

CHAPTER 1

GENERAL ZONING PROVISIONS

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5-1-1: **TITLE:** This Ordinance may be cited as the VILLAGE OF DAKOTA ZONING ORDINANCE, 1990.

5-1-2: **OBJECTIVES OF ZONING ORDINANCE:**

- A. To protect the public health, safety, convenience and general welfare of the citizens of Dakota.
- B. To provide a framework for orderly developments, conserving the value of land and buildings throughout the Village and preventing the development of incompatible uses.
- C. To prevent harm to persons or property from fire, toxic fumes and other hazards.
- D. To lessen traffic and pedestrian conflicts and traffic congestion.

5-1-3: SCOPE OF REGULATIONS:

A.

The regulations provided by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

B.

No building, structure or land shall hereafter be used or occupied and no building or structure or any part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which located.

C.

No building or other structure shall hereafter be erected or altered:

1. In excess of the height;

2. With lot area, ground floor area or total floor area less than the minimum;

3. To accommodate or house a number of families in excess of that;

4. To occupy a percentage of lot area in excess of the minimum;

5. To provide for rear, side or front yards, or other open space with less than the minimum dimensions herein required, or in any other manner contrary to the provisions of this Ordinance.

D.

No yard or lot existing at the time of passage hereof shall be reduced in demension or area below the minimum requirements set forth herein. Required yards or lots created after the effective date hereof shall meet at least the minimum requirements established in this Ordinance.

E.

Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive, or that imposing higher standards, shall govern.

5-1-4 **EXEMPTED USES:**

A.

All plats of subdivisions which have received preliminary approval and lots of record on the effective date hereof must be developed in accordance with the use district in which they are located under this Ordinance, but may be developed in accordance to the lot area, lot width, and yard setback requirements of the Village Zoning Ordinance.

B.

Where a building line has been established by existing buildings, new buildings may conform to their average setback.

C.

The following may exceed the maximum height regulations when erected in accordance with all other ordinances of the Village: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, steeples, stacks, tanks, water towers, ornamental towers and spires, television or radio towers, and necessary mechanical appurtenances.

D.

Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75') when the required side and rear yards are increased by one foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.

5-1-5: **ZONING OF ANNEXED TERRITORY:** All territory of less than one (1) acre which may be annexed to the Village shall be considered as being in the D-1, Family Residence District, until otherwise properly changed by ordinance. All territory of one (1) acre or more shall be considered as being in the REC-1, Recreational Property District, until otherwise properly changed by ordinance.

5-1-6: **INTERPRETATION OF PERMITTED USES:** Unless otherwise prohibited or restricted, a permitted use also allows use, buildings and structures customarily incidental thereto, if located on the same site or building plat. However, such incidental uses shall not be established prior to the establishment of the principal use, and shall be compatible with the principal use.