

Art. 11-I-17 REGULATIONS REGARDING BUILDING HEIGHT, LOT WIDTH AND AREA, AND SETBACKS

- (a) **Land Use Categories:** The land use categories referred to in the following sections of this Article shall be as follows:
- (1) **Category No. 1:** Detached Single Family Homes
 - (2) **Category No. 2:** Duplex or Zero Lot Line Homes, excluding townhouses
 - (3) **Category No. 3:** Townhouses, Condominiums, Apartments, or Bed & Breakfast
 - (4) **Category No. 4:** Residential Transition District Businesses, Retail Trade Limited, or Personal Services Limited
 - (5) **Category No. 5:** Life Care Developments, Professional Offices, Personal Services I, Custom Manufacturing
 - (6) **Category No. 6:** Business Services I, Business Services II, Elementary Schools, Funeral Services, Institutional and Public Assembly, Personal Services II, Retail Trade I
 - (7) **Category No. 7:** Education - Secondary/College, Manufactured Housing Sales, Restaurants - General and Limited, Retail Trade II, Tourist, Visitor, and Recreation Services
 - (1) **Category No. 8:** Agricultural Services, Building Construction - General and Specialist, Equipment Sales and Repair-Heavy, Fuel Sales, Manufacturing and Industrial-Limited as determined in Appendix "B", Retail Trade III, Vehicle Repair, Vehicle Sales - New and Used
 - (2) **Category No. 9:** Agriculture - General, Manufacturing and Industry - Heavy as determined in Appendix "B", Transportation Terminals, Warehouse and Distribution
- (b) **General Regulations:** Except as noted in Section (c), below, or where different regulations are set forth in this Zoning Code, in an ordinance creating a Planned Development District or a Specific Use District, or in a resolution adopting a development site plan or conditional use permit, the maximum building height, minimum setbacks, minimum lot width, and minimum lot area for the land use categories set forth in Section (a.), above, shall be as follows:

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| Land use Category | Maximum Building Height (in feet) | Minimum Set backs (in feet) | | | Minimum Lot Width (in feet) | Minimum Lot Area per Dwelling Unit (in square feet) |
|---------------------------------------|-----------------------------------|-----------------------------|------|------|-----------------------------|--|
| | | Front | Side | Rear | | |
| 1 | 35 | 25 | 6 | 25 | 60 | 6000 |
| 2 | | | | | | |
| 3 (if single family residential uses) | 35 | 25 | 6 | 25 | 50 | 5000 |
| 3 (two family or multi-family use) | 40 | 25 | 10 | 25 | 60 | (a) 3000, if developed with two-family dwelling units (b) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit nits of three or more bedrooms. |
| 4 | 35 | 25 | 6 | 25 | 60 | 6000 |
| 5 | 35 | 20 | 5 | 20 | 50 | (a) 5000, if developed with uses other than two family or multi-family dwelling (b) 3000, if developed with two family dwelling units (c) if developed with three or more dwelling units, then: (1) 1600 for each one bedroom dwelling unit; (2) 1800 for each two bedroom dwelling unit; and (3) 2000 for each dwelling unit of three or more bedrooms |
| 6 | 40 | 25 | 7.5 | 25 | 50 | |
| 7 | 40 | 30 | 10 | 30 | 60 | |
| 8 | 40 | 35 | 12.5 | 35 | 65 | |
| 9 | 40 | 40 | 15 | 40 | 70 | |

- (c) **Building Height - Central City:** The maximum building height of a structure located in any zoning district within the Central City except an R-1, R1-A, R-3, RC, RM or RT district, may be equal to 150% of the allowable height for the use indicated in Section (b.), above.
- (d) **Special Setback Regulations:** Notwithstanding Section (b.), above, the following regulations shall apply regarding setbacks:
- (1) **Central Fire District:** No setbacks are required in the Fire Limits described in Section 10-II-3(a) of the Code of Ordinances.
 - (2) **Corner Lots:** Unless a different setback is specified for the zoning district, the setback for the yard adjacent to the side street on a corner lot shall be a minimum of fifteen feet (15.0'), except that a residential garage shall be setback not less than nineteen feet (19.0').
 - (3) **Rear of Building Abutting a Street:** The minimum setback of the back of a building which abuts a street shall be the greater of:
 - (i) the minimum front setback required for buildings on that street front;
 - (ii) the average setback of buildings along the same side of the block;
but in no case greater than twenty-five feet (25.0').
 - (4) **Back of Building Abutting an Alley:** The setback for the back of a building which abuts an alley may be measured from the centerline of the alley; provided, however, the minimum setback for a garage or carport with an entrance onto an alley shall be:
 - (i) nineteen feet (19.0'), if the garage or carport is built for only one motor vehicle; or
 - (ii) six feet (6.0'), if the garage or carport is built for two or more motor vehicles.
 - (5) **Alignment with Adjacent Buildings:** The setback of a building may be decreased to less than the minimum setback as follows:
 - (i) When more than one-half ($\frac{1}{2}$) of the lots in a block have been developed with buildings, the front and/or rear setback of an undeveloped lot, including the setbacks on both street fronts of a corner lot, may be reduced to the equivalent of the average front setback and/or rear setback, respectively, of developed lots on the same side of the same block which are within four hundred feet (400') of the property on which the reduction is sought; however, in no case shall any front setback be reduced to less than ten feet (10.0') nor any garage entrance be setback less than nineteen feet (19.0');
 - (ii) The side setback of a lot to be developed with a building for non-residential use may be reduced to the same as the side setback of the lot abutting that side of the lot if the lot abutting that side has been developed

with a building with a side setback less than the minimum set forth in Section (b.), above; provided, however, the reduction may in no case result in a building separation less than that required by the City Building Code and/or Fire Code.

- (6) **Approved Landscape Plans:** The setback requirements for a particular property may be modified by the Commission and/or City Council, as appropriate, as an element of an approved landscape plan and/or development site plan which requires the location of buildings in such a manner as to preserve existing trees and/or terrain features.
- (7) **Application of Ordinance Not to Make Lot Unbuildable:** If the buildable area of a lot of record is reduced in either width or depth to less than thirty feet (30.0') after application of Section (b.), above, the side and rear setbacks may be reduced to permit a buildable area of not less than thirty feet (30.0') in width and/or depth; provided, however, in no case shall the building encroach on any easements or be constructed closer to an existing building that permitted by the Building Code and/or Fire Code.
- (8) **Certain Building Protrusions Beyond Setback:** Cornices, eaves, belt course, sills, canopies, box windows, or other similar architectural features may extend a distance not to exceed two feet (2.0') beyond any setback.
- (9) **Application to Upper Floors:** The upper floors of a multi-story building must comply with all setback requirements; provided, however, a porch, porte cochere, upper floor balcony or carport which is open on all sides open with walls not higher than three feet (3.0') from ground level, chimneys, or similar architectural features may extend beyond the setback a distance not to exceed one-half (½) of the distance between the setback and the property line.
- (3) **Location of Accessory Structures Beyond Setback:** No accessory building or structures shall extend beyond the setback, except as follows:
 - (i) structures used primarily for landscaping may extend beyond any setback;
 - (ii) satellite dishes may extend beyond the side or rear setback, but not the front setback;
 - (iii) an accessory building or structure with a floor area of less than one hundred fifty (150) square feet may extend beyond the side or rear setback, but in no case closer than six feet to any property line if no fence has been constructed to screen the structure from adjoining property;
 - (iv) an accessory building or structure with a floor area of less than one hundred fifty (150) square feet located on residential property may extend beyond the side or rear setback, but in no case closer than three feet to any lot line if a fence is constructed as follows:

- a* height of not less than six feet (6.0’);
 - b* constructed of weather resistant wood or masonry materials, which are opaque and provide no openings except for a gate, which shall also be opaque;
 - c* length extending not less than six feet beyond each end of the building or structure.
 - (v) an accessory building located on non-residential property and abutting other non-residential property, including garages and carports, may extend beyond the side or rear setback, but no closer than:
 - a* three feet (3.0’) to any lot line, if a screening fence as described in Paragraph (iv), above, is constructed; or
 - b* six feet (6.0’) to any lot line if no screening fence is constructed;
 - (vi) if the side or rear lot line of a residential property abuts the property line of a non-residential property, an accessory building located on residential property, including, but not limited to, a detached carport or garage, may extend beyond the side or rear setback of the lot line adjacent to the business property, but in no case shall the building extend closer than three feet (3.0’) to any lot line.
- (11) **Building Code and Fire Code Not Superseded:** The setback regulations set forth herein shall not be construed as repealing or in any manner amending applicable building or fire code requirements regarding building separation, which may be more restrictive than the requirements set forth in this Article.
- (1) **Existing Buildings and Setback Violations:** Buildings constructed prior to the June 16, 1997, that complied with the setback regulations existing prior to June 16, 1997, shall not be deemed to be in violation of this Section; provided, however, the construction of a new building on the site of an existing building or addition to an existing building occurring on or after June 16, 1997, must comply the requirements of this Article.
- (2) **Change in Use of Existing Building:** The use of a building constructed prior to June 16, 1997, that complied with the setback regulations existing prior to June 16, 1997, may be changed from a non-conforming use or permitted use to a permitted use without regard to the setback regulations set forth in this Article.
- (e) **Special Lot Width Regulations:** Notwithstanding Section (b.), above, the following regulations shall apply with respect to minimum lot widths:
- (1) **Cul-de-Sac Lots:** Where lots are irregular in shape, and the front property line is narrow, such as on a cul-de-sac, the minimum lot width shall be measured along the front setback; provided, however, the length of the front property line at the street right-of-way shall not be less than twenty-four feet (24.0’).

- (2) **Commercial Center Developments:** A subdivision of property for the development of a commercial business center may allow for lots with a width less than required by Section (b.), above, if:
- (i) such lots are separated by lots which contain common areas for parking, ingress and egress, easements, signs, or other common elements of the development; and
 - (ii) the width of the common area lot is not less than twenty feet (20.0').
- (f) **Division of Existing Lots:** Unless specifically authorized by the Zoning Code, no part of a yard, open space, or off-street parking or loading space required by the Zoning Code for one land use shall be included as a part of a yard, open space, or off-street parking or loading space for another land use.
- (g) **Reduction of Lot Size:** No yard or lot existing as of June 16, 1997, shall be reduced in dimension or area below the minimum requirements set forth in the Zoning Code. Yards or lots created on or after June 16, 1997, shall meet at least the minimum requirements established by this ordinance.