

Title 10 Development Code

Chapter 4 GENERAL REGULATIONS

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10-4-1 PUBLIC HEARING REQUIREMENTS:

Unless otherwise stated in this title, all notices required under this section shall be given as follows:

- A. **Posted Notice:** The applicant shall post or cause to be posted notice on the property affected by the request for which an application has been filed, and stating that more detailed information concerning the application is available from the Town Office. The notice shall be located in a conspicuous place on the property.
- B. **Mailed Notice to Property Owners:** The City Recorder will charge a fee to mail out to each owner of record, of each parcel, located entirely or partly within three hundred (300) feet from any boundary of the property subject to the application, and will maintain a mailing list for those owners. Failure to notify individual property owners who are not identified on the most recently available town tax assessment rolls shall not affect or invalidate any hearing or action made by the Town Board or the Planning and Zoning Commission.
- C. **Proof of Notice:** If notice given under authority of this section is not challenged, as provided for under state law, within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

10-4-2 NONCONFORMING USES, STRUCTURES AND LOTS:

- A. Within the zone districts established in Chapter 6 of the Title, there may be lots, structures, and uses of land and structures, which were lawfully established before the adoption of the Code, but which are now prohibited, regulated, or restricted. It is the intent of this section to allow these uses and structures to continue until such time as they are removed or abandoned.

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- B. When a lawful use of the land and structures existed prior to the adoption of the Code but is not permitted by the regulations now imposed by the Code, the use of a structure, or portion thereof, and associated land may continue, provided that:
1. The non-conforming structure and use of the land shall not be enlarged in any way that increases the non-conformity, except through the Conditional Use review process. This does not include normal maintenance and repair of an existing non-conforming structure, which is permitted. A structure may be altered to decrease its non-conformity and bring it more in-line with current Codes.
 2. Additional structures shall not be erected in connection with a non-conforming use of land and structure, except when approved as a Conditional Use.
 3. If any such non-conforming use of a structure and land, or portion thereof, ceases for any reason for a period of one (1) year, any subsequent use of such land, structure, or portion thereof, shall thereafter be required to conform to the regulations specified in the current Code for the zone district in which it is located, unless a Conditional Use is approved.
 4. If any non-conforming structure, or portion thereof, is destroyed by fire or other natural cause or disaster, the non-conforming structure may be restored to its original specifications prior to said disaster. However, if it is not repaired, or replaced within one (1) year from the date of loss, any reconstruction shall be in conformance with the current Code. The Town Board may grant an extension of time based on demonstrated progress toward compliance with this requirement.
- C. No lot, parcel of land, or interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part so as to create a new non-conforming use, structure, lot or parcel, in order to avoid or circumvent the requirements of the Code. No building permit will be issued for any lot, parcel, or structure which has been transferred, conveyed, sold, subdivided or acquired in violation of the Code.
- D. A parcel/lot that was lawfully created but does not conform to the minimum area per dwelling unit requirement of the zone district in which it is located, is entitled to no more than one dwelling unit thereon.

10-4-3 HOME OCCUPATIONS:

- A. **Purpose:** The purpose of this section is to ensure that the owners of single-family dwelling units may undertake occupations on the premises, so long as the home occupation is not intrusive to surrounding land uses or will not alter the essential character of the neighborhood. Home occupations may be established, maintained, and expanded, so long as they are consistent with the standards described below. Home occupations that meet these standards do not require further approval by the town, but the operator will be required to obtain and maintain a valid business license.

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B. Standards: All home occupations shall comply with the following standards:

1. Home occupations shall take place within the residential building, an accessory building, or outside on the parcel/lot. The use of the dwelling unit, accessory building or parcel/lot must be clearly incidental and subordinate to its use for residential purposes.
2. The impacts of related activity outside of the dwelling shall create minimum impact on surrounding residential uses. Outside storage of materials, equipment, or vehicles shall be screened from neighboring properties.
3. Dust, odor, fumes, noise, light, and other similar impacts that are not customary to the primary dwelling shall need to be addressed and minimized to reduce the impacts to neighboring properties.
4. Vehicular traffic associated with the home occupation shall not exceed that which would normally be expected in the residential area in which it is located.
5. Retail sales and rentals are not to be considered home occupations but should be directed to establish within the commercial zones within the community.
6. Home occupations shall comply with all the applicable Development Evaluation Standards described in Chapter 3 of this Title.

10-4-4 Signs:

A. **Sign Area Requirements:** The sign area allowed per building façade will be calculated as follows: two (2) square foot of sign area per two (2) linear feet of building frontage as well as the following provisions:

1. Commercial Buildings or Uses: Maximum of two hundred (200) square feet
2. Industrial Buildings or Uses: Maximum of one hundred (100) square feet
3. Additional sign area can be considered through a conditional use if it is for a franchise establishment that requires certain sign sizes.
4. Historical signs are exempt from these requirements.
5. Home Occupations shall be allowed to up to thirty-two (32) square feet of signage.

B. **Free Standing Signs:** Each Project/Lot is allowed one (1) free standing sign that must adhere to the following:

1. **Design or Type:** Pole, Monument, Changeable copy
2. **Size:**

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- a. Pole Sign: Maximum sixty-four (64) square feet
- b. Monument Sign: Maximum forty-eight (48) square feet
- c. Changeable Copy: Maximum thirty (30) square feet

3. **Height Restrictions:**

- a. Pole sign: Maximum of twenty (20) feet from final grade.
- b. Monument Sign: Maximum of height of eight (8) feet from final grade, or twenty (20') feet for multi-tenant signs.
- c. Changeable Copy: maximum height of twelve (12) feet from final grade.

4. **Location:** Within the Commercial and Industrial Zones a minimum of ten (10) feet from any property line or right-of-way. Home Occupations sign locations will require notification of the placement of the sign on the property and will be approval of the Planning and Zoning Commission at the time of application and approval.

5. **Illumination:** Any illumination of signs shall be internal or diffused so as to eliminate any direct light to penetrate onto adjacent or nearby residential property.

C. **General Restrictions:** No light, sign or other advertising structure shall be erected at the intersection of any streets that may:

- 1. obstruct motorists and pedestrians from viewing oncoming or intersecting traffic;
- 2. by reason of the position, shape or color, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
- 3. make use of the words, "stop", "look", "danger", or any word, phrase, symbol, or character in such a manner as to interfere with , mislead or confuse traffic

D. **Signs on Public Property:** No sign shall be erected on, or project over, publicly owned land, except signs erected by a public agency for the information, direction and safety of the general public.

E. **Real Estate Signs:** No real estate signs shall be located within fifteen (15) feet of the edge of an adjacent road surface, or no closer than the existing fence line that is parallel to the road, whichever distance is less to the road surface.

F. **Nonconforming Signs:** If major changes occur to a nonconforming sign the sign shall be required to conform or be removed.

The regulations of this section are intended to apply to both on-premises and off-premises signs, but do not apply to hand held placards and other similar devices traditionally used for public protest and the exercise of free speech. It is not the intent of this chapter to regulate the content of public speech.

10-4-5 ACCESSORY DWELLING UNITS:

A. Accessory Dwelling Unit:

1. An accessory dwelling unit shall not exceed one-thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the dwelling unit itself.
2. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the dwelling unit itself shall be limited to one-thousand (1,000) square feet.

- B. **Deed or Restrictive Use Covenant Required:** An accessory dwelling unit shall be connected by deed or restrictive use covenant to the principle dwelling unit or structure on the parcel/lot, and shall not be eligible for subdivision or conveyance to another person.

10-4-6 STORAGE STRUCTURES, UTILITY STRUCTURES AND RELATED FACILITIES:

Storage sheds, commercial storage, utility structure and related facilities shall address the following issues: Screening, noise level, odors/air quality, lighting, landscaping architectural screening, proximity, etc. The length, size and architectural character of the proposed structure must be compatible with the surrounding uses in the area and must comply with the setback requirements for the zone in which it is located.

- A. **Purpose:** The purpose of this section is to ensure that all storage, commercial storage, utility sheds, and other related structures are located, installed, buffered/screened and maintained in a manner that will minimize the impact of such facilities/structures on surrounding properties, and will not adversely affect the rural, agricultural, small town character of Randolph.

- B. **Application:** All applicants wishing to submit an application to construct such facilities/structures shall submit plans of the proposed facilities/structures and shall meet or exceed the following criteria:

1. **Site Location/Proximity:** The facilities/structures shall be located in a manner that reduces, to the maximum extent possible, the visibility from any major highway, roadway and/or adjacent development. Such facilities and related uses shall also be required to be consistent with the aesthetics of the neighborhood, and particular care shall be taken to reduce all potential impacts on adjacent residential uses.
2. **Site Layout and Design:** Such development shall be integrated into the site in a manner that is sensitive to the existing site features, to the maximum extent possible, to screen the facilities from surrounding properties and sensitive view corridors.

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3. Architectural screening: When appropriate and/or necessary to meet the requirements of subsection A of this section, architectural screening shall be utilized to disguise the facilities/structures to be consistent with the rural character of the area.
4. Lighting: Lighting shall be required for maintenance and security purposes. Fixtures shall be fully shielded with light directed down and may be controlled by motion detectors such that the lights are off unless needed for maintenance access or tripped on by motion detectors.
5. Noise: The development shall be held to the existing noise ordinance for Rich County. If the development has consistent complaints a noise study may be required to make a determination.
6. Security Fencing: Security fencing shall be as unobtrusive as possible and shall blend with the surrounding environment.
7. Maintenance: All site improvements, including any required landscaping, fencing, buildings, finishes, etc., shall be maintained to an acceptable standard such that the facilities and related site improvements shall not adversely affect, in a significant manner, the public health, safety and welfare and must comply with all the requirements of the Title 7-2 of the Nuisance Ordinance.

10-4-7 BUILDING PERMITS: REQUIRED AND ISSUANCE PROCEDURE:

No construction shall occur except pursuant to a valid issued, un-expired and un-revoked building permit. The permitted shall proceed only in accordance with the approved building permit and any approved conditions. No building permit will be required for demolition of a building only notification of the location and date in which the demolition will occur.

For any construction exempt from the requirements for a building permit, as allowed by state law, the Building Inspector may require the submission of documents that may be necessary to ensure compliance with the provisions of state law and this ordinance.

The following items need to be addressed prior to issuing a Building Permit:

- A. Water, Septic and Access Requirements: A building permit will not be issued for a new dwelling unit or commercial structure until all water, septic and access requirements are met.
- B. Address: An address in conformance with the town addressing system must be assigned before issuance of a building permit. All addresses shall be assigned by the County Recorder.
- C. Survey of Property: A survey of the said property must be conducted, by a Certified Land Surveyor, to make sure where the exact boundaries are located on property, all surveys

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shall be submitted to the County Recorder for recording.

- D. Confirmation from Planning Commission: A review by the planning commission may be required based upon the complexity and size of the building, if the building is located within a commercial, industrial, or multi-family zone or by the request of the building inspector and will require the approval from the Planning Commission before any construction can begin.
- E. Building Plans: Two sets of building plans must be submitted to the following:
 - 1. Building Inspector
 - 2. City Staff
- F. Lot Conformance: Before a building permit can be granted, the parcel/lot shall lawfully conform to all applicable provisions of this Title (lot of record) or be approved through the variance process.
- G. Memorandum of Understanding: By signing the building permit application a memorandum of understanding is executed in conformance with Chapter 5 of this Title. The applicant shall also assume all risk in connection with construction on the subject property, and releases the town from liability before issuance of a building permit.