

Section 5  
**GENERAL PROVISIONS**

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5.1 **SCOPE OF REGULATIONS:** *Amended, 00-29*

All buildings and structures erected hereafter, all uses of land, structures or buildings established hereafter, all structural alterations, conversions, reconstructions or relocations of existing structures or buildings occurring hereafter, and all enlargements of, additions to, or intensifications of existing uses occurring hereafter shall be subject to all regulations of this Code which are applicable to the districts in which such buildings, structures, uses or land shall be located, and no building, structure, use or land may be used other than that which is permitted in the district in which the building, structure, use or land is located.

5.2 **PERMITS:**

No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the administrative officer of this Zoning Code, and no permit or license shall be issued by any other village department which would authorize the use or change in use of any land or building contrary to the provisions of this Zoning Code, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this Zoning Code.

5.3 **BUILDING HEIGHT, BULK AND LOT COVERAGE:** *Amended, 14-07, 05-01, 00-2, 99-29*

- 5-3-1 No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height, a higher ratio of lot coverage or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage

towers or scenery lofts and necessary mechanical appurtenances, shall be permitted to exceed the maximum height provisions when erected in accordance with all other Ordinances of the Village of Lakewood. For purposes of establishing the height of a building under this Section, height shall be measured to the median between the eave and the gable and shall be measured from the main entrance at the front elevation at the established grade. Examples of such measurement are found in an exhibit at the end of this Section. If, in the judgment of the Building Commissioner, the grade has been manipulated unnecessarily with the sole purpose of satisfying this height limitation, the Village Architect may interpret the grade to satisfy the intent of this Section.

5.3-2 No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space or lot area requirements of this Zoning Code, shall thereafter, by reason of change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

5.3-3 No usable open space or off-street parking space or loading space existing or provided hereafter for any building be reduced below the minimum requirements hereinafter set forth for usable open space, parking space or loading space, nor further reduced if already less than minimum requirements.

5.4 LOT AREA AND DIMENSION: *Amended, 07-25*

5.4-1 When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use. This Section shall apply to all lots regardless of when they were previously subdivided or created. If there is any inconsistency, ambiguity or conflict between this provision and any other provision, this provision shall control, govern and prevail.

5.5 LOCATION OF BUILDINGS:

Except as otherwise provided for in this Zoning Code, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of 25 feet, unless an easement of lesser width was of record prior to the adoption of this Zoning Code.

5.6 BUILDINGS UNDER CONSTRUCTION: *Amended, 00-29*

Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this Code, or any subsequent amendment thereto that would affect said plans, construction or use, provided, however, that construction is begun or the use is begun to be established

within one year from such effective date of adoption or amendment, and said construction or establishment of use has been diligently carried on to completion in accordance with the approved plans on the basis of which a building permit or other permit has been issued, and furthermore, may upon completion be occupied or put into use under a certificate of occupancy or a certificate of use and compliance for the use for which it was originally designated. However, such building or establishment of use shall be completed within one year from the issuance of the building permit or other permit unless otherwise provided for in the Lakewood Municipal Code. Furthermore, such a building, structure or use shall thereafter be subject to the provisions of Section 6, Non-Conforming Buildings and Uses, of this Code.

5.7 BUILDINGS ON A ZONING LOT:

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot as herein defined and in no case shall there be more than one such building on one zoning lot.

5.8 REZONING OF PUBLIC and SEMI-PUBLIC AREAS:

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until such time as the President and Board of Trustees of the village of Lakewood designate a different classification in accordance with the provisions of this Zoning Code.

5.9 VISION CLEARANCE, CORNER LOTS:

On corner lots no building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall exceed a height of three feet above the street grade within 12 feet of lot lines which are adjacent to streets.

5.10 REGULATION OF SPACE AND DENSITY OF RESIDENTIAL DWELLING UNITS:

5.10-1 No person shall occupy or let to be occupied any dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this Section 5.1.

5.10-2 The maximum occupancy for any dwelling unit shall not exceed the lesser value of the following requirements:

- A. For the first occupant, there shall be at least 1,000 square feet of habitable floor space. There shall be at least 200 square feet of habitable floor space for every additional occupant.
- B. The total number of persons shall be no more than two times the number of habitable

bedrooms within the dwelling unit.

- 5.10-3 Habitable floor space shall be permitted in a basement only when the floor is not more than four feet below finished grade level at all exterior walls containing openings required for natural light and ventilation.
- 5.10-4 No space located more than four feet below grade shall be considered habitable space, except that a basement recreation or family room, where a separate living room is provided elsewhere in the dwelling unit, may have a floor level more than four feet below finished grade level.
- 5.10-5 Every room occupied for sleeping purposes shall contain at least 100 square feet of habitable floor space.
- 5.10-6 Within every dwelling unit there shall be a bathroom with a flush water closet in good working condition for each six persons or fraction thereof living within that dwelling unit.
- 5.10-7 Habitable space shall include a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, furnace rooms, pantries and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets, storage space and workshops.

5.11 HOME OCCUPATIONS - REGULATIONS *Amended, 04-18, 98-25*

5.11-1 Purpose: The conduct of business or commercial activity in dwelling units in residential zoning districts may be permitted under the provisions of this Section 5.11. It is the intent of this Section 5.11 to:

- A. Ensure the compatibility of Home Occupations with other uses permitted in the residential zoning districts;
- B. Maintain and preserve the character of residential neighborhoods;
- C. Promote the efficient use of public services and facilities by assuring that services are provided to the residential population for which they were planned and constructed, rather than provided to commercial uses; and
- D. Prevent the generation of vehicular or pedestrian traffic in greater volumes than would normally be expected in a residential neighborhood.

5.11-2 Requirements: Home Occupations shall be a permitted use in all residential zoning districts, subject, however, to the following regulations:

- 5.11-2.1 Incidental Use: The use for the Home Occupation must be clearly secondary and subordinate to the use of the dwelling unit as a residence. The Village's standard in this regard is that the Home Occupation should not exceed 25 percent of the floor area of the dwelling unit.
- 5.11-2.2 No Exterior Evidence: There shall be no activity, structure, or other exterior evidence that the dwelling unit is being used for any non-residential purpose in order to conduct the Home Occupation.
- 5.11-2.3 Employees: No person may be employed in the Home Occupation to work on the premises other than persons domiciled in the dwelling unit. An off-street parking place for all employees' vehicles must be provided while the employees are on the premises.
- 5.11-2.4 Origin of Goods: Goods that are the subject of the Home Occupation may be fabricated or produced on the premises, as well as manufactured elsewhere (also known as Astock-in-trade), subject, however, to further regulations herein.
- 5.11-2.5 Displays: No goods, products, merchandise, articles, or stock-in-trade shall be displayed such that they are visible from the exterior of the dwelling unit.
- 5.11-2.6 Limits on Deliveries: No deliveries of commodities, raw materials, supplies, goods, articles, products, merchandise or stock-in-trade to the dwelling unit related to the Home Occupation shall be permitted by vehicles with a gross vehicle weight greater than 12,000 pounds.
- 5.11-2.7 Customer Sales and Pick-Up: Direct sales of goods, articles, products, merchandise and stock-in-trade from the dwelling unit are prohibited, but a person may pick up an order placed earlier.
- 5.11-2.8 Signage: No sign may be used to identify the Home Occupation.
- 5.11-2.9 Equipment: No mechanical, electrical, or other equipment shall be installed, operated, or maintained other than such as is customarily incidental to a dwelling unit. No equipment that produces noise, electrical or magnetic interference, or interference with radio and television reception, vibration, heat, glare, dust, smoke, emissions, odor, or radiation outside the dwelling unit that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any Home Occupation.
- 5.11-2.10 Parking: The conduct of the Home Occupation shall not require more vehicle parking space than exists on the residential drive on the property, or on assigned parking spaces servicing the dwelling unit. The conduct of the Home Occupation shall not re-

duce or render unusable any areas provided for required off-street parking, or prevent the number of cars intended to be parked in a garage from doing so. If a greater restriction on parking is imposed by any private covenants or homeowners= association declarations, then such covenants or declarations shall govern.

5.11-2.11 Vehicle Use: Parking and use of trucks or other vehicles associated with a Home Occupation, whether on private or public property, shall conform with regulations concerning parking and use of commercial vehicles in residential areas as delineated in the Zoning Code, Lakewood Municipal Code, or any other ordinance of the Village, including the establishment of load limits upon the streets of the Village. There shall be a limit of one (1) vehicle that is associated with the Home Occupation, which may have copy painted or otherwise affixed to the vehicle that identifies the Home Occupation, limited to two (2) square feet of copy on the sides of the vehicle only, but which contains no advertising, slogans, or other information. Vehicles used in a Home Occupation shall not have a higher class than “B” license plates and shall not exceed a gross vehicle weight of 8,000 pounds.

5.11-2.12 Nuisances Prohibited: Home Occupations shall not be operated in such a manner as to create or cause a nuisance. Examples of nuisances include, but are not limited to, the following:

- A. Noise in excess of that of normal daily activity for a residential area, measured at the lot line of the premises, or exterior to party walls in attached single-family or multi-family dwelling units, is prohibited.
- B. The emission of odorous matter, vibrations, smoke, dust, heat, or glare in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in attached single-family or multi-family dwelling units, is prohibited.
- C. The activity shall not create aesthetic problems or health hazards in the storing or disposing of refuse or waste materials emanating from the activity.
- D. No hazard shall be created that would or could endanger the dwelling unit or its occupants, or other structures or their occupants, by reason of additional fire, health, safety, or environmental hazards.

5.11-2.13 Health and Safety Requirements: The person(s) engaging in the Home Occupation shall comply with all applicable regulations of the Building Department, Police Department, Fire Department, and other applicable agencies.

5.11-2.14 Accessory Structures & Garages: Accessory buildings or garages (attached or detached) shall not be used exclusively or predominantly for a Home Occupation.

- 5.11-2.15 Visible Exterior Storage Prohibited: There shall be no exterior storage of materials or products for a Home Occupation on the premises that is visible from any lot line of the premises.
- 5.11-2.16 No Structural Alterations: No permanent or temporary alteration of any kind shall be made to the dwelling unit where a Home Occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond those customarily required for residential use. No separate entrance from the exterior of that dwelling unit shall be provided in connection with the conduct of any Home Occupation.
- 5.11-2.17 Animal Care Services Prohibited: Home Occupations shall not involved the training, keeping or care of animals, birds, or reptiles. Incidental care of limited duration for a pet of a relative, friend or neighbor shall not be deemed a Home Occupation.
- 5.11-2.18 Human Care Services Limited: Home Occupations that involve human care services shall be limited to the keeping or care of humans for babysitting and day care services (subject, however, to the Illinois Compiled Statutes or regulations for such services). Exterior recreational activity of children shall not be deemed to be a violation of Subsection 5.11-2.2 herein.
- 5.11-2.19 Instructional Services Limited: Individual private instruction in singing, dance, or a musical instrument shall be limited to no more than a single pupil at a time. The attendance of up to four (4) persons at any one time may be allowed for the purpose of receiving private instruction or training in any subject or skill except singing, dance, or a musical instrument.
- 5.11-2.20 Refuse Generation: No refuse, trash, garbage, yard waste, or similar waste items in excess of the amount typically generated by a residential use in a dwelling unit or on a lot shall be generated by any Home Occupation.
- 5.11-2.21 Traffic Limitations: Home Occupations shall not generate more vehicular or pedestrian traffic than is typical of dwelling units in the neighborhood or than is consistent with the normal level of traffic on the street on which the dwelling unit is located.
- 5.11-2.22 Hours of Operation: External activities related to the Home Occupation, such as deliveries, customer pick-up, and customer or pupil arrival or departure as listed in Subsections 5.11-2.6, 5.11-2.7, 5.11-2.18 and 5.11-2.19 herein shall be limited to hours of operation normally customary to residential uses, but in any event such activities shall be prohibited between the hours of 10 p.m. and 6 a.m. seven days a week.

5.11-2.23 Interior Exceptions: The following activities shall not be construed as a Home Occupation when conducted within a dwelling unit:

- A. the maintenance of a non-lending personal professional library;
- B. the keeping of personal business, financial, or similar records or accounts;
- C. the handling of personal business, professional, or employment-related calls, telecommunicating computer or other electronic and telecommunicative transmissions, and correspondence.

5.11-2.24 Certain Home Occupations Prohibited: Examples of occupations deemed to be prohibited Home Occupations within the regulations of this Section 5.11 include, but are not limited to: clinics, doctors= or dentists= offices, hospitals, restaurants or cafes of any type, catering/food preparation, boarding houses, animal hospitals, shelters, kennels, livery services, and the mechanical or body repair and/or servicing of vehicles. A medical professional may use his dwelling unit for emergency consultation or treatment, but not for the general practice of his profession.

5.12 FENCES: 99-29, Amended, 22-09, 11-16, 01-34, 00-29

5.12-1

All fences shall be constructed in accordance with the requirements and restrictions provided in this Section. It is unlawful for any person to construct or cause to be constructed any fence within the village except in accordance with this Section. No fence, except a decorative fence, shall be erected, installed, extended, or altered unless a building permit is issued by the Village in advance of construction.

5.12-2. Definitions.

Fence: A free-standing structure of metal, masonry, wood or other solid durable material composed of natural, manufactured or processed materials, or any combination thereof, not part of any building, which rests on a raised platform or is supported by posts on or partially buried in the ground, and is used to confine, screen, partition, enclose, visually define or otherwise create a form of barrier for an area. A fence is a structure forming a barrier above a raised platform or at grade level between lots, between a lot and a street or other public right-of-way, or between portions of a lot or lots. A fence may be solid or partially permeable to light and air, and therefore a wall shall be deemed to constitute a fence.

Decorative Fence: Any fence installed only as an ornamental embellishment on a lot which may include associated plantings and/or other landscape features.

Marketing Fence: Any fence installed only as an ornamental embellishment at a lot corner or ad-



adjacent to a street which may include associated plantings and/or other landscape features, which has been installed by a developer of a residential subdivision with the approval of the Village as a temporary structure for purposes of assisting in marketing the development.

#### 5.12-3 Residential Districts

A. R-1 and R-3 Residential Districts. A fence may be placed only around a swimming pool or spa/hot tub parallel to the rear lot line and the house and within the footprint of the house so that the fence does not extend beyond the side of the house extended to the rear. The fence may fully enclose a patio or deck which surrounds a swimming pool or spa/hot tub and may return no further than to the rear corners of a house. If a patio or deck extends beyond the side of a house, a fence must still be located within the footprint of the house.

B. R-2 Residential District. A fence may be placed along the side rear and rear property lines but it may not be constructed in front yards.

a. Rear yard fences on lots in the R-2 District which are adjacent to a body of water that are parallel or substantially parallel to the shoreline or waterline shall be prohibited. Fences on such lots may be erected along the side rear property lines but may extend only to the seawall or normal high water level of the body of water.

#### 5.12-4. Non-Residential Districts

A. A fence may be placed along the side rear and rear property lines but it may not be constructed in front yards.

B. Refuse and Recycling Enclosures: Fences erected for the purpose of enclosing refuse disposal and recycling container storage areas are subject to the following provisions:

1. Enclosure fences shall be solid in nature, such as a “butted board” or “basket weave” design if constructed of wood, or of full-depth face brick masonry or stone. Metal, concrete or cinder block, or vinyl fences of any kind are prohibited. For the purposes of this subsection, a wood “board on board” or “alternating board” design shall be deemed a solid fence if there is no greater than three-fourths of an inch (3/4”) of open space every lineal six and three-quarters inches (6 3/4”), measured either vertically or horizontally along the fence surface. The Village Board may require the design and materials of a refuse and recycling enclosure fence to conform with or be substantially compatible with the materials and design of the principal structure on the lot.

2. The height of the fence shall be six feet.

3. The maximum size of the enclosure shall be 160 square feet.

4. The fence enclosure shall be kept in good repair and shall be fitted with latched solid wood gates of substantially sturdy construction, which shall be kept closed and latched at all times except during depositing and collection of refuse and recycling materials.

5. Refuse and recycling enclosures shall be located in areas designed to minimize exposure to public streets, and shall preferably be located to the rear of buildings, while providing adequate accessibility to service vehicles. Enclosures shall not be placed so they abut residential properties, shall not be located in required aisles or landscape buffers, and shall be subject to

the required setbacks for accessory structures. Containers or material within the enclosure shall not extend above the height of the fence. Enclosures shall be buffered with reasonable quantities of landscaping appropriate to the location. Specific locations, fence materials and details of enclosures shall be as determined and approved by the Village during the site plan review.

5.12-5. Dog runs shall be permitted subject to the following provisions:

A. The height of the fence enclosing the dog run shall not exceed eight feet nor shall it exceed a maximum size of five (5) feet wide by twelve (12) feet long or 60 square feet.

B. The dog run shall be constructed of fencing that is at least 30 percent permeable to both light and air. A dog run may be constructed of chain link fence.

C. A dog run shall only be permitted in the rear yards and shall not extend beyond the footprint of the house. Dog runs shall be immediately adjacent to the house and cannot be a free-standing structure elsewhere on the lot.

D. Only one dog run is permitted on a lot.

E. The perimeter of all dog runs shall be landscaped.

F. All dog runs shall be level.

5.12-6. Fences unique to golf course operations, such as a golf cart storage pen and fence enclosures screening HVAC equipment, refuse, recycling and similar containers which have been erected prior to the approval of this ordinance are permitted, provided that any alteration to these enclosures shall be subject to Village review and approval.

5.12-7. Regulations Applicable to all Fences

A. Material. Except as otherwise provided herein, fences shall be constructed of the following traditional fence material: wrought iron, wrought aluminum, cedar, treated pine, cast iron and split rail. Chain link is prohibited except as expressly provided herein. All fences shall be constructed so the posts and other supporting members face inside toward the fence owner's lot and so that the finished side faces away from the fence owner's lot. The use of barbed wire, chicken wire, razor wire, electrified fence, snow fence (except for seasonal use as provided herein), free standing wire, fencing slats and masonry structures are prohibited.

B. Height. A fence shall not exceed 6 feet in height.

C. Snow fences may be temporarily erected exclusively for the control of snow between November 1 and March 31, provided that snow fences shall be installed only on that portion of a lot which faces or abuts a street or highway, and provided that a permit is issued by the Village.

D. Silt fences may be temporarily erected as otherwise required by the Village Code.

E. Decorative fences may be erected in front, rear and side yards and subject to the following provisions:

1. There shall be a maximum of two such fences in front yards.

2. The fence must have a regular pattern that is at least 80 percent permeable to both light and air when viewed perpendicular to the plane of the fence.

3. Each fence cannot exceed a maximum of 12 feet in total length and four feet in height.

4. Decorative fences shall be prohibited in the front yards of townhouse and condominium properties.

F. Marketing fences may be erected at the entrance to a subdivision subject to the following provisions:

1. There may be a maximum of two such fences if placed at the corner of lots adjoining the street entering the subdivision, or if placed parallel to the street on which the subdivision has frontage. Corner fences and parallel fences cannot be combined.
2. The fence must have a regular pattern that is at least 80 percent permeable to both light and air when viewed perpendicularly to the plane of the fence.
3. Each fence, if placed at a corner, cannot exceed 12 feet in total length and four feet in height. Each fence, if placed parallel to a street, cannot exceed five feet in height and must extend the entire length of the development's frontage.
4. Temporary signage identifying the development may be placed on such fences in accordance with the Village's sign regulations.
5. Such fences and signage shall be removed within 30 days after the last lot in the subdivision has been sold or sooner if otherwise required by the Village.

G. Fences may be located in the rear yard adjacent to a street except in the R-1 and R-3 Districts, provided that they shall be located a minimum of 15 feet from the corner side lot line of the rear yard, whether or not there is a driveway leading to the adjacent street from that lot or from an adjoining lot. Fences may be installed to the property line on the rear lot line except not in the minimum 15 feet beyond the point that the side lot line and the rear lot line converge.

H. Fences used to enclose all or a portion of the lot of public parks and beaches and other public facilities shall not exceed six feet in height, except for fences used to enclose a sport or playing facility in accordance with established standards for such facilities, such as backstops for baseball fields and fencing surrounding tennis, pickleball or basketball courts. Such fencing around a sport or playing facility, field or court may be chain link.

I. Patios and decks may have railings that function as privacy fences, which shall be permitted around the perimeter of said patios and decks but shall have a regular pattern that is at least 50 percent permeable to both light and air when viewed perpendicularly to the plane of the fence, shall have vertical slats only and shall be a maximum height of four feet. Such privacy fences shall be permitted in rear and side yards only, so long as the patio or deck is immediately adjacent to the dwelling unit.

J. The height of fences constructed upon or within five feet of a retaining wall shall be measured from the bottom of the retaining wall.

K. All *bona fide*, tennis, pickleball or basketball courts on residential lots shall have a maximum fence height of 10 feet, and may be a chain link fence. A maximum of one such sport court shall be permitted per lot and shall be located only in the rear yard within the boundaries of the footprint for the residence.

L. Fence post caps of up to four inches above the maximum fence height are permitted.

M. Slats of any kind are prohibited in or upon chain link fences.

N. Other than marketing fences, no signage of any kind, including fencing manufacturer/installer advertising or identification signage, shall be placed or affixed to any fence.

O. Fences shall not be installed such that they interfere with or impede the flow of surface drainage.

P. Fences shall not be erected or installed in utility or drainage easements unless permission is granted in writing by the utility company or companies or any other authority benefitting from the easement. If permission is granted by a utility company or other authority to construct a fence in the easement, the property owner may still be required to remove or relocate the fence as directed by the utility company or other authority.

#### 5.12-8. Maintenance.

Fences shall be maintained so as not to endanger health, life or property nor shall they obstruct sight lines or views for pedestrians or traffic.

#### 5.12-9. Variances

The Village Board may vary the requirements of this Section in its discretion upon demonstrated hardship by a property owner following a public hearing before the Planning and Zoning Commission.

#### 5.13 YARD AND BUILDING SETBACK EXCEPTIONS: 00-2; Amended, 2012-31

The following structures or structural elements shall be allowed to project into or to be constructed in any required yard, or beyond the building setback line, except as otherwise provided in this Code, and except that in no case shall such structure, structural element, or component part thereof extend beyond the property line:

- A. Accessory buildings or structures as provided for in Section 7 of this Code.
- B. Air conditioner (window); central air conditioner, provided that the unit is placed next to the dwelling if for residential use, and placed as designated on an approved site plan and the hot air is baffled in an upward direction if for non-residential use. Central air conditioners shall be prohibited in front yards.
- C. Awnings and canopies as governed by Section 9, Signs, of this Code.
- D. Balconies, unenclosed, not to exceed three feet in depth.

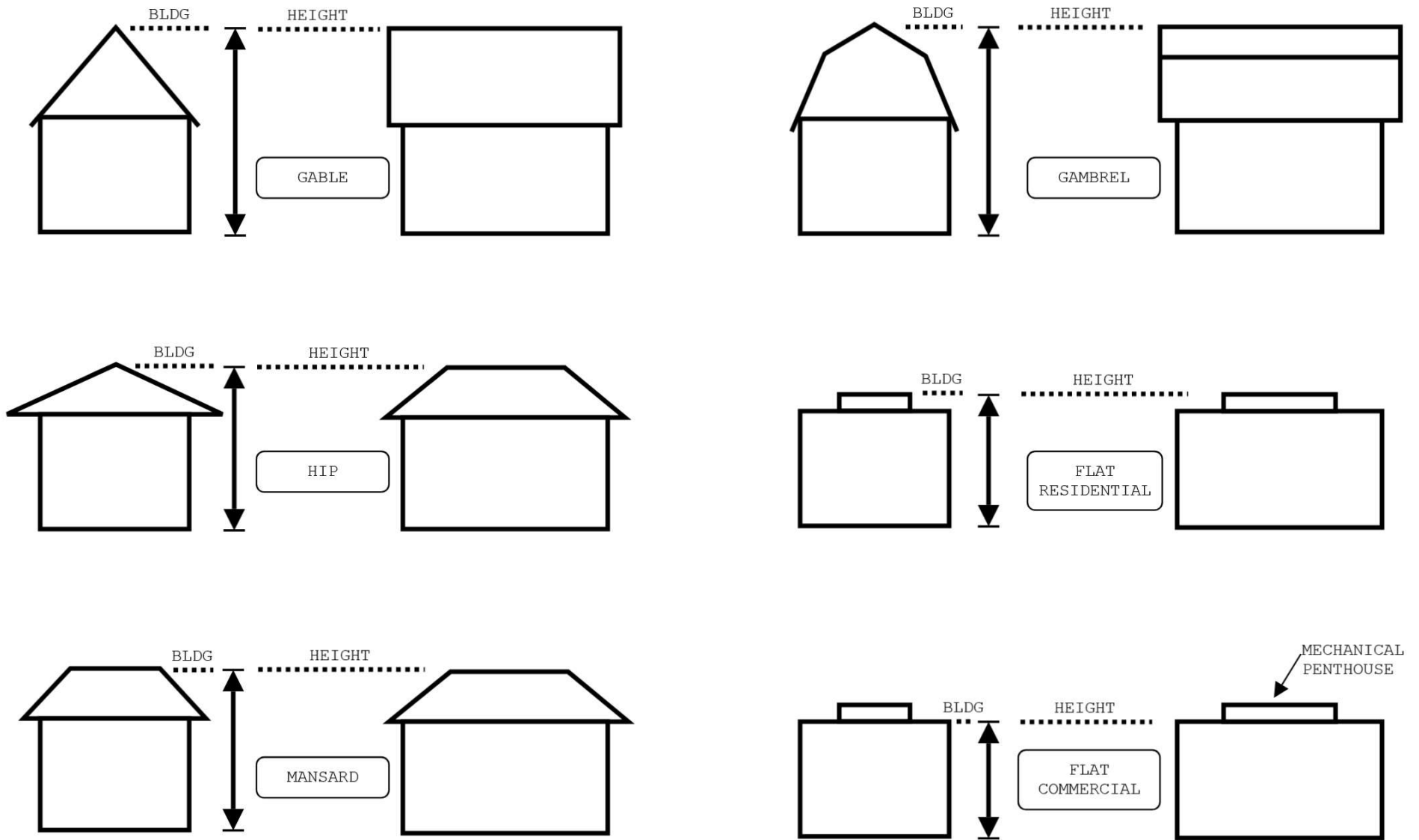
- E. Bay or bow windows, one or two stories, not to exceed three feet in depth.
- F. Driveways and curbs.
- G. Fences, walls, hedges and decorative structures as provided for in Section 5.12 of this Code.
- H. Fireplace chimneys, not to exceed three feet in depth, so long as the chimney chase does not exceed six feet in width.
- I. Flagpoles as governed by Section 9, Signs, of this Code.
- J. Landscape features and plant materials, such as trees, shrubs and flowers. Planter boxes attached to a building shall not exceed two feet in depth.
- K. Overhanging or projecting roofs, eaves, cornices or other similar architectural features, not to exceed two feet in depth (including any gutters attached thereto). For any portion of such features in excess of two feet in depth, only the portion in excess shall count towards any set-back or yard requirements.
- L. Parking spaces as governed by Section 8 of this Code.
- M. Public or municipal utility equipment and supporting structures.
- N. Sidewalks and ramps.
- O. Signs as governed by Section 9, Signs, of this Code.
- P. Steps, stairs and porches, all unenclosed, attached to and projecting from a principal building or to give access to a principal building, not to exceed four feet in height or depth.
- Q. Yard lights and parking lot lighting poles and fixtures.
- R. Emergency back-up generators, enclosed by a sound attenuating box or cabinet which has been professionally manufactured for the generator. Year-round landscaping is required to screen generators that are visible from a street. Generators shall be prohibited in front yards.

5.14 DETERMINATION OF SIMILAR AND COMPATIBLE USES: 00-29; Amended, 00-41

- A. It shall be the duty of the Zoning Administrator to review and determine whether uses that are not specifically enumerated in any zoning district are similar and compatible to those use/uses that are specifically enumerated within a particular district. The Zoning Administrator may approve any such use/uses within a particular district, upon a finding by the Zoning

Administrator that such use/uses are similar and compatible to those use/uses enumerated within the particular district for which the use is being requested. The approval or denial of such use/uses within a particular district by the Zoning Administrator shall be in writing, stating the reasons therefor, and the determination of the Zoning Administrator shall be appealable to the Planning and Zoning Commission. Any appeals from the determination of the Zoning Administrator must be in writing, specifying the grounds for appeal, and filed with the office of the Zoning Administrator within 30 days of the written determination of the Zoning Administrator. Any appeal from a decision of the Zoning Administrator pursuant to this Section 5.14 shall be processed in accordance with the provisions of Section 13 of this Code.

- B. Any uses not permitted by the provisions of this Code or by the provisions of any zoning district shall be specifically excluded and not allowed.



**EXHIBIT "A" - BUILDING HEIGHT**

**FOR ILLUSTRATIVE PURPOSE ONLY. THIS IS NOT PART OF THE ZONING CODE. THE REGULATIONS OF THE ZONING CODE GOVERN IN ALL CASES.**