

Modifications for Front Yard Gardens to be continued into 2025. The goal is to take off the “pilot” status and continue with the program as a regular recurring event.

Sec. 10-1-15. Height and area exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- A. *Public and quasi-public buildings.* Churches, schools, hospitals, medical clinics, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- B. *Extraordinary structures.* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, parapet walls not exceeding two feet in height, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the city.
- C. *Residences.* Residences in the residence districts may be increased in height by not more than ten feet when all yards and other required open spaces are increased by one foot for each foot which such building exceeds the height limit of the district in which it is located.
- D. *Through lots.* Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.
- E. *Nonconforming lots.* Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record on September 8, 1953, such lot may be occupied by one family.
- F. *Accessory buildings and structures.*
 - (1) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory unless expressly permitted by the board of appeals.
 - (2) *Height.* In all residential districts the maximum height of any detached accessory building shall not exceed the height of the principal building but in no case be higher than 20 feet unless expressly permitted by the board of appeals.
- G. *Yards to be open upward.*
 - (1) Except where otherwise specified in this chapter, every part of a required yard shall be open to the sky unobstructed.
 - (2) *Location of required open space.* All yards, courts, usable open spaces 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.
 - (3) *Required yards for existing buildings.* No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum required by this chapter for equivalent new construction.
 - (4) *Permitted obstructions in required yards.* The following shall be considered permitted obstructions when located in the required yard specified. Any obstruction not expressly described is prohibited.

(a) In all yards:

- [1] Arbors and trellises, trees, shrubs and plantings.
- [2] Awnings.
- [3] Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, antenna masts or towers, cornices, eaves, gutters and the like, projecting not more than 24 inches.
- [4] Fences, walls and hedges, subject to the provisions of this chapter.
- [5] Flagpoles and garden ornaments.
- [6] Open terraces not over three feet above the average level of the adjoining ground, but not including a permanent roofed-over terrace or porch unless otherwise specifically permitted.
- [7] Recreational accessory uses.
- [8] Steps not over three feet above the ground level which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- [9] Walks and driveways.

(b) In front yards and street side yards:

- [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, extending not more than six feet into a required front yard or street side yard, provided that these projections do not encroach in any vision clearance triangle.
- [2] Overhanging eaves and gutters projecting three feet or less into the yard.
- [3] Open off-street vehicle parking spaces when approved by the plan commission in business, industrial, institutional and multifamily residence districts.
- [4] Open off-street vehicle parking on a paved or graveled driveway, provided no vehicle may be parked within five feet of a front property line or within three feet of a side lot line. The maximum width of driveways on private property shall not exceed 35 percent of the lot width or 35 feet, whichever is less. However, any lot may have a driveway up to 20 feet in width.
- [5] Garages in embankments. Where the mean natural grade of a front or street side yard is more than eight feet above the curb level, a private garage may be erected within said yard, provided as follows:
 - [a] That such private garage shall be located not less than five feet from the street lot line;
 - [b] That the floor level of such private garage shall be not more than one foot above the curb level; and
 - [c] That at least one-half the height of such private garage shall be below the mean grade of the yard.

- [6] Produce gardening in front yards existing prior to August 1, 2016. Such front yard produce gardens may not be expanded. New front yard produce gardens are prohibited, except as may be authorized by resolution of city council as part of a pilot program that was put in effect in 2023 and is hereby extended to December 31, 2024. Participation by a property in

said pilot program shall not create any vested right to continue such new gardens beyond December 31, 2024.

- [7] Produce gardening is permitted in street side yards. Such gardens shall not encroach into the minimum required street side yard.
- [8] Garages in front yards.
 - [a] In the aggregate shall not occupy more than 30 percent of any required front yard and not more than 50 percent of non-required front yard areas;
 - [b] Shall be located on a lot being not less than five acres in size;
 - [c] The primary structure on the lot shall be located at least 500 feet from the street on which the property fronts;
 - [d] Garages shall reflect the same minimum setbacks allowed for a principal structure on the lot.
 - [e] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
 - [f] Shall comply with all applicable municipal and state code provisions.
- [9] Garages in street side yards.
 - [a] Shall be no closer than the required front yard setback;
 - [b] Street side yard setback shall be 25 feet from the lot line;
 - [c] In the aggregate, shall not occupy more than 30 percent of any required street side yard nor more than 50 percent of non-required street side yard areas.
 - [d] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
 - [e] Shall comply with all applicable municipal and state code provisions.
 - [f] Permitted only where there is a previously existing driveway.
- (c) In rear yards:
 - [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, projecting six feet or less into the required rear yard.
 - [2] Overhanging eaves, bay windows and gutters projecting three feet or less into the required rear yard.
 - [3] Detached accessory buildings and structures such as storage buildings, garages, swimming pools, heating and air-conditioning equipment, wind and solar energy conversion equipment antenna structures, including those mounted on towers or masts or those employing parabolic or similar reflectors, provided such buildings, structures or equipment:
 - [a] In the aggregate shall not occupy more than 30 percent of any required rear yard nor more than 50 percent of non-required rear yard areas.
 - [b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.
 - [c] Shall comply with all applicable municipal and state code provisions.