

Sections:**18-101 Application****18-102 Modification of Height Regulations****18-103 Modification of Area Regulations**

18-101 Application: The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in these Regulations.

14-102 Modification of Height Regulations:

1. The height regulations as prescribed in these Regulations shall not apply to the following buildings or structures where permitted by these regulations:

- Agricultural Buildings and Structures
- Belfries
- Chimneys
- Church Spires
- Conveyors
- Cooling Towers
- Elevator Penthouses
- Fire Towers
- Flag Poles
- Grain Elevators
- Lighting Poles or Standards
- Monuments
- Ornamental Towers and Spires
- Small Wind Energy Conversion Systems
- Smoke Stacks
- Stage Towers or Scenery Lofts
- Tanks
- Water Towers

Provided, however, that the setbacks of the structures from all lot lines are equal to the height of the structures.

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

18-103 Modification of Area Regulations:**1. Yards, generally:**

- A. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

- B. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.
- C. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:
 - (1) That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet;
 - (2) Where a court having direct street access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
- D. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements on the lot.

2. Accessory Buildings and Structures:

- A. Except as herein provided, no accessory building shall project into a required yard setback along any street.
- B. In District "R-1,V-1, and LL", accessory buildings may be located in a required side or rear yard; however, no accessory building may be located closer than 5 feet from a rear lot line, nor less than 3 feet from a side lot line. No alley may be used in meeting this requirement. This does not apply to property in the "ES" Marion Reservoir Eastshore Subdivision.
- C. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
- D. In District "R-1,V-1, and LL", accessory, open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement. This does not apply to property in the "ES" Marion Reservoir Eastshore Subdivision.
- E. In District "R-1,V-1, and LL", accessory storm caves which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement. This does not apply to property in the "ES" Marion Reservoir Eastshore Subdivision.

3. **Front Yards:**
 - A. When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
 - B. On double frontage lots, the required front yard shall be provided on each street frontage.
 - C. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which extend or project into the front and side yard shall not extend or project into the required front yard more than 10 feet or into the required side yard more than 6 feet.
 - D. Where 25 percent or more of the street frontage within 330 feet of the property in question is improved with buildings that have a front yard (with a variation of 6 feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.
4. **Side Yards:** The minimum depth of side yards for schools, colleges, libraries, churches, community houses, and other public and semi-public buildings in “RR” Rural Residential, “SR” Suburban Residential, “R-1” Single-Family Residential, “ES” Marion Reservoir Eastshore Subdivision Residential, “LL” Marion County Lake Lot Residential and “V-1” Village districts shall be 25 feet, except where a side yard is adjacent to a lot used for commercial or industrial purposes, in which case the depth of the yard shall be as required in the district in which the building is located.
5. **Rear Yards:** Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.
6. **Corner Visibility:** No sign, fence, wall, hedge, planting, or other obstruction, between the height of 33 inches and eight feet above the grades of the bottom of the curb of the intersecting streets measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets, shall be erected, planted, or maintained in such a manner as to materially impede vision within the visibility triangle area of a corner lot. At the intersection of major or arterial streets, the 90-foot distance shall be increased to 120 feet.
7. **Easements:** No building, either a main or an accessory building, shall be constructed, moved, or altered so as to encroach onto or within a platted or recorded easement.