

## **§ 156.121 HEIGHT.**

(A) *Structures.* No structures or building may be erected to a height exceeding 35 feet without the issuance of a conditional use permit.

(B) *Excess height on a building.* Upon the securing of a conditional use permit any building may be erected to a height exceeding that specified for the respective district, provided the front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit established for that district.

(C) Additional yard setback shall not be required for a structure that is any of the following: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, silos, and air conditioning and heating units; and that no tower, gable, spire or similar structure shall be used for sleeping or eating quarters, or for any commercial purpose except one incidental to the permitted uses of the main building.

## **§ 156.122 YARDS.**

(A) *General requirements.* The minimum depths of front yard, rear yard and side yard for each district shall be as defined in the schedule of regulations and conform to the following additional regulations:

(1) All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level shall not project into any minimum front, side or rear yard;

(2) Lots which abut on more than one street shall provide the required front yards along each street for the principal structure and for any accessory building;

(3) Any principal structure situated on lands contiguous to or abutting any portion of the public lakes in the city shall maintain yard setbacks of 75 feet from the lake. Where adjacent structures have yard setbacks different from these requirements, the minimum setback from the lake shall be the average setback of the adjacent structures to a minimum of 50 feet; and See also Floodplain Chapter and additional requirements for shorelands.

(4) The minimum side or rear yard depths for the following nonresidential structures or uses which abut any lot in any residential district shall be:

(a) Off-street parking spaces and access drives for nonresidential uses, 20 feet where abutting a single family use or zone;

(b) Churches, schools and public or semi-public structures, 40 feet; and

(c) Recreation facilities, entertainment facilities, all business uses and all industrial uses, 60 feet.

(B) *Computing front yards.* For the purpose of computing front yard dimensions, measurements shall be taken from the nearest point of the front wall of the building to the street right-of-way line subject to the following qualifications:

(1) Cornices, canopies or eaves may extend into the required front yard a distance not exceeding two feet, six inches;

(2) A covered or uncovered landing place, steps, or stoop may extend into the required front yard to a distance not exceeding six feet, if its floor is no higher than the entrance floor of the building. An open railing no higher than three feet may be placed around the structure. Such permitted encroachment shall not be enclosed with walls, screens, windows, etc. but must be completely open and if covered, the cover may be cantilevered or supported with columns and must be constructed in similar quality and appearance as the building and may not be constructed with metal roofs or metal columns;

(Ord 2d #7, amended 6/14/06)

(3) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project more than three feet into any side yard and then, in the case of an outside stairway, only if it is unroofed and unenclosed above and below the steps. In no case shall a porch, stair landing or any other architectural feature extend closer than four feet to the side property line; and

(4) On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in a manner as materially to impede vision between a height of 2-1/2 and ten feet above the centerline grades of the intersecting streets in a triangle bounded by the street of the lot and a line joining points along the street lines 50 feet from the point of the intersection.

(C) *Erection of more than one principal structure on lot.* In any district, more than one structure housing a conforming principal use may be erected on a single lot if yard and other requirements of this chapter are met for each structure as though it were on an individual lot. Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for two or more buildings or uses in commercial districts and in industrial districts, provided that the total number of spaces is not less than the sum of the requirements for each building or use. The proposed joint parking space shall be within 400 feet of the entrance of the use it will serve. A properly drawn legal instrument, approved by the city, executed by the parties concerned, for joint use of the off-street parking facilities shall be filed with the County Recorder's office.