

## **20.15.000**

## **BUILDING LOCATION**

**20.15.010 LOCATION RESTRICTED.** No building shall be hereafter erected, structurally altered or relocated on a lot except in conformity with the following locational regulations as hereinafter specified for the district in which it is located.

**20.15.020 SETBACKS.** The proximity of a building to a public street or way is regulated by setback provisions as follows.

- A. Base Setback Lines are hereby established parallel to the centerline of all public streets and ways as follows:
  1. On all principal traffic arteries as designated on the Traffic Artery System Plan set forth in the General Plan for the City of Port Washington, the Base Setback Line shall be located at a distance from the centerline of the street equal to one-half the width of the highway as designated on the map attached hereto as part of this Ordinance.
  2. On all other streets, which shall be designated as “local streets” the Base Setback Line shall be located 30 feet from the centerline of such street or 60 feet from the center point of a cul-de-sac unless specifically designated otherwise by action of the City Council
  3. In the case of frontage streets along principal traffic arteries, the Base Setback Line shall be located on the property line as established by the frontage street.
- B. Except as provided in subsections i(a) through (d) hereof, no building shall hereafter be erected, structurally altered, or relocated so that it is closer to the Base Setback Line than the setback distance hereinafter specified by the regulations of the zoning district in which it is located.
  1. Notwithstanding the minimum setback required within a zoning district, a setback may be reduced to the mean of the setbacks of the immediately adjacent lots on both sides of the subject lot. In calculating the mean setback, the following rules shall apply:
    - a. Only the setbacks on lots that abut the subject lot and are on the same side of the street as the subject lot may be used; and
    - b. When one abutting lot is vacant, the setback of the subject lot shall be the mean of the setbacks of the non-vacant abutting lot and the zoning district minimum setback; and
    - c. When the subject lot is a corner lot, the setback of the subject lot shall be the mean of the setbacks of the abutting lot fronting on the same side of the street as the front of the building on the subject lot

and the zoning district minimum setback.

- d. In no event shall any building be erected, structurally altered or relocated so as to be located within the Vision Setback Lines as set forth in Sections 20.15.020 6. and 7.
2. Additions to existing structures which lack the required setback may be allowed if the addition is setback at the distance greater than or equal to the average of the existing building setback and required setback of adjacent buildings. In no event shall the setback be reduced to less than that of the existing structure. This regulation shall apply to all property platted prior to January 1, 1970.
  3. On corner lots, on record as of the adoption of this ordinance, the effect of the setback regulation shall not reduce the buildable width of such corner lot to less than thirty (30) feet.
- C. Where the mean of the setbacks of the buildings on the immediately adjacent lots on each side of the subject lot is greater than the minimum setback required within a zoning district, the Building Inspector shall not issue any building permit for the subject lot but shall promptly refer the matter to the Plan Commission. In such event, building setback lines appropriate for the location of the subject lot and for the type of development and use contemplated which are more restrictive than the regulations of the zoning district in which the subject lot is located may be required by the Plan Commission. Examples of the application of this provision would include, but are not limited to requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks that are compatible with setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements. In determining appropriate building setback lines in such cases, the Plan Commission shall consider the following, together with such other factors as the Plan Commission may deem relevant:
1. **Compatibility.** The setback, size, quality and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting property values.
  2. **Practicability.** The economic and engineering practicability of constructing buildings on the subject lot.
  3. **Hardship.** The degree of practical hardship which may be imposed upon the owner of the subject lot.
- D. The setback required by Sections 20.15.020 2. and 3. shall be measured from the nearest enclosed or roofed portion of a building, provided however that the first two feet of an overhanging eave and gutter shall not be included.

- E. The only structures permitted within such setback area shall be necessary highway and traffic signs, public utility lines and poles, walls and fences as regulated by Section 20.11.010 (4), rural mailboxes, signs as permitted under the district regulations, structures other than buildings as regulated by Section 20.11.030, underground buildings as regulated by Section 20.10.040, and enclosed canopies for lighting and rain protection in conjunction with such uses as automobile sales lots of “drive-in” commercial facilities provided that such canopy structures are approved by the Plan Commission, and those structures included in item 2 above.
- F. Additions to and replacements of existing structures lying between the Base Setback Line and the existing street right-of-way may be made subject to approval of the Plan Commission and provided the owner will file with the City, and record as part of the deed for such property, an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the street and will claim no damage for the same.
- G. Vision Setback Lines at the intersection of public streets and of a street with a railroad or alley, where the grade is not separated, are hereby established as follows:
1. Across each sector between the intersection of a street with a railroad a Vision Setback Line shall be established by a straight line connecting points on the Base Setback Line and the railroad right-of-way line, which points are located 120 feet from the intersection of the Base Setback Line and the railroad right-of-way line.
  2. Across each sector between intersecting streets, one or more of which has a designated width of 100 feet or greater, a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 30 feet from the intersection of said Base Setback Lines.
  3. Across each section between any other intersecting street a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 20 feet from the intersection of said Base Setback Lines.
  4. Across each sector between an alley and intersecting street a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 10 feet from the intersection of said Base Setback Lines.

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- H. In the Vision Setback Area no structure of any kind shall be permitted which exceeds a height of 2-1/2 feet above elevation of the center of the intersection, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision; no shall any plant material or natural growth be permitted which obscures safe vision of the approaches to the intersections.
- I. The requirements for vision setback shall not apply within the B-4 Central Business District.

**20.15.030** **OFFSETS.** The proximity of any portion of a building to any other lot line than a street line is regulated by offset provision as follows:

- A. No building shall hereafter be erected, structurally altered, or relocated so that any roofed or enclosed portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which it is located except as follows:
  - 1. In the case of any lot of record which has minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided however that no offset shall in any case be less than 1/2 the required offset except that the offset for detached garages may be reduced to 4 feet on no more than 2 sides.
  - 2. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
  - 3. In the case of single family attached, multiple family, commercial or industrial use structures two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the State Industrial Code relative to such construction are complied with and provided that at both ends of such “row” type buildings the applicable offset requirements shall be complied with.
  - 4. How measured. The offset shall be measured from the roofed or enclosed portion of a building, including overhanging eaves, except that the first 2 feet of an overhanging eave and gutter shall not be included.
  - 5. Any garage accessory to a residential use for which a building permit was issued and which conforms to the offset in force prior to January 1, 1970, shall be exempt from the offset regulations of this ordinance, however, garages classified as non-conforming to the previous setback shall remain so classified.

- B. In all districts which allow common wall construction or do not require an offset, all buildings, which are hereafter erected, structurally altered, or relocated having any rooms required by the Building Code to have light and ventilation by windows opening directly to the outer air shall provide courts as follows:
1. Outer Courts. The width of any required court shall be not less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three sides shall be not greater than one and one half times the width.
  2. Inner Courts. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court.

**20.15.040 EXTRA HEIGHT CONSTRUCTION FACTOR.** In those districts permitting buildings in excess of 35 feet in height, and requiring use of the “Extra Height Construction Factor” described herein, the setbacks and offsets required by the district shall be modified for buildings over 35 feet in height as follows: providing an “obstruction factor” for determining either the setback or offset of those portions of buildings exceeding 25 feet in height, said setbacks and offsets shall be determined by the application of a “plane of obstruction formula” as follows:

- A. Street Setback and Vision Corner: Where a zero street setback is permitted by the district regulations, buildings over 35 feet in height shall recess the first story at least five (5) feet from the base setback line. Building support columns are exempt from this five (5) foot requirement.
- B. Common Wall Construction: Where common wall construction is permitted by the district regulations, the building may be built upon the property line provided local and state building code requirements for common wall construction are met throughout the height of the building façade being located on the property line.
- C. Offsets: Where common wall construction is not involved, buildings over 35 feet in height shall provide the minimum offset required by the district regulation, but in no case less than ten (10) feet, plus one additional foot of offset for each story over three (3) stories in height.

**20.15.050 MAINTENANCE AND USE OF SETBACK AND OFFSET AREAS.** Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles or any other material except as may be specifically otherwise permitted under this Ordinance.

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**20.15.060** **ACCESSORY BUILDING LOCATION.** No accessory building shall be erected, structurally altered, or relocated so that any roofed or enclosed portion thereof is closer than 10 feet to the principal building on the lot.