



# PLAN COMMISSION MEETING

Monday, October 14, 2024 at 5:30 PM

Council Chambers - City Hall, 3rd Floor  
1717 E. Park Street, Two Rivers, WI 54241

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## AGENDA

### 1. CALL TO ORDER

### 2. ROLL CALL

Commission Members: Greg Buckley, Rick Inman, Kay Koach, Kristin Lee, Matt Heckenlaible, Adam Wachowski

### 3. ACTION ITEMS

- A.** Request to rezone 1509 – 19<sup>th</sup> Street, Parcel 053-000-050-030-.09, from Business (B-1) to Residential (R-3) submitted by Joan Johnson (applicant and owner).
- B.** Request to rezone 2114 East River Street, Parcel 053-000-027-021.08, from Residential (R-3) to Residential (R-4) submitted by Steve Bacalzo on behalf of Lamplighter Rentals LLC (applicant and owner).
- C.** Request for an electronic changing message (ECM) sign to be located at the southwest entrance of the LB Clarke Middle School property at 4613 Parkway Blvd.
- D.** Review Front Yard Garden Program for consideration of 2025 continuation, submitted by Council Member Darla LeClair.

### 4. ADJOURNMENT

*In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Two Rivers will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the City Clerk's office at 920-793-5526 or email [clerk@two-rivers.org](mailto:clerk@two-rivers.org) at least 48 hours prior to the scheduled meeting or event to request an accommodation. For additional assistance, individuals with hearing or speech disabilities can call 711 and be connected to a telephone relay system.*

*It is possible that members of and possibly a quorum of governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no other action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.*

**MEMORANDUM**

**To:** City Council

**From:** Gregory E. Buckley  
City Manager

**Date:** September 12, 2024

**Subject:** Plan Commission Recommendation on Application to Re-Zone Property at 1509 19<sup>th</sup> Street from B-1 Business to R-3 One and Two Family Residential

The Plan Commission at its September 9 meeting considered the above application, which was tabled from the August meeting.

The property in question was formerly the location of a dental office, on the south side of 19<sup>th</sup> Street. It is located just west of the former Evans Department Store property. The former Evans property and this parcel are zoned B-1, as are all properties in this block on the opposite side of the street. All properties west of the subject parcel on the south side of the street, to Adams Street, are zoned R-3 Residential.

The owner is seeking the zoning change to make use of the existing building as a two-unit residence. First floor residential uses are not allowed in the current B-1 zoning district.

The Plan Commission struggled with this decision, as there are plausible arguments for either maintaining the current business zoning or re-zoning to residential. The property is shown on the Future Land Use map in the Comprehensive Plan as “Governmental/Institutional/Utilities,” along with the abutting U.S. Post Office property, through the block to the south.

After extensive discussion of this request, the Plan Commission voted to recommend approval of the request by the City Council, with the condition that the property owner replace the concrete-paved front yard and adjacent concrete-paved terrace with turfgrass. The rationale for that proposed condition was to make the property more residential in appearance, and thus more compatible with the neighboring residential uses to the west.

While the Plan Commission’s proposed condition for the re-zoning may have merit, a subsequent discussion with the City Attorney identified a potential concern that this would be

considered "contract zoning." That is, the zoning decision would be conditioned upon the property owner doing certain things with the property that are not otherwise required by the Zoning Code. This could create problems in trying to enforce that condition in the future.

Based on this concern, I believe it would be appropriate for the Council to refer this matter back to the Plan Commission, for further consideration. Other alternatives available to the Council would be to schedule this matter for public hearing and then decide to either:

- Approve the rezoning with the condition recommended by the Plan Commission;
- Approve the rezoning without condition; or
- Deny the rezoning

If the matter is returned to the Plan Commission, there are other alternatives that might be pursued to address a residential use of the subject property, including:

- An ordinance amendment to allow some residential conversions of the first floors of B-1 zoned properties as a conditional use, provided certain requirements are met
- Consideration of a rezoning of the property with self-imposed conditions offered by owner, in the form of a covenant running with the land
- Re-zoning the property as Planned Unit Development, and considering redevelopment as a residential use under that section of the ordinance

I recommend that this matter be referred back to the Plan Commission for further consideration, for the reasons cited in this memo.



### LAND DEVELOPMENT APPLICATION

APPLICANT Joan Marie Johnson TELEPHONE (920) 737-7157

MAILING ADDRESS P.O. Box 540, Two Rivers, WI, 54241  
(Street) (City) (State) (Zip)

PROPERTY OWNER 1509 19th Street TELEPHONE \_\_\_\_\_

MAILING ADDRESS Joan M. Johnson Two Rivers, WI, 54241  
(Street) (City) (State) (Zip)

REQUEST FOR:

- Comprehensive Plan Amendment
- Site/Architectural Plan Approval
- Subdivision Plat or CSM Review
- Zoning District Change
- Conditional Use
- Annexation Request
- Variance/Board of Appeals
- Other

STATUS OF APPLICANT:  Owner  Agent  Buyer  Other

PROJECT LOCATION 1509 19th Street, Two Rivers, WI 54241 TYPE OF STRUCTURE Single Story Bldg.

PRESENT ZONING Commercial (B1) REQUESTED ZONING Residential (R-3)

PROPOSED LAND USE Duplex

PARCEL # 1955-Built/Parcel#0000-500-309. ACREAGE #6,752 Sq. Foot lot

LEGAL DESCRIPTION ORIG PLAT E 45' OF LOT 3 BLK 50.

**NOTE: Attach a one-page written description of your proposal or request.**

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed Joan Marie Johnson (Property Owner) Date 7-31-2024

Fee Required	
\$ 350	Comprehensive Plan Amendment
\$ t/b/d	Site/Architectural Plan Approval (Listed in Sec 1-2-1)
\$ t/b/d	CSM Review (\$10 lot/\$30 min)
	Subdivision Plat (fee to be determined)
\$ 350	Zoning District Change
\$ 350	Conditional Use
\$ t/b/d	Annexation Request (State Processing Fees Apply)
\$ 350	Variance/Board of Appeals
\$ t/b/d	Other

Schedule	
Application Submittal Date	<u>7-31-2024</u>
Date Fee(s) Paid	<u>7-31-2024</u>
Plan(s) Submittal Date	_____
Plan Comm Appearance	<u>8-12-24</u>

\$ 350 TOTAL FEE PAID

APPLICATION, PLANS & FEE RECEIVED BY A Taylor

RE: Adam



**PLAN COMMISSION**

**Action:** Rezoning Request from Business (B-1) to Residential (R-3)  
**Location:** 1509 – 19<sup>th</sup> Street  
**Current Zoning:** Business B-1  
**Date:** September 9, 2024

The owner of this property is requesting a rezoning of this property from Business (B-1) to Residential (R-3) to allow for residential use. The existing business zone allows for residential use to be only on the 2<sup>nd</sup> floor.

This property was previously a dental office use. Since closing, the current owner would like to change to a residential primary use.

The building is currently located within the front yard setback. The adjacent properties are also setback closer than the 25’ requirement, however they are setback farther than the building in question (see aerial view).

At the previous Plan Commission meeting, there were concerns regarding the green space requirement. This lot has 2 driveways that extend into the rear yard parking lot. There is a barrier/fence located between this lot and the Post Office lot. The lot currently has not green space, however the City’s ordinance does not have a requirement for green space or impervious areas. The code states regulations on the percentage a building can take up on a lot, which in turn allows for green space. Below is an example for detached structures in rear yards:

(c) In rear yards:

[1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, projecting six feet or less into the required rear yard.

[2] Overhanging eaves, bay windows and gutters projecting three feet or less into the required rear yard.

[3] Detached accessory buildings and structures such as storage buildings, garages, swimming pools, heating and air-conditioning equipment, wind and solar energy conversion equipment antenna structures, including those mounted on towers or masts or those employing parabolic or similar reflectors, provided such buildings, structures or equipment:

[a] In the aggregate shall not occupy more than 30 percent of any required rear yard nor more than 50 percent of non-required rear yard areas.



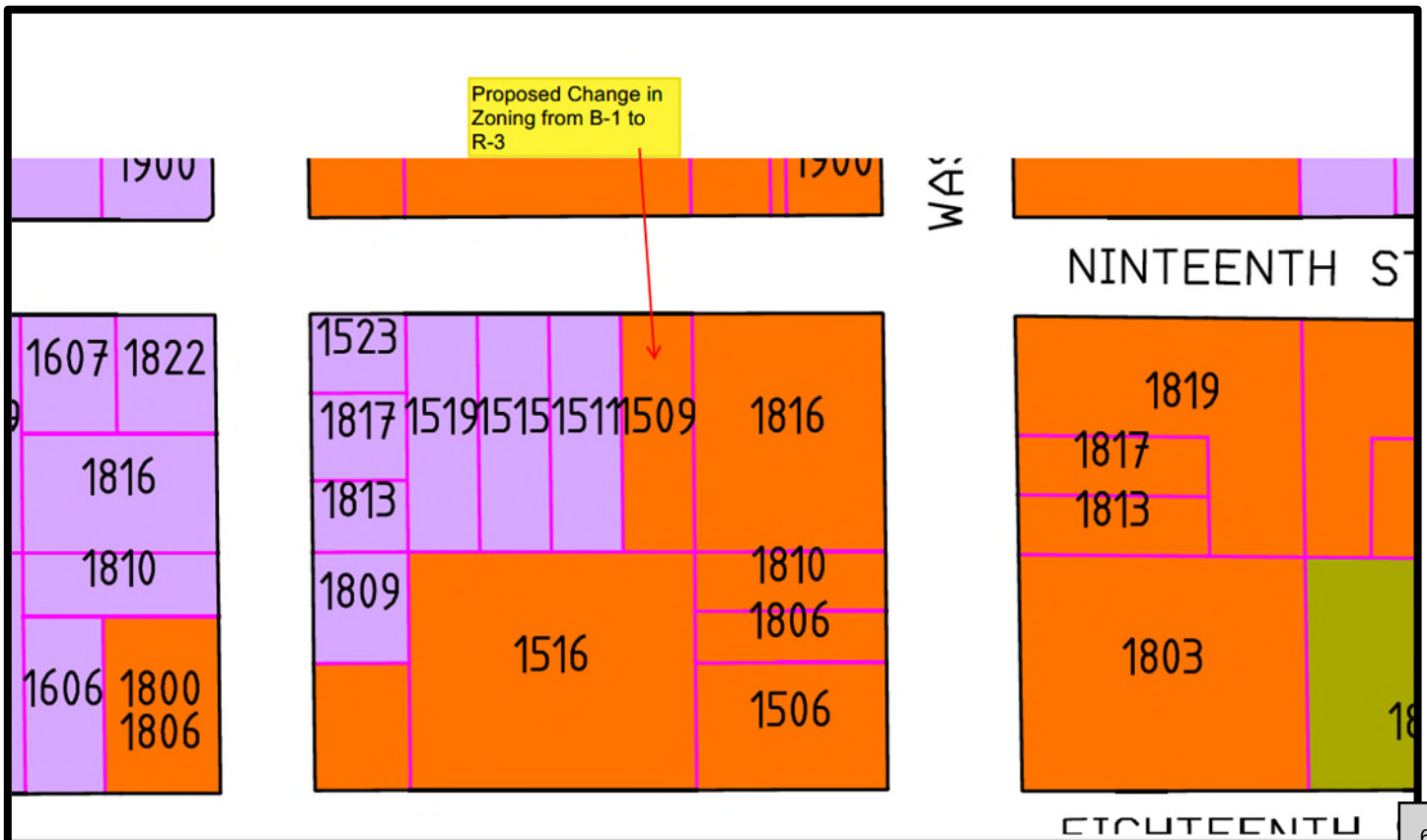
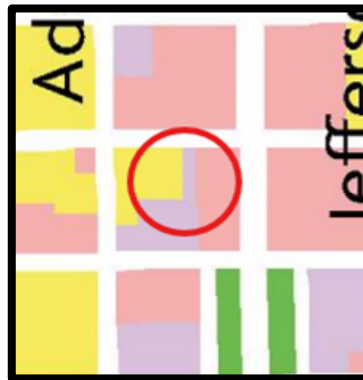


[b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.

[c] Shall comply with all applicable municipal and state code provisions.

[d] Driveways not exceeding 35 percent of the lot width or 35 feet, whichever is less.

The comprehensive plan shows this lot as Government/Institutional/Utilities (purple) (see below map). Yellow color = Residential. Pink color = Business.





**TWO  
RIVERS**  
WISCONSIN

**COMMUNITY DEVELOPMENT**

Section 3, Item A.

1717 E. Park Street  
P.O. BOX 87  
Two Rivers, WI 54241-0087



[www.two-rivers.org](http://www.two-rivers.org)



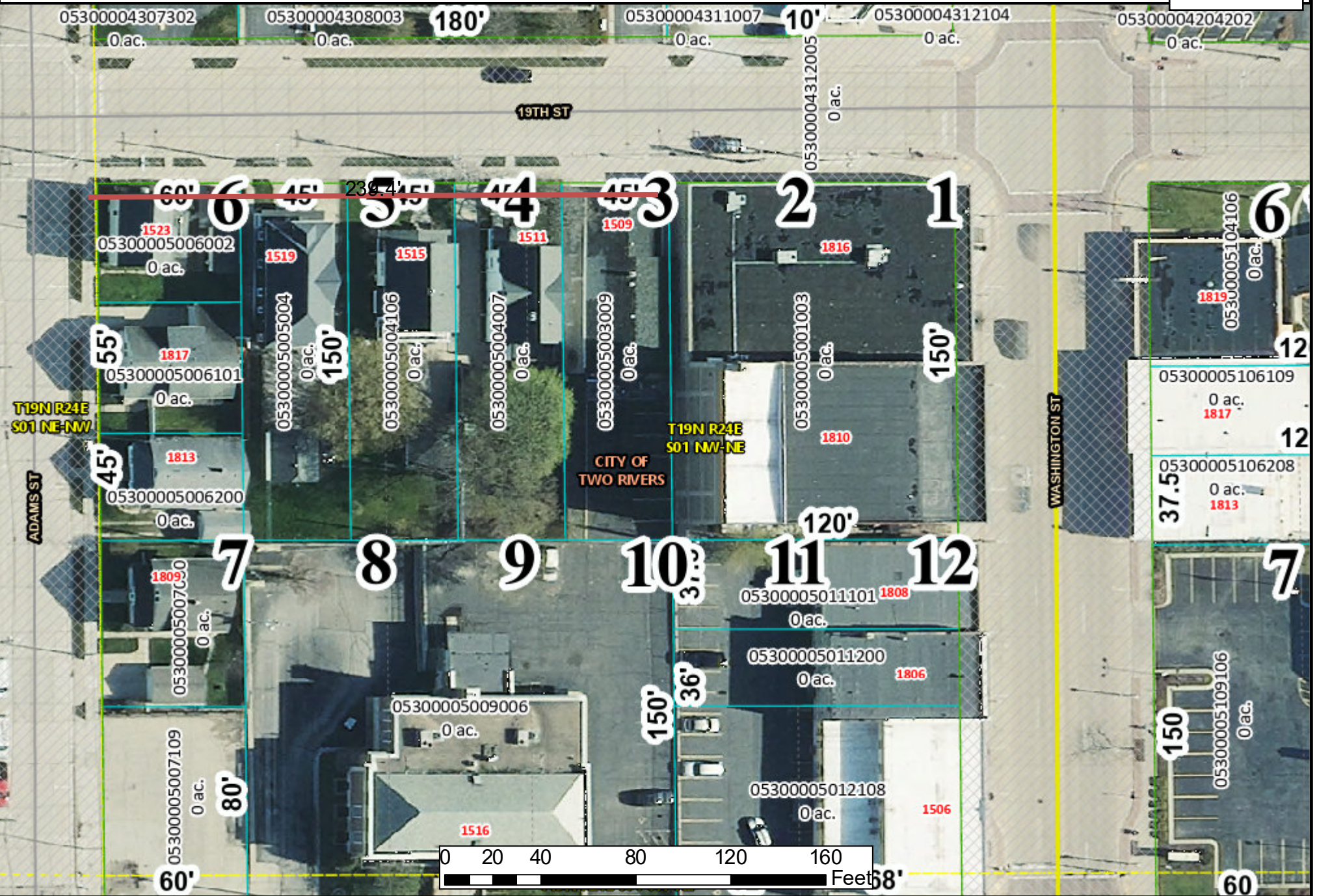
920.793.5564



920.793.5512

# 1509 19TH

Section 3, Item A.



Author: Public  
Date Printed: 9/9/2024



The burden for determining fitness for use rests entirely upon the user of this we  
Manitowoc County and its co-producers will not be liable in any way for accuracy  
data and they assume no responsibility for direct, indirect, consequential, or other damages.





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Section 3, Item A.



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P.O. BOX 87  
Two Rivers, WI 54241-0087



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920.793.5564



920.793.5512



LAND DEVELOPMENT APPLICATION

APPLICANT Steve Bacalzo for Lamp Lighter Rentals, LLC TELEPHONE 920-374-1059

MAILING ADDRESS 2418 Jefferson St. WI 54241 (Street) (City) (State) (Zip)

PROPERTY OWNER Lamp Lighter Rentals, LLC TELEPHONE 920-374-1059

MAILING ADDRESS Same (Street) (City) (State) (Zip)

REQUEST FOR:

- Comprehensive Plan Amendment
Site/Architectural Plan Approval
Subdivision Plat or CSM Review
Zoning District Change
Conditional Use
Annexation Request
Variance/Board of Appeals
Other

STATUS OF APPLICANT: Owner Agent Buyer Other

PROJECT LOCATION 2114 E. River TYPE OF STRUCTURE Multi-Family

PRESENT ZONING R3 REQUESTED ZONING R-4

PROPOSED LAND USE Multi-Family

PARCEL # 053-000-027-021-08 ACREAGE

LEGAL DESCRIPTION

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed [Signature] (Property Owner) Date 7/29/24

Fee Required

- \$ 350 Comprehensive Plan Amendment
\$t/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1)
\$t/b/d CSM Review (\$10 lot/\$30 min)
Subdivision Plat (fee to be determined)
- \$ 350 Zoning District Change -
\$ 350 Conditional Use
\$t/b/d Annexation Request (State Processing Fees Apply)
\$ 350 Variance/Board of Appeals
\$t/b/d Other

Schedule

- Application Submittal Date 7/29/24
Date Fee(s) Paid 7/29/24
Plan(s) Submittal Date
Plan Comm Appearance 8-12-24

\$ 350 TOTAL FEE PAID

APPLICATION, PLANS & FEE RECEIVED BY [Signature]



**PLAN COMMISSION**

**Action:** Rezoning Request from Residential (R-3) to Residential (R-4)  
**Location:** 2114 East River Street  
**Current Zoning:** Residential R-3  
**Date:** September 9, 2024

The owner of this property is requesting a rezoning of this property from Residential (R-3) to Residential (R-4) to allow 3 families to live in the dwelling. The property is currently being used as a 3-family home, which is not allowed in this zoning district.

**Zoning Information:**

The R-3 zoning district allows for single and double family homes, which is why the owner would like to rezone to R-4. The current dwelling would not meet the setbacks for the R-4 district, which is a minimum of 25' of front yard and 15' of side yard.

The comprehensive plan shows this area as Residential use.

There is another lot zoned R-4 located at 2213 Washington St, which contains similar setbacks to make it nonconforming.

The adjacent lot at 2110 East River Street, and 2015 East River Street are also operating as multi-family homes. A zoning change may not need to take place; all of these lots seem like they have been in use as a multifamily for many years, which means they could potentially be classified as legal non-conforming.

Yellow = Residential





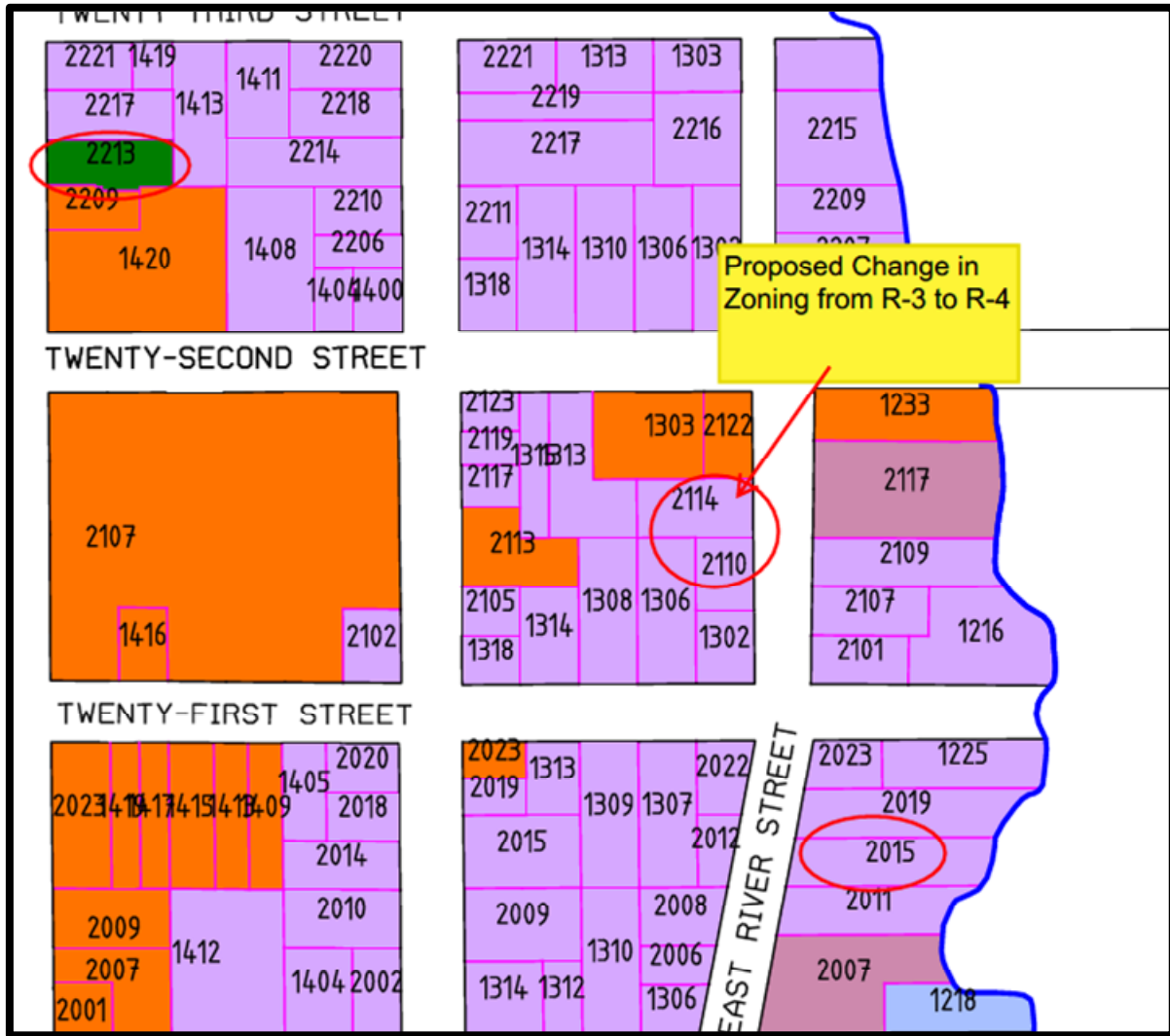


**TWO RIVERS**  
WISCONSIN

**COMMUNITY DEVELOPMENT**

Section 3, Item B.

1717 E. Park Street  
P.O. BOX 87  
Two Rivers, WI 54241-0087







**TWO  
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WISCONSIN

**COMMUNITY DEVELOPMENT**

Section 3, Item B.

1717 E. Park Street  
P.O. BOX 87  
Two Rivers, WI 54241-0087



[www.two-rivers.org](http://www.two-rivers.org)



920.793.5564



920.793.5512

City of Two Rivers  
 1717 E Park Street  
 Two Rivers, Wisconsin

## Sign Permit Application

Phone (920) Section 3, Item C.  
 Fax (920) 793-5512  
 email: zoning@two-rivers.org

In compliance with Chapter 10-4 of the Municipal Code, we hereby apply for a permit to install an awning or advertising device in the City of Two Rivers, Wisconsin; such awning or advertising device being described as follows:

▶ Address of Sign Location: <b>LB Clarke Middle School 4608 Bellevue Pl, Two Rivers, WI 54241</b>	
▶ Applicant: <b>Katie Scholz</b>	▶ Sign Contractor: <b>Marshall Sign</b>
▶ Mailing Address: <b>220 Young St. Glenbeulah, WI 53023</b>	▶ Contact: <b>Katie Scholz</b>
▶ Phone: <b>920.526.3100</b>	▶ Phone: <b>920.526.3100</b>

TYPE OF DEVICE	FEATURES	SITE DATA (for office use only)
Awning/Canopy <input type="checkbox"/> Ground Sign <input checked="" type="checkbox"/> Movable Sign <input type="checkbox"/> Projecting Sign <input type="checkbox"/> Roof Sign <input type="checkbox"/> Wall Sign <input type="checkbox"/> Other Device <input type="checkbox"/>	Interior Light <input checked="" type="checkbox"/> Exterior Light <input type="checkbox"/> ECM <input type="checkbox"/> Reader Board <input checked="" type="checkbox"/>	Zoning District _____ Min setback <u>10'</u> Min clearance _____ Property frontage <u>660'</u> Lineal feet of bldg _____ Max height <u>Sign: 5' 6"</u> Annual Renew _____

Other Device \_\_\_\_\_

Location on Property Westside (off Parkway)

Legend \_\_\_\_\_

Dimensions Sign is 5' 6" tall x 8' wide

Construction Masonry base to match building, aluminum sign cabinet

Comments \_\_\_\_\_

**Attach the following:**

- Site Plan indicating sign location and setbacks of the proposed sign or device. (drawn to scale)
- Detailed drawing of the proposed sign or device. (drawn to scale)
- Certificate of Liability Insurance – Sign Contractor (Unless current copy is on file)

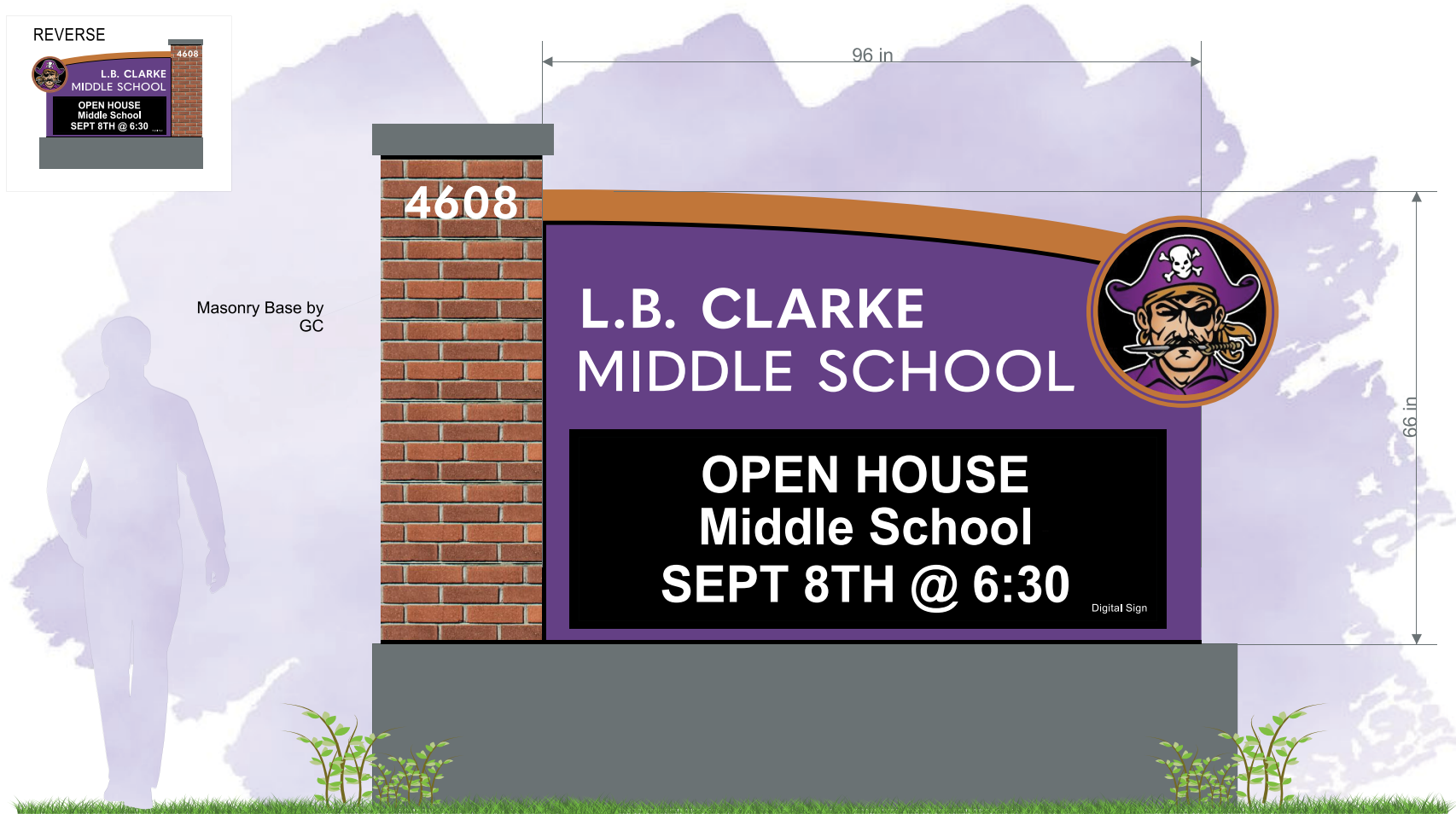
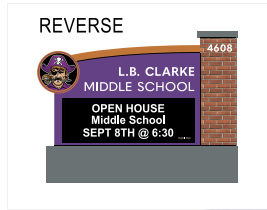
Signed *Katie Scholz* Date 10-7-24

Project Cost (Sign Construction and Installation) \$35,000

Sign Permit Fee is \$50.00 per sign.

01/01/21

# Two Rivers L.B. Clarke Middle School



**Marshall Sign**  
920.526.3100 • marshallsign.com

This is an original unpublished drawing submitted for use in connection with a project being planned for you by Marshall Sign. It is not to be re-produced, copied or exhibited in any fashion without the written permission of Marshall Sign.

ACCOUNT: L.B. Clark Middle School

LOCATION: \_\_\_\_\_

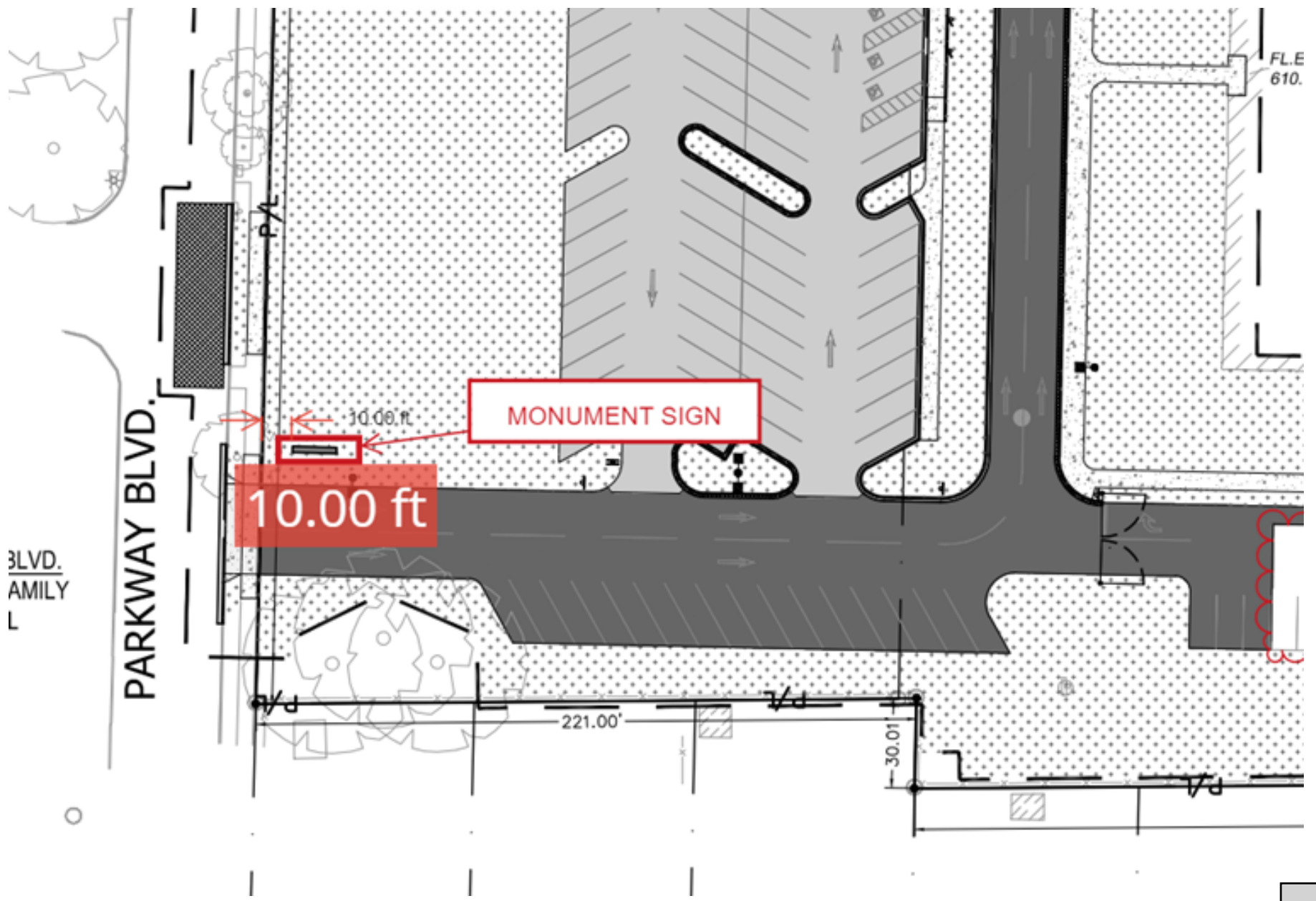
ADCT. REP: Jim Marshall

DATE: 8-19-24

REVISIONS

1	_____
2	_____
3	_____
4	_____

# Two Rivers L.B. Clarke Middle School



## Sec. 10-4-17. - Special signs.

- A. *Subdivision development signs.* The zoning administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
- (1) Such permits may be issued for a period of not more than one year and may be renewed for additional periods of up to one year upon written application at least 30 days prior to its expiration.
  - (2) Signs as used in this section refers to all types of signs, except those excepted or prohibited by this chapter.
  - (3) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
  - (4) The sign may not exceed 80 square feet.
  - (5) One sign is allowed for each major street adjacent to the subdivision.
- B. *Changing signs.* The plan commission may approve a changing message sign, provided the following findings can be made by the commission:
- (1) The sign regulations applicable to the district would allow a static message sign of identical size and placement as the proposed changing sign.
  - (2) Proximity of the changing sign to nearby traffic signals would not adversely affect public safety by distracting or confusing motorists.
  - (3) Visibility of the changing sign from nearby residential properties would not create a nuisance for nearby residents.
  - (4) That "changing" does not mean flashing of the message.
  - (5) That the intensity of the changing message lights shall not create a nuisance.

**Sec. 10-1-15. Height and area exceptions.**

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- A. *Public and quasi-public buildings.* Churches, schools, hospitals, medical clinics, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- B. *Extraordinary structures.* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, parapet walls not exceeding two feet in height, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the city.
- C. *Residences.* Residences in the residence districts may be increased in height by not more than ten feet when all yards and other required open spaces are increased by one foot for each foot which such building exceeds the height limit of the district in which it is located.
- D. *Through lots.* Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.
- E. *Nonconforming lots.* Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record on September 8, 1953, such lot may be occupied by one family.
- F. *Accessory buildings and structures.*
  - (1) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory unless expressly permitted by the board of appeals.
  - (2) *Height.* In all residential districts the maximum height of any detached accessory building shall not exceed the height of the principal building but in no case be higher than 20 feet unless expressly permitted by the board of appeals.
- G. *Yards to be open upward.*
  - (1) Except where otherwise specified in this chapter, every part of a required yard shall be open to the sky unobstructed.
  - (2) *Location of required open space.* All yards, courts, usable open spaces and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
  - (3) *Required yards for existing buildings.* No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum required by this chapter for equivalent new construction.
  - (4) *Permitted obstructions in required yards.* The following shall be considered permitted obstructions when located in the required yard specified. Any obstruction not expressly described is prohibited.



(a) In all yards:

- [1] Arbors and trellises, trees, shrubs and plantings.
- [2] Awnings.
- [3] Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, antenna masts or towers, cornices, eaves, gutters and the like, projecting not more than 24 inches.
- [4] Fences, walls and hedges, subject to the provisions of this chapter.
- [5] Flagpoles and garden ornaments.
- [6] Open terraces not over three feet above the average level of the adjoining ground, but not including a permanent roofed-over terrace or porch unless otherwise specifically permitted.
- [7] Recreational accessory uses.
- [8] Steps not over three feet above the ground level which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- [9] Walks and driveways.

(b) In front yards and street side yards:

- [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, extending not more than six feet into a required front yard or street side yard, provided that these projections do not encroach in any vision clearance triangle.
- [2] Overhanging eaves and gutters projecting three feet or less into the yard.
- [3] Open off-street vehicle parking spaces when approved by the plan commission in business, industrial, institutional and multifamily residence districts.
- [4] Open off-street vehicle parking on a paved or graveled driveway, provided no vehicle may be parked within five feet of a front property line or within three feet of a side lot line. The maximum width of driveways on private property shall not exceed 35 percent of the lot width or 35 feet, whichever is less. However, any lot may have a driveway up to 20 feet in width.
- [5] Garages in embankments. Where the mean natural grade of a front or street side yard is more than eight feet above the curb level, a private garage may be erected within said yard, provided as follows:
  - [a] That such private garage shall be located not less than five feet from the street lot line;
  - [b] That the floor level of such private garage shall be not more than one foot above the curb level; and
  - [c] That at least one-half the height of such private garage shall be below the mean grade of the yard.

→ [6] Produce gardening in front yards existing prior to August 1, 2016. Such front yard produce gardens may not be expanded. New front yard produce gardens are prohibited, except as may be authorized by resolution of city council as part of a pilot program that was put in effect in 2023 and is hereby extended to December 31, 2024. Participation by a property in

said pilot program shall not create any vested right to continue such new gardens beyond December 31, 2024.

- [7] Produce gardening is permitted in street side yards. Such gardens shall not encroach into the minimum required street side yard.
- [8] Garages in front yards.
  - [a] In the aggregate shall not occupy more than 30 percent of any required front yard and not more than 50 percent of non-required front yard areas;
  - [b] Shall be located on a lot being not less than five acres in size;
  - [c] The primary structure on the lot shall be located at least 500 feet from the street on which the property fronts;
  - [d] Garages shall reflect the same minimum setbacks allowed for a principal structure on the lot.
  - [e] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
  - [f] Shall comply with all applicable municipal and state code provisions.
- [9] Garages in street side yards.
  - [a] Shall be no closer than the required front yard setback;
  - [b] Street side yard setback shall be 25 feet from the lot line;
  - [c] In the aggregate, shall not occupy more than 30 percent of any required street side yard nor more than 50 percent of non-required street side yard areas.
  - [d] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
  - [e] Shall comply with all applicable municipal and state code provisions.
  - [f] Permitted only where there is a previously existing driveway.
- (c) In rear yards:
  - [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, projecting six feet or less into the required rear yard.
  - [2] Overhanging eaves, bay windows and gutters projecting three feet or less into the required rear yard.
  - [3] Detached accessory buildings and structures such as storage buildings, garages, swimming pools, heating and air-conditioning equipment, wind and solar energy conversion equipment antenna structures, including those mounted on towers or masts or those employing parabolic or similar reflectors, provided such buildings, structures or equipment:
    - [a] In the aggregate shall not occupy more than 30 percent of any required rear yard nor more than 50 percent of non-required rear yard areas.
    - [b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.
    - [c] Shall comply with all applicable municipal and state code provisions.