

CHAPTER 4

DISTRICT REGULATIONS

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in this Ordinance.

- A. For any wedge shaped lot the frontage required shall be measured at the front building line.
- B. Front yard setbacks shall be measured from the street right-of-way or easement line.
- C. For buildings of more than one story the minimum width of the side yard shall be not less than 10 feet. On a lot where the principal use is a non-residential building there shall be a side yard of not less than one-half the height of the building, but in no case less than 15 feet.
- D. If in any given block one side of the street is occupied by structures 50% of which do not comply with the front yard setback requirements, then new construction may conform to the average setbacks of the existing structures.
- E. The setback requirement of "1'1' ht." Shall mean the height of the wall nearest the pertinent lot line, measured from the floor elevation to the top plate of the wall.
- F. The exterior side yard setback for lots which side up to street with rights-of-way wider than 60 feet shall be 10 feet.
- G. In Lake Front Resort districts the Planning Commission may approve plats showing setback lines of less than the standard dimension, and the Board of Adjustment may approve on an individual basis the location of buildings other than the standard required setback if the topography of the land or the shore line of the Lake create unusual physical conditions.
- H. If a lot within a City block is rezoned from R-1 or R-1(s) to R-2 or R-3, but such rezoned lot does not comply with current lot area and lot width minimums as noted in the following table, the owner may construct an improvement on such rezoned lot, notwithstanding such non-compliance with lot area and lot width minimums, only if (a) at least 50% of all other lots in such City block do not comply with the minimum lot area or the lot width at the front of the building line noted in the following table for the zoning classifications for such other lots, (b) the subject lot contains a lot area and lot width at the front of the building line equal to or greater than the average lot area and lot width at the front of the building line of all other lots in such City block, and (c) the proposed newly-constructed improvement complies with all other applicable ordinances. (*Added H. per Ordinance No. 556, 6/3/2008*).
- I. Single Family Patio Homes (Zero-Lot Line) dwellings may, where permitted, be located such that one exterior sidewall is constructed with no setback from an interior side property line, and are subject to the following conditions:
 - 1) No windows, doors, or other openings are permitted in said sidewall.
 - 2) The opposite side yard on the same property shall be a minimum of fifteen (15) feet in width.

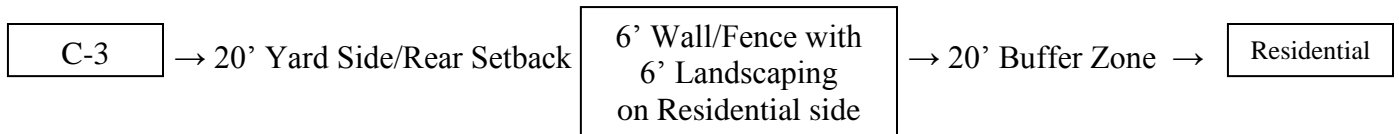
Single-Family Townhouses (Attached) dwellings may, where permitted, be located such that the dwelling is joined to another similar single-family dwelling, constructed on the adjoining lot, by a party (i.e. shared) wall. With no setbacks from an interior property line, and are subject to the following conditions:

- 1) Shared wall shall not contain doors or other openings, and shall be designed to meet the applicable building and fire code requirements.
- 2) Each group of abutting lots, or entire subdivisions, intended for such use shall have covenants or restrictions which run with the land upon which the units are located. Said covenants or restrictions shall specify methods and responsibilities for dealing with common expenses among owners of abutting units. (Covenants must be made a part of the site plan and plat filed and recorded in the office of the Delaware County Clerk's office.) *(Added I. Per Ordinance No. 595, 03/16/2010).*

J. For purposes hereof, a "Buffer Zone" shall mean an open area of land that shall be accompanied by an opaque impassable fence or wall with landscape features to shield and protect the abutting property from annoyance, noise, traffic and light pollution, maintain the integrity of neighboring zoning districts and to lessen the impact of C-3 commercial districts abutting residential districts.

In addition to the twenty feet (20') required minimum interior and rear yard setbacks, a Buffer Zone of not less than twenty feet (20') shall be required for all sides of C-3 commercial zoned property that abuts residential zoned property. The setback requirements and the Buffer Zone shall be separated by a six foot (6') opaque impassable fence or wall. In addition, planting of a six foot (6') solid evergreen landscape screening on the residential side of the fence or wall is required. The landscape screening and the wall or fence shall be properly maintained and shall not display any type of advertising or signage.

No buildings or storage shall be allowed on the required setback, however the setback may be utilized for parking, or ingress and egress to the commercial property. The Buffer Zone shall be seeded or sodded with grass and remain an open green area with no buildings or storage allowed and shall be properly mowed and maintained.



(Added J. Per Ordinance No. 595, 03/16/2010).

K. When more than one contiguous lot located in a residential district is owned by the same property owner and the property owner desires to construct a residential home on more than one of the contiguous lots. The property owner shall provide proof of ownership and shall provide proof that there are no dedicated easements located between the contiguous lot boundary lines. Upon receipt of said documentation, the property owner may obtain a Building Permit to construct residential structures over the contiguous lot lines without being required to meet the interior side yard setbacks established in the Chapter 4 – Regulations Table. All other District Regulations in Chapter 4 and the Regulations Table shall be required. *(Added K. per Ordinance No. 695, 02/17/2015)*

SECTION 4-1. EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

1. DEFINITIONS:

For the purpose of the City of Grove Zoning Ordinance, the following definitions shall apply:

- A. Masonry Construction – This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the

exterior construction of buildings within each zoning district, this term shall include the following materials:

- 1) Hard fired brick kiln fired clay or slate material; severe weather grade; minimum thickness of three inches; may include concrete brick if it conforms to the same ASTM standards.
- 2) Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction; may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance.
- 3) Decorative concrete block: Highly textured finish, such as split-face, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on.
- 4) Concrete pre-cast or tilt-wall panels only allowed if a highly textured, architectural finish; can be brick-like or stone-like in appearance; coloration shall be integral to the masonry material and shall not be painted on.
- 5) Glass (windows) or Glass blocks or tiles of the type customarily used in exterior building construction; shall not be highly reflective or have a mirror-like finish.

B. Highway Corridor – This term shall be construed to mean any commercially zoned lot or parcel of land located within the corporate limits of the City of Grove, and which has frontage on any U.S. or State Highway.

C. Primary Arterial Streets – This term shall be construed to mean a public right-of-way more than twenty (20) feet in width which provides a public means of access to abutting property and used primarily for vehicular circulation, and as indicated on Attachment A which shall be part of this Ordinance.

D. Non-residential – This term shall be construed to mean any building that is not designed for or used exclusively for residential purposes by one or more persons. Cabins, boarding rooms/homes, motel, hotel, or facilities providing in-patient health services to individuals such as hospitals, convalescent, rest or nursing homes are considered non-residential buildings.

E. Institutional Buildings – This term shall be construed to mean any building organized, established, used or intended to be used for the promotion of a public, religious, education, charitable, cultural, social, philanthropic activities normally operated on a non-profit basis.

2. MINIMUM EXTERIOR CONSTRUCTION STANDARDS:

The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all non-residential or institutional building construction occurring within the City of Grove *Highway Corridor* or on any commercial property which has frontage on any primary arterial street. (*Section 4-1.2 amended per Ordinance No. 665, 5/21/2013*)

A. New Non-residential and Institutional Buildings

Metal Exterior Construction is prohibited on newly constructed Non-Residential or Institutional Structures, which are located within the City of Grove *Highway Corridor*, or on commercial property which has frontage on any primary arterial street.

- 1) New construction of non-residential and institutional buildings shall conform with the following use of approved materials:
 - a. The building façade, facing the public right-of-way and within public view shall have a minimum 60% masonry construction, combined with approved exterior siding material(s).
- 2) Areas of a façade that are devoted to windows, doors, or stoops or arcades/colonnades, breezeways or courtyards shall not be counted as “wall surface” when calculating the masonry requirement provided that stoops, arcades/colonnades, breezeways and courtyards are at least four feet (4’) deep and eight feet (8’) wide (i.e., at least 32 square feet in area).

B. Existing Non-residential and Institutional Buildings

Structures in existence prior to the adoption and effective date of this Ordinance, shall become non-conforming structures and shall comply with Section 6-1 Non Conforming Uses of the City of Grove Zoning Regulations.

C. Approved Exterior Siding Materials.

- 1) The following exterior siding materials not to exceed 40% may be used in combination with any approved masonry construction the exterior façade of the structure.
- 2) The approved exterior siding materials are limited to Hardy Plank/Board, Smart Panel, EFIS, or stucco.

D. Alternative Exterior Materials:

- 1) Any material(s) not listed in 2.C (Approved Exterior Siding Materials) must be approved by the Planning and Zoning Commission prior to use of material.
- 2) All written requests for alternative exterior building materials shall be clearly noted and described in detail on a color façade plan that is submitted along with the site plan. The City requires submission of an actual sample(s) of the proposed exterior finish material(s) along with the façade plan and the site plan.
- 3) The Planning and Zoning Commission may approve an alternative exterior construction material(s) if it is determined to be equivalent or better than the exterior materials otherwise required by this Subsection and by the City’s Building Code as part of the site plan approval process.
- 4) Consideration for exceptions to the above exterior construction requirements shall be based only upon the following:
 - (a) Architectural design, creativity and innovation;
 - (b) Compatibility with surrounding structures;
 - (c) Long-term durability and weather-resistance of the material(s); and

(d) Long-term stability in property value due to the high quality of the material(s).

E. Exemptions: The following structures are exempt from the masonry construction requirements outlined within this subsection:

- 1) New non-residential or institutional construction which is not located within the City of Grove *Highway Corridor* or which does not have frontage on any primary arterial street.
- 2) Buildings located within an Industrial Zoned District.
- 3) Barns or other accessory building in the Agricultural (A) zoning district, or located on property of ten (10) acres or more in any zoning district, provided that such barns or accessory buildings are used solely for agricultural purposes (as distinguished from commercial purposes);
- 4) Mobile homes otherwise lawfully existing as of the effective date of this Ordinance;
- 5) Historic structures (with a local, State or national designation/registry as an historic structure);
- 6) Residential and accessory buildings in any residential zoning district;
- 7) Accessory and maintenance buildings for the following: a public golf course, a public or parochial school, or any existing City facility;
- 8) Temporary construction buildings, field offices and sales offices (provided that such facilities are legally permitted by the City for a specific period of time and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first).

(Section 4.1.2 Amended per Ordinance No. 665, 05/21/2013)

SECTION 4-2. CARPORT ALLOWED IN RESIDENTIAL DISTRICTS

1. DEFINITIONS:

For the purpose of the City of Grove Zoning Ordinance, the following definitions shall apply:

- A. Carport – This term shall be construed to mean a non-enclosed structure which offers limited protection to automobiles from the weather elements. A Carport can either be free standing or attached to a personal residence.

2. MINIMUM STANDARDS:

A Carport may be constructed in a residential district if the following requirements are met:

- 1) Minimum yard setback requirements are met for the zoning district in which it is located;
- 2) The area of the Carport, combined with all other structures on the lot, shall not exceed the maximum lot coverage established for the zoning district in which it is located;
- 3) No part of the proposed Carport canopy or appurtenance may extend beyond the front property line or onto the public right-of-way;

- 4) The Carport shall only be used for the storage of operable automobiles and shall not be used for the outside storage of other personal property, including materials, goods, supplies, furniture, watercraft, recreational vehicles and trailers, appliances, or inoperable automobiles (Storage and parking of recreational vehicles including watercraft and trailers must comply with Chapter 5, Section 5-5 of the City of Grove Zoning Ordinances);
- 5) The proposed Carport shall be constructed in a manner compatible with a minimum of 50% of other Carports located on other lots in such City block as to both value and exterior appearance (such as type of frame, roof, structural design, etc.);
- 6) A building permit shall be required prior to construction of the Carport, and the Carport shall comply with all applicable building, zoning and development codes;
- 7) The Carport shall not be enclosed or the building permit shall be revoked and the owner cited for noncompliance.

EXCEPTIONS: Construction of Carports may be allowed to extend beyond the minimum front yard setback requirement in residential districts upon approval by the Planning and Zoning Commission. The Planning and Zoning Commission shall not have discretion to approve encroachment onto the front yard setback requirement unless (a) items 2-7 previously listed are met, and (b) minimum of 50% of all other lots in such City block do not comply with minimum front yard setback requirements at the time of the application for encroachment. *(Added Section 4-2 per Ordinance No. 581, 7/21/09).*