced within three hundred (300) feet of the boundary of the boundary of the property proposed to be subdivided.
  - ii. Lots abutting each quadrant of an intersection when the proposal involves a corner lot; and
  - iii. Lots that abut or are directly across a public way, but not to the rear of the property, from the property proposed to be subdivided.
- (d) Excluded Lots. The following properties shall not be used to determine the block character for purposes of establishing lot compatibility:
- i. Properties zoned non-residential or multi-family.
  - ii. Properties zoned from single-family, but used for legal non-residential uses or other legal non-conforming uses.
  - iii. Properties where development continuity cannot be provided due to a natural or man-made barrier, including but not limited to, arterial or collector streets, public land, railroad right-of-way, waterways, or

- iv. Properties that face a block face within a non-residential zoning district.
  - v. Interior lots located to the rear of another lot but with a narrow portion extending to the street when that narrow portion is less than the frontage required by the Chattanooga Zoning Ordinance.
- (e) Lot Frontage Compatibility Calculation. New residential infill lots shall have a minimum lot frontage that is no smaller than the smallest frontage on the same and opposing block face within three hundred (300) feet of the lot to be subdivided.
- i. The new infill lot frontage is not required to exceed one hundred twenty (120) feet.
  - ii. The new infill lot frontage shall not be less than the minimum allowed by the R-1 Residential zone.
  - iii. If, in the opinion of the Regional Planning Agency Staff, a smaller lot frontage is not consistent with other lot frontages on the same and opposing block face or the intent and purposes of these regulations, a larger frontage may be required.
  - iv. Each lot frontage shall be the actual access to the property as well as the legal access (e.g. — no sole access via common easement).
- (f) Front Setback. For Suburban Infill Lots recorded after July 9, 2007, the minimum front yard setback shall be the average of the two (2) front yard setbacks of existing dwellings on the abutting lots fronting on the same street if both abutting lots have dwellings within one hundred fifty (150) feet of the area to be subdivided. The Suburban Infill setback is not required to exceed fifty (50) feet, but shall not be less than the twenty-five (25) foot minimum front yard. This requirement does not apply to Planned Unit Development (PUDs).

(Ord. No. 8527, 9-10-85; Code 1995, App. B, Art. V, § 104; Ord. No. 11977, § 2, 6-19-07; Ord. No. 11997, § 1, 8-21-07; Ord. No. 12277, § 2, 8-18-09)

**Cross reference**— Off-street parking requirements, Article V, Section 38-471, *et seq.*, Ord. No. 11459, § 2, 9-16-03.

Secs. 38-45—38-50. - Reserved.

#### **DIVISION 6. - R-2 RESIDENTIAL ZONE**

Sec. 38-91. - Permitted uses.

- (1) Single-family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis.
- (2) Two-family dwellings.
- (3) Schools.
- (4) Parks, playgrounds, and community-owned not-for-profit buildings.
- (5) Golf courses, except driving ranges, miniature courses and other similar commercial operations.
- (6) Fire stations and other publicly-owned buildings.
- (7) Churches and including a columbarium and/or mausoleum as an accessory use.
- (8) Accessory uses and buildings.
- (9) Home occupations.
- (10) Day care homes.
- (11) Kindergartens operated by governmental units or by religious organizations.

(Code 1995, App. B, Art. V, § 201; Ord. No. 12241, § 2, 5-19-09)

Sec. 38-92. - Uses permitted as special exceptions by the board of appeals.

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Day care centers:  
Such uses shall require a Special Permit under the terms of Article VIII of this chapter.
- (2) Kindergartens:  
Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this chapter.
- (3) Assisted Living Facilities:  
The Board of Appeals may issue a Special Permit for an Assisted Living Facility under the terms specified in Article VIII of this chapter, provided that the Facility shall contain no more than eight (8) residents. This facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the home.
- (4) Communication Towers:  
The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers on publicly owned property under the terms specified in Article VIII.
- (5) Special Permit for Two-family or Multi-family Dwellings on Lots of Record.

(Code 1995, App. B, Art. V, § 202; Ord. No. 10447, 7-16-96; Ord. No. 10705, 6-2-98; Ord. No. 11082, 10-17-00; Ord. No. 12879, § 4, 11-18-14)

Sec. 38-93. - Uses permitted as special exceptions by the city council.

The following uses may be permitted as special exceptions by the City Council, subject to the requirements and restrictions as specified in Article VI:

- (1) Cemeteries:  
The City Council may permit the development of cemeteries (excluding crematoriums, embalming facilities or other such preparatory functions) within any R-2 Residential Zone as a special exception under the terms specified in Article VI of this chapter.
- (2) Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis:  
The City Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article VI of this chapter, provided that the Home shall not contain more than eight (8) handicapped and/or aged persons.
- (3) Planned Unit Development:  
Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any R-2 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in

individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Permit under the terms of Article V of this chapter.

- (4) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 38-525.

(Ord. No. 6075, 7-15-69; Ord. No. 6590, 7-27-73; Code 1995, App. B, Art. V, § 203; Ord. No. 11597, § 1, 8-17-04; Ord. No. 12232, § 1, 4-21-09)

Sec. 38-94. - Height and area regulations.

- (1) No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (2) Minimum Lot Area.
  - (a) Twenty-five thousand (25,000) square feet for single-family lots on individual wells and septic tanks;
  - (b) Seven thousand five hundred (7,500) square feet for single-family lots on sanitary sewers;
  - (c) Nine thousand five hundred (9,500) square feet for two-family dwelling units on sewers. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
  - (d) For those lots where septic tanks are used, all residential lots shall be large enough to construct the original subsurface sewage disposal system and to provide an area for one hundred percent (100%) duplication of that system; and
    - (i) The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal.
    - (ii) The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities.
    - (iii) The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.
  - (e) Residential lot area shall be in addition to any other lot area for other permitted uses;
  - (f) All other uses shall have a minimum lot area of ten thousand (10,000) square feet.
- (3) Minimum Frontage. Minimum lot frontage shall be sixty (60) feet on sewers and seventy-five (75) feet on septic tanks.
- (4) There shall be a front yard of not less than twenty-five (25) feet.
- (5) There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Section 38-509.
- (6) There shall be a rear yard of not less than twenty-five (25) feet.

(Code 1995, App. B, Art. V, § 204; Ord. No. 11267, 4-16-02; Ord. No. 11459, § 2, 9-16-03)

**Cross reference**— Off-street parking requirements - Article V, Section 38-471, *et seq.*

Secs. 38-95—38-100. - Reserved.

#### **DIVISION 11. - R-5 RESIDENTIAL ZONE**

Sec. 38-161. - Permitted uses.

- (1) Single family dwellings, including manufactured homes and modular homes.

- (2) Two-family dwellings.
- (3) Schools.
- (4) Parks, playgrounds, and community-owned not-for-profit buildings.
- (5) Golf courses, except driving ranges, miniature courses, and other similar commercial operations.
- (6) Fire stations and other publicly-owned buildings.
- (7) Churches.
- (8) Accessory uses and buildings.
- (9) Home Occupations.
- (10) Day care homes.
- (11) Kindergartens operated by governmental units or religious organizations.

(Code 1995, App. B, Art. V, § 411)

Sec. 38-162. - Uses permitted as special exceptions by the board of appeals.

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Day care centers:

Such uses shall require a Special Permit under the terms of Article VIII of this chapter.

- (2) Kindergartens:

Kindergartens not operated by governmental units or religious organizations shall require a Special Permit under the terms of Article VIII of this chapter.

- (3) Communications Towers:

The Board of Appeals for Variances and Special Permits may issue a Special Permit for Communications Towers under the terms specified in Article VIII.

(Code 1995, App. B, Art. V, § 412; Ord. No. 10705, 6-2-98)

Sec. 38-163. - Height and area regulations.

- (1) No buildings shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (2) Minimum Lot Area and Frontage. The only minimum lot area requirement is twenty-five thousand (25,000) square feet for single-family lots on individual wells and septic tanks and seven thousand five hundred (7,500) square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Health Department and to provide an area for one hundred percent (100%) duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Health Department may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be sixty (60) feet on sewers and seventy-five (75) feet on septic tanks. The Health Department may require larger lots when septic tanks are used due to soil conditions, topography, drainage, presence of swimming pools, etc.

- (3) There shall be a front yard of not less than twenty-five (25) feet.
  - (4) There shall be a side yard on each side of the building of not less than ten (10) feet. For corner lot side yard requirements, see Article VI, Sec. 38-509.
  - (5) There shall be a rear yard of not less than twenty-five (25) feet.
- (Code 1995, App. B, Art. V, § 413; Ord. No. 11459, § 2, 9-16-03)

**Cross reference**— Off-street parking requirements, Article V, section 38-471, *et seq.*

Sec. 38-164. - General provisions.

- (1) All manufactured homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Building Inspector.
- (2) All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

(Code 1995, App. B, Art. V, § 415)

Sec. 38-165. - Uses Permitted as Special Exceptions by the City Council.

- (1) Planned Unit Development—Residential:

Flexibility in the arrangement of residential uses may be permitted by the City Council as special exceptions in any residential zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be two (2) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Permit under the terms of Article V of this Ordinance.

- (2) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 38-525.

(Code 1995, App. B, Art. V, § 416; Ord. No. 11730, § 6, 8-16-05; Ord. No. 12232, § 1, 4-21-09)

Secs. 38-166—38-170. - Reserved.

### **DIVISION 13. - C-2 CONVENIENCE COMMERCIAL ZONE**

Sec. 38-181. - Intent.

It is the intent of the C-2 Convenience Commercial Zone to promote, where need exists, the clustering and development of businesses, offices, and service facilities to serve the demand for goods and services generated both by area residents and by transients traveling to or from other neighborhoods or places of employment.

(Code 1995, App. B, Art. V, § 601)

Sec. 38-182. - Location.

C-2 Convenience Commercial Zones shall be located so as to primarily serve traffic on arterial or collector streets (see definition "Functional Classification of Streets"), and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets.

(Code 1995, App. B, Art. V, § 602)

Sec. 38-183. - Principal uses permitted.

The following principal uses and structures may be permitted in any C-2 Convenience Commercial Zone:



- (1) Retail Sales and Service Establishments
- (2) Bakeries, delicatessens, meat and fish markets whose products are sold only at retail and on the premises,
- (3) Banks, savings and loan institutions, finance companies and credit unions
- (4) Bowling alleys, billiard rooms, theaters, or other indoor amusement establishments,
- (5) Vehicular repair facilities, washes, new and used dealerships and repair facilities, provided that the area being used for outside storage of any vehicles must be screened by a sight-obscuring fence a minimum of eight (8) feet high. This does not include sales display areas at automobile dealerships.
- (6) Office buildings,
- (7) Restaurants and other establishments serving prepared food and beverages,
- (8) Hospitals,
- (9) Commercial signs and billboards,
- (10) Schools, churches, and other public and semi-public buildings,
- (11) Provided that not more than five (5) persons are employed therein, the following uses may be permitted:
  - Plumbing shops
  - Electrical shops
  - Radio and TV shops
  - Appliance repair shops
  - Small print shops
  - Photocopying services
  - Similar workshop type uses
- (12) In general, all stores, shops, or services similar in character, type and effect to the above unless otherwise controlled or provided by law.
- (13) Dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis
- (14) Wholesaling with accessory warehousing and related office space provided that said use shall not exceed five thousand (5,000) square feet in total usable floor area.
- (15) Motels and Hotels
- (16) Furniture and Appliance Sales
- (17) Mini-warehouses, provided that said use does not allow outdoor storage, subject to provision of a natural sign obscuring, landscaped screen on all sides, including in the front, in accordance with the planting standards of Article V, Section 38-333(7)(a) of the Chattanooga Zoning Ordinance, except where a property line abuts an M-1, M-2 or M-3 zone.

(Code 1995, App. B, Art. V, § 603; Ord. No. 10205, 04-18-95)

Sec. 38-184. - Uses permitted as special exceptions by the board of appeals.

The following uses and structures with their customary accessory buildings may be permitted as special exceptions by the Board of Appeals, subject to the requirements and restrictions as specified in Article VIII:

- (1) Funeral homes, mortuaries, and undertaking establishments (and including cremation/crematory, when used in conjunction with such establishments),
- (2) Companion Animal Hospitals, veterinary offices, and Pet Funeral Homes, including companion animal cremation/crematory when used in conjunction with any of those facilities,
- (3) Open-air markets,
- (4) Miniature golf courses and similar outdoor amusement facilities,
- (5) Adult-oriented establishments,
- (6) Day care centers,
- (7) Kennels, boarding, grooming, training and similar uses for small animals,
- (8) Communications Towers:  
The Board of Appeals for Variances and Special Permits may issue a Special Permit for communications towers under the terms specified in Article VIII.
- (9) Travel Trailer Camps and other camping facilities subject to the requirements and restrictions specified in Article VIII, Section 38-568(15).
- (10) Display and Sale of Manufactured Homes under the terms specified in Article VIII, Section 38-568.

(Code 1995, App. B, Art. V, § 604; Ord. No. 10326, 11-14-95; Ord. No. 11253, 3-19-02; Ord. No. 12241, § 2, 5-19-09; Ord. No. 12717, § 4, 4-23-13)

Sec. 38-185. - Uses permitted as special exceptions by the city council.

- (1) The following uses may be permitted as special exceptions by the City Council as authorized by Tennessee Code Annotated, 57-3-208 and Chattanooga City Code, Part II, Sections 5-101 through 5-126:
  - (a) Liquor stores;
  - (b) Wineries, including vineyards, processing, bottling and sales facilities; and
  - (c) Alcohol Distillery, Small to the C-2 Convenience Commercial Zone.
- (2) Non-Profit Heritage Educational Facility under the terms specified in Article VI, Section 38-525.
- (3) Late Night Entertainment/Event Facility and/or Nightclub or similar uses under the terms specified in Article VI, Section 38-527. (See Article II, Section 38-2 for definition of a Late Night Entertainment/Event Facility and/or Nightclub).
- (4) Alternative Financial Services.

(Code 1995, App. B, Art. V, § 605; Ord. No. 12232, § 1, 4-21-09; Ord. No. 12280, § 2, 8-25-09; Ord. No. 12529, § 2, 7-19-11; Ord. No. 12816, § 2, 3-25-14; Ord. No. 12911, § 2, 2-17-15)

Sec. 38-186. - Permitted accessory uses and structures.

The following accessory uses and structures may be permitted in any approved C-2 Convenience Commercial Zone:

- (1)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the zone.

(Code 1995, App. B, Art. V, § 606)

Sec. 38-187. - Prohibited uses and structures.

- (1) In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations is prohibited within the C-2 Convenience Commercial Zone.
- (2) Any outdoor storage of equipment or merchandise shall be limited to twenty percent (20%) of the lot square footage, excluding the area where buildings are located; such area shall be contained by fence, a minimum of six (6) feet high, and shall not encroach upon the required parking area. Additional parking requirements shall be required for the outdoor use. (Building/Structure Base square footage and outdoor use = Total square footage for Parking Requirement.)
- (3) In the case of commercial nurseries, commercial greenhouses, and garden centers, outdoor storage shall be permitted and screened by a sight obscuring fence, a minimum of six (6) feet high. Parking shall be subject to the requirements of the Traffic Engineer.

(Code 1995, App. B, Art. V, § 607; Ord. No. 12253, § 2, 6-16-09)

Sec. 38-188. - Minimum yard and landscaping requirements; maintenance of visibility at access points; relations of yards to turnout and merging lanes.

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way.

Side yards with a minimum width of ten (10) feet and rear yards of not less than twenty-five (25) feet depth shall be required where permitted use adjoins any Residential Zone.

- (2) The minimum lot area for dwellings shall be seven thousand five hundred (7,500) square feet, plus two-thousand (2,000) square feet for each dwelling unit over one (1). This minimum lot area shall be in addition to the area required for the commercial use and its parking and loading area.
- (3) Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.
- (4) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

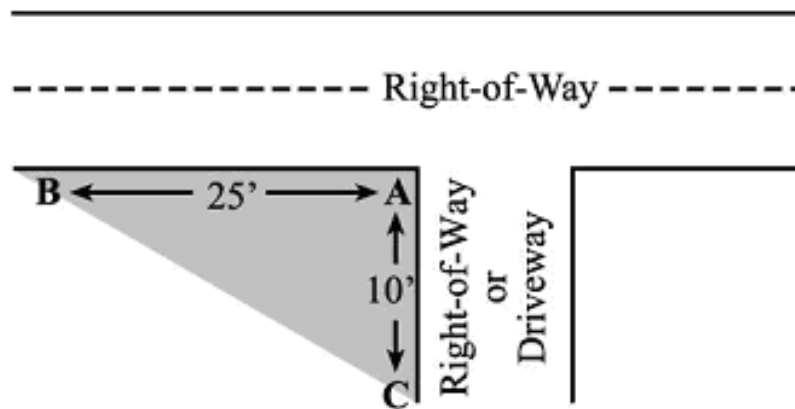
Point A At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.

Point B Beginning at Point A, proceeding along the boundary line of the public right-of-way toward

the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.

Point C Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.

Example:



- (5) Along major public streets, turn-out lanes, and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required by the Traffic Engineer or provided voluntarily, such turn-out and merging lanes may be included as part of the required setback adjacent to the public collector or arterial street. Any disagreement regarding requirements for turn-out and merging lanes may be appealed to the Board of Appeals.

(Code 1995, App. B, Art. V, § 608)

Sec. 38-189. - Maximum height of structure.

No building or structure except radio, television, telephone and microwave towers (See Article VIII, Section 38-568) shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except that a building or structure may exceed these height requirements provided that for every one (1) foot of additional height over thirty-five (35) feet the building or structures shall be set back one (1) additional foot from all property lines. Communications towers shall be subject to the setback requirements set forth in Article VIII.

(Code 1995, App. B, Art. V, § 609; Ord. No. 11253, 3-19-02; Ord. No. 11459, § 2, 9-16-03)

**Cross reference**— Off-street parking requirements, see Article V, Section 38-471, *et seq.*

Secs. 38-190—38-200. - Reserved.