

17.08.880 Yard, side. "Side yard" means an open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

## Chapter 17.12

### GENERAL PROVISIONS

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17.12.010 Minimum requirements. In interpreting and applying the provisions of this title, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare; therefore, where this title imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules or regulations, the provisions of this title shall control. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.020 Conformance and permits required. No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such buildings, structure or land is located, and there

only after proper application for and securing of all permits and licenses required by all applicable state and local laws. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.030 Effective filing date of applications and requests. All applications and requests provided in this title shall be deemed filed upon the submission of all the information, materials, and fees required by this title. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.040 General exception to lot size requirements. A pre-existing lot which is substandard with respect to area or dimension may be occupied by a use permitted in the applicable zoning district. The use allowed shall be that which comes closest to meeting the requirements of this title. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.050 General exception to yard requirements. The following exceptions to the front yard requirement for a dwelling are authorized for a lot in the R district:

A. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwelling;

B. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.060 General exceptions to structure height limitations. The following types of structures or structural parts are not subject to the height limitations of this regulation: chimneys, cupolas, tanks, church spires, belfries, domes, monuments, fire and hose towers, water towers, elevator shafts, and other similar projections. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.070 Access. Every lot shall abut a street, for a width of at least twenty-five feet, except lots that do not abut a street may be approved by the council when the following conditions exist:

A. When the council has approved the creation of an easement for access to a lot;

B. When a parcel of land is on isolated ownership where not more than two lots can be developed, or where access is by easement which was created in advance of the effective date of the ordinance codified in this title. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.080 Authorization of similar uses. The planning commission may rule that a use, not specifically named as an allowed use in a district, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion, in a district where it is not listed, of a use specifically listed in another district. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.12.090 Completion of structure. Nothing contained in this title shall require any change in the or designated use of plans, construction, alteration, a structure for which a building permit has been issued and construction has commenced prior to the adoption of the ordinance codified in this title, except that if the designated use will be nonconforming it shall, for the purpose of Chapter 17.48, be a discontinued use if not in operation within two years of the date of issuance of the building permit. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)