

ARTICLE 17
ADDITIONAL HEIGHT AND AREA REGULATIONS

The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this resolution.

17.001. Public, semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet, if the building is setback from each yard at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district which the building is located.

17.003. Barns, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, grain elevators, and storage structures, monuments, ornamental towers, silos, spires, stacks, stage towers of scenery lofts, tanks, water towers, WECS, wireless towers, or necessary mechanical appurtenances are exempt from the height regulations as contained herein. (Resolution No. 3744A, October 5, 1982)

17.005. Accessory buildings may be built in a required rear yard, except as otherwise provided in this resolution, but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line except, that when a garage is entered from an alley, it shall not be located closer than ten (10) feet to the main building. The garage shall be regarded as part of the main building for the purpose of determining side and rear yards and the distance back from the front property line. (Resolution No. 3740, August 31, 1982)

17.007. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes. (Resolution No. 99-1385, July 27, 1999)

17.009. Every part of a required yard shall be open to the sky, unobstructed by any structure, except as hereto for permitted or by any vehicle or motor vehicle except;

- 1) Fences;
- 2) Accessory buildings in a rear yard;
- 3) Projection of sills, belt courses, cornices and ornamental features, which are not to exceed twelve (12) inches;
- 4) Parking of a motor vehicle and vehicles in the rear yard and that part of the side yard to the rear of the front yard, provided that such use of such motor vehicle or vehicles shall be accessory to the main use of the premises.

17.011. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

17.013. Open-lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Superintendent of the Codes Administration for a distance of not more than three and one-half (3 1/2) feet where the same are so placed as not to obstruct light and ventilation.

17.015. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

17.017. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

17.019. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one (1) building occupying lot.

17.021.

(a) Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.

(b) Temporary paving plants used for the paving of federal or state highways or county roads are permitted in any zoning district during the project construction period under the following conditions:

- 1) The paving plant shall be located on property abutting the specific project and having access to a paved road.
- 2) Authorization of a temporary paving plant does not allow for the hauling of paving product to any other location than the abutting property.
- 3) The boundaries of the property used for the paving plant shall be located no closer than 300 feet from an occupied dwelling or from any school, church, library, early childhood care facility, hospital, motel, park, farmstead or livestock facility.
- 4) The operator of the paving plant shall require its suppliers to use paved roads or other designated truck routes approved by the County Engineer for the delivery of supplies to the paving plant.
- 5) The paving plant shall be removed upon substantial completion of the construction project.

17.023. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

17.025. No side yards are required where dwelling units are erected above commercial and industrial structures.

17.027. The front yards heretofore established shall be adjusted in the following cases:

1) Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two (2) or more buildings that have (with a variation of five [5] feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line;

2) Where forty (40) percent or more of the frontage on the side of a street between two intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:

a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side; or

b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

17.029. Enlargement and Alteration of Lots.

a) Any lot or premises which does not meet the area, width or frontage requirements or any combination thereof, of the districts in which it is situated may be enlarged without affecting the purposes for which it may be used; provided that such enlargement does not result in the creation of an additional lot which does not conform to the applicable area, width or frontage requirements of this code. (Resolution No. 3568, March 10, 1981)

b) In the "AG" or "AGR" zoning districts, two (2) or more adjoining lots, all of which do not meet the area width or frontage requirements, or any combination thereof, of the district in which they are situated, may alter their common lot lines without affecting the purposes for which they may be used, provided:

1) That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county and city regulations; and

2) That such alteration meets all requirements of the County Land Subdivision Resolution. (Resolution 3678, March 2, 1982)

3) That the newly created lots in the AG or AGR zoning districts shall have a required front yard, side yard and rear yard that conforms to Section 4.017(h) or Section 5.015(c) and (d) respectively; except that in the AG zoning district, the required side yard shall not be less than 10% of the lot width or 15 feet, whichever is greater. (Resolution R-07-0027, May 8, 2007)

c) In those instances where a governmental agency acquires land for the purposes of road right-of-way from lots which were:

1) Legally existing on the effective date of this title; or

2) Lawfully created after the effective date of this section. (Resolution No. 5009, July 6, 1993)

The acquisition of said right-of-way shall not affect the status of said lot as a buildable lot with respect to minimum lot area, width or frontage requirements of this title provided thereafter:

1) That all new construction, enlargements, extensions or conversions of any buildings, structures, or uses including open land uses shall comply with all applicable provisions of this title, unless adjusted by the Board of Zoning Appeals pursuant to Article 19.

2) That those lots located in "AG" or "AGR" districts, contain a minimum of one (1) acre and have an average lot width of one hundred fifty (150) feet.

3) That those lots located in the "R" Residential districts contain a lot area of four thousand (4,000) square feet and an average lot width of forty (40) feet. (Resolution No. 4658, July 10, 1990)

17.030. Those airfield and airports not included in Article 18, shall have the responsibility for meeting proper clearances over utility lines, poles, towers and structures which are presently located in the path of an airfield runway.

17.031 Buildings, Churches, Height of. In all districts where churches are allowed, the main church building including church steeples, towers and ornamental spires, used for the conduct of worship or religious services, may exceed the district height limit by the addition of one foot for each foot that such building is set back from all required yards. (Resolution No. 5408, November 19, 1996)