

**ARTICLE 8  
HEIGHT AND AREA EXCEPTIONS**

**11-801. HEIGHT AND AREA EXCEPTIONS**

The regulations set by this ordinance shall be applicable to all the area within the corporate limits, and an area one mile beyond and adjacent to the corporate limits, with the same force and effect, as if such outlying area were within the corporate limits

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

No building or other structure shall hereafter be erected or altered:

- a. To exceed the height or bulk;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area; and
- d. To have a narrower or smaller rear yard, front yard, side yard, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

Every building hereafter erected or structurally altered shall be located on a lot, and no more than one residential building shall be located on a lot except as provided herein.

No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

No lot or yard existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption date of this ordinance shall meet at least the minimum requirements established by this Ordinance.

All territory which may hereafter be regulated by this Ordinance because of annexation to the City shall be considered to be in the 'A' Agricultural District until otherwise classified.

**11-802. HEIGHT EXCEPTIONS**

In any district, public, or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall be increased 3.5 feet on the northern and eastern sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

Dwellings in District R-1 may be increased in height not exceeding ten (10) feet in addition to the limitations of thirty (30) feet, as prescribed in such district, provided that the northern or eastern required side yard is increased 3.5 feet for each vertical foot above 25 feet. In no case shall such dwelling, however, exceed two (2) stories in height.

Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, solar collectors, stacks, storage towers, radio transmitter towers, air pollution prevention devices, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.

#### 11-803. AREA EXCEPTIONS

Area per Family: On lots where a public or community sewer is not available, the Board of Adjustment may by variance reduce the minimum lot area per family after proof by established and approved tests that the soil conditions on that lot will safely permit a smaller absorption area.

For any building providing jointly for hotel and apartment house uses, the number of families permitted in apartments by the lot area requirements per family shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the hotel floor area devoted to both uses.

#### 11-804. YARD EXCEPTIONS

Yard exceptions: On blocks where forty (40) percent or more of the frontage on the same side of the street has been developed, excluding reverse corner lots, the front yard setback for all remaining undeveloped lots shall be determined by taking the average setback found on existing developed lots, excluding those that vary more than ten feet in depth; provided that the Board of Adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.

Where an official line has been established for future widening or opening of a street or a highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.

In the R-1, Single Family Zone a porch may extend 6' into a required front yard and may extend a length not exceeding the front building line of the house, but only if existing housing units on the same side of the street are constructed in a like manner.

#### 11-805. EXCEPTIONS TO REQUIRED OPENNESS OF MINIMUM YARDS AND COURTS

Every part of each required minimum yard or court shall be open and unobstructed from finished grade or, where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in such yard or court by the following table. In no case shall more than 50 percent of the horizontal area or a required minimum rear yard be covered by facilities, other than trees. Where the height of facilities within minimum yards or courts is not specifically limited by the following table, such facilities shall conform to the maximum height, if any, prescribed for facilities in the zone where they are located.

ALLOWED PROJECTION INTO, OR LOCATION WITHIN, MINIMUM YARDS

Uses	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard
a) Open storage of boats, trailers, and campers.	No closer than the front of the principal residential structure.	Anywhere in above yard.	Anywhere in above yard.
b) Television, radio equipment, & satellite dishes.	Anywhere in above yard.	Anywhere in above yard.	Anywhere in above yard.
c) Garages, carports, & other accessory buildings. No part of a detached accessory building shall be located closer than 6' from the principal structure.	No closer than the required minimum front yard to the side lot line.	No closer than the principal residential structure to the front lot line; a minimum of 3' of either side lot line & 5' from the alley line.	Anywhere in the rear yard except w/in 3' of either side lot line & 5' from the alley line- where rear lot line is common to rear or side line a minimum of 3'.
d) Cornices, chimneys, planters or similar architectural features.	2'	2'	2'
e) Fire escapes.	4'	4'	4'
f) Patios.	4'	4'	Anywhere in above yard.
g) Porches, unenclosed and at ground level. Front porch may project 6' into front yard.	4'	4'	Anywhere in above yard.

Every part of required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed. Open and unroofed balconies on other than the main floor of residential buildings may extend into a required side yard.

No rear yard shall be required in Districts C-1 to I-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot. No portion of a building between the floor and ceiling which is partly or fully below grade shall be occupied for residential purposes until the remainder of the building has been completed to the specifications of the Building Inspector.

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.

Solar Energy collectors and accessory equipment used for the mounting and/or operation of such collector are exempted from specific building height requirements.