

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7 ARTICLE SEVEN

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701 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

702 Setback Adjustments

a. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.

2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.

3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.

5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.

6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

(a) Side Yards: An accessory building may be located a minimum of 5 feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.

(b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.

(c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 8 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 4-3. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.

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(d) Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.

(e) Height: In residential districts, the maximum height shall be 20 feet for a detached garage and 10 feet for any other accessory building. Maximum height for a detached garage and/or other accessory building in an RR District shall be 20 feet.

(f) Separation from Other Buildings: Accessory buildings shall be separated as required by the Uniform Building Code.

(g) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

(h) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

(i) Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

(j) No accessory building shall be built upon any lot until construction of the principal building has begun.

7. Lamp posts with a maximum height of ten (10) feet may be located within required yards, provided they are set back at least five (5) feet from property lines.

8. Flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if forty percent or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.

(a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.

(b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

(d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots

Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

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d. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

e. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Antennas

1. Antennas with a surface area over 6.3 square feet and which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
2. Such antennas shall be located no less than fifteen feet from the property line of an adjacent property within a residential zoning district.

g. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines thirty feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

703 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future regulations.

b. Amateur Radio Towers and Federal Communication Commission Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the City Council may grant a Special Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R.

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Section 97.15(e).

3. Such radio towers shall not be located within any front yard of the primary use.

c. Broadcast Towers

Broadcast towers, when operated by a federally-licensed commercial or non-profit organization, may be built to any height in accordance with existing and future regulations. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.

d. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

e. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.

2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning Commission finds that the reduction does not impede the operation of either WECS.

3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.

4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.

f. Special Permit Uses

The Planning Commission may grant an exception from the height limit for a zoning district for a special permit use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.

g. Federal Aviation Administration Rules

No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Chadron.

704 Fence Regulations

a. Location Restriction

Unless otherwise provided by this title or other sections of the Chadron Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, excluding public streets.

b. Required Openings

Unless otherwise provided by this title or other sections of the Chadron Municipal Code, any fence built

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on residential property within required front yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Chadron Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 50 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Effect on Adjacent Properties

No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

f. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be 6.5 feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property other than in the front yard may exceed 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts a major street, as defined in the Comprehensive Development Plan of the City of Chadron; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard building lumber or S2S lumber. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.
6. Residential Swimming Pools: A closed or privacy fence with a height of at least six feet with a locking gate shall be required as a perimeter fence around a below ground open residential swimming pool, or a permanent, above-ground swimming pool.
7. Fences utilized to make the boundary between two properties should be located on the common property line.

f. Other Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

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1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be eight feet.
3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Chadron.
4. Barbed wire may be used in the construction of perimeter security fencing in an industrial district or for municipal facilities provided that the bottom strand of the wire shall be at least six feet above ground level. Barbed wire may be constructed for agricultural purposes in an AG or RR District. Electrified fences are not permitted within the corporate limits of the City of Chadron.

g. Existing Fences

Any existing fence lawfully built before the effective date of these Regulations may remain in place without change. Any replacement or change of such fence shall meet the requirements of this section.

706 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 1208 through 1210.