

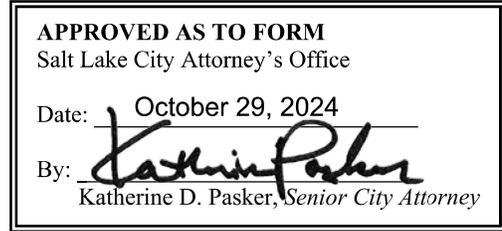
Project Title: Obstructions in Required Yards and Height Exceptions Amendments

Petition No.: PLNPCM2024-00231

Version: 2

Date Prepared: October 29, 2024

Planning Commission Action: Recommended 6/26/2024



This proposed ordinance makes the following amendments (for summary purposes only):

- Modifies provisions to match building code requirements
- Eliminate outdated provisions
- Allows rooftop uses to exceed the maximum height in some zoning districts

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

1. Amends Subsection 21A.24.010.P.6 as follows:

6. Grade Changes: No grading shall be permitted prior to the issuance of a building permit.

Grade changes within a required yard shall comply with Table 21A.36.020.B. Grade changes within the buildable area shall be supported by retaining walls, subject to 21A.24.010.P.8. ~~The grade of any lot shall not be altered above or below established grade more than four (4) feet at any point for the construction of any structure or improvement except:~~

~~a. Within the buildable area. Proposals to modify established grade more than six (6) feet shall be permitted for the construction of below grade portions of structures, egress windows, and building entrances. Grade change transition areas between a yard area and the buildable area shall be within the buildable area;~~

~~b. Within the side and rear yard areas, grade changes greater than four (4) feet are permitted provided:~~

~~(1) The grade change is supported by retaining walls.~~

~~(2) No individual retaining wall exceeds six (6) feet in height.~~

~~c. Within the required front and corner side yards, grade changes up to six (6) feet in height are permitted provided:~~

~~(1) The grade change is necessary for driveways accessing legally located parking areas; and~~

~~(2) The grade changes are supported by retaining walls.~~

2. Amends Subsection 21A.36.020.B as follows:

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B. Obstructions in Required Yards: Accessory uses and structures, and projections of the principal structure, may be located in a required yard only as indicated ("X") in ~~Table 21A.36.020_B of this section.~~ No portion of an obstruction authorized in ~~Table 21A.36.020_B of this section~~ shall extend beyond the authorized projection. Dimensions shall be measured from the finished surface of the building or structure.

TABLE 21A.36.020_B
OBSTRUCTIONS IN REQUIRED YARDS¹

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Accessory buildings subject to the provisions of Chapter 21A.40 of this title, and located at least 1 foot from the side property line, except for the FP and FR Districts where no accessory building is permitted in any required yard. Accessory buildings shall be at least 10 feet from a principal residential building on an adjacent lot		X ³	X
Arbors and trellises not to exceed 12 feet in height or 120 square feet in residential districts. This requirement shall also apply to nonresidential districts unless otherwise authorized	X	X	X
Architectural ornament not elsewhere regulated <u>so long as it projects not more than 4 inches 1 foot and is at least 2 feet from lot lines</u>	X	X	X
Awnings and canopies, <u>in residential districts only, that project extending not more than 2 1/2 feet into front, corner side, or side yards and not more than 5 feet into rear yards</u> allowed in residential districts only	X	X	X
Balconies projecting not more than 5 feet			X
Basketball hoop and backboard on or adjacent to permitted driveways	X	X	X
Bay windows which are 1 story high, not more than 10 feet long, project 2 feet or less and are located not less than 4 feet from a lot line	X	X	X
Below grade encroachments underground obstructions when there is no exterior evidence of the underground structure other than entrances and required venting, provided there are no conflicts with any easements or publicly owned infrastructure or utilities	X	X	X
Breezeways and open porches			X

Central air conditioning systems, heating, ventilating, pool and filtering equipment, the outside elements <u>Mechanical equipment, subject to complying with the setback and screening requirements in 21A.40.100 shall be located not less than 4 feet from a lot line, except for swamp coolers and window mounted units, which shall be a minimum 2 feet from a lot line</u> Structures less than 4 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title	<u>X</u>	X	X
<u>Grade changes subject to the following:</u>			
Changes of established grade for commercial or industrial uses in zones, where conditionally or otherwise permitted, the grade is changed to accommodate site retention or detention requirements <u>Changes of established grade in a nonresidential district to accommodate site retention or detention as required by the Department of Public Utilities</u>	X	X	X
Changes of established grade of 4 feet or less except for the FP and FR Districts which shall be subject to the provisions of subsection 21A.24.010.P of this title. (All, provided that: <ol style="list-style-type: none"> 1. g<u>Grade changes over 2 feet located on a property line shall be supported by a retaining wall;</u> 2. <u>No portion of the retaining wall may exceed 4 feet in height above the established grade; and</u> 3. Grade changes greater than 4 feet in height provided the grade change includes a <u>For a terrace of retaining walls, a horizontal step that is a minimum of 3 feet in depth is provided for every 4 vertical feet of retaining wall each retaining wall shall be separated by a minimum of 3 horizontal feet</u> 	X	X	X
Changes of grade within the Northwest Quadrant Development Area and Eco-Industrial Buffer Area as identified in s <u>Section 21A.34.140 of this title</u> to reach an elevation as required for drainage by the Department of Public Utilities	X	X	X
Chimneys <u>so long as they projecting 2 feet or less into the yard and must be located not less than 2 feet from a lot line</u>		X	X
Decks (open) (<u>uncovered</u>) 2 feet high or less	X	X	X
<u>Decks (uncovered) over 2 feet high, and associated steps, not more than 32 square feet in area</u>			<u>X</u>
Eaves, not including gutters projecting 2 feet or less into the <u>required yard. 4 foot eave may project into a 20 foot yard</u>	X	X	X

<u>area Where a 20 foot yard is provided, eaves may project 4 feet into the yard</u>			
Fallout shelters (completely underground), conforming to applicable civil defense regulations and located not less than 4 feet from a lot line			X
Fences or walls subject to applicable height restrictions of chapter 21A.40 of this title	X	X	X
Fire escapes projecting 4 feet or less			X
Flagpoles: (subject to provisions of subsection c, table 21a.36.020c of this section)			
Residential Districts: 1 permanent flagpole per street frontage	X	X	X
Nonresidential Districts: 3 flagpoles per street frontage Subject to provisions of subsection c, table 21a.36.020c of this section	X	X	X
Ground mounted utility boxes subject to the provisions of sSection 21A.40.160 of this title	X	X	X
Ham radio antennas subject to provisions of subsection 21A.40.090D of this title			X
Landscaping, including decorative berms 4 feet or less in height with no grade change along any property line, provided that if such landscaping obstructs the visibility of an intersection the City may require its pruning or removal	X	X	X
Laundry drying equipment (clothesline and poles)	X	X	X
<u>Light poles for sport fields such as ballparks, stadiums, soccer fields, golf driving ranges, and similar uses when such a use is permitted</u>	X	X	X
<u>Other accessory structures not regulated elsewhere and not exceeding 10 feet in height and 120 square feet in area</u>	X	X	X
Parking, carports and covered parking spaces except as otherwise expressly authorized by section 21A.44.060 of this title			X
Patios on grade	X	X	X
Patios on grade (attached, covered and unenclosed) maintaining a minimum 15 foot setback from the rear property line			X
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Recreational: (playground) equipment, private			X
<u>Playground equipment, private</u>			X

<u>Playground equipment, public park or public open space</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Swimming pools (measured to the water line), game courts, and similar uses located at least 5 feet from all lot lines</u>			<u>X</u>
Recreational (playground) equipment, public park or public open space	X	X	X
Refuse and recycling dumpster ⁴			X
Removable ramp for persons with disabilities (when approved as a special exception) <u>Accessibility ramps and lifts</u>	X	X	X
Satellite dish antennas		X	X
Signs, subject to the provisions of chapter 21A.46 of this title	X	X	X
Steps and required landings 4 feet or less above or below grade which are necessary for access to a permitted building and located not less than 4 feet from a lot line	X	X	X
Swimming pools (measured to the water line), tennis courts, game courts, and similar uses shall not be located less than 10 feet from a property line		X	X
Window mounted refrigerated air conditioners and evaporative "swamp" coolers located at least 2 feet from the property line.	X	X	X
Window wells not over 6 feet in width and projecting not more than 3 feet from structure <u>into a front or side yard</u>	X	X	X

Notes:

1. "X" denotes where obstructions are allowed.
2. ~~Reserved.~~ The Planning Director or designee may allow grade changes in the FP and FR District to exceed 4 feet in height if necessary to ensure access to the property.
3. The accessory structure shall be located in accordance with Section 21A.40.050.A.3.
4. Only permitted in nonresidential zoning districts or in residential zoning districts where there are 4 or more dwellings units at a property.

3: *Amending Table 21A.36.020.C as follows:*

**TABLE 21A.36.020.C
HEIGHT EXCEPTIONS**

Type	Extent Above Maximum Building Height Allowed By The District	Applicable Districts
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Chimney	As required by local, State or Federal regulations	All zoning districts
Church steeples or spires	No limit	All zoning districts
Elevator/stairway tower or bulkhead	16 feet	All zoning districts except those listed in 21A.24 Commercial, Manufacturing, Downtown, FB-UN2, FB-MU, RO, R-MU, RMF-45, RMF 75, RP, BP, I, UI, A, PL and PL-2 Districts
Flagpole	Maximum <u>building</u> height of the zoning district in which the flagpole is located or 60 feet, whichever is less. Conditional use approval is required for additional height	All zoning districts
Light poles for sport fields such as ballparks, stadiums, soccer fields, golf driving ranges, and similar uses ¹	Maximum <u>building</u> height of the zoning district or 90 70 feet whichever is greater. Special exception approval is required for any further additional height or if the lights are located closer than provided the lights are located a minimum of 30 feet from adjacent residential structures	All zoning districts that allow sport field activities and stadiums excluding parks less than 4 acres in size
Mechanical equipment p Parapet wall, <u>railing, fence, or other similar safety feature or structure</u>	5 feet	All zoning districts, other than the FP, FR-1, FR-2, FR-3, and Open Space Districts, R-1, R-2, SR, and OS districts
<u>Rooftop amenities</u> ²	<u>5 feet</u>	<u>All zoning districts except those listed in 21A.24</u>
<u>Unenclosed shade structures</u> ³	<u>10 feet</u>	<u>All zoning districts except those listed in 21A.24</u>

Notes:

1. Lighting shall be shielded to eliminate excessive glare or light into adjacent properties and have cutoffs to protect the view of the night sky.

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2. Amenities shall be setback at least 5 feet from all property lines. Physical separation shall be provided to delineate the rooftop amenity area.
3. Shade structures shall be setback a minimum of 5 feet from the property line and may not cover more than 60% of the total rooftop area. The shade structures may not have any walls that are greater than 5 feet in height.

[end]