

# ARTICLE X

## EXCEPTIONS AND MODIFICATIONS

### SECTION 1 – LOTS OF RECORD

- A. Conformance with Zoning Ordinance** - Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with **Article VII**. Permission to use such lots may be granted, however, providing that the yards and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.
- B. Lots Recorded Prior to Annexation** - Any lot or house and lot located in a legally recorded subdivision or planned development may be constructed or enlarged in accordance with the setbacks and other restrictions as were legally approved by Shelby County prior to annexation or legally approved by Lakeland prior to any changes in the zoning that changes the bulk regulations for those recorded lots.
- C. Minimum Size** - In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than sixty (60) feet and whose total lot area is less than three thousand five hundred (3,500) square feet. However, any lot legally created in a planned development or other subdivision that is recorded in the Shelby County Register's Office shall be a legal lot and a residence may be constructed on such lot or lots.
- D. Adjoining Substandard Lots of Record** - Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

### SECTION 2 - SETBACK LINE

The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet.

### **SECTION 3 – EXCEPTIONS TO HEIGHT LIMITS**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.