

## Chapter 2 ZONING DEFINITIONS

### 5-2-1 DEFINITIONS

\* \* \* \*

~~AGRICULTURAL BUILDING OR STRUCTURE: Shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.~~

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, **specifically limited to growing crops, pasturage**, horticulture, floriculture, or viticulture and animal and poultry husbandry (including the breeding and raising of horses as an occupation) and the necessary accessory uses **buildings used** for handling or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural **products of such** activities.

**AGRICULTURE, EXPANDED: The use of land for the breeding and raising, but not the boarding, of domestic livestock (limited to horses, cattle and sheep) and the necessary buildings or structures used for the handling or storing of such livestock and the necessities required for such activities.**

\* \* \* \*

~~ANIMAL HUSBANDRY: The breeding and raising of livestock, such as horses, cows and sheep, but specifically excluding dogs and cats.~~

\* \* \* \*

**CROP: A “crop” is a plant that can be grown and harvested for profit or sustenance.**

\* \* \* \*

**STABLE, PRIVATE: A “private stable” is a stable intended solely for the use of the residents of the property on which the stable is located. A private stable shall not be used in connection with a permitted home occupation.**

\* \* \* \*

### Chapter 3 GENERAL ZONING PROVISIONS

#### 5-3-4: REGULATIONS FOR SPECIFIC USES:

(A) ~~Agriculture: The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply. (Reserved)~~

\* \* \* \*

(D) Home Occupation:

\* \* \* \*

#### 3. Use Limitations:

\* \* \* \*

g. Boarding And Training Of Horses: ~~Notwithstanding anything to the contrary contained in this subsection (D),~~ **The** boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation **subject to the provisions of sub-subsections 3(a) through (f) of this Section 5-3-4(D)**; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of eight o'clock (8:00) A.M. and **to the later of** eight o'clock (8:00) P.M. or sunset, ~~whichever is later.~~

\* \* \* \*

#### 5-3-7: NUMBER OF BUILDINGS ON ZONING LOT:

Not more than one principal detached residential building **dwelling** shall be located on a zoning lot, nor shall a principal detached residential building **dwelling** be located on the same zoning lot with any other principal building. **For any zoning lot, the principal use of which is agriculture or expanded agriculture, the principal building shall be the building used in connection with such agricultural purposes. Dwelling units shall not be located on any zoning lot, the principal use of which is agriculture or expanded agriculture.**

\* \* \* \*

**[Additions/Deletions]**  
Agriculture Amendment

5-3-9: BULK REGULATIONS:

\* \* \* \*

- (F) Permitted Obstructions In Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

\* \* \* \*

**5. In All Yards on Lots used for Agriculture or Expanded Agriculture: Growing crops, pasturage, horticulture, floriculture and viticulture may be performed in all yards.**

\* \* \* \*

## Chapter 5 RESIDENTIAL DISTRICTS

\* \* \* \*

### 5-5-2: PERMITTED USES:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. Other than accessory uses, only one of the enumerated permitted uses may be established on a zoning lot. Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 through R4 districts, as set forth in this section. No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

Special uses allowed in accordance with the provisions of section 5-5-3 of this chapter.

~~Uses lawfully established on April 1, 1963.~~

Uses lawfully established on April 1, 1963, and ~~rendered nonconforming thereafter,~~ shall be subject to the regulations of chapter 9 of this title.

(A) Permitted Uses, R1 District: The following uses are permitted in the R1 district:

1. **Single-family detached dwellings.**
2. **Agriculture.**
3. **Signs, as regulated by section 5-5-11 of this chapter.**
4. Accessory uses, incidental to and on the same or an adjacent zoning lot or lots under one ownership, as the principal use:
  - a. ~~Agricultural buildings and structures~~ **Agriculture for consumption of such agricultural products by the owner of such lot, as accessory only to single-family dwellings.**

\* \* \* \*

**h. Private stables and the keeping of horses owned by the owner of the lot, as accessory only to single-family detached dwellings.**

**i. Roadside stands, as accessory only to agriculture.**

**[Additions/Deletions]**  
Agriculture Amendment

\* \* \* \*

- I. Stables and the keeping of horses, in connection to a permitted home occupation, as accessory only to single-family detached dwellings.**

\* \* \* \*

~~Agriculture.~~

~~Signs, as regulated by section 5-5-11 of this chapter.~~

~~Single-family detached dwellings.~~

- (B) Permitted Uses, R2 District:  
Any use permitted in the R1 district, **except agriculture.**
- (C) Permitted Uses, R3 District:  
Any use permitted in the R1 district, **except agriculture.**
- (D) Permitted Uses, R4 District:  
Any use permitted in the R1 district, **except agriculture.**

**5-5-3: SPECIAL USES:**

Special uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of special use permits in accordance with the provisions of section 5-10-7 of this title. Unless otherwise specifically set forth, wherever a special use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 district, subsection (A) of this section.

- (A) Special Uses, R1 District: The following special uses may be allowed in the R1 district:

\* \* \* \*

**7. Expanded agriculture.**

\* \* \* \*

- (B) Special Uses, R2 District: Any use allowed as a special use in the R1 district, **with the exception of expanded agriculture.**
- (C) Special Uses, R3 District: Any use allowed as a special use in the R1 district, with the exception of the following:

**[Additions/Deletions]**  
Agriculture Amendment

\* \* \* \*

**2. Expanded agriculture.**

\* \* \* \*

(D) Special Uses, R4 District: Any use allowed as a special use in the R1 district, with the exception of the following:

\* \* \* \*

**2. Expanded agriculture.**

\* \* \* \*

5-5-4-1: MINIMUM LOT AREA, PERMITTED USES:

\* \* \* \*

Agriculture:

- R1 10 acres
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

\* \* \* \*

5-5-4-2: MINIMUM LOT AREA, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

- R1 20 acres
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

\* \* \* \*

5-5-4-3: MINIMUM LOT AREA, ACCESSORY USES:

\* \* \* \*

Stables, **including private stables:**

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

\* \* \* \*

**[Additions/Deletions]**

Agriculture Amendment

5-5-5-1: MINIMUM AVERAGE LOT WIDTH, PERMITTED USES:

\* \* \* \*

Agriculture:

- R1 300 feet
- R2 ~~300 feet~~ **Not allowed**
- R3 ~~300 feet~~ **Not allowed**
- R4 ~~300 feet~~ **Not allowed**

\* \* \* \*

5-5-5-2: MINIMUM AVERAGE LOT WIDTH, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

- R1 500 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

\* \* \* \*

5-5-5-3: MINIMUM AVERAGE LOT WIDTH, ACCESSORY USES:

\* \* \* \*

Stables, **including private stables:**

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

\* \* \* \*

5-5-6: FRONT YARDS:

Front yards shall be provided in accordance with the regulations hereinafter indicated. Front yards shall be unobstructed from ground level to sky, except as allowed in **sub** section 5-3-9 **(F)** of this title.

5-5-6-1: MINIMUM FRONT YARD, PERMITTED USES:

\* \* \* \*

Agriculture:

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

**[Additions/Deletions]**  
Agriculture Amendment

\* \* \* \*

5-5-6-2: MINIMUM FRONT YARD, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

**R1 150 feet**

**R2 Not allowed**

**R3 Not allowed**

**R4 Not allowed**

\* \* \* \*

5-5-6-3: MINIMUM FRONT YARD, ACCESSORY USES:

\* \* \* \*

Agricultural buildings and structures:

R1 — 150 feet

R2 — 150 feet

R3 — 150 feet

R4 — 150 feet

\* \* \* \*

Stables, including private stables:

R1 150 feet

R2 150 feet

R3 150 feet

R4 150 feet

\* \* \* \*

5-5-7-1: MINIMUM INTERIOR SIDE YARD, PERMITTED USES:

\* \* \* \*

Agriculture:

R1 ~~No requirements~~ **150 feet**

R2 ~~No requirements~~ **Not allowed**

R3 ~~No requirements~~ **Not allowed**

R4 ~~No requirements~~ **Not allowed**

\* \* \* \*

5-5-7-2: MINIMUM INTERIOR SIDE YARD, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

**R1 150 feet**

**R2 Not allowed**

**[Additions/Deletions]**  
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**R3 Not allowed**  
**R4 Not allowed**

\* \* \* \*

5-5-7-3: MINIMUM INTERIOR SIDE YARD, ACCESSORY USES:

\* \* \* \*

~~Agricultural buildings and structures:~~

~~R1 — 100 feet~~  
~~R2 — 100 feet~~  
~~R3 — 100 feet~~  
~~R4 — 100 feet~~

\* \* \* \*

5-5-8-1: MINIMUM CORNER SIDE YARD, PERMITTED USES:

\* \* \* \*

Agriculture:

~~R1 No requirement **150 feet**~~  
~~R2 No requirement **Not allowed**~~  
~~R3 No requirement **Not allowed**~~  
~~R4 No requirement **Not allowed**~~

\* \* \* \*

5-5-8-2: MINIMUM CORNER SIDE YARD, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

**R1 150 feet**  
**R2 Not allowed**  
**R3 Not allowed**  
**R4 Not allowed**

\* \* \* \*

5-5-8-3: MINIMUM CORNER SIDE YARD, ACCESSORY USES:

\* \* \* \*

~~Agricultural buildings and structures:~~

~~R1 150 feet~~  
~~R2 150 feet~~  
~~R3 150 feet~~  
~~R4 150 feet~~

\* \* \* \*

Stables; **including private stables:**

**[Additions/Deletions]**

**Agriculture Amendment**

- R1 150 feet
- R2 150 feet
- R3 100 feet
- R4 100 feet

\* \* \* \*

**5-5-9-1: MINIMUM REAR YARD, PERMITTED USES:**

\* \* \* \*

**Agriculture:**

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

\* \* \* \*

**Expanded Agriculture:**

- R1 **150 feet**
- R2 **Not allowed**
- R3 **Not allowed**
- R4 **Not allowed**

\* \* \* \*

**5-5-9-3: MINIMUM REAR YARD, ACCESSORY USES:**

\* \* \* \*

**Agricultural buildings and structures:**

- R1 — 100 feet
- R2 — 100 feet
- R3 — 100 feet
- R4 — 100 feet

\* \* \* \*

**Stables, including private stables:**

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

\* \* \* \*

**5-5-10-1: MAXIMUM FLOOR AREA RATIO, PERMITTED USES:**

\* \* \* \*

**Agriculture:**

**[Additions/Deletions]**  
Agriculture Amendment

- R1 0.05 times the lot area**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

5-5-10-2: MAXIMUM FLOOR AREA RATIO, SPECIAL USES:

\* \* \* \*

**Expanded Agriculture:**

- R1 0.05 times the lot area**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

\* \* \* \*

5-5-13: OFF-STREET PARKING, SPECIFIC REQUIREMENTS:

- (A) R1 District: Off-street parking spaces accessory to uses allowed in the R1 District shall be provided in accordance with the following minimum requirements:

\* \* \* \*

2. Agriculture; **including expanded agriculture:** There shall be no requirements, except with respect to accessory roadside stands for which shall be provided spaces adequate in number, as determined by the Enforcing Officer, to serve the public.

[**Additions**/Deletions]  
Agriculture Amendment

**Chapter 9**  
NONCONFORMING BUILDINGS, STRUCTURES, USES

\* \* \* \*

5-9-3: NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF:

\* \* \* \*

(G) Change of Nonconforming Use:

\* \* \* \*

**4. Any nonconforming agriculture or expanded agriculture use that has not been terminated pursuant to any other provision of this chapter shall be terminated no later than seven (7) years after the effective date of the amendment to this Title creating such nonconforming use.**