

## Sec. 25-133. - Development regulations.

(a) *Development regulations table.*

- (1) Minimum lot area, area per dwelling, minimum lot width, required yards, and maximum height requirements for permitted building uses or structures in the various districts are listed in the table entitled "Development Regulations" on the following pages.
- (2) The regulations listed for each zone as designated, reading from left to right across the table, are hereby prescribed for such zones, subject to the other provisions of this chapter and shall be deemed to be the minimum requirements in every instance of their application, unless otherwise stated.
- (3) Whenever any currently existing dwelling unit is converted into a multi-family dwelling unit, the area requirement as set forth in the development regulations table shall be considered to remain that which would be required had said unit not been so converted.
- (4) Where a proposed development site consists of more than one (1) lot of record, the applicable zoning requirements and standards shall be fully satisfied for each individual lot of record, unless and until the individual lots comprising the development site shall be consolidated into one (1) undivided lot of record in the county land records. In the event the lots are consolidated, the instrument effecting the consolidation shall include the following statement: "In accordance with Sections 25-133(a)(4) and 25-205(a) of the City of Cumberland Zoning Ordinance, the property described herein shall be treated as one lot of record."

DEVELOPMENT REGULATIONS TABLE

Zone & Predominant Permitted Uses	Lot Requirements			Building Setback Requirements			Building Height Requirements		Building Coverage Requirements
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area per D.U. (Sq. Ft.)	Minimum Lot Width (Ft.)	[8] Front (Ft.)	[8] Rear (Ft.)	Side (Ft.)	Stories	Feet	
<b>R-E</b>									
Single-family detached	87,120	87,120	150	30	50	30	3	35	20
Single-family detached (cluster)	—	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	—	1,800	16 [2]	20	35	6 [1]	3	35	60
Two-family (cluster)	—	2,000	40	20	35	6 [1]	3.5	45	40

<b>R-S</b>									
Single-family detached	12,000	12,000	90	30	35	15	3	35	25
Single-family detached (cluster)	—	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	—	1,800	16 [2]	20	35	6 [1]	3	35	60
Two-family (cluster)	—	1,800	16 [2]	20	35	6 [1]	3.5	45	40
Low-rise apartments (cluster)	—	1,800	16 [2]	20	35	6 [1]	3.5	45	25
Nonresidential uses	12,000	—	100	30	35	20	—	50	25
<b>R-U</b>									
Single-family detached	—	2,000	40	20	35	6	3	35	40
Single-family attached	—	1,800	16 [2]	20	35	6	3	35	60
Two-family	—	2,000	40	20	35	6	3.5	45	40
Low-rise apartments	—	2,000	<u>120</u>	25	35	10	3.5	45	25
Nonresidential	7,200	—	60	30	35	10	—	50	35
<b>R-O</b>									
Single-family detached	—	2,000	40	20	35	6	3	35	40
Single family attached	—	1,600	16 [2]	20	35	6	3	35	60
Two-family	—	1,800	40	20	35	6	3.5	45	40
Low-rise apartments	—	1,750	<u>120</u>	25	35	10	3.5	45	35
Mid-rise apartments	—	1,200	<u>120</u>	25	35	15	8	96	35
High-rise apartments	—	900	<u>120</u>	25	35	20	11	135	35
Nonresidential	12,000	—	100	30	35	15	—	50	50

<b>B-L</b>									
All permitted uses	3,000	—	30	15	20	—	—	35	60
<b>B-H</b>									
All permitted uses	10,000	—	80 [3]	30	20	10	—	50	50
<b>B-CBD</b>									
All permitted nonresidential uses	2,000	—	20	—	—	—	—	—	100
Single-family attached, detached, and two-family	—	1,600	16	—	—	—	3.5	45	—
Low-rise apartments	—	1,400	<u>120</u>	15	15	15	3.5	45	40
Mid-rise apartments	—	1,200	—	15	15	15	8	96	40
High-rise apartments	—	900	—	15	15	15	11	135	40
<b>B-C</b>									
All permitted uses	10,000	—	80	20	30	10	—	50	60
<b>I-G</b>									
All permitted uses	12,000	—	100	25	35	15	—	50	55
<b>G-C</b>									
Permitted residential uses:	—	2,000	30	[4]	35	[5]	3	35	40
- Single-family detached	—	1,800	16[6]	[4]	35	[5]	3	35	60
- Single-family attached	—	2,000	30	[4]	45	[5]	3	35	40
- Two-family									
All permitted nonresidential uses (except car lots)	3,000	—	30	[4]	20	[7]	—	35	50
Car lots	10,000	—	30	[4]	20	[7]	—	35	50

<b>G-I</b>									
Permitted residential uses:	—	2,000	30	[4]	35	[5]	3	35	40
- Single-family detached	—	1,800	16[6]	[4]	35	[5]	3	35	60
- Single-family attached	—	2,000	30	[4]	45	[5]	3	35	40
- Two-family									
All permitted nonresidential uses	10,000	—	80	[4]	30	[7]	—	35	60
<b>C</b>									
All permitted uses	—	—	—	—	—	—	—	15	5

[1] Fifteen (15) feet from adjacent property not within cluster development.

[2] Thirty-one (31) feet for corner/end lot (minimum 16-foot dwelling width and fifteen (15) feet from adjacent lot line).

[3] One hundred (100) feet for corner lot.

[4] The lesser of the prevalent front yard setback of existing buildings on the block or twenty (20) feet, provided that the provisions of section 25-135 (traffic visibility across corners) are met.

[5] The lesser of the side yard setback of the existing principal building on the lot or six (6) feet, provided that the provisions of section 25-135 (traffic visibility across corners) are met.

[6] Twenty-two (22) feet for corner/end lot (minimum 16-foot dwelling width and six (6) feet from adjacent lot line).

[7] The lesser of the side yard setback of the existing principal building on the lot or ten (10) feet, provided that the provisions of section 25-135 (traffic visibility across corners) are met.

[8] Unless the standard in note [4] applies, the front and rear yards and building coverage shall not be less than the minimum distance of setback or coverage of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street.

(b) *General regulations.*

- (1) Every principal building shall be built upon a lot with frontage upon a public street improved to meet city standards or for which such improvements have been ensured by the posting of a performance guarantee pursuant to the subdivision regulations of the city or shall have access to a private street approved by the fire department, the engineering department, and the planning commission.
- (2) No yard or other open space provided about any buildings for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space or another lot shall be considered as providing a yard or open space for a building on any other lot.
- (3) Where two (2) or more main buildings for other than residential uses are proposed to be built upon property

in one (1) ownership, front, side, and rear yards are required only at lot lines abutting other property.

- (4) No soil, mineral, or similar material may be removed from any lot unless a zoning permit is first secured. Site and street grading, but not including excavations for construction purposes, may be initiated prior to obtaining a permit. The deposit of soils, detritus, or other debris which would be unsightly or detrimental to surrounding properties, streets, sewers, and natural waterways as a result of site preparation, grading, and/or excavating shall be prohibited.
- (c) *Exceptions to general regulations.*
- (1) The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level.
  - (2) Nothing herein contained shall prevent the projection of an emergency exit (open fireproof fire escape) or handicapped access structure into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.
  - (3) Any parcel of land with an area or width less than that prescribed for a lot in the zone in which such parcel is located at the date of the adoption of this chapter, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the zone, provided that all other regulations prescribed for the zone by this chapter are complied with.
  - (4) Where there is, at the time of the enactment of this chapter, a lot whose width and area are less than that required for the zone in which said lot is located, flanked by buildings existing on the two (2) lots adjoining at the sides, both being in other ownership:
    - a. The lot shall be permitted to be built or rebuilt upon in any zone, without requirement of side yards wider than the respective adjacent side yards existing on the adjoining lots.
    - b. The front and rear yards shall not be less than the minimum distance of setback of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street. See also subsection 25-133(a), development regulations table, note [8].
    - c. No requirement for rear yards, side yards, or yard area contained in this chapter shall prevent the construction of a private garage or other customary accessory uses, as approved by the zoning administrator, within the required rear yard of a lot not meeting the requirements of this chapter upon which a dwelling has been erected previous to the time of enactment of this chapter. Accessory uses located in side or rear yards shall meet the setback requirements of the development regulations table.
- (d) *General yard requirements.*
- (1) Where a street or a highway shown on the adopted city thoroughfare plan has a proposed right-of-way greater than that existing, the front yard requirement shall be measured in accordance with the proposed right-of-way.
  - (2) Ground story bays and porches not over one-half (1/2) the length of the front wall may project into any front yard five (5) feet. Chimneys, flues, columns, sills, and ornamental features, cornices, and gutters may project not more than two (2) feet.
  - (3) Bays, balconies, chimneys, and flues may project into a required side yard not more than one-third (1/3) of its width, and not more than four (4) feet in any case. Ground story bays and porches not over one-half (1/2) the length of the side wall may project into any side yard three (3) feet.
  - (4) In residential districts, the following features may project not more than ten (10) feet into any required front or rear setback area: open porches and decks and exterior stairways or ramps, whether above or below ground level. Where an open porch or deck extends or will extend into the required minimum front yard setback of a building, said porch or deck shall not be enclosed (sealed from the elements) by walls, windows, or other

materials that would further obstruct required site visibility as specified in subsection (d)(5)a. or would impede safe access/egress site visibility from any side yard driveway on the property under the requirements of section 25-135 without prior variance approval by the zoning board of appeals.

- (5) Fences, walls, and hedges shall comply with the following provisions:
- a. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of forty-eight (48) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of forty-eight (48) inches and nine (9) feet. Fences, hedges, or walls less than seven (7) feet high above the preexisting grade and terraces, steps, uncovered porches, or other similar features not over three (3) feet high may be permitted in the required side and rear yards, providing that subsection 25-135(a) (traffic visibility across corners) does not apply.
  - b. Fences may be constructed in the front or street side yards of any lots which are approved for a housing type which have no backyards (i.e., back to back townhouses, quadrplexes and other similar housing types). To obtain approval of such fences, the applicant shall submit an overall fencing plan for all such lots which front on a particular street to the zoning administrator.
  - c. A fence, wall, or hedge not exceeding eight (8) feet in height may be located in any yard of any commercial, industrial, or institutional lot in a business commercial or industrial/employment district not abutting a residential district. Fence along a lot line abutting a residential lot shall comply with (4)a. above.
  - d. Barbed wire fences shall not be permitted except in the B-C and I-G Districts.
  - e. Electric fences shall not be permitted in any zone.
- (6) All commercial surface parking lots shall be subject to a minimum setback of six (6) feet. Subsurface parking structures may extend to the property lines.
- (7) If the zoning administrator determines that the required amount of parking cannot be met under the setback requirement, off-street parking may be permitted in all required yard areas providing there is no encroachment into required sight triangles, that no more than fifty (50) percent of the affected required yard area is utilized, that it is not possible to place the required off-street parking elsewhere on the lot, and provided all other requirements of this chapter are met.
- (8) Corner lots fronting on two (2) intersecting streets shall be considered to have two (2) front yards, two (2) side yards, and no rear yards. One (1) front yard shall meet the yard requirements for the applicable zone and the other shall be not less than fifteen (15) feet.
- (9) There shall be no rear yard requirements for triangular lots.
- (10) In the case of irregularly shaped lots, the minimal lot width specified in the development regulations table shall be measured at the rear line of the required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70) percent of the minimum lot width as specified in the table. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel with the street line.
- (e) *Maximum height of buildings.*
- (1) No building shall exceed the maximum height of buildings specified in the development regulations table.
  - (2) Height shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
  - (3) Municipal buildings and municipal uses, including civic centers, libraries, museums, memorial buildings, or galleries and community center buildings, and/or civic service agency buildings may be increased in height up

to, but not exceeding, eight (8) stories or one hundred (100) feet, providing that such building shall not be closer to any street than twice the depth of the required front yard for the respective residential district in which such building is located and such setback from any street shall be increased by not less than one (1) foot for each one (1) foot in height of the building over thirty-five (35) feet, except that in districts such setback from any street shall be increased by not less than one (1) foot for each six (6) feet or portion thereof in height of the building over thirty-five (35) feet.