

**Adopted August 23, 2010**

**ARTICLE V - AGRICULTURAL – SUBURBAN ESTATE RESIDENTIAL - A-SER**

**500-PURPOSE** - The purpose of the A-SER District is: 1) to preserve and protect the decreasing supply of prime agricultural land and open space, and 2) to permit a degree of low density development of a rural non-farm nature.

**501-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. Agricultural dwellings, barns and their accessory uses and buildings;
2. The growing and selling, either retail or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry;
3. One (1) single family dwelling with an attached private garage and/or one (1) detached private garage, and accessory building, exclusive of trailers or house trailers.
4. Governmental and public buildings;
5. Public service facilities.

**502-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. All uses specified in Article XVI, Section 1600.
2. Boarding kennels.

**503-GENERAL REQUIREMENTS -**

**FRONT YARDS** - The building setback at the front shall not be less than seventy-five (75) feet from the street or road property line, or one hundred (100) feet from the street or road center line, whichever may be greater.

**REAR YARDS** - There shall be a rear yard of no less than eighty (80) feet.

**SIDE YARDS** - A dwelling only, on an interior lot, total side yard of no less than fifty (50) feet and the width of the narrower of the two (2) side yards shall be no less than ten (10) feet. A dwelling constructed with an attached or integral garage, the total side yard may be reduced to an overall total of no less than forty-six (46) feet. In the case of a corner lot, no structure shall be placed closer than twenty (20) feet to the side street property line nor closer than ten (10) feet to the interior lot line.

**AREA AND FRONTAGE** - Minimum area of two (2) acres, a frontage of no less than one hundred twenty-five (125) feet at the front property line nor less than one hundred (100) feet at the building line and a depth of no less than two hundred (200) feet; except that nothing in this ordinance shall prevent the use for residential purposes of a lot platted

prior to the time of enactment of this ordinance, providing the front yard, rear yard and side yard requirements as stipulated above, are met.

**MINIMUM FLOOR AREA** - No dwelling shall have a livable ground floor area which totals less than:

1,400 square feet - one story plan without basement;

1,300 square feet - one story plan with basement;

1,500 square feet - total for a two-story plan;

1,300 square feet – total for a story and a half plan;

1,300 square feet - split level-total living area on upper and lower level.

The foregoing are exclusive of open and screened porches.

**HEIGHT** - Dwellings shall not exceed thirty-five (35) feet in height. There shall be no limit on the height of non-residential structures, except that for each foot the height of such a structure exceeds thirty-five (35) feet, the total width of the two (2) side yards shall be increased by two (2) feet. No living quarters shall be placed in a basement or in any other room or space having less than four (4) feet of ceiling clearance above the average ground level.

**504-PRIVATE GARAGE AND ACCESSORY BUILDING** - No detached garage or other outbuilding (including a portable-canvas garage) shall be placed nearer to a side or rear property line than ten (10) feet. Detached garages or other outbuildings (including a portable-canvas garage) shall be placed no closer to the front property line than the setback of the dwelling. A detached garage or other outbuilding (including a portable-canvas garage) placed within a side yard shall comply to the same side yard requirements as an attached garage. In the case of a corner lot, no building shall be placed nearer to the side street than the side yard requirement of the dwelling. No living quarters (dwelling unit) shall be placed in any portion of a detached residential garage. There shall be no more than one (1) outbuilding other than a detached garage per agricultural lot. An outbuilding shall be no larger than 240 square feet.

**CARPORTS** - Attached carports may not extend nearer to a rear property line than twenty-five (25) feet or nearer to a side yard property line than the side yard requirements of the dwelling. Detached carports are subject to the requirements as stipulated for detached garages and accessory buildings.

**505-FENCING** - Fencing of residential properties shall be permitted provided that any fence in excess of three (3) feet in height extends no nearer to the front street than the front yard requirement of the dwelling and further provided the fence does not exceed six (6) feet in height. In the case of a corner lot, no fence in excess of three (3) feet may extend nearer to the side street than the side yard requirement of the dwelling. It shall be the responsibility of the property owner erecting the fence to provide for maintenance of the outside surface. The finished surface shall in all cases shall be to the outside, with all posts, braces, etc. to the inside. All matters of dispute shall be civil matters between the parties.

**506-OPEN FRONT, SIDE AND REAR PORCHES** - An open front porch may not extend nearer to a front property line than ten (10) feet or nearer to the side yard property line than the side yard requirements of the dwelling. An open side porch may not extend nearer to a side yard property line than the side yard requirements of the dwelling. An open rear porch may not extend nearer to a rear property line than twenty (20) feet or nearer to a side yard property line than the side yard requirements of the dwelling. An open porch is defined as open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash, or an enclosed railing more than three (3) feet in height as measured from the finished floor elevation.

**507-GAZEBOS** - Gazebos must be placed within the rear yard a minimum of forty (40) feet from the front foundation of the dwelling and a minimum of five (5) feet from a side or rear property line. In the case of corner lot, no gazebo shall be placed nearer than twenty (20) feet to a side street property line.

**508-HOT-TUBS** - Hot tubs and their appurtenances must be placed at the rear of the dwelling. Hot tubs and their appurtenances may not extend nearer to a rear property line than twenty-five (25) feet or nearer to a side yard property line than the side yard requirements of the dwelling.

**509-DRIVEWAYS** - The driveway leading from the street right-of-way to the single-family dwelling shall be constructed as a hard surface driveway, consisting of brick, concrete, or asphalt, for the first sixty (60) feet from the public right-of-way.

### **510-SWIMMING POOLS**

A receptacle for water having a water surface area of more than one hundred (100) square feet and a depth greater than twenty-four (24) inches shall be considered to be a private swimming pool for the purpose of this ordinance and shall be subject to the following restrictions:

A Zoning Permit shall be required for such pool, and these specifications shall apply to all lands encompassed within the zoning ordinance, irrespective of how zoned.

#### **PERMANENT IN-GROUND SWIMMING POOL**

(1) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten (10) feet from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(2) The pool area shall be entirely enclosed by a fence. All fence openings into the pool area enclosure shall be equipped with doors or gates with self-closing and self-latching devices that a young child cannot open from outside the fence. The fence and gate shall be not less than four (4) feet and not over six (6) feet in height above ground level, commencing at grade level and extending vertically. Such fence may enclose either the

pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.

### **PERMANENT ABOVE GROUND SWIMMING POOLS FOUR FEET (4') OR ABOVE**

(1) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten (10) feet from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(2) Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions, including, but not limited to, removing all ladders and other forms of access to pools when the pools are not in use. Above ground pools that are surrounded in whole or part by decks or other above ground structures shall have access gates that are equipped with locks or other such devices that a young child cannot open from outside the gate and which serve adequately to protect children from entry to the pool.

(3) Decks and other appurtenances placed adjacent and/or attached to above ground swimming pools must be placed a minimum of five (5) feet from side and rear property lines.

### **TEMPORARY PORTABLE SWIMMING POOLS SUMMER USE ONLY**

(1) "Summer use only" means the pool cannot be erected before May 1st and must be dismantled by October 1st. The dimensions of a temporary portable swimming pool shall be less than one hundred (100) square feet and a depth less than twenty-four (24) inches. If a temporary portable pool is left up beyond the above-mentioned dates it becomes a permanent pool and the rules for permanent above ground pools shall apply.

(2) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten feet (10') from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(3) No zoning permit shall be required for a temporary portable swimming pool.

**511-HEAVY EQUIPMENT** - In an agricultural district, the parking or storage of heavy equipment used for business purposes is prohibited.

**512 EASEMENTS**-No structure may be placed on a recorded easement. It is the property owner's responsibility to know if an easement(s) exists.

**513-STORAGE** -No cargo trailer, shipping container, or metal trailer, mounted on axles or devoid of axles, shall be used for storage purposes; and shall not be stored on a residential parcel.

**513-SIGNS** - Signs shall be regulated in Article XVIII of these regulations.