

Secs. 78-575—78-605. Reserved.

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 78-606. Exceptions to height limits.

(a) The height limits of this chapter may be modified by the zoning board of appeals in its application to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, mass, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts in which they are located.

(b) The maximum height set forth in the schedule of regulations in article IV, division 2 of this article shall not apply to radio or television antennae that do not exceed the maximum permitted height of the building by more than ten feet. (Ord. No. 54A, § 16.06, 11-11-1987)

* Sec. 78-607. Corner lot setback on side street in residential districts.

Every corner lot in any residential district shall have a minimum setback from the side street equal to the minimum front setback for the district in which such building is located. An encroachment into the side street setback will be permitted to obtain a 30-foot building width; provided, however, a minimum 12-foot setback from the side street lot line shall be maintained. (Ord. No. 54A, § 16.07, 11-11-1987; Ord. No. 226, § 3, 2-9-1994)

Sec. 78-608. Obstructions to vision on corner lots.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding 2½ feet in height above the curb level and trees where all branches are not less than eight feet above the street level will be permitted. In

the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

(Ord. No. 54A, § 16.08, 11-11-1987)

Cross reference—Traffic and vehicles, ch. 66.

Sec. 78-609. Minimum distance between residential buildings.

The sum of the minimum required side yards for single-family residential buildings on two lots which abut each other along a common side lot line shall be not less than the total of the two required side yards of either of the lots.

(Ord. No. 54A, § 16.09, 11-11-1987)

Sec. 78-610. Accessory buildings, structures and uses in single-family residential districts.

(a) Covered and/or enclosed accessory buildings, structures and uses shall be permitted subject to the following conditions:

- (1) No detached accessory building, structure or use shall be erected in the required front yard setback or required side yard setback or within permanent easements.
- (2) Accessory buildings or structures may occupy a portion of the rear yard and shall be at least three feet from all adjoining lot lines and shall not exceed 15 feet in height, except as otherwise provided in this chapter.
- (3) On corner lots where a rear yard abuts a side yard, accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the least side setback required from the lot abutting the corner lot.
- (4) No more than two accessory buildings shall be located on a single-family residen-

tial lot, and the floor area of all accessory buildings shall be limited to 45 percent of the required rear yard area.

- (5) On double frontage lots, no accessory buildings, structures or uses shall be permitted in the required front yard setback portion of the designated rear yard of the double frontage lot.
- (6) In the case of lots with two front yards, no accessory structure shall be located in the required minimum setback of either front yard.
- (7) Accessory structures shall include tree houses, playhouses, shed or other similar structures, which are permanently anchored to a surface, with a maximum floor area for such structures not to exceed 100 square feet. Such structures shall require a permit and are subject to all height and setback requirements applicable to accessory buildings and structures. Plastic, modular or pre-fabricated play structures which are not anchored to the ground or any surface and can be moved around the yard without the need for removing any anchors or other means of attachment, shall not be included in this regulation.

Examples of tree houses (regulated)

Examples of play houses (regulated)

Examples of plastic/modular play structures (not regulated)

- (8) Garages shall be permitted as accessory structures and shall not be limited to the 100 square feet floor area limit noted above. All accessory structures shall conform to the lot coverage standards as established in the ordinance.

(b) Attached, uncovered and unenclosed structures shall be permitted subject to the following conditions:

- (1) Decks, open steps and patios will be allowed to encroach into the required rear or front yard setback a maximum distance of ten feet, provided the maximum area of the encroachment shall be no greater than ten percent of the required front or rear yard setback area, and provided fur-

ther that the average height of a deck, excluding open railings, shall not be more than three feet as defined in this section.

- (2) The average deck height shall be no higher than the sum of the minimum and maximum distance between the surface of the deck and grade, divided by two. The yard grades used for measurement will be those existing prior to any grading for landscaping purposes.
- (3) The area of decks, patios and open steps will be considered in the maximum lot coverage computation.
- (4) A lot survey and ground elevations must accompany the permit for deck, patio and open stem construction so that setbacks may be accurately determined.
- (5) Storage under decks is not permitted unless the storage area is completely obscured from view.

(c) Decks and patios that are not attached to the principal building must be located to meet the required front, rear and side yard setbacks.

(d) A roof overhang may be constructed over an existing open deck, patio or steps that encroaches into the front yard setback, subject to the following conditions:

- (1) The roof may not extend into the required front yard setback more than five feet and the total area of the encroachment may not exceed 25 square feet.
- (2) A roof may not be constructed over an existing open deck, patio or steps that encroaches into the front yard setback if the deck, patio or steps were constructed after January 1, 1994.
- (3) The porch encroachment may not be enclosed partially or entirely in any way, by either permanent or temporary means, with the exception of a railing with open balusters, as required by applicable construction codes. Prohibited temporary enclosures include, but are not limited to, canvas, plastic, wood or any other type of screening material which could be hung, rolled or temporarily fastened into place.

(e) In and adjacent to all residential lots, freestanding air conditioners and/or air conditioning units, permanently mounted or freestanding generators, or other mechanical devices generating a continuous sound, may be placed in the side and rear yards (including the required side and rear yard setback area as restricted below) of the lot but shall not be permitted within the front yard. These units permitted in the side and rear yards shall be screened with landscaping so as not to be visible from the street. (Fencing, lattice, or other fence-type materials used for screening must follow the restrictions outlined in section 78-613 of this Code). The units must be set back at least three and one-half feet from the side lot line and at least 20 feet from the rear lot line. In the case of a double frontage lot, freestanding air conditioning units will be allowed in the designated rear yard. In the case of a lake lot, air conditioning units will be allowed in the yard adjacent to the water, but may not be located in the required front yard setback of said yard. However, any unit must be at least ten feet from the living area of adjacent residential homes at all times (excluding garages). This provision pertains to first-time installations only. An existing unit may be replaced with a new unit in the exact same location, even if it does not meet the requirements of this section.

(Ord. No. 54A, § 16.10, 11-11-1987; Ord. No. 201, § 2, 5-9-1990; Ord. No. 226, § 4, 2-9-1994; Ord. No. 287, § 1, 10-10-2007; Ord. No. 294, § 3, 11-12-2008; Ord. No. 295, 12-12-2008)

Sec. 78-611. Accessory buildings other than single-family residential districts.

No accessory structure shall be erected in the front yard. In the case of lots with two front yards, no accessory structure shall be located in the required minimum setback of either front yard. (Ord. No. 54A, § 16.11, 11-11-1987)

Sec. 78-612. Grades, elevation differentials and retaining walls.

(a) The grading of all building lots shall be such to divert water away from buildings and prevent standing water and soil saturation detrimental to structures and lot use and surrounding property.

(b) The elevation differential is defined as the difference between the elevation of the final ground level, after landscaping at the front building line, equidistant from the side building lines, and the elevations of the crown of the road, at a point equidistant from the side building lines, abutting the double lot front property line or lines in the case of lots with two front lot lines. If a sidewalk is in place, the elevation differential shall be based on the sidewalk elevation in lieu of the crown of road elevation.

(c) The elevation differential for all buildings shall not be less than 15 inches nor more than 24 inches except as provided in subsection (e) of this section. A building under construction which has foundations in place shall be considered an existing building.

(d) All applicants for building permits shall submit with the permit application, plans showing:

- (1) The proposed grading plan for the entire lot.
- (2) The direction of flow of surface water off the lot.
- (3) The gradient of all protective slopes around proposed buildings.
- (4) The elevation differential of all proposed buildings and the elevation differential of all existing buildings within 100 feet.

(e) Variances may be granted from the requirement of subsection (c) of this section by the zoning board of appeals if adequate provisions are made and approved by the city engineer to prevent runoff water from flowing onto adjacent property.

(f) Retaining walls in excess of one foot in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in structurally sound, good and safe repair and shall not impair drainage or create negative impacts on any other lot.

(Ord. No. 54A, § 16.12, 11-11-1987)