

1 Modification Ordinance (Chapter 382). ~~abut upon a public street, and each lot shall have a minimum-~~  
2 ~~frontage of 33 feet.~~

3 C. No lot area shall be reduced so as to create a lot of less than the required size or so that the existing  
4 setbacks, open space, or lot area would be reduced below that required by the regulations for the district  
5 in which such lot is located. No lot, yard, parking area, building area, or other space shall be reduced in  
6 area or dimension so that it does not meet the provisions of this chapter. No part of any lot, yard,  
7 parking area, or other space required for a structure or use shall be used for any other structure or use.

**Commented [DG24]:** Moved from another section with no changes.

8  
9 ~~C. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its~~  
10 ~~proposed width if the lot is on that side of the roadway from which the required dedication has not been~~  
11 ~~secured.~~

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**Commented [DG25]:** Unnecessary and unclear language

12 **§ 405-12 Use restrictions.**

13 The following use restrictions and regulations shall apply:

14 A. Only those principal uses specified for a district and their essential services shall be permitted in that  
15 district.

16 B. Only one principal structure shall be located, erected or moved onto a lot, except as provided in  
17 certain districts. in the following districts: A-1, A-1(15), A-2, B-1 and R-3. Exception: Residential  
18 condominiums, where permitted, may have multiple dwelling units on a single parcel.

**Commented [DG26]:** Cleaning up language

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20 CC. Accessory Structures

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21 1. Customary accessory uses and structures are permitted in any district.

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22 2. Accessory structures shall not consist of truck bodies or trailers, buses, camping units,  
23 shipping containers or mobile or manufactured homes.

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24 a. Shipping containers that have been completely covered with a peaked roof and  
25 residential siding are allowed subject to the following:

**Commented [DG27]:** This is new. This was added by request over the years by property owners.

26 1. An Administrative Review Permit must be obtained to place the shipping  
27 container on the property.

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28 a. To obtain a permit, the following items must be included:

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29 i. Application form

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30 ii. Items listed in 391-10 (Zoning Permit requirements)

31 iii. Fee set by County Board

1                                    iv. Approval from the Town Board on a form supplied by the  
2                                    Zoning Department.

3                                    b. An Administrative Review Permit requires an annual inspection for  
4                                    compliance with the Zoning Ordinance.

5                                    i. An Administrative Review Permit can be revoked if the  
6                                    property is found to be in violation of any Adams County  
7                                    Ordinance.

8                                    2. No part of the exterior of the shipping container can be visible.

9                                    3. Only 1 shipping container is allowed under this exemption on a parcel.

10                                   4. Paragraphs (C)(3-6) below apply.

11 3. An accessory structure may not be constructed or placed in any residential district until its  
12 principal use or structure is present or under construction, unless exempt below; both the  
13 principal structure and accessory structure may be commenced at the same time.

14                                   a. Enclosed structures under 150 square feet in total area, including overhangs are  
15 permitted;

16                                   1. Only 2 structures are allowed under this exemption on a parcel.

17                                   2. The maximum wall height of the structure is 12'

18                                   3. The maximum peak height is 16'

19                                   4. No more than 1 story is allowed.

20                                   5. All applicable ordinance requirements must be maintained

21 b. On parcels with no principal structure, a special exception permit must be obtained to  
22 place an accessory enclosed structure 150 sq. ft. or larger in size

23 c. Open air structures (i.e. decks, roofs with no sides) under 300 sq. ft. are permitted;

24                                   1. Only 2 structures are allowed under this exemption on a parcel ~~or group of~~  
25 ~~adjacent parcels under similar ownership or control.~~

26                                   2. All applicable ordinance requirements must be maintained

27 d. On parcels with no principal structure, a special exception permit must be obtained to  
28 place an open air structure 300 sq. ft. or larger in size.

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Commented [DG29]: Open air structures were not clearly regulated previously. Enforcement was done by utilizing regulations for sheds.

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4. Residential, public and semipublic accessory uses shall not involve the conduct of any business, trade, or industry, except that in a residential district home occupations and professional home offices are permitted.

5. An accessory Structure may not contain multiple elements listed below if the sum of points is greater than 6.

Element	Points
Installed/In-use Appliances (Refrigerator, Oven/Stove, Microwave, Wine Cooler, TV, etc)	1 Point for each appliance
Bathroom/toilet	3 Points
Cable TV/Satellite Dish	2 Points
More than 1 room (not counting Bathroom)	3 Points
No door larger than 48"	2 Points
Air Conditioner/Heater	2 Points
Attached porch	3 Points

**Commented [DG31]:** This is a new inclusion. People turning garages and sheds into cabins is becoming more common. This is an attempt to address that concern. There really isn't much addressing across the State.

~~Customary accessory uses and structures are permitted in any district. Accessory structures shall not consist of truck bodies or trailers, buses, recreational vehicles, shipping containers or mobile or manufactured homes. An accessory structure may not be constructed or placed in any residential district until its principal use or structure is present or under construction; both the principal structure and accessory structure may be commenced at the same time. A special exception must be granted to place an accessory structure with no principal structure. Residential and public and semipublic accessory uses shall not involve the conduct of any business, trade, or industry, except that in a residential district home occupations and professional home offices are permitted.~~

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**Commented [DG32]:** Removed and restated in section C above.

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D. No person shall deposit or cause to be deposited or stored on any property unless paragraph 4 of this section applies:

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1. Refuse, garbage, litter, waste or salvage material (including but not limited to: metals, paper, rags, tires, bottles, building materials, car parts), in excess of normal residential use or periodic maintenance or remodeling.

**Commented [DG33]:** Clearly defines items that are not permitted. Added to eliminate the need to call a property in violation a "salvage yard" which causes confusion. Also, clarifies items that are considered a violation.

2. Any inoperable appliances.

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1 3. Greater than one (1) ~~disassembled, unlicensed, junked or wrecked motor vehicle,~~ camping  
2 unit, boat, snowmobile, or bus, unless it is in connection with a properly licensed automotive,  
3 appliance sales, repair, or storage business enterprise located in a properly zoned district,  
4 unless entirely enclosed within a building. This Section shall not apply to farm machinery or  
5 equipment, on the premises of an operating farm, located in a properly zoned district.

**Commented [DG34]:** This is a big change. Previously, only unlicensed vehicles were prohibited. This now includes junked, wrecked, or disassembled vehicles.

6 4. Fenced-In Area Alternative: If all of the following items are met, certain items can be kept on  
7 the property:

8 a. A fenced-in area, no larger than 40' x 40' in size is installed on the property

9 1. The fence must be a solid privacy wood fence.

10 a. The maximum height of the fence is 10'

11 b. The good side of the fence must face outward.

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12 2. No items within the fenced area can be visible from any road or any other  
13 property.

14 3. One fenced-in area is allowed per parcel.

15 4. The fenced-in area must be at least 30' from all property lines and road right-  
16 of-ways.

17 5. The following items are permitted within the fenced-in area:

18 a. Unlimited ~~disassembled, unlicensed, junked or wrecked motor vehicles,~~  
19 camping units, boats, or snowmobiles.

**Commented [DG35]:** This is a big change. Previously, only unlicensed vehicles were prohibited. This now includes junked, wrecked, or disassembled vehicles.

20 b. Vehicle parts

21 c. A maximum of 12 un-mounted tires

22 d. Scrap metal

23 e. Lumber

24 f. Aluminum cans

25 g. Appliances

26 6. An Administrative Review Permit must be obtained.

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27 a. To obtain a permit, the following items must be included:

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28 i. Application form

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1                   ii. Items listed in 391-10 (Zoning Permit requirements)

2                   iii. Fee set by County Board

3                   iv. Approval from the Town Board on a form supplied by the  
4                   Zoning Department.

5                   b. An Administrative Review Permit requires an annual inspection for  
6                   compliance with the Zoning Ordinance.

7                   i. An Administrative Review Permit can be revoked if the  
8                   property is found to be in violation of any Adams County  
9                   Ordinance.

10 ~~D. Conditional uses and their accessory uses are considered as special uses requiring review, public~~  
11 ~~hearing, and approval by the County Planning and Zoning Committee in accordance with § 405-21 of~~  
12 ~~this chapter.~~

14 ~~E.E.~~ The regular outside parking of more than one truck, other than panel or pickup trucks, or of other  
15 vehicular equipment, which exceeds 30 feet in length shall be prohibited in all residential districts.

16 ~~F.F.~~ Unclassified or unspecified uses similar to listed permitted or conditional uses shall not be permitted or  
17 ~~conditional. Such uses may be allowable with issuance of a special exception permit.~~ shall require a  
18 condition use permit.

19 ~~G.G.~~ Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used  
20 in the construction of a ~~permanent structure~~ primary commercial structure or dwelling, are permitted  
21 upon obtaining a zoning permit from the Planning and Zoning Department. ~~A shipping container cannot~~  
22 ~~be used under this section.~~ Such temporary uses shall not exceed a period of two years.

23 ~~H.H.~~ ~~If space and soil conditions are adequate, private on-site waste treatment systems (POWTS) must be~~  
24 ~~placed on the same parcel as the structure(s) served by the POWTS.~~

25 ~~I.I.~~ It shall be unlawful for any person to place, locate, or park any manufactured home in any district other  
26 than a B-1 District site conducting such home sales, unless the appropriate permits have been issued.

27 ~~J.J.~~ Mobile Wireless Communication towers are a conditional use in all zoning districts.

28 ~~K.K.~~ Mobile homes, single-wide manufactured homes, and camping units not occupied on a regular basis  
29 (left vacant more than 12 months at a time) or that have been abandoned are prohibited.

30 L. Shipping Containers can not be used as a dwelling.

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Commented [DG36]: Unnecessary language

Commented [DG37]: Language clarification

Commented [DG38]: Added to be consistent with other regulations.

Commented [DG39]: The use of easements for septic systems on other properties is very common, enforceable, and recorded with the deed.

Commented [DG40]: Changed for consistency

Commented [DG41]: Moved out of each individual district. Also added camping units to the list of items.

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1 § 405-13 **Setback requirements and exceptions.**

2 A. Setbacks from navigable waters. All buildings and structures, stairways, walkways, piers and patios  
3 shall be set back at least 75 feet from the ordinary high-water mark (OHWM) unless otherwise specified  
4 by Chapter 370, Floodplain Zoning, or Chapter 396, Shoreland, Wetland and Habitat Protection, of this  
5 Code.

6 B. Setbacks from public roads. All structures, unless specifically exempted, shall meet the following  
7 minimum setbacks:

Commented [DG42]: Taken out of each district.

8 [1] Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures  
9 furthest into the lot.

10 [2] Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures  
11 furthest into the lot.

12 [3] Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures  
13 furthest into the lot.

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14  
15 B.C. Setbacks from access easements. The setback from private roads and easements serving more than one  
16 residence or parcel shall be 30 feet from the described easement; in case of an easement that does not  
17 have a legal description, 30 feet from the nearest point on the edge of the traveled way.

18 C.D. Corner lots. Corner lots shall have two front yards, and a rear yard shall be provided opposite the front  
19 yard of the street from which the building or structure obtains its primary access.

20 D.E. Fences, hedges, and certain accessory structures.

21 (1) Residential fences, hedges, and tree plantings are permitted along the inside of property lines or in the  
22 yards of residential districts. Residential fences shall not exceed a height of six feet. No height limitation  
23 shall be placed on tree plantings or hedges except those applicable in § 405-50. The "good" side of the  
24 fence must face to the outside.

25 (2) Security fences are permitted on the property lines in all districts but shall not exceed 10 feet in height  
26 and shall be of an open type similar to woven wire or wrought iron fencing.

27 (3) Farm-related fencing is permitted along the property lines or in the yards of agricultural districts,  
28 provided that a substantial impediment to visibility is not thereby created (see § 405-50).

29 (4) Vegetation and certain accessory items used for landscaping and decorating may be placed in the  
30 required front, rear and side yards. Such items include, but are not limited to, flagpoles, ornamental light  
31 standards, ornamental ponds and fountains, lawn furniture, sundials, bird baths, trees, shrubs and  
32 flowers.

~~(5) Structural fences as described in Subsection D(1) and (2) above require a zoning permit.~~

**Commented [DG43]:** The regulations still apply, but not the need for a permit.

~~E.F.~~ Maintenance and use of setback area. Any such required setback area shall be kept clean and free from the accumulation of debris and refuse. Such required setback areas shall not be used for the storage or display of equipment, products, vehicles, or other materials.

§ 405-14 **Height regulations and exceptions.**

A. Maximum height. In any district, no buildings or structures shall be erected or structurally altered to a height in excess of that specified by the regulations for that district.

B. Exceptions. The following shall be ~~excepted~~ exempted from regulation ~~in~~ of all districts:

(1) Chimneys and flues.

(2) Electric power and communication transmission lines.

C. Increase permitted. Subject to the approval of a conditional use permit and including any conditions placed by the Planning and Zoning Committee and Airport Commission as applicable:

(1) The maximum height of silos and windmills in agricultural districts and water towers and tanks in the Public and Semi-Public District may be increased above the maximum allowed in the district, provided that all required setbacks for the silos, windmills, and water towers or tanks are increased by one foot for each foot by which such silo, windmill, or water tower or tank exceeds the height limit.

(2) The maximum height of all ~~other~~ other than described in subparagraph (1) above, in all districts may be increased by not more than 10 feet above the maximum allowed in the district, provided that all required setbacks for the structures are increased by one foot for each foot by which such structures exceed the height limit. Such structures include cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, ornamental towers, spires, wireless or broadcasting towers, masts, aerials, wind-powered generating units, and necessary mechanical appurtenances.

~~(3) Any increase in height beyond the scope of Subsection C(1) and (2) above shall require a variance.~~

**Commented [DG44]:** This is automatic, making language unnecessary

~~§ 405-15 Area regulations and exceptions.~~

~~A. Maximum ground coverage permitted. The maximum total ground coverage of the principal building and all accessory buildings and structures shall not exceed that specified by the regulations for the district in which such buildings are located.~~

**Commented [DG45]:** Unnecessary language.

~~B. Minimum dwelling size. The minimum livable floor area of any dwelling unit shall include only livable floor space, as measured from outside of wall to outside of wall, and may also include minimum structure widths, as provided for in individual districts.~~

**Commented [DG46]:** Defined elsewhere

~~C. Lot size.~~

1 (1) ~~No building shall be erected on a lot of less area or lot width than as specified by the regulations of the~~  
2 ~~district in which such building is located. Exceptions: See § 400-65.~~

**Commented [DG47]:** Already addressed in another code section

3 (2) ~~No lot area shall be reduced so as to create a lot of less than the required size or so that the existing~~  
4 ~~setbacks, open space, or lot area would be reduced below that required by the regulations for the district~~  
5 ~~in which such lot is located.~~

**Commented [DG48]:** Moved to early section in ordinance

6 ~~§ 405-16 Reduction or joint use.~~  
7 ~~No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does~~  
8 ~~not meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a~~  
9 ~~structure or use shall be used for any other structure or use.~~

**Commented [DG49]:** redundant

10 § 405-17 Recreational vehicles and eCamping Units and Camping.

**Commented [DG50]:** Changed for consistency

11 A. A. — In districts where recreational vehicles camping is are a permitted use, a self-contained  
12 recreational vehicle camping units may be placed on a parcel provided the following requirements are  
13 met: n individual lot without a permit,

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14 ~~— provided that it is not a permanent installation, remains mobile, and is licensed for highway use.~~

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15 1. B. — General regulations: Park Models, tiny homes, buses, construction trailers, truck bodies  
16 and trailers and other similar items not manufactured or intended for use as camping units  
17 are prohibited from such use.

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18 2. Park model trailers are allowed only in licensed campgrounds.

19 3. No more than two camping units shall be located on any parcel.

**Commented [DG51]:** Removed reference to Group of Parcels.

20 4. The unit is not a permanent installation (e.g., no continuous connection to sanitary system ,  
21 no foundation, etc.);

22 5. The unit remains mobile (e.g., no skirting, no hitch removal or wheel removal);

23 6. The camping unit shall at all times remain currently licensed, road worthy and able to be  
24 legally towed or driven on a public road.; and

**Commented [DG52]:** Expands requirement for remaining mobile.

25 7. An acceptable method of sewage and gray water disposal is provided as required in Chapter  
26 294.

**Commented [DG53]:** New regulation prohibiting someone from living in a camper.

27 8. Occupation of a camping unit by a person having no other regular place or abode at the time  
28 the unit is so occupied is prohibited

**Commented [DG54]:** Places a setback to property lines for camping units.

29 9. The placement of the camping unit must comply with all “accessory structure” setback  
30 requirements;

**Commented [DG55]:** Regulation on time only applies to vacant properties or properties where the house is uninhabitable. Places a limit of 7 days a month for the unit to be on the property. On parcels 5 acres or larger and not in a subdivision, a long term camping permit can be issued. Then the unit can remain on the property year round. Could remove 5 acre portion. This would then eliminate campers in subdivisions, but not necessarily on very small lake lots. Properties that already have campers on them and the use has been established, would be considered legal non-conforming uses. They can continue to use as is. If changes to use occur later, then the property would need to come into compliance.

31 10. See section 405-12 (C) for allowable structures associated with camping units

32 B. In districts where camping units are a permitted use and where no habitable dwelling exists, a

camping unit may be placed on a lot subject to the following conditions:

1. All provisions of 405-15 (A) are met;

2. If in a Platted Subdivision, the unit remains on the property for a period of 7 days or less per calendar month unless exempt below;

i. An Administrative Review Permit must be obtained to keep the camping unit on the property year-round.

1. To obtain a permit, the following items must be included:

a. Application form

b. Items listed in 391-10 (Zoning Permit requirements)

c. Fee set by County Board

d. Approval from the Town Board on a form supplied by the Zoning Department.

2. An Administrative Review Permit requires an annual inspection for compliance with the Zoning Ordinance.

a. An Administrative Review Permit can be revoked if the property is found to be in violation of any Adams County Ordinance.

**Commented [DG56]:** Removed Camping Permit. And changed provision that the only place the 7 day limit is in effect is in a Platted Subdivision. If not in a Subdivision, there is no length of time a unit can stay on a property.

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**Article IV  
Administration**

**Commented [DG57]:** Entire section was moved to the Zoning Administration Ordinance that applies to all Zoning Ordinances.

~~§ 405-18 Administrative standards.~~

~~Wherever, in the course of administration and enforcement of this chapter, it is necessary or desirable to make any administrative decision, then, unless other standards are in this chapter, the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood.~~

~~§ 405-19 Planning and Zoning Administrator.~~

~~The County Planning and Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The Planning and Zoning Administrator or his designee may exercise the following duties and powers:~~

~~A. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.~~

~~B. Issue permits and inspect properties for compliance with this chapter.~~