

**07**

**ARTICLE SEVEN  
SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

**7-1 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.

**7-2 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 20 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 5 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 15 percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
  - 6. Accessory Buildings:
    - a. Accessory buildings in residential districts, including private garages, 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. Accessory structures on a lot under one acre in size devoted to single- or two-family use, which are not attached to the principal building, shall in the aggregate occupy no more than 30 percent of the rear yard, and shall in the aggregate be no larger than 1,000 square feet in area. However, this subsection shall not be interpreted to prohibit the construction of an accessory structure having an aggregate area of not more than 576 square feet on a minimum rear yard.
    - c. Accessory buildings shall utilize exterior materials and building design consistent with the character or the primary structure.
  - 7. Lamp posts with a maximum height of ten feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five feet from property lines.

- C. Setback Adjustments: These provisions apply if 50 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 60 percent 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.

**7-3** 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 Permit Uses: The City Council 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 City of Plattsmouth.

**7-4 Exceptions to Site Development Regulations for Cluster and Conservation Subdivisions**

- A. Purpose: Section 4 of the Subdivision Chapter of the Land Development Ordinance provides for cluster and conservation subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to subdivisions.
- B. Area and Yards for Individual Lots:
  - 1. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this ordinance, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of ten feet shall be established for all residential structures not attached to one another.
  - 2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.
- C. Coverage and Landscaping Requirements: Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

**7-5 Fence Regulations**

- A. Location Restriction: Unless otherwise provided by this title or other sections of the Plattsmouth Municipal 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 Plattsmouth Municipal 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 Plattsmouth Municipal 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.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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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 the City of Plattsburgh; and if such frontage does not provide primary access to the property.
  5. Materials: Fences shall be constructed of wood, chain-link, PVC, 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 commercial and industrial districts are subject to the following special provisions:
1. LC, UC, and CB Districts: The maximum height of a fence in the LC, UC, or CB districts may not exceed six feet.
  2. GC, GI, and HI 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.

### **7-6** 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 12.