ARTICLE 23

SPECIAL ADDITIONAL REGULATIONS

(see Special Uses page 11)

1. EXISTING PLOTS:

 a. Whenever a plot consisting of at least one or more lots being part of a subdivision plat, properly approved and recorded prior to the passage of these Zoning Regulations, but which plot does not meet the dimensional requirements established herein, a building and occupancy use permit shall be issued on said plot unless any of the following conditions exist:

b. If a “lot” (in the case of a properly approved and recorded subdivision plat) or “plot” (in the case of metes and bounds descriptions) are transferred into separate ownership subsequent to the passage of these Zoning Regulations.

c. If said plot was made substandard by any action of the owner of said plot in direct conflict with previous laws, ordinances, or resolutions which have been replaced by these Zoning Regulations.

d. If any of the several plot dimensions are less than the average established by the developed plots fronting on the same street within a single block, in which case the ave­rages so established shall become the dimensional require­ments for that block.

e. If the block frontage is divided into separate zoning dis­tricts, the district in which the substandard plot is located shall be the only portion to be considered as the block in question.

2. PERMITS ON UNPLATTED LAND: There shall be no issuance of a building permit or occu­pancy use permit on a plot which does not consist of a platted lot or lots duly approved and recorded, except that where the use of said building is to be entirely for agri­cultural purposes or is to be used for an accessory use, the above permits may be issued.

3. PLATTING OF UNPLATTED LAND: All platting or subdividing of land shall be accomplished within the scope of the Subdivision Regulations. However, whenever a conflict arises between these Zoning Regulations and the Subdivision Regulations, the more restrictive re­quirement shall rule.

4. REPLATTED LOTS: Any lots previously legally recorded may be re-platted following the same process as an original platting or subdividing of land, however, where the existing lots may be substandard to these Zoning Regulations, the re-platted lots must meet all requirements set forth herein.

5. STREET FRONTAGE: All plots must have street frontage except as otherwise provided in Article 5 (Planned Group Developments) of these Zoning Regulations. Such street frontage shall always be at least thirty (30) feet.

6. YARD ENCROACHMENTS:

1. Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these Zoning Regu­lations.

2. Sills, belt courses, or cornices may project not over twelve (12) inches into a required yard.

3. Eaves or gutters may project not over three (3) feet into a required yard, provided that where the yard is less than six (6) feet in width, such projection shall not exceed one-half (½) the width of the yard.

4. Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.

5. Fire escapes, stairways, and balconies which are unenclosed, may project not over five (5) feet into a required rear yard, or not over three (3) feet six (6) inches into a required side yard.

6. Unenclosed porches or terraces, the floor of which is not over three (3) feet six (6) inches above finished grade, may extend five (5) feet into a required front yard, ten (10) feet into a required rear yard, three (3) feet into a required side yard, provided that such porch or terrace having a roof shall be further limited, in that if any of the above dimensional limitations is greater than one-half (½) of the required yard dimension, then such roof structure shall not exceed one-half (½) of said required yard dimen­sion.

7. Hoods, canopies, or marquees may project not over three (3) feet into a required yard, but shall not extend closer than one (1) foot to any plot line.

7. VISION CLEARANCE:

1. Residential Districts: Unobstructed vision at all street intersections shall be maintained between thirty (30) inches and eight (8) feet above the street grade level on all corner plots within an area formed by a line connecting two points, twenty (20) feet from the intersection of the front and side plot lines.

2. Non-Residential Districts: Unobstructed vision at all street intersections shall be maintained between thirty (30) inches and eight (8) feet above the street grade level on all corner plots within an area formed by a line con­necting two points, ten (10) feet from the intersection of the front and side property lines.

8. ADDITIONAL HEIGHT REGULATIONS: Regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in these Zoning Regulations. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a residential district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet. However, such buildings must set back from each plot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stage

towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances if permitted within a district by these Zoning Regulations, may be erected to a height beyond the limitations of these Zoning Regulations after review and approval by the Board of Appeals. Said review shall include a recommenda­tion by the Planning Commission.

9. ADDITIONAL PLOT AREA REQUIREMENTS:

1. Plot area requirements when water, sewerage, or both are not available shall be established by the Zoning Adminis­trator. Occupancy use permits shall not be issued until proof of compliance is established in the form of a signed statement by the Zoning Administrator.

2. The standards for area requirements shall be as established by the Zoning Administrator based on the standards estab­lished for Minimum Property Standards by the Federal Hous­ing Administration.

3. Except where the percolation test requires x number of lineal or square feet of trench or land area for a par­ticular system in such standard, x number of lineal or square feet plus 25 percent of that figure shall be required to conform to these regulations. This requirement is based on a minimum family size of four (4) persons and will pro­vide some safety factor.

10. INGRESS AND EGRESS AT INTERSECTIONS: Whenever any business, industrial, service, or accessory uses are to be located on a corner plot, the ingress or egress for automotive traffic shall always be subject to the following regulations:

1. There shall never be more than two (2) driveways on any street frontage of three hundred (300) feet. Driveways shall not be over thirty (30) feet wide at the street right-of-way line.

There shall be at least twenty (20) feet between the two closest edges of said driveways, between a driveway and an alley, and between a driveway and a private plot line.

 2. On a corner plot, the nearest edge of a driveway opening shall

always be at least twenty (20) feet from the inter­section of the street right-of-way line.

3. On a corner plot at the intersection of two major thorough­fares, the nearest edge of a driveway opening shall always be at least forty (40)feet from the intersection of the street right-of-way line.

11. BUILDING SETBACK LINES ON MAJOR TRAFFIC THOROUGHFARES:

 1. Whenever any building or structure is to be constructed adjacent to a street designated as a major traffic thoroughfare, the building setback line shall be measured from the centerline of such major traffic thoroughfare as estab­lished by the appropriate engineer (City). The setback line shall then be computed as being one-half (½) the total proposed right-of-way plus the normal setback as required within the specific zoning district.

 2. See Article 9