



Hall County Regional Planning Commission

Wednesday, January 07, 2009
Regular Meeting

Item F3

Proposed Amendment to Chapter 36 of Grand Island City Code (C-04-2009GI)

Insert a narrative here

Staff Contact:

Agenda Item 4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 26, 2008

SUBJECT:

Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the B2 General Business Zone, AC arterial Commercial Overlay Zone, and the M2 Heavy Manufacturing Zone regarding Recreational Vehicle Campgrounds and Recreational Vehicle spaces accessory to hotel/motel uses; and consideration of changes regarding Section 26, Projections from Buildings. (C-4-2009GI)

PROPOSAL:

The proposed changes are attached.

All areas with changes are highlighted. Additions are italicized and underlined and deletions are in ~~strike out~~.

OVERVIEW:

Camper Pads Accessory Hotel/Motel Uses in the B2, AC and M2 zones subject to the following limitations:

Recreational Vehicle Pads accessory to Hotel/Motel Uses with the following restrictions:

- a) Number of pads shall not exceed 10% of the number of sleeping rooms available at the hotel/motel to a maximum of 15 pads
- b) The hotel/motel shall continue to provide all required parking spaces.
- c) Water service shall not be provided at the pad
- d) Sewer service shall not be provided at the pad
- e) Pads shall not be located in any front yard setback
- f) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district

Hotels and Motels are permitted in the B2-General Business, B3-Heavy Business, AC Arterial Commercial, M2-Heavy Manufacturing and M3-Mixed Use Manufacturing zones. The B3 and M3 zones are in downtown and adjacent to the Union Pacific railroad tracks. The proposed changes were specifically not included for those zones due to parking constraints and access issues for

campers. These proposed changes would not permit camper pads as accessory uses in the B3 and M3 zones.

It is not uncommon for hotels to offer services to people with campers. Allowing this accessory use may discourage campers from using spaces in parking lots for overnight camping. Hotels are already providing services to the traveling public and in a position to offer this additional service. Grand Island does not have enough camper spaces available and providing these may allow for increased usage of local facilities including but not limited to Stuhr Museum, Heartland Events Center, and the Heartland Shooting Park. These changes would also provide facilities during the state fair.

Campgrounds in the AC overlay district by conditional use permit:

Campgrounds including those serving recreational vehicles subject to following conditions:

- a) Developer shall submit a diagram of the proposed camp ground including a plot plan of the pads, landscaping plan, utility plan and interior street plan with the application for a conditional use permit
- b) A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof.
- c) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district.
- d) Pads shall not be accessible from any public way.

The B2 and M2 zones already allow campgrounds by conditional use permit according to the use matrix that was adopted with the regulations in 2004. Campgrounds are not permitted in the AC overlay zone. This zone extends along South Locust from U.S. Highway 34 north to Fonner Park Road.

The changes to the AC zone were specifically requested by Richard Milton. Mr. Milton owns the Rodeway Inn located just north of U.S. Highway 34 and would like to purchase property adjacent to the hotel to be used as an RV Park.

The AC zone is located adjacent to South Locust Street and in close proximity to Fonner Park. In order to develop an RV park near Fonner Park on this stretch of road a change is required to the regulations. Again, this change makes sense because of the State Fair.

The conditions outlined above are minimum standards and the City Council could add additional conditions as necessary depending on the site and or location.

Projections from Buildings

~~(B) As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:~~

~~_____ (1) Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.~~

~~_____ (2) Six (6) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further: (a) that in no event may such porch or deck cover more than 60 square feet of the required front yard or extend beyond the side walls of the building structure, and (b) front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Department, and (c) covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.~~

~~_____ (4) Safety railings shall be installed as per the City's Building Code and as approved by the Building Department.~~

~~_____ (5) One-half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.~~

(B) Open, uncovered porches or terraces may extend three feet into any required side yard, ten feet into any required front yard, and any distance into any required rear yard. No railing or other barrier higher than 42 inches shall be placed on such porch or terrace within five feet of any property line except as provided within this ordinance. Any such porch or terrace located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges. A covered porch or terrace, not exceeding sixty square feet, may extend a maximum of six feet into the required front or rear yard, provided, such porch or terrace shall not be enclosed except by a railing or other barrier as previously mentioned.

The changes outlined above revert the code from the 2004 changes to the previous version. This request came from the Grand Island Building Department. Both achieve the same end of allowing porches to extend into the front yard setback and limiting the size of a covered porch. The original version is shorter and much easier to enforce and to explain.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as requested.

_____ Chad Nability AICP, Planning Director

§36-68. (B-2) General Business Zone

Intent: The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.

(A) Permitted Principal Uses: The following principal uses are permitted in the (B-2) General Business Zoning District.

- (1) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (2) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (3) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (4) Dwelling units
- (5) Board and lodging houses, fraternity and sorority houses
- (6) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (7) Public parks and recreational areas
- (8) Country clubs
- (9) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (10) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (11) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (12) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (13) Public and quasi-public buildings for cultural use
- (14) Railway right-of-way but not including railway yards or facilities
- (15) Nonprofit community buildings and social welfare establishments
- (16) Hospitals, nursing homes, convalescent or rest homes
- (17) Radio and television stations (no antennae), private clubs and meeting halls
- (18) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar use
- (19) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (20) Group Care Home with less than eight (8) individuals
- (21) Elderly Home, Assisted Living
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise
- (23) Outdoor sales and rental lots for new and used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (24) Specific uses such as: archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking)
- (25) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is used
- (26) Parking Lots
- (27) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-2) General Business Zoning District as approved by City Council.

- (1) Recycling business
- (2) Towers
- (3) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

- (1) Building and uses accessory to the permitted principal use.

- (2) Recreational Vehicle Pads accessory to Hotel/Motel Uses with the following restrictions:
- a) Number of pads shall not exceed 10% of the number of sleeping rooms available at the hotel/motel to a maximum of 15 pads
 - b) The hotel/motel shall continue to provide all required parking spaces.
 - c) Water service shall not be provided at the pad
 - d) Sewer service shall not be provided at the pad
 - e) Pads shall not be located in any front yard setback
 - f) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district.

(D) Space Limitations:

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	3,000	30	10	0 ¹	0 ²	10	100%	55
Conditional Uses	3,000	30	10	0 ¹	0 ²	10	100%	55

¹ No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

² No side yard setback is required, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(E) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

Amended by Ordinance No. 8947, effective 1-5-2005
Amended by Ordinance No 9151, effective 12-18-2007

§36-69. (AC) Arterial Commercial Overlay Zone

Intent: The intent of this zoning district is to provide an overlay of the (B-2) General Business Zoning District in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

(A) Permitted Principal Uses: The following principal uses are permitted in the (AC) Arterial Commercial Overlay District

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes

- (10) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (11) Nonprofit community buildings and social welfare establishments
- (12) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (13) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Specific uses such as: archery range, drive-in theatre, golf driving range
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix (Attachment A hereto)
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (23) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (24) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (25) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (26) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (AC) Arterial Commercial Overlay District as approved by City Council.

(1) Towers

(2) Campgrounds including those serving recreational vehicles subject to following conditions:

a) Developer shall submit a diagram of the proposed camp ground including a plot plan of the pads, landscaping plan, utility plan and interior street plan with the application for a conditional use permit

b) A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof.

c) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district.

d) Pads shall not be accessible from any public way.

A)

(C) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal uses

(2) Automotive body repair may be accessory to new or used automotive sales or rental, provided, no outside storage of parts shall be permitted.

(3) Recreational Vehicle Pads accessory to Hotel/Motel Uses with the following restrictions:

a) Number of pads shall not exceed 10% of the number of sleeping rooms available at the hotel/motel to a maximum of 15 pads

b) The hotel/motel shall continue to provide all required parking spaces.

c) Water service shall not be provided at the pad

d) Sewer service shall not be provided at the pad

e) Pads shall not be located in any front yard setback

f) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district

(D) Space Limitations:

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	5,000	50	20	0 ¹	0 ²	10	80%	55
Conditional Uses	5,000	50	20	0 ¹	0 ²	10	80%	55

¹ No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

² No side yard setback is required, but if provided, not less than 5 feet, or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet.

(E) Procedure:

(1) An application for an amendment to the arterial commercial zone on the Official Zoning Map shall follow all procedural requirements as set forth in this Section.

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein.
- (2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.
- (3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.
- (4) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.

Amended by Ordinance No. 8947, effective 1-5-2005

§36-73. (M-2) Heavy Manufacturing Zone

Intent: The intent of this zoning district is to provide for the greatest amount of manufacturing, warehousing, wholesaling and business uses. Conditional use permits are required for those uses with more significant health and safety concerns.

(A) Permitted Principal Uses:

- (1) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (3) Agriculture, including the raising of field crops, tree and bush crops, animals and fowl, but not including feed lots, poultry farms, and fur farms
- (4) Concrete or cement products manufacturing and batching plant
- (5) Contractors storage yard or plant
- (6) Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plant
- (7) Manufacture, processing, assembly, fabrication and/or storage of non-hazardous products and materials
- (8) Mortuaries, funeral homes, and funeral chapels
- (9) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (10) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
- (11) Radio and television stations, private clubs and meeting halls

- (12) Railway right-of-way, including yards and facilities
- (13) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (14) Stores and shops for the conduct of wholesale business, including sale of used merchandise
- (15) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (16) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (17) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (18) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (19) Other uses found in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (M-2) Heavy Manufacturing Zoning District as approved by City Council.

- (1) Automobile wrecking yard
- (2) Acid or acid by-products manufacture
- (3) Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture
- (4) Explosives manufacture or storage
- (5) Garbage, refuse, offal or dead animal reduction or disposal area
- (6) Glue manufacture, fat rendering, distillation of bones or by-products
- (7) Meat packing plants, including poultry and animal slaughterhouses and abattoirs
- (8) Milling or smelting of ores
- (9) Petroleum refining
- (10) Motels and hotels
- (11) Petroleum refining
- (12) Stock or feed yards
- (13) Salvage yard
- (14) Tanning, curing, or storage of hides or skins
- (15) Towers

(C) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses
- (2) Recreational Vehicle Pads accessory to Hotel/Motel Uses with the following restrictions:
 - a) Number of pads shall not exceed 10% of the number of sleeping rooms available at the hotel/motel to a maximum of 15 pads
 - b) The hotel/motel shall continue to provide all required parking spaces.
 - c) Water service shall not be provided at the pad
 - d) Sewer service shall not be provided at the pad
 - e) Pads shall not be located in any front yard setback
 - f) Pads shall be required to meet the minimum landscaping requirements of this code. For properties located in an approved landscaping district additional landscaping shall be required between any pads located adjacent to a street equal to the standard landscaping required by this code. Landscaping materials should be consistent with those used in the district.

(D) Specifically Excluded Uses:

- (1) Any residential use
- (2) Manufactured homes, and manufactured home parks
- (3) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools

(E) Space Limitations:

Uses			Minimum Setbacks		
------	--	--	------------------	--	--

		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	6,000	50	10	0 ¹	0 ²	10	65%	-
Conditional Uses	6,000	50	10	0 ¹	0 ²	10	65%	-

¹ None when bounded by an alley, otherwise 10 feet

² No required Side Yard Setback, but if provided, not less than 5 feet or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

Amended by Ordinance No. 8947, effective 1-5-2005

§36-26. Projections from Buildings

(A) Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than one (1) foot into any required yard or into any required open space, except that eaves may encroach three (3) feet into a yard when such yard is ten (10) feet or more in width, provided that such required yard or open space meets the current minimum yard standards.

~~(B) As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:~~

~~———— (1) Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.~~

~~———— (2) Six (6) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further: (a) that in no event may such porch or deck cover more than 60 square feet of the required front yard or extend beyond the side walls of the building structure, and (b) front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Department, and (c) covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.~~

~~———— (4) Safety railings shall be installed as per the City's Building Code and as approved by the Building Department.~~

~~———— (5) One half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.~~

(B) Open, uncovered porches or terraces may extend three feet into any required side yard, ten feet into any required front yard, and any distance into any required rear yard. No railing or other barrier higher than 42 inches shall be placed on such porch or terrace within five feet of any property line except as provided within this ordinance. Any such porch or terrace located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges. A covered porch or terrace, not exceeding sixty square feet, may extend a maximum of six feet into the required front or rear yard, provided, such porch or terrace shall not be enclosed except by a railing or other barrier as previously mentioned.

(C) Provided further, that no railing or other barrier shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably (more than twenty-five (25) percent) with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side or rear yard lot line. Any such deck or porch when located on a lot at the intersection of two (2) streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this code for fences and hedges. Any side yard on a corner lot when such yard is twenty (20) feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

(D) Vertical supports shall meet the City's Building Code.