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**ARTICLE III. GENERAL PROVISIONS**

**Section 1. Conformance Required**

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or structure 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 and when all applicable building codes are met.

**Section 2. Continuing Existing Uses**

Except as hereinafter specified, any use, building or structure existing at the time of the enactment of the Regulations may be continued, even though such use, building or structure may not conform with the provisions of the Regulations for the district in which it is located.

**Section 3. Agriculture**

Nothing contained in the Regulations shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, except dwellings, and no zoning certificate shall be required for any such use, building or structure.

**Section 4. Public Utilities**

Nothing contained in the Regulations shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility, whether publicly or privately owned, or the use of land by any public utility for the operations of its business as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order used by the Public Service Commission, or by permit of the County Commission.

**Section 5. Outdoor Advertising**

Outdoor advertising shall be classified as a commercial use and shall be permitted in the following districts: C-1, C-2, C-3, M-1, M-2, subject to the regulations of the State Highway Department.

**Section 6. Flood Plain Overlay District**

Nothing herein provided shall be so construed as to prohibit the owner of lands within any Flood Plain Overlay District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion providing that such improvements do not cause surrounding properties to be flooded or harmed by the action.

**Section 7. Retail Establishments and Places of Entertainment**

Nothing contained in the Regulations shall prohibit the use of any land for the construction of a building or the reconstruction, change, alteration, maintenance, enlargement or use of any building for the maintenance and operation of any mercantile or retail establishment, drug store, hotel, lunch room or restaurant, or place of entertainment in any area zoned for trade or industry except those lawful provisions set forth in the establishment of those areas or districts, but a Zoning Certificate for such uses shall be required in accordance with the provisions of the Regulations.

1 **Section 8. Non-Conforming Uses or Buildings**

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3 No existing building or premises devoted to a use not permitted by the Regulations in the district in which such building  
4 or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed,  
5 substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such  
6 building or premises is located, and except as follows:

7  
8 A. Substitution or Extension

9  
10 When authorized by the Board (of Zoning Adjustment), the substitution for a non-conforming use of another non-  
11 conforming use or the extension of a non-conforming use may be made.

12  
13 B. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a  
14 non-conforming use.

15  
16 C. Where, at the effective date of the adoption of this ordinance or amendment hereto (Feb. 14, 1978), a lot of record  
17 exists and is held in separate ownership but fails to meet the minimum requirements for area or width of the district  
18 in which it is located, such a lot may have one (1) single-family dwelling and customary accessory buildings erected  
19 upon it provided that:

20  
21 1. Said lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

22  
23 2. Said lot is able to meet the yard requirement of the district in which it is located, variance only obtainable  
24 through Board (of Zoning Adjustment) authorization.

25  
26 D. If two (2) or more lots of record exist, with continuous frontage in single ownership, any of which fail to meet the  
27 minimum requirements of the district in which said lots are located, shall be considered to be an undivided tract and  
28 no part shall be used which does not meet the minimum requirements of the respective district.

29  
30 E. When authorized by the Board (of Zoning Adjustment), the extension or completion of a building devoted to a  
31 nonconforming use upon a lot occupied by such building, or on a lot adjoining, providing that such lot was under the  
32 same ownership as the lot in question on the date the use of such building became nonconforming, and where such  
33 extension is necessary and incidental to the existing use of such building.

34  
35 F. When authorized by the Board (of Zoning Adjustment), a nonconforming use may be extended throughout those  
36 parts of a building designed or arranged for such use prior to the date it became nonconforming, if no structural  
37 alterations, except those required by law, are made therein.

38  
39 G. Discontinuance

40  
41 No building, structure or premises where a nonconforming use has ceased for one (1) year or more shall again be put  
42 to a nonconforming use.

43  
44 H. Replacing Damaged Buildings

45  
46 Any nonconforming building or structure damaged more than sixty (60) percent of its then fair market value,  
47 exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other  
48 calamity or Act of God; shall not be restored or reconstructed and used as before such happening; but if less than  
49 sixty (60) percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that  
50 it be done within twelve (12) months of such happening.

51  
52 I. Repairs and Alterations

53  
54 Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming  
55 building or structure, provided no structural alterations shall be made except such as are required by law or  
56 authorized by the Board (of Zoning Adjustment).

1 **Section 9. Conversion of Dwellings**

2  
3 The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number  
4 of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be  
5 permitted under the Regulations and only when the resulting occupancy will comply with the requirements governing new  
6 construction in such district.

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1 **Section 10. Accessory Buildings and Uses**

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3 **A. Definition.**

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5 An accessory structure or use:

- 6  
7 1. Is subordinate to and serves a principal building or a principal use;
- 8  
9 2. Is subordinate in area, extent or purpose to the principal building or principal use served;
- 10  
11 3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal  
12 building or principal use served;
- 13  
14 4. Is located on the same lot as the principal building or principal use served; and
- 15  
16 5. Cannot be a manufactured residential structure or storage structure.

17  
18 **B. Permitted Accessory Structures and uses.**

- 19  
20 1. Accessory Structures shall include, but are not limited to the following permitted structures:
  - 21  
22 a. Buildings or structures incidental to a principal building or structures, such as storage buildings,  
23 workshops, studios, carports or garages incidental to a permitted use.
  - 24  
25 b. Barn
  - 26  
27 c. Playhouse
  - 28  
29 d. Greenhouse
  - 30  
31 e. Pool and bathhouses
  - 32  
33 f. Entertainment Room
  - 34  
35 g. Living quarters
  - 36  
37 h. Garage/living area combination
  - 38  
39 i. Guest house or servant's quarters or rooms for guests in an accessory building, minimum area  
40 must comply with building codes.

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C. Use Limitations.

All Accessory Structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.

D. Bulk, Setback, and Spacing Regulations:

All accessory structures shall comply with the bulk, setback and spacing regulations applicable in the zoning district in which they are located and with the following additional regulations:

1. Accessory buildings, regardless of size shall be set back a minimum of ten feet from the rear lot lines.
2. Accessory buildings shall maintain the same side yard as is required for the principal structure located on the lot.
3. Accessory buildings and structures shall otherwise comply with the bulk regulations applicable in the district in which they are located. In addition, all buildings shall set back a distance equal to its side wall height.
4. No accessory building shall be permitted in any required residential front yard or side yard or required easement. To locate in other than the rear yard in other districts will require administrative permission similar to an administrative variance.
5. No accessory building shall be constructed closer than ten feet of the principle structure on the lot.
6. On a corner lot, no accessory building shall project beyond the front lot lines on the adjacent lots.
7. Buildings, accessory to a residential structure, on a single property shall not singularly or in total exceed the following building sized listed below.

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1  
2 Graduated increase in accessory building side:  
3

<u>Lot Size</u>	<u>Building Size</u>
< 7,000 square feet	= 500 square feet
< 9,000 square feet	= 600 square feet
<12,000 square feet	= 700 square feet
<21,780 square feet	= 900 square feet
<43,560 square feet	=1000 square feet
<65,340 square feet	=2500 square feet
<87,120 square feet	=3000 square feet
<108,900 square feet	=3500 square feet
<217,800 square feet	=4500 square feet
> 5 acres	=>5000 square feet

15  
16 E. Additional Regulations for Accessory Structures

- 17  
18 1. All driveways accessing accessory structures from a public right-of-way shall obtain approved from the  
19 Greene County Highway Department prior to installation of the driveway.
- 20  
21 2. All driveways accessing an accessory structure shall be constructed of a concrete or asphalt surface to the  
22 limits of the front of the main structure in residential districts.
- 23  
24 3. No tracts less then three acres may have additional on site waste water disposal systems and existgng  
25 systems may not be enlarged.
- 26  
27 4. Living area in an accessory structure will be limited to 1,000 square feet.

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F. Conditional Use Permit.

Property owners may request approval of a Conditional Use Permit from the Board of Adjustment for the following:

1. Reduction in the required setbacks for the construction of the Accessory Building.
2. Increase in the size of the building beyond the permitted size.
3. The following conditions must apply and must be included as conditions for the approval of the Conditional Use Permit:
  - a. Water and sewer facilities shall be connected directly to the Accessory Structure rather than attached to the principle structure on the lot.
  - b. The property owner lives in one of the two structures on the property.
  - c. The structure has working restroom facilities including a toilet, shower and sink.

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1 **Section 11. Traffic Visibility Across Corner Lot**

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3 In any R District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the  
4 "corner" so as to interfere with the traffic visibility across the corner.

5  
6 **Section 12. Required Area or Space Cannot Be Reduced**

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8 A. No lot, yard, court, parking area or other space shall be reduced in area or dimensions so as to make said area or  
9 dimensions less than the minimum required by the Regulations; and, if already less than the minimum required by  
10 the Regulations, said area or dimensions shall not be further reduced.

11  
12 B. No part of a required yard, court, parking area or other space provided about, or for, any building or structure shall  
13 be included in the requirements for another building or structure.

14  
15 **Section 13. Off-Street Parking and Loading**

16  
17 In any district, spaces for off-street parking and loading or unloading shall be provided.

18  
19 **Section 14. Unsafe Buildings**

20  
21 Nothing in the Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or  
22 structure declared unsafe by proper authority.

23  
24 **Section 15. Pending Applications for Building Permits**

25  
26 Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any  
27 development, building, structure or part thereof, for which official approvals and required building permits have been granted  
28 before the enactment of the Regulations, the construction of which, conforming with such plans, shall have been started prior  
29 to the effective date of the Regulations and completion thereof carried on in a normal manner within the subsequent six (6)  
30 months period, and not discontinued until after the completion, except for reasons beyond the control of the builder.

31  
32 **Section 16. Multiple Uses and Structures**

33  
34 A. Only one primary use is allowed on a single tract of property.

35  
36 B. All other uses, whether within the same structure or located in other structures on the same tract, must be of an  
37 accessory nature as determined by the Greene County Administrative Review Committee.

38  
39 C. All applicable building codes shall be met.  
40