

## ARTICLE VIII

## EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS

SECTION 8.1 HEIGHT EXCEPTIONS, GENERAL RULE. Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is located except as specified below.

SECTION 8.2 STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS. The height limitations of this Ordinance shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials. These exceptions shall not apply in the vicinity of airports.

SECTION 8.3 WALLS AND FENCES. The setback requirements of this ordinance shall not prohibit any necessary retaining wall or fence except that in a residential district:

- 1) Front yard fences and walls shall not exceed four (4) feet in height and shall not extend into public right-of-way.
- 2) Front yard fences shall not be made of wire, woven metal, or chain link unless located on property of an agricultural/undeveloped use or of a size larger than three (3) acres.
- 3) Ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood or wrought iron and not constructed of exposed block, tires, junk or other discarded material shall be permitted within the minimum front yard.
- 4) No fence shall exceed eight (8) feet in height within a rear or side yard.

SECTION 8.4 YARD SPACE, GENERAL RULE. Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.

SECTION 8.5 [RESERVED]

SECTION 8.6 LOT AREA EXCEPTION, EXISTING PLATTING. A single family dwelling may be built on any platted lot of record containing 75 percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of this Ordinance, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five feet in width.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements, established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

**SECTION 8.7 TEMPORARY BUILDINGS AND SIGNS.** A temporary building, sign or buildings for use in connection with a construction project or subdivision development shall be permitted on the land on which the project is being constructed during the duration of the construction period. Temporary buildings related to a subdivision development shall be removed when one hundred (100) percent of all lots are occupied. In the event that no activity occurs at the construction site within a consecutive 3 month period, all buildings and signs shall be removed. All such buildings and signs shall secure an annual permit. The City shall hold the Certificate of Occupancy for the last structure until all temporary buildings and signs are removed. Temporary signs shall be removed immediately when all lots are occupied by completed homes.

**SECTION 8.8 FENCES AND HEDGES, CORNER VISIBILITY.** Except in districts allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than 30 inches above grade or in the case of trees, foliage lower than 8 feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

**SECTION 8.9 FENCES AND HEDGES, MEASUREMENT RULE.** Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

**SECTION 8.10 FENCES AND HEDGES, EXCEPTION, BOARD OF APPEALS.** The Board of Appeals may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shieldings between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

**SECTION 8.11 [RESERVED]**

**SECTION 8.12 STRUCTURES TO HAVE ACCESS.** Every building hereafter erected or moved

shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**SECTION 8.13 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT.**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored in side yards or rear yards or in a carport or enclosed buildings provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

**SECTION 8.14 PARKING AND STORAGE OF CERTAIN VEHICLES.** In all residential districts the parking of any vehicle larger than a van or pickup truck (other than recreational vehicles) is prohibited except when the following provisions apply:

- 1) Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.
- 2) Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is 5 acres or larger, but in no case may be closer than 100 feet from any property line.

**SECTION 8.15 MULTI WHEELED VEHICLES AND BUSES.** Automotive vehicles having more than four wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way.

**SECTION 8.16 CANOPIES FOR COMMERCIAL OR INDUSTRIAL USE.** When a canopy is utilized in connection with a commercial or industrial use in districts where such uses are permitted, such canopy may occupy a portion of the required yard setback adjacent to streets, subject to the following provisions:

1. No portion of a canopy shall be closer than ten feet from any street right-of-way line when measured vertically, nor closer than 20 feet from the face of the curb of the street.
2. No canopy shall occupy more than fifty percent of a required yard over which it extends.
3. Any canopy shall be completely unenclosed.

**SECTION 8.17 SUBDIVISION, COMMERCIAL AND PUBLIC RECREATION FACILITY EXCEPTIONS**

a) **SETBACK REQUIREMENTS:**

1. Front yard: Twenty-Five feet (25').
2. Rear yard: Ten feet (10').
3. Side yard: Ten feet (10').
4. Side yard on Street Side Corner: Fifteen feet (15').

b) **PARKING REQUIREMENTS:**

1. Subdivision Recreation Facility - one (1) space per ten (10) dwelling units.
2. Commercial & Public Recreation Facility - A minimum of 20 spaces except that golf courses shall require 20 spaces per each 9 holes.

c) **FENCE REQUIREMENTS:**

Subdivision, commercial and public recreation facilities shall be exempt from requirements of SECTION 8.3 of this article.

**SECTION 8.18 IMPROVEMENTS REQUIRED.** Subdivisions and commercial developments shall be required to construct sidewalks along right-of-way. Commercial property owners which submit site plans for planning department review, and/or receive a commercial zoning change shall be required to construct sidewalks and curb and gutter along right-of-way, this shall include conditional uses permitted in all residential districts.

<b>SECTION / ARTICLE</b>	<b>DESCRIPTION</b>	<b>AMENDMENT DATE</b>
Section 8.18	Improvements Required (amended)	09/15/1997
Section 8.5	Exceptions to Front Yard Requirements (deleted)	06/10/2002
Article 8.11	Open Uses in Undeveloped Areas (deleted)	06/10/2002