

apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

1. Buildings located entirely on the rear half of a lot shall not be counted.
2. No building shall be required to have a front yard greater than 50 feet.
3. If no building exists on one side of a lot within 200 feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

**165.21 SETBACK REQUIREMENTS FOR OUTDOOR ADVERTISING SIGNS.** In all districts where permitted, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts; and when at the intersection of streets and/or highways, setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this chapter) shall not be less than the required front yard depth for a principal building in such district from each street and/or highway.

**165.22 ZONING ANNEXED AREAS.** Any land annexed to the City after the effective date of these zoning regulations shall be zoned R-1 Residential until the Planning and Zoning Commission and Council have studied the area and adopted a final zoning plan for the area in accordance with this chapter. Said final zoning plan shall be adopted within six months of date of annexation.

**165.23 EXCEPTIONS AND MODIFICATIONS.**

1. Building Height Limit. The building height limitations of this chapter shall be modified as follows:
  - A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.
  - B. Public, semi-public or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples, when permitted in a district, may be erected to a height

not exceeding 75 feet if the building is set back from each property line one foot in addition to the minimum yard requirements for every two feet of building height above the height limit otherwise provided in the district in which the building is constructed.

2. Special Uses. The Council, by special permit after public hearing, may authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all affected property owners in advance of the hearing by placing notices in the United States mail.

A. Any public building erected and used by any department of the City, Township, County, State or Federal government.

B. Airport or landing field.

C. Community building or recreation center.

D. Hospitals, homes for the aged, nursing homes, nonprofit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height but not less than the yard requirements for the district in which located.

E. Mobile home parks, subject to the following minimum development requirements:

(1) Requirements for Park.

a. Front yard (to be measured from all streets on which park abuts) – 35 feet.

b. Side yard – 35 feet.

c. Rear yard – 35 feet.

d. Minimum area – one acre.

e. Drives – 25 feet in width, surfaced with asphalt or Portland cement concrete.

f. Sanitary facilities – connection with the municipal sewer system or adequate private sewage disposal facilities.

(2) Requirements for Mobile Home Spaces.

a. Minimum space size – 40 feet by 75 feet.

- b. Minimum space area – 3,000 square feet.
  - c. Off-drive parking – one parking space for each mobile home space.
  - d. Minimum front yard – 15 feet.
  - e. Minimum rear yard – 10 feet.
  - f. Minimum side yard – 5 feet.
- F. Preschools.
  - G. Cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Planning and Zoning Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed; provided, however, if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the Commission.

#### **165.24 NONCONFORMING USES.**

1. Intent. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter should be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual