

## TITLE 15 - BUILDINGS AND CONSTRUCTION

### Chapters:

- 15.02 PROTECTION OF PROPERTY
- 15.04 STREET NUMBERS REQUIRED
- 15.06 SETBACK REQUIREMENTS
- 15.08 MINIMUM LOT SIZE, OFF-STREET PARKING AND ALLEY OR ROADWAY ACCESS

Chapter 15.02  
PROTECTION OF PROPERTY

Sections:

- 15.02.010 Stovepipes Prohibited
- 15.02.020 Construction of Flue or Chimney
- 15.02.030 Houses to be Equipped with Brick or Stone Flues

15.02.010 Stovepipes Prohibited. It shall be unlawful for any person owning a building within three hundred feet of another building within the incorporated limits of the town, to use or cause to be used any single wall stovepipe as a flue in any house or building whatever. Any person using such stovepipe shall replace the same with triple wall metal pipe, a brick flue or chimney within sixty (60) days after being notified to do so by the public works director.

15.02.020 Construction of Flue or Chimney. If any owner of any house or building in which any stovepipe is, or may be used, as or in the place of a flue or chimney, shall refuse or neglect to construct therein in place of such stovepipe, a flue or chimney as provided in Section 15.10.010 hereof, it shall be the duty of the public works director to cause such premises to be provided with a good flue or chimney, and the expense of construction thereof shall be a lien upon such premises, in the same manner as by law provided for the collection of taxes that are due and delinquent.

15.02.030 Houses to be Equipped With Brick or Stone Flues. It shall be unlawful for any person to erect any building or house wherein any stove, furnace or range, or any other means may be used for heating or cooking, without providing the same with a good and safe flue or flues of brick or stone.

Chapter 15.04  
STREET NUMBERS REQUIRED

Sections:

- 15.04.010 Owners Must Install Street Numbers
- 15.04.020 Town Clerk-Treasurer to Assign Numbers

15.04.010. Owners Must Install Street Numbers. The owners of all businesses and residences in the Town of Plains shall install street numbers on their buildings. The individual numbers shall be a minimum of four (4) inches high. The numbers shall be placed on the structure at a height of six (6) feet from the ground, shall face the street upon which the building fronts and shall be clearly visible from the street which the building fronts.

15.04.020. Town Clerk-Treasurer to Assign Numbers. The town clerk-treasurer of the Town of Plains shall assign numbers to buildings; and these numbers shall be on water/sewer bills and also listed in City Hall.

**ORDINANCE #22 - 1**

**AN ORDINANCE AMENDING SETBACKS  
AND MINIMUM LOT SIZE**

**WHEREAS**, the Town Council of Plains has deemed it necessary to provide for setback and minimum lot size standards for building construction within the Town;

**WHEREAS**, the Council finds that such standards are necessary for adequate fire response and police protection;

**WHEREAS**, it appears in the best public interest that the following standards for lots and buildings be established;

**NOW, THEREFORE, BE IT ORDAINED** by the Town of Plains that the following sections of the Ordinances of the Town of Plains be adopted:

15.06.020 Setbacks. Setbacks from existing lot lines for dwellings buildings within the Town shall be as follows: a) a minimum of twenty (20) feet back from the street right of way or front of the lot, b) a minimum of fifteen (15) feet from the back of the lot, and a minimum of five (5) feet from each side of the lot. On corner lots, the side yard shall generally conform to the frontage line of improvements on the adjoining properties. Accessory buildings shall meet the stated set back requirements. If no alleyway exists at the rear of the property the rear set back from the lot line shall be five feet for accessory buildings. Existing commercial buildings on the East side of Railroad Avenue (US Hwy 200) from Hubbard Street to Central Avenue and the West side of Lynch Street from Willis Street to Central Avenue are exempted from the setback requirements. If any exempted commercial building is destroyed or substantially remodeled, such rebuilding shall meet minimum the rear setbacks stated above.

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the Town of Plains.

First Reading:     \_\_\_ ayes     \_\_\_0\_\_\_ nays     \_\_\_0\_\_\_ abstentions

Second Reading:   \_\_\_ ayes     \_\_\_0\_\_\_ nays     \_\_\_0\_\_\_ abstentions

Effective Date:

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Town Clerk

Chapter 15.06  
SETBACK REQUIREMENTS

Sections:

15.06.010	Definitions
15.06.020	Setbacks
15.06.030	Permits
15.06.040	Plans
15.06.050	Review
15.06.060	Variance

15.06.010 Definitions. The use of the following words and phrases shall have the meaning ascribed to them in this section:

- a. Accessory Building, Structure or Use means the building, structure or use on the same lot with, and secondary or subordinate to, the principal building structure or use and is not-habitable.
- b. Lot Lines means lines bounding a lot with the front lot line being the line of the building wall containing the street address, excluding driveway access.
- c. Setback means the minimum horizontal distance between the street wall of a building and the street line, or the wall of a building and the adjacent lot line.
- d. Side Yard means an open unoccupied space on the same lot between the building and the side line of the lot.
- e. Street Wall means the main wall nearest to and fronting on a street.

15.06.020 Setbacks. Setbacks from existing lot lines for buildings within the Town shall be as follows: a) a minimum of twenty (20) feet back from the street right of way or front of the lot, b) a minimum of fifteen (15) feet from the back of the lot, and a minimum of five (5) feet from each side of the lot. On corner lots, the side yard shall generally conform to the frontage line of improvements on the adjoining properties. Accessory buildings shall meet the stated set back requirements. If no alleyway exists at the rear of the property the rear set back shall be five feet for accessory buildings. Buildings on the East side of Railroad Avenue (US Hwy 200) from Hubbard Street to Central Avenue and the West side of Lynch Street from Willis Street to Central Avenue are exempted from the setback requirements. *Amended June 2, 2007 Ord 245*

15.06.030 Permits. A compliance permit for setback shall be required. The applicant for the permit shall provide plans of the proposed improvements and receive approval for such plans prior to commencing any construction. The compliance permit fee shall be \$35.00.

15.06.040 Plans. Two copies of the site plans of the proposed improvements shall be submitted to the Town Clerk. The site plans shall be drawn to a scale of not less than one inch equal to twenty feet, showing locations of all pertinent buildings, driveways, streets, parking arrangements, circulation patterns, traffic signs and markings, landscaping, pedestrian walks, curbing, drainage and other pertinent features such as existing sewer and water lines, utilities, and the nearest fire hydrant which must be within 500 feet.

15.06.050 Review. The public works director shall review the plans for conformity with the standards set forth above. If such plans are in conformance, a compliance permit shall be issued and signed by the public works director.

15.06.060 Variance. For good cause or hardship, a variance to these regulations may be granted by the town council upon review and recommendation by the planning board. If any individual or entity fails to apply for a variance prior to beginning construction, a variance will not be granted.

Chapter 15.08  
MINIMUM LOT SIZE, OFF-STREET PARKING AND ALLEY ACCESS

Sections:

15.08.010	Minimum Lot Size-Residential
15.08.020	Off-Street Parking Definitions
15.08.030	Parking Requirement
15.08.050	Joint Use Off-Street Parking Areas
15.08.060	Expanded Building or Land Use
15.08.070	Employee Parking
15.08.080	Minimum Number of Spaces Required
15.08.090	Alley Access

15.08.010 Minimum Lot Size-Residential. Every lot hereafter created used for single family residential purposes shall provide a lot area of not less than seven thousand five hundred (7,500) square feet. per family. Every lot used for duplex residential purposes shall provide a lot area of not less than ten thousand (10,000) square feet. Every lot used for triplex or multiplex, greater than a triplex, for residential purposes shall provide a lot area of not less than fifteen thousand (15,000) square feet for multiple story construction, and twenty thousand (20,000) square feet for single story construction. A variance from minimum lot size may be given by the Town Council, upon the advice of the Plains Planning Board, where the provisions of this Ordinance will cause undue hardship or where single family use is proposed to be made of lots created prior to the enactment of this Ordinance. *Amended June 2, 2007 Ord 245*

15.08.020 Off-Street Parking Definitions. For the purpose of these sections, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

"Gross floor area" shall mean gross useable floor area of the building.

"Gross leasable area" shall mean gross leasable area of building.

"Efficiency unit" shall mean a living unit without a separate bedroom and may be within a single unit or multifamily units.

"Parking space" shall mean an area sufficient to park one automobile. Parking area shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind being permitted thereon.

"Lodging, rooming and boarding houses" shall include any dwelling in which one or more rooms is rented to a person or persons.

"Reservoir space requirements" shall mean space required for automobiles waiting to enter a facility.

15.08.030 Parking Requirement. Adequate off-street parking shall be provided for various types of land use or business establishments. Land use, either new or modified, or buildings, either remodeled so as to increase parking needs or new structures, shall meet the off-street parking requirements and standards as herein provided Off-Street parking requirements shall be provided, within the property lines of the property to be developed or modified, and shall not be located within the public rights-of-way of streets or alleys.

15.08.040 Street Parking Design Standards. The following standards shall be taken into consideration as minimum requirements for off-street parking areas.

A. Off-street parking shall be located as herein specified: Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

1. For one and two-family dwelling: On the same building site with the building they are required to serve.

2. For multiple dwellings: On the same building site with the building they are required to serve.

3. For uses other than those above: Not more than 200 feet away.

B. An off-street parking space shall be at least 9 feet in width and at least 18 1/2 feet in length, exclusive of access drives or yard area. Such spaces shall have a minimum vertical clearance of at least 8 feet.

C. Adequate drainage structures shall be provided within the off-street parking area to handle surface water. If a storm drain system does not exist, concrete drainage sumps shall be provided. A drainage sump shall be provided for each 10,000 square feet of parking area or as required by the city council.

D. No lighting used to illuminate a parking area or its sign shall face or have its source directly visible from any residential district and shall not be a nuisance or hazard to passing traffic.

E. Any uses having more than 3,500 square feet of required parking shall have 6% of the gross required parking area landscaped with trees and shrubs. This landscaping shall be properly maintained and shall be of a profile so as not to interfere with street traffic.

F. All traffic control devices, such as parking stripes designating vehicle stalls, directional arrows or signs, pin-down curbs, curbing and other developments shall be installed and completed as shown on the approved plan.

G. Where exclusive pedestrian walks are used in the parking lots, they shall be protected by a physical barrier, such as, raised or pin-down curbs.

H. All traffic signs shall conform to the Manual on Uniform Traffic Control Devices.

15.08.050 Joint Use Off-Street Parking Areas. The Town Public Works Director may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

A. Up to fifty (50) percent of the parking facility required by this Section for primarily "night-time" uses, such as theaters, bowling alleys, bars and related uses may be supplied by certain other types of building or uses herein referred to as "day-time" uses, such as banks, offices, furniture stores, manufacturing or wholesale and related uses.

B. Up to fifty (50) percent of the parking facilities, by this Section for primarily "day-time"

uses, may be supplied by primarily "night-time" uses.

C. Up to ninety (90) percent of the parking facilities, required by this Section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a "day-time" nature.

D. The joint use parking facility shall be located within two hundred (200) feet of either building or land or which the parking facility is required.

E. The applicant for the joint use parking facility shall shown that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

F. The applicant shall present a properly drawn legal instrument executed by the parties concerned for joint use of the off-street parking facilities and approved as to form and manner of execution by the Town Attorney and recorded with the office of the County Clerk and Recorder. Such instrument shall also be filed with the Town Clerk.

15.08.060 Expanded Building or Land Use. Whenever any building is enlarged in height and/or ground coverage, the off-street parking shall be provided for said expansion or enlargement in accordance with the requirements as stated in the schedule provided in this Section. However, no parking space need be provided, in the case of enlargement or expansion, where the number of parking spaces required for such enlargement or expansion is less than ten (10) percent of the parking spaces specified in the schedule for the building. Nothing herein shall be construed to require off-street parking spaces for the portion of such buildings existing at the time of passage of this ordinance.

15.08.070 Employee Parking. The parking requirements provided herein shall take into consideration employee parking and the employer shall make the off-street parking available to employees.

15.08.080 Minimum Number of Spaces Required. The required off-street spaces shall be in conformance with the following schedule and where alternative standards prevail, the greater applies in conflicting computations. Where two (2) or more uses (mixed occupancy) apply, the total of the activities computed separately shall prevail, except as provided for in joint use.

A. To-wit uses:

<u>USE</u>	<u>PARKING SPACES AVAILABLE</u>
Residential	The required parking spaces for one or two-family dwellings may be provided in a covered garage.
Single Family	Two (2) per dwelling unit.
Multi-Family	Two (2) per dwelling unit
Efficiency Unit	One (1) per dwelling unit.
One or two	One and one-half (1 1/2) per dwelling unit.

Three or More Bedroom	Two (2) per dwelling unit.
Lodging/Rooming Boarding Houses	One (1) per rooming unit plus two (2) per resident manager.
Hotels & Motels	One (1) per rentable room plus one (1) for each four (4) employees.
Hospitals	One (1) for each four (4) beds, plus one (1) per each staff doctor and one (1) per each two (2) employees.
Medical & Dental	One (1) for each two hundred (200) gross square feet of floor area.
Convalescent Homes	One (1) per each five (5) beds.
Mortuaries	One (1) per seventy-five (75) square feet of gross floor area used for assembly.
Theaters Similar Enclosed Places	One (1) per each four (4) seats.
Other Retail Outlets	One (1) for each seven hundred fifty square feet of retail floor area.

15.08.090. Alley Access. No dedicated alleyway or roadway less than 30 feet in width shall be used as the primary public street access to any property.