

ARTICLE IV GENERAL SUPPLEMENTARY REGULATIONS

Section 4.01 (Rescinded. #949;12-17-79)

Section 4.02 BULK OF BUILDINGS

All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other Ordinances of the City (as provided in Section 4.15).

Section 4.03 MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES

The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

Section 4.04 DIVISION OF ZONING LOTS

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

Section 4.05 ACCESSORY BUILDINGS

No accessory building shall be used for residential purposes except as otherwise provided in this Ordinance.

Section 4.06 LOCATION OF REQUIRED OPEN SPACE

All yards, courts, 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 unless otherwise specifically provided for herein.

Section 4.07 REQUIRED YARDS FOR EXISTING BUILDINGS

No yards now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

Section 4.08 REDUCTION OF LOT - LIMITATION ON NUMBER OF PRINCIPAL BUILDINGS ON LOT

No part of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with the provisions of this Ordinance shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Ordinance, only one principal building shall be permitted on a lot.

Section 4.09 CORNER LOTS AND THROUGH LOTS

For any through lot, both frontages shall comply with the front yard requirements of the district in which it is located.

Section 4.10 FRONTAGE REQUIREMENTS

Any lot in any district shall have minimum frontage abutting a public street the width of which shall be the greater of:

- (a) 30 feet;
- (b) the width of the building located on the lot; or
- (c) the lot width required by the Zoning District in which the lot is located as shown in Section 2.04(e).

Section 4.11 GENERAL PERFORMANCE STANDARDS

- (a) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
- (b) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
- (c) No obnoxious, toxic, corrosive or radioactive matter, smoke, fumes or gases shall be discharged across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

Section 4.12 OCCUPANCY OF TEMPORARY STRUCTURES

No temporary structure (including travel trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this Ordinance. However, the Board of Zoning Appeals may, upon application therefor, permit the use of such temporary structure for such reasonable time and for such use as the Board deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety and welfare.

Section 4.13 CONTIGUOUS PARCELS

When two or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

Section 4.14 INDIVIDUAL WATER AND SEWAGE SYSTEMS

In any district where individual water and sewage systems are used in place of public water and/or sewage facilities, the minimum lot area width and depth shall be subject to approval of the City Council but shall not be less than required for the district in which the use is to be located or less than one (1) acre in area, whichever is greater; or have less frontage than 125 feet. When doubt exists with the City Council as to the adequacy of the soil structure of the lot to properly accommodate an individual water and/or sewage system, the City Council may require the property owner to obtain an opinion from a registered engineer as to the size of lot required for an individual water and/or sewage system to operate on the lot according to safe health standards. If the findings of the engineer indicate that larger lots are necessary, the City Council may require a lot size in excess of the minimum area defined previously in this paragraph. However, no such variation shall be made by the City Council without first having a public hearing before the Board of Appeals.

Section 4.15 MAXIMUM HEIGHT OF BUILDING - EXCLUSIONS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas, or necessary mechanical appurtenances usually carried above the roof level or to public buildings or structures located more than one foot horizontally from the property line for each foot of building height.

Section 4.16 MINIMUM YARDS - EXCEPTIONS

Subject to the requirements that there be a minimum distance of six (6) feet between any point on a principal building and any point on any principal building on an adjacent lot, the following exceptions shall apply:

(a) Cornices, chimneys, planters, or other similar architectural features may extend two (2) feet into a required yard.

(b) Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than six (6) feet.

(c) Fire escapes may extend into a required yard not more than four (4) feet.

(d) Patios extending into required rear yards may be covered by a roof, but shall not be enclosed by walls.

(e) Canopies, eaves, balconies, roof overhangs or other similar features not included in the foregoing parts of this section, may extend into a required yard not more than four (4) feet.

(f) AVERAGE FRONT YARD EXCEPTION. Except as otherwise provided in this Section regarding yards adjoining ARTERIAL or COLLECTOR STREETS, in all SR and MR Districts, where lots comprising fifty percent (50%) or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, the average front yard of such buildings shall be the minimum required, provided such an average requirement is not less than twenty (20) feet or more than thirty-five (35) feet.

Section 4.17 PUBLIC UTILITY DISTRIBUTION FACILITIES - EXCEPTION
Public utility transmission and distribution facilities may be exempt from minimum rear yard requirements, except as provided for each Zoning District (subject to Section 3.14).