

## ARTICLE IX. DISTRICT REGULATIONS OF GENERAL APPLICABILITY

### PART I - ACCESSORY AND TEMPORARY STRUCTURES AND USES

#### 9-102: ACCESSORY STRUCTURES AND USES

- A. Authorization. Subject to the limitations of this Section 9-101, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.
- B. Definition. An accessory structure or use is a structure or use that:
1. Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
  2. Is customarily found as an incident to such principal structure or use;
  3. Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
  4. Is, except as otherwise expressly authorized by the provision of this Code, located on the same zoning lot as such principal structure or use; and
  5. Is under the same ownership and control as the principal structure or use.
- C. Certificate of Zoning Compliance Required. When required by Subsection 11-401 C of this Code, a Certificate of Zoning Compliance evidencing the compliance of the accessory use or structure with the provisions of this Code shall be obtained before any such accessory use or structure is established or constructed.
- D. Special Regulations Applicable to Particular Accessory Structures and Uses.
1. Accessory Structures and Uses.
    - (a) Except as permitted in this zoning code for a specific permitted use, no accessory building, structure or land shall be used for the keeping, propagation or culture of pigeons, poultry, rabbits, bees or livestock whether or not for profit.
    - (b) Any person desiring to construct and install an accessory structure proposed to cover at least twenty (20) percent of the required rear yard shall be required to submit a site drainage plan after an onsite inspection has been completed by the City and obtain approval from the Community Development Director and City Engineer.
    - (c) In no circumstance shall an accessory structure be larger than the principal structure regardless of the permitted size in Subsection 9-101 D(2)
    - (d) Accessory buildings, structures, and uses shall not be erected or altered in required yards, courts, or other open areas, except those that are permitted in this zoning code as obstructions in yards, courts, or other open areas. The permitted accessory structures, and additional standards, are as follows:

- (i) Not to exceed more than one (1) story or fifteen (15) feet in height from the ground to the peak of the roof;
- (ii) Accessory buildings and structures shall be located not less than three (3) feet from a lot line of an adjoining lot;
- (iii) Only covered porches or decks shall be allowed in any required front yard, and these accessory structures can only encroach a maximum of 10 feet in the required front yard and in no event may be located nearer than 15 feet from the closest edge of any adjacent sidewalk to the front yard. In the event when no sidewalk exists, the structure may not be located closer than 20 feet from the closest edge of the curb on any adjacent street to the front yard;
- (iv) Patios constructed of concrete, asphalt, brick pavers, or any other impervious materials excluding driveways;
- (v) Hot tubs, or any other structures (no more than 120 square feet); and
- (vi) Attached accessory structures, seasonal rooms, covered porches or decks;
- (vii) In no circumstance shall any accessory structure be located in a drainage easement or public utility easement without permission from the utility company and
- (viii) One gazebo will be allowed and size regulated by 9-101D2(b).

2. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use; where so permitted. Accessory structure storage structures shall comply with the structural guidelines of the City Building Code.

(a) Detached Garages. Detached garages shall comply with the following floor area square footage limitations. Any second garage being constructed on a lot will require the approval of the Planning and Zoning Commission:

- (i) Not more than 528 square feet on a lot less than or equal to 7,500 square feet;
- (ii) Not more than 660 square feet on a lot between 7,501 – 9,999 square feet;
- (iii) Not more than 800 square feet on a lot between 10,000 – 21,779 square feet;
- (iv) Not more than 1,000 square feet on a lot greater than 21,780 square feet.
- (v) No more than one (1) garage attached or detached on a lot less than 14,999 square feet.
- (vi) No more than two (2) garages on a lot, one (1) must be attached and one (1) must be detached on a lot between 15,000 square feet and 21,779 sf.
- (vii) No more than two (2) garages on a lot, either attached or detached on a lot greater than 21,780 sf.

- (b) Sheds. One shed per zoning lot maximum, and sheds shall comply with the following floor area square footage and height limitations:
- (i) Not more than 120 square feet on a lot less than 7,500 square feet or less;
  - (ii) Not more than 168 square feet on a lot between 7,501- 9,999 square feet;
  - (iii) Not more than 192 square feet on a lot between 10,000 – 21,779 square feet;
  - (iv) Not more than one (1) percent of the total lot size on a lot greater than 21,780 square feet; and
  - (v) Not to exceed (14) feet in height from the ground to the peak of the roof.

3. Residential Recreational Facilities.

- (a) Use. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests.
- (b) Landscaping and Screening. See Subsection 9-107 of this Article for landscaping and screening requirements applicable to such facilities.
- (c) Pools. No pool, or any equipment appurtenant thereto, shall be located:
- (i) In any required front yard;
  - (ii) In any required corner side yard;
  - (iii) Less than six (6) feet from any property line if located in any required rear yard or required interior side yard; and
  - (iv) Less than ten (10) feet from any structure, garage, shed or principal house.
- (d) Decks. No deck, or any equipment appurtenant thereto, shall be located:
- (i) Less than three (3) feet from any side property line for all decks; and
  - (ii) Less than fifteen (15) feet from any rear property line for all decks.
- (e) Fire Pit: No fire pit, or any equipment appurtenant thereto, shall be located:
- (i) Below ground fire pits and free standing fireplaces must be located a minimum of 25 feet away from any structure/combustible material or
  - (ii) Portable fire pits must be located a minimum of 15 feet from any structure /combustible material.

Refer to Section International Fire Code Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplace.

4. Accessory Parking Lots in Single Family Residential District. Except when approved as part of a special use permit, parking lots shall not be permitted as an accessory use in any single family residential district.
5. Off Street Storage of Recreational Vehicles, Boats, and Trailers. The following provisions of this section shall govern the off street storage of recreational vehicles, boats and trailers within all zoning districts. This provision shall not apply to any property specifically licensed and zoned for sales or storage of such vehicles.
  - (a) Definitions.
    - (i) “Storage” shall mean the off-street parking of a vehicle for a continuous period of time longer than seventy-two hours.
    - (ii) “Recreation vehicle” shall mean campers, motor homes, off road motorcycles, 3 or 4 wheeled all terrain vehicles, snowmobiles, jet skis and other vehicles intended for recreational use.
  - (b) Classification of Vehicles. Recreational vehicles, boats and trailers shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:
    - (i) Class I Vehicle. A recreational vehicle, boat or cargo trailer that does not exceed 26 feet in length, including the length of any trailer.
    - (ii) Class II Vehicle. A recreational vehicle, boat or cargo trailer that is greater than 26 feet and less than 40 feet, including the length of any trailer.
    - (iii) Class III Vehicle. A recreational vehicle, boat or cargo trailer that is 40 feet or greater, including the length of any trailer.
  - (c) Location on Lot. The parking of boats, recreational vehicles, and trailers shall not encroach onto sidewalks or other areas of public right-of-way. The parking of recreational vehicles, boats and cargo trailers shall be restricted to the locations of the lot identified as follows:
    - (i) Class I Vehicle. Any location on the lot.
    - (ii) Class II Vehicle. Within an enclosed garage, anywhere within a required rear yard, or anywhere within an interior side yard of a lot.
    - (iii) Class III. Nowhere on the lot.
  - (d) Hard Surface Requirement. Boats, recreational vehicles or cargo trailers may only be stored on hard surface areas of the lot. The hard surface requirement shall only include concrete, asphalt, paver material, grasscrete or comparable materials. Parking on grass or other non-designated areas of the lot shall be prohibited. In the rear yard, only the wheels of the boat, recreational vehicle, or cargo trailer are subject to the hard surface requirement.

- (e) Maximum Number Permitted. The maximum number of boats, recreational vehicles or cargo trailers permitted to be stored on any lot shall be limited to a total of two (2). For purposes of enforcement, multiple recreational vehicles on a single trailer shall be considered a single recreational vehicle. And, recreational vehicles stored within a garage will not be included toward the maximum of two (2) recreational vehicles per lot.
- (f) State of Operability. No boat, recreational vehicle or cargo trailer incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair at a repair facility shall be stored on any lot. Timely repair shall be a time period no longer than thirty days.
- (g) General Storage Regulations. The following general regulations shall apply to the storage of boats, recreational vehicles and trailers.
- (i) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its mobility.
  - (ii) Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
  - (iii) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
  - (iv) Unsafe conditions. No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.
  - (v) Inoperable Vehicles. No vehicle incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair shall be stored in any parking lot or parking area. Timely repair shall be a time period of no longer than thirty days.
  - (vi) Licensing and Registration. All boats, recreational vehicles and trailers shall have current license plates and any required State or City registration displayed.
  - (vii) Storage Restricted to Owner of Lot. The allowable storage of any boat, recreational vehicle or trailer shall be limited to items legally titled to the owner or tenant of the lot.
  - (viii) On Street Parking Restriction. No person shall park a boat, recreational vehicle or trailer on any City owned street for more than eight hours at one time and not between the hours of 12:00 a.m. and 8:00 a.m.
  - (ix) Trip Preparation. All boats, recreational vehicles, and trailers may be parked in the street for a period no longer than 72 consecutive hours prior to a planned trip such parking is necessary for preparation of a trip or in returning from a trip. The owner of the boat, recreational vehicle, or trailer will be responsible for notifying Ordinance Enforcement that the vehicle will be located

- on the street no longer than 72 consecutive hours prior to the trip and no longer than 72 consecutive hours in returning from the trip.
- (x) Gravel Driveway. No new gravel driveways or gravel storage surfaces maybe constructed for the purposes of storing a boat, recreational vehicle or trailer. No existing gravel driveway shall be enlarged, altered, or otherwise changed without obtaining a permit and complying with the regulations set forth in the Chapter 90.040 Driveway Construction and Curb Cuts.
  - (xi) Commercial, Manufacturing, and Multi-Family Lots. The storage of boats, recreational vehicles, or trailers is prohibited on commercial, manufacturing, and multi-family lots unless otherwise permitted in the Zoning Code.
6. Stables. Private stables shall not be allowed as an accessory use except in compliance with the following restrictions:
- (a) Lot Area. A minimum lot area of two (2) acres shall be provided.
  - (b) Fenced Pasture Area. A minimum fenced pasture area of one (1) acre shall be provided for each horse. The fence shall be sufficient to contain the pastured horses.
  - (c) Location. The stable shall not be located within 100 feet of any property line.
  - (d) Sanitation. All feed shall be stored in rodent-proof containers. Manure in excess of ten (10) cubic yards shall be removed and properly disposed of. No manure shall be stored within 100 feet of any property line. All nuisance-causing conditions shall be immediately abated.
7. Antenna With Surface Areas of Ten (10) Square Feet or Less. Antenna and antenna support structures having a combined surface area not greater then ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
8. Antenna, other than Amateur Radio Facilities, With Surface Areas Exceeding Ten (10) Square Feet. Except for amateur radio facilities permitted pursuant to Paragraph 9-101 D8 of this Section, antenna and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance with the following regulations:
- (a) Number Limited in Residential Districts. No more than one (1) such antenna and antenna support structure may be located on any zoning lot in any residential district.
  - (b) Height Limited. Unless attached to a building pursuant to Subparagraph (c) below, no such antenna or antenna support structure shall exceed 65 feet in height in the Industrial District or twelve (12) feet in heights in any other district; provided, however, that such antenna or antenna support structure

may alone or in combination exceed these height limits only if so authorized by special permit where such a special permit is allowed by applicable zoning district regulations.

- (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
  - (i) Size. The antenna and antenna support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
  - (ii) Height. The antenna and antenna support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
  - (iii) Mounting. The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
  - (iv) Color. The antenna and antenna support structure shall be of a color that blends with the roof or building side on which it is mounted.
  - (v) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
  - (vi) Other Standards. The antenna and antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably determines are necessary to ensure safe construction and maintenance of the antenna and antenna support structure.
- (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
- (e) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna or support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

- 9. Amateur Radio Facilities with Surface Area Exceeding Ten (10) Square Feet. Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions

- (a) Number Limited. No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.
  - (b) Height Limited. No such antenna or antenna support structure shall, if ground-mounted, exceed 70 feet in height, or if attached to a building pursuant to Subparagraphs (c) below, the height therein specified.
  - (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
    - (i) Height. The antenna and antenna support structure shall not extend more than 25 feet above the highest point of the building on which it is mounted.
    - (ii) Mounting. The antenna and antenna support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
    - (iii) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
    - (iv) Other Standards. The antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably imposes.
  - (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
  - (e) Setbacks from Adjacent Buildings. No such antenna or its support structure shall be located in any required side yard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.
10. Uses Accessory to Hotels. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to hotels; provided that such uses are located entirely within the hotel building and with no principal exterior access:
- (a) Gift shops
  - (b) Barber shops
  - (c) Beauty shops

11. Uses Accessory to Uses in the Institutional Buildings District. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to uses in the Institutional Buildings District:
- (a) That are permitted uses in that district; or
  - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that in every case, such uses shall be located entirely within the institutional building and with no principal exterior access:
    - (i) Eating places
    - (ii) Outdoor seating accessory to permitted eating places
    - (iii) Carryout eating places
    - (iv) Drinking places accessory to permitted eating places
    - (v) Florists
    - (vi) Tobacco stores and stands
    - (vii) News dealers and newsstands
12. Uses Accessory to Open Space Uses. Notwithstanding anything in this Code to the contrary, the following use shall be deemed to be accessory to uses in the Open Space uses:
- (a) That are permitted uses in that district; or
  - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that such uses shall be located entirely within the open space and with no principal exterior access:
    - (i) Eating places
    - (ii) Outdoor seating accessory to permitted eating places
    - (iii) Carryout eating places
    - (iv) Drinking places accessory to permitted eating places.
13. Accessory Day Care Centers in the Commercial, Office and Industrial Zoning Districts. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in all Commercial, Office, and Industrial Districts subject to the following limitations:
- (a) The accessory day care center shall be for the exclusive use of employees of the principal use. Day care operations serving those not employed on the premises shall be deemed a separate principal use, and so regulated in accordance with this Code.
  - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
  - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the district in which the principal use is located.

- (d) The persons or organization operating the accessory day care center need not be employed by the owners or operators of the principal use.
14. Accessory Day Care Centers in the IB Zoning District. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in the IB, Institutional Building District subject to the following limitations:
- (a) No building additions shall be permitted for such accessory day care centers, except as authorized for the principal structure in the IB District.
  - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
  - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the IB District.
  - (d) The persons or organization operating such accessory day care center need not be employed by the owners or operators of the principal use.
15. Exterior Lighting. Any permitted accessory lighting fixtures shall be so designed, arranged and operated as to prevent direct rays of light from being cast onto any adjacent property or street and so as not to produce excessive sky-reflected glare. Except for street lights, no exterior light in or adjacent to any residential district shall be so designed, arranged or operated to produce an intensity of light exceeding one-half foot candle at any residential lot line.
16. Uses Subject to Special Restrictions. Where the District Regulations of this Code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.
- E. Special Bulk, Yard and Space Regulations.
- 1. General Rule. Except as otherwise provided in this Subsections D and E, all accessory structures and uses shall comply with, and be included in calculating compliance with, all bulk, yard and space requirements applicable in the district in which they are located.
  - 2. Special Height Limitation.
    - (a) General. No accessory structure shall exceed fifteen (15) feet in height measured from grade when located in any yard or setback required for any principal structure.
    - (b) Flagpoles. Notwithstanding the otherwise applicable height limitations in the district, flagpoles may extend to a height of ten (10) feet above the highest point of the roof of the principal structure.

(c) Antennas. Notwithstanding the otherwise applicable height limitations in the district, the height of any antenna with a surface area in excess of ten (10) square feet shall be governed by Paragraph 9-101 D of this Section.

3. Special Side and Rear Yard Regulations for Residential Recreational Facilities. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code.

F. Use Limitations.

1. Every accessory structure or use shall comply with the use limitations applicable in the zoning district in which it is located.

2. No accessory structure or use shall be construed, established or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

**9-102: HOME OCCUPATIONS**

G. Authorization. Subject to the limitations of this Section 9-102, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted to any dwelling unit.

H. Definition. A home occupation is a business, profession, occupation or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit;

2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and

3. Does not change the residential character of such dwelling unit.

I. Use Limitations.

1. Employee Limitations.

(a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted. In addition, where a day care nursery is operated as a home occupation, the principal provider of day care shall be domiciled in the dwelling where such day care nursery is operated.

(b) No person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

2. Structural Limitations.