

Sec. 24-174. - Lots.

The design of lots shall meet requirements for access and size.

- (a) *Accessibility.* Each lot/dwelling shall be served by a separate driveway access adequate for emergency vehicle traffic and extending directly to a county-approved street or road. No driveway shall be located closer than 25 feet to the corner intersection of street right-of-way lines. County-approved streets or roads shall be county or state-maintained roads; alternatively, private roads meeting then-applicable county standards for private roads will also be considered county-approved roads. However, to be considered county-approved roads, such private roads must meet or exceed those standards concerning private streets and roads, as set forth in section 24-167. The county shall not bear any maintenance responsibility for county-approved private streets or roads.
- (b) *Design.* Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum width to depth ratios shall be 1:5 for residential subdivisions. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (c) *Lot dimensions, lot access, conditions for multiple dwellings, and road improvement requirements for large subdivisions.*

| <u>Lot Dimensions and Access for a Large Subdivision including Minimum Road Right-of-Way and Community Water/and/or Sewer</u>              | <u>Minimum Lot Size*</u>              |
|--|---------------------------------------|
| <u>For roadways with at least 50 feet right-of-way with community water but without community sewer</u>                                    | <u>One acre</u>                       |
| <u>For roadways with at least 50 feet right-of-way with community sewer but without community water.</u>                                   | <u>One acre</u>                       |
| <u>For roadways with at least 50 feet right-of-way without community water or sewer.</u>   | <u>Two and one half (2 1/2) acres</u> |
| <u>For roadways with less than 50 feet right-of-way with community water but without community sewer</u>                                   | <u>Two and one half (2 1/2) acres</u> |
| <u>For roadways with less than 50 feet right-of-way and less than 1/2 mile from another roadways with at least 50 feet of right of way</u> | <u>Two and one half (2 1/2) acres</u> |
| <u>For roadways with less than 50 feet right-of-way and more than 1/2 mile from another roadways with at least 50 feet of right of way</u> | <u>Five (5) acres</u>                 |

\* Density provisions for large residential subdivisions accessed by unpaved roads are provided for in section 24-174(c)(5).

- (1) *Lot density on unpaved roads in zoned and un-zoned areas.* Where the placement of a dwelling unit is proposed for an unpaved road, in either a zoned or an un-zoned area, the number of dwelling units shall not exceed one per lot, except as provided for under subsection (c)(2) of this section. The minimum lot sizes given below shall apply, commensurate with existing minimum right-of-way width extending to the lot from the nearest county-approved road. For purposes of verifying existing right-of-way, the planning department shall refer to plats and deeds recorded in the county courthouse. Lots on unpaved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2.

| Minimum Road Right-of-Way                        | Minimum Lot Size* |
|--|-------------------|
| For roadways with at least 50 feet right-of-way  | One acre          |
| For roadways with less than 50 feet right-of-way | 2½ acres**        |

~~\* Density provisions for large residential subdivisions accessed by unpaved roads are provided for in section 24-174(c)(5).~~

~~\*\* For lots located on roadways with less than 50 feet right-of-way, which lots are located more than one-half mile from another roadway with at least 50 feet right-of-way, lot sizes shall be five acres.~~

- (2) *Permits for additional dwelling units on lots on unpaved roads in zoned and un-zoned areas.* The building official or his designee shall grant permits for additional dwelling units on lots on unpaved roads where such lots exceed the minimum size requirement specified in subsection (c)(1) of this section, after review of the following criteria and determination that the following standards are met:
  - a. Not more than one additional dwelling may be permitted for each 100 percent by which the lot exceeds the specified minimum size in subsection (c)(1) of this section;
  - b. No dwelling unit on the lot will be closer than 25 feet to any other dwelling unit on the lot;
  - c. Each dwelling shall be accessed as provided for in subsection (a) of this section.
- (3) *Access requirements for lots on paved roads in un-zoned areas.* Each dwelling situated on a lot with paved road frontage and located in an un-zoned area shall be served by a separate driveway providing individual direct access to a county-approved street or road, as set forth in subsection (a) of this section.
- (4) *Lot density on paved roads in zoned areas.* All lots located on paved roads in zoned areas shall meet the minimum lot area and dimensional requirements of table 2, section 24-32, as shown in section 24-32. Corner lots shall be of sufficient size to permit required front yard setbacks on both streets. Where more than one dwelling is proposed for a lot on a paved road in the zoned areas, each dwelling shall be so located as to ensure that all applicable lot area and setbacks will be met for each structure as if it were established on a single lot and so arranged as to ensure required public access in the event the property is subsequently subdivided for sale or transfer. Accessibility standards shall be the same as those set forth above in subsection (a) of this section.
- (5) *Road standards and required road improvements for large subdivisions; exemptions for small subdivisions.*
  - a. *Large subdivision defined.* A large residential subdivision shall be said to occur where the expressed purpose of subdividing land is to create a residential subdivision to accommodate multiple single-family dwellings.
  - b. *Large residential subdivision street/road improvement requirements.* For all large subdivisions involving the creation of a new street or road, such streets and roads shall be developed in accordance with the then-existing county standards applicable to new streets and roads, including any requirements concerning the paving of new streets and roads. However, where large subdivisions impact only existing unpaved county streets or roads, such impacted roads shall be improved to meet all then-applicable standards for the acceptance of unpaved streets and roads; provided that, the planning commission may

require that the entirety of such streets and roads be improved to such standards. The acceptance of unpaved streets and roads shall be applicable only to streets and roads existing prior to the adoption of the standards of this chapter. New streets or roads connecting to or extending existing publicly maintained roads, irrespective of whether such existing publicly maintained roads are paved, shall be considered as being new streets and roads. The landowner/developer shall be responsible for all improvements required to bring such roads up to then-applicable county standards for the acceptance of county roads.

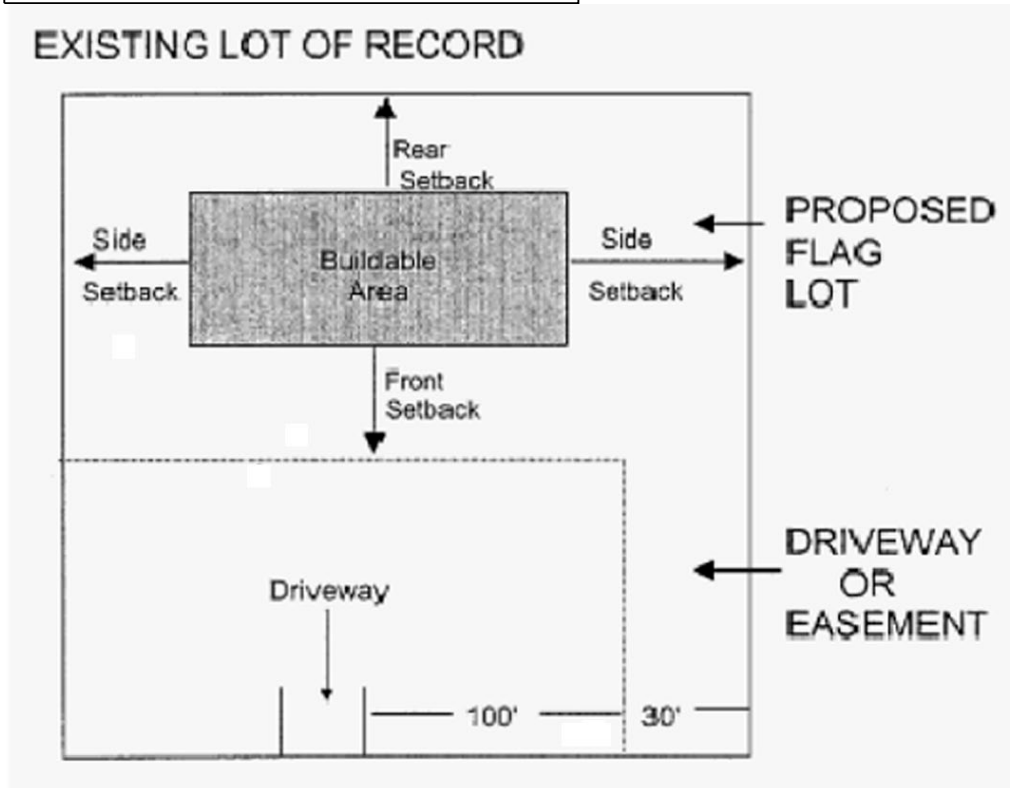
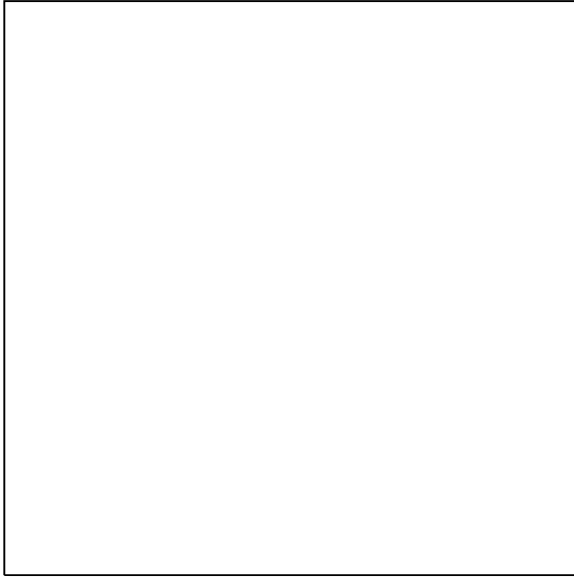
- c. *Exemption of small residential subdivisions from street/road improvement requirements.* Residential subdivisions not covered under the definition of large residential subdivisions, as defined in subsection (c)(5)a. of this section, shall be considered small residential subdivisions and shall be exempt from the street/road improvement requirements contained in subsection (c)(5)b. of this section. However, each dwelling included in a small residential subdivision shall be accessed as provided for in subsection (a) of this section.

- (6) ~~*Availability of Community Water or Sewer. Lot size on paved roads in zoned and un-zoned areas.*~~ Where the placement of a dwelling unit is proposed on a paved or unpaved road, in either a zoned or un-zoned area, the availability of community water and sewer shall ~~determine~~ affect the minimum lot size according to the table ~~below in section 24-174 (c)above.~~ Lots on paved roads in the zoned areas shall meet the density/lot size standards in this subsection, notwithstanding section 24-32, table 2. ~~This provision shall terminate one year after enactment.~~

|  |                                    |
|--|------------------------------------|
| <del>Community water and community sewer availability</del>      | <del>Minimum lot size</del>        |
| <del>Lots with community water and community sewer</del>         | <del>12,000— Square Feet</del>     |
| <del>Lots with community water and without community sewer</del> | <del>One half acre</del>           |
| <del>Lots without community water or community sewer</del>       | <del>Two and one-half acres.</del> |

- (d) *Flag lots.* This section shall apply to subdivisions of property in both zoned and un-zoned areas, with specific references to zoned areas, such as setbacks established in table 2, section 24-32, etc., being applicable to zoned areas only; provided that, lots of 20 acres or more and lots not being subdivided shall be exempt from county flag lot regulations.

- (1) *Creation from existing lot of record.* A flag lot may be created from an existing lot of record to allow full and complete development thereof, provided:
  - a. The flag lot shall be occupied only for a single-family dwelling.
  - b. The original lot must meet all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
  - c. The "flag" section of the flag-shaped lot shall meet or exceed the minimum lot area requirements specified for the respective zone. The area of the access driveway of the flag lot shall not be included in computing minimum lot area requirements but title to which must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot is conveyed.
  - d. The front setback shall be measured from the front of the proposed new residence on the flag lot to the new rear property line of the original lot, which was created by the subdivision and shall meet or exceed the distance specified for the respective zone.
  - e. Rear and side setbacks of a flag lot shall be as prescribed by table 2, section 24-32.
  - f. The driveway section shall be limited to use only by the original lot and the flag-shaped lot and shall be a minimum of 30 feet.



- (2) *Creation in new subdivision.* Flag lots may be created in new subdivisions where natural features or surrounding development patterns create access problems, provided:
- a. Access easements or the "flagpole" parts of flag lots shall be not less than 30 feet wide for their entire length, and shall front for at least 30 feet on a public street. In order to facilitate possible future development, for a parcel of 50 acres or more in size, the flagpole section of a flag lot or of an access easement shall not be less than 50 feet in width for its entire length and shall have a minimum road frontage of 50 feet.

- b. Flag lot access driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line, but not less than 100 feet.
  - c. Use of flag lot driveways by adjoining lots on either side of the driveway is encouraged as a means of limiting curb cuts, but a flag lot driveway may not be used to access a second flag lot.
  - d. The area of an access driveway shall not be counted when computing the minimum area of a lot as required by section 24-32.
  - e. No more than 25 percent of the total number of lots in subdivision shall be flag lots.
  - f. A driveway shall provide access to no more than two parcels of land.
- (e) *Double frontage lots.*
- (1) Residential subdivisions involving new streets in the zoned areas of the county, where proposed for areas adjacent to primary state and U.S. highways, shall be denied direct access to and separated from such highways by double or reverse frontage lots. No restrictions on double frontage lots in the un-zoned area.
  - (2) Residential double frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.
- (f) *Lots of record.* Nothing in this section shall be construed as preventing a lot of record, the boundaries of which were filed as legal record prior to the enactment of the foregoing lot standards of this section from being used for the establishment of a single dwelling, subject to site plan review for adequate accessibility.

(Code 1999, § 152.090; Ord. No. 99-00-380, § 6.11, 4-4-2000; Ord. No. 01-02-413, 11-5-2002; Ord. No. 12-13-660, § 32, 4-2-2013; Ord. No. 15-16-700, § 1, 2-2-2016)