

903 SETBACK EXCEPTIONS

903.01 REVERSE FRONTAGE, DOUBLE FRONTAGE, THROUGH, AND CORNER LOTS

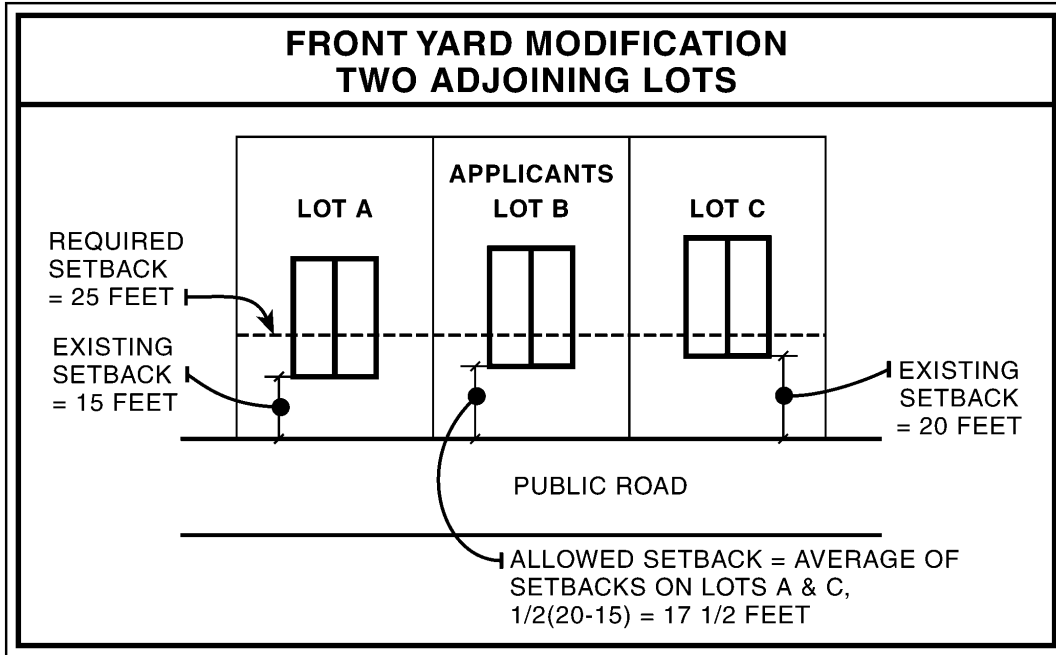
Structures on reverse frontage, double frontage, through, and corner lots shall comply with the front yard setback from both streets, except as provided below:

- A. Reverse Frontage Lots: The lot line abutting one of the streets shall be designated as the rear lot line as provided in Section 202.
- B. Corner Lots: Front yard setback standards for corner lots in the Urban Low Density Residential, Recreational Residential, and Hoodland Residential zoning districts are set forth in Sections 301, 305, and 312, respectively.

903.02 FRONT YARD MODIFICATION

The purpose of this section is to provide for flexibility in administering the front yard setback regulations of this Ordinance in specific situations. The front yard of a lot may be modified to present a continuous appearance when adjoining lots on the same side of the street have front yards less than required. This applies to adjoining lots with nonconforming front yards which existed before the district was adopted. Flag lots are excluded when referring to adjoining lots. The following exceptions to the front yard requirements for a lot are authorized in all districts.

- A. If there are dwellings or structures other than accessory structures on both adjoining lots on the same side of the street with front yards less than the required setback, then the front yard setbacks for the lot shall not be less than the average of the setbacks on the adjoining lots (see illustration for front yard modification, two adjoining lots).



- B. If there is a primary use structure on one adjoining lot on the same side of the street with a front yard less than the required setback, then the front yard for the lot shall not be less than the average of the required setback and the setback on the adjoining lot with the nonconforming setback.
- C. Front yards on corner lots shall not be less than the average of the setback of the front yard on the adjoining lot on the same street and the required setback.
- D. In no case shall signs be considered as structures for the purpose of front yard modifications. When a building setback is modified under these provisions, the setback for the sign provided in conjunction with the building may be modified to the same extent as the modified building setback.

[Amended by Ord. ZDO-224, 5/31/11]

903.03 ADDITIONS TO EXISTING STRUCTURES

When a structure exists at the time when a zone is adopted that would not be allowed in that zone by reasons of setback restrictions, additions to this structure not conforming to the front yard setbacks shall be allowed, provided: (5/21/79)

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than 40 percent of the square footage on the ground level of the existing structure.

[Amended by Ord. ZDO-224, 5/31/11]

903.04 PUBLIC DEDICATIONS

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 903.03.

[Amended by Ord. ZDO-224, 5/31/11]

903.05 USES EXEMPT FROM SETBACK REQUIREMENTS

Setback limitations stipulated elsewhere in this Ordinance shall not apply to:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state, or municipal corporation;
- B. The side and rear yards of underground structures, except:
 - 1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the applicable zoning district and Subsection 903.06(C) shall apply.
 - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the applicable zoning district;
- C. Entryway approval pursuant to Section 1016;
- D. The side and rear yards of ground-mounted solar energy systems extending less than six feet above finished grade; and
- E. The side and rear yards of rainwater collection facilities extending less than six feet above finished grade.

[Amended by Ord. ZDO-224, 5/31/11]

903.06 PROJECTIONS INTO REQUIRED YARDS

Architectural features and certain structures may project into required yards, as follows:

- A. Architectural features may project into the required yard not more than one-third the distance of the setback requirement, and not exceeding 40 inches into any required yard adjoining a street right-of-way.
- B. Open unenclosed fire escapes may project a distance not exceeding 48 inches.

- C. An uncovered porch, deck, terrace, patio, or underground structure extending no more than two and one-half feet above the finished grade may extend within three feet of a side lot line or within 10 feet of a front or rear lot line.

[Amended by Ord. ZDO-224, 5/31/11]

903.07 FLAG LOTS

The location of side, rear, and front lot lines and yards may be modified during the review of a partition, subdivision, variance, or building permit application to allow flexibility in the placement of structures on flag lots when the following conditions apply:

- A. The modification is consistent with the purposes for the dimensional standards as specified in the applicable zoning district, and
- B. It is not possible to extend an easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or
- C. It is not necessary to extend an easement to serve additional property because such properties are already fully developed or have access from other existing roads or easements.

[Amended by Ord. ZDO-224, 5/31/11]