

ARTICLE 6
SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

6.01 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.

6.02 Setback Adjustments

A. Lots Adjoining Alleys:

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.

B. 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. Window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two 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 1/2 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. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of the base district regulations may be located within required yards, provided they are set back at least five (5) feet from property lines.
7. Accessory Buildings
 - a. Accessory buildings in residential districts, including detached private garages, must be located in the rear yard unless rear yard is adjacent to a lake, and then may be located in the side yard. The building may be located a minimum of five feet from the side or rear lot line if set back 60 feet or more from the front lot line. Any such accessory building must be located at least six feet from the main structure.
 - b. No accessory building shall be constructed upon a lot until construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is being used.
 - c. Accessory buildings shall not be used for human habitation or occupancy.
 - d. Accessory buildings shall utilize exterior materials and building design consistent with the character of the primary structure.
 - e. Residential accessory building size shall be limited to no more than 20% of the rear yard, must conform to all yard setback requirements, and not be located less than five feet from the rear property line. No accessory building shall be constructed upon a lot until construction of the main building (the residence) has commenced, and no accessory building shall be used unless the main building (the residence) is being used. Accessory buildings shall not be used for human habitation or occupancy.

C. Setback Adjustments:

These provisions apply if fifty percent or more of the buildings on that blockface have front yard setbacks less than those required for the specific district.

1. 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.
2. 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.

3. 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. 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. Parabolic Antennas

1. Parabolic antennas which are accessory to a primary use and are designed to receive radio or television signals from satellites shall not be located within any street 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.

6.03 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 exceed the height limit of any district by not more than 25 percent.

B. Radio Towers

1. Radio towers, operated by licensed amateur radio operators, may exceed the height limit of any district by not more than 25 percent. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

2. Such radio towers shall not be located within any street yard of the primary use, and shall be located no less than 110 percent of the tower's height from a property line of an adjacent property within any zoning district.

C. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation systems are exempt from the height restrictions of the base district.

D. Special Use Permit

The County Board with the recommendation of 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.

E. 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 Douglas County.

6.04 Fence Regulations

A. Location Restriction

Unless otherwise provided by this title or other sections of the Douglas County Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

B. Required Openings

Unless otherwise provided by this title or other sections of the Douglas County Code, any fence built on residential property within required front or street side 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 Douglas County Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection.

D. Facing

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

E. 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 six feet.
2. Exception for Street Side Yards: On corner lots, a fence built along the street side yard 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 outside of required front or street side yards 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 an arterial street or expressway, as defined in the Comprehensive Development Plan of Douglas County; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC or resin/plastic, stone, or masonry materials only. Wood fences shall utilize standard building lumber only. 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.

F. Office, Commercial, and Industrial Fences

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

MU-1 and MU-2 Districts: The maximum height of a fence in the MU-1 and MU-2 Districts may not exceed six feet.

MU-3, LI and GI Districts: The maximum height of a fence within a required front yard or street side yard setback shall be six feet. The maximum height for a fence outside of required front yard or street side yard setbacks shall be ten feet.

6.05 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 Article 13.