

CHAPTER 2
ZONING

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2.401 GENERAL STANDARDS

2.401.01 Minimum Requirements

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where conflicts occur between the requirements of this Ordinance and a condition of approval established as part of a land use decision, the provisions of the condition shall prevail.

2.401.02 Completion of a Structure Within a Reasonable Length of Time

Subsequent to the granting of a building permit for a particular use, the Planning Commission may determine, and recommend to the City Council, that a structure not completed within one year of beginning construction shall constitute a violation of this Ordinance.

2.401.03 Lots of Record

- A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, Subdivision Ordinance requirements, and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract; except
- B. Contiguous lots under the same ownership when initially zoned shall be combined, for the purposes of this Ordinance, when any of these lots do not satisfy the lot size requirement of the initial district. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.
- C. Lots in recorded plats shall not be combined under Subsection 2.401.03 (B).
- D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot less than 3,000 square feet in area.

2.401.04 Lots Abutting a Partial Street

New structures which are proposed to be constructed on lots abutting an existing public street which does not meet the minimum standards of Section 2.202 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless a yard setback equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

2.401.05 Protection of Solar Access

The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

- A. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the 2 1/2 story height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.
- B. Chimneys, communication transmission towers, television and radio masts shall not significantly restrict or impair solar access to buildings or solar collector locations.

2.401.06 Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

2.401.07 Limitations on Buildings

In an R-1 and R-2 Zone there shall be only one main building on a lot except in the case where multi-family dwelling units are built in an R-2 Zone; then the lot area requirements for multi-family dwellings shall apply.

2.401.08 Protection of Runoff Capacity of Natural Drainage Channels

A property owner shall not allow the water carrying capacity of any drainageway within the owner's property to deteriorate and subsequently contribute to flood hazard. The property owner shall remove excess debris from the channel including dead vegetation. Neither shall any fill or garbage be dumped in any drainageway. Failure to maintain the water carrying capacity of the drainageway shall empower the City to enter the property and take whatever action is necessary to ensure that the carrying capacity of the drainageway is not impaired. The City may then assess the real property and improvements for the cost of the City's actions in accordance with the Municipal Code.

2.402 GENERAL EXCEPTIONS

2.402.01 Yard Exceptions for Accessory Service Station Structures and Equipment

In a district where automobile service stations are permitted, free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance. In any zone, gasoline pumps and pump islands shall not be located so that any part of a vehicle being served shall extend into any public street right-of-way, alley or private drive used for access or egress to private property. Further, gasoline pumps or pump islands shall not be built within 10' from a property line.

2.401.02 General Exception to Building Height Limitations

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are subject to review and approval of the Planning Commission in accordance with the Variance procedures of Section 3.104.

2.402.03 Height Exceptions for Public Buildings

Public or quasi-public buildings, religious buildings, hospitals, and educational institutions when permitted in a zone may be constructed to a height not to exceed 1.75 times the height limit for the zone, provided the required yards are increased one foot for each two feet of additional building height above the height regulation for the zone.

2.402.04 Additions to Existing Structures

When structures exist at the time a zone is adopted which do not comply with front yard setback restrictions, additions to such structures not conforming to the front yard setbacks shall be allowed, provided:

- 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 forty (40) percent of the square footage on the ground level of the existing structure.

2.402.05 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 2.402.04.

2.402.06 Miscellaneous Exceptions to Setback Requirements

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- 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 shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to 3 feet 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 district shall apply.
 - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.
- C. An uncovered porch, terrace or patio structure extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of a side lot line or within ten (10) feet of a front or rear lot line.

2.403 USES PERMITTED IN ALL ZONES

2.403.01 Scope

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.