

ARTICLE D. Site Development Standards

SECTION 10-3-53. Common Areas and Owners Associations

- A. **Applicability.** This Section applies whenever this Ordinance requires a property owners' association be established before subdivision or development site approval.
- B. **Establishment of Association.**
1. A property owners association must be established to own, operate, and maintain all shared and common facilities.
 2. Shared parking areas, private streets, drive aisles, alleys, playgrounds, stormwater management facilities, public street access, and any other common facilities must be platted as a separate common area and owned in fee simple by the property owners' association.
 3. No shared or common facilities may be located on a single-family detached, single-family attached, duplex, or townhouse lot unless approved under alternative compliance.
 4. Maintenance responsibilities, cost-sharing, enforcement authority, dispute resolution, and insurance obligations must be clearly identified in recorded documents.
- C. **Alternative Compliance.** The Zoning Administrator may approve a recorded joint maintenance agreement and cross-access easement in lieu of the creation of a property owners' association under the following circumstances:
1. The development site must consist of no more than 8 dwelling units;
 2. Any shared facilities are limited to drive aisles, alleys, shared driveways, public street access, and shared parking areas; and,
 3. Recorded documents clearly identify:
 - a. Mutual access rights and restrictions;
 - b. Allocation of maintenance, repair, and replacement costs;
 - c. Procedures for routine and major work, including dispute resolution;
 - d. Liability insurance requirements; and,
 - e. Provisions binding successors in title.

SECTION 10-3-54. Dumpsters and Waste Receptacles

- A. **Applicability.** This Section applies to all dumpsters, trash compactors, and areas used to store multiple waste receptacles, which must be located entirely within a designated collection area.
- B. **Plan Required.** Every designated collection area must be clearly identified on an approved Zoning Plan or Site Plan. A designated collection area must serve a principal building or use. If located on a lot without a principal building, the zoning plan or site plan must identify those principal buildings or uses served.
- C. **Designated Collection Area.** A designated collection area is any space set aside for the placement, storage, or staging of any of the following, either individually or in any combination:
 - 1. 1 or more dumpsters;
 - 2. 1 or more trash compactors; or
 - 3. Multiple waste receptacles.
- D. **Screening.** A designated collection area must be screened on all sides by an opaque fence, wall, or other structural enclosure. The enclosure must be at least as tall as the tallest container within the collection area and must include a closable gate. The gate may have a gap of no more than 6 inches between the bottom of the gate and the ground surface.
- E. **Measurement.** For the purposes of this Section, the boundaries of a designated collection area are measured from the outside face of the required screening.
- F. **Location.** A designated collection area is subject to the following location requirements:
 - 1. **Fire Lanes.** No designated collection area may be located within a designated fire lane.
 - 2. **Street Setback.**
 - a. **Lots with a Principal Building.** On a lot with at least 1 principal building, no designated collection area may be located between any principal building and a public street. If a lot has multiple street frontages, the designated collection area may be located between a principal building and a side street, provided it is set back from the side street at least as far as the principal building.

- b. **Lots without a Principal Building.** On a lot without a principal building, any designated collection area must be set back from the public street at least as far as the established setback of the principal building nearest to that street within the same development site.
- 3. **Interior Setbacks.** A designated collection area must be set back at least 5 feet from any lot line that does not abut a public street, except for lot lines interior to the development site.
- 4. **MU-D District.** In the MU-D District, Paragraphs 2 and 3 do not apply; instead, a designated collection area must be set back at least 20 feet from any lot line abutting a public street.

SECTION 10-3-55. Minimum Lot Width Exceptions

- A. **Intent.** The intent of this Section is to promote safe and efficient traffic circulation, reduce vehicle conflict points along public streets, and encourage coordinated development by limiting the proliferation of curb cuts on commercial and industrial lots.
- B. **Applicability.** In the C-AU, C-NC, and I-G Districts, the minimum lot width does not apply, provided the lot adheres to the requirements of this Section.
- C. **Subdivisions of Compliant Lots.** Where the original lot complies with the minimum lot width of the district, subdivision may create lots of any width, provided all resulting lots are subject to an agreement establishing shared access.
- D. **Subdivisions of Noncompliant Lots.** When the original lot does not comply with the minimum lot width of the district, subdivision may create lots of any width, provided all of the following conditions are met:
 - 1. All resulting lots must be subject to an agreement establishing shared access.
 - 2. All resulting lots must share a single access connection. If the original lot has more than 1 existing access connection, any excess direct access connections must be closed as a condition of subdivision.
 - 3. If the original lot has an existing access connection through a shared access across an adjoining lot, all resulting lots must use that existing, shared access.
- E. **Required Recordation.** An instrument establishing access and cross-use easements and joint maintenance agreements for all shared entrances and internal drive aisles must be recorded before a subdivision may be approved under this

Section. The instrument must satisfy the Subdivision Agent and City Attorney. The instrument may be amended through a future subdivision or site plan approval.

SECTION 10-3-56. Outdoor Display and Sales

- A. **Location.** Outdoor display and sales must be located on the same lot as the principal use.
- B. **Pedestrian Clearance.** Outdoor displays and sales are prohibited in any required parking spaces, vehicle or pedestrian access, or landscaped area.