

ARTICLE IX. DISTRICT REGULATIONS OF GENERAL APPLICABILITY

PART I-A ACCESSORY AND TEMPORARY STRUCTURES AND USES

9-101: 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 are required to connect the street to any garage. Driveways are subject to the requirements of 9-104 B3. 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.
- (c) Outdoor Storage Containers. There shall be no more than two (2) outdoor storage containers per commercial zoning lot maximum, and outdoor storage containers shall comply with the following requirements:
- (i) The containers must be an accessory to a principle building or use.
 - (ii) The containers must be placed on a paved surface and attached permanently to the ground.
 - (iii) The container shall be no more than eight and a half (8.5) feet in height from the ground to the highest point of the container.
 - (iv) The container shall be no more than twenty (20) feet in length.
 - (v) The container can't be placed in a way to obstruct parking. The proposed container shall not remove parking as required subject to Section 9-104.
 - (vi) The container must be painted comparable to the building materials or neutral in cases of vibrant colors to reduce the visibility of the storage container from adjacent properties and public or private streets.
 - (vii) The container shall not store hazardous substances or materials that emit noxious odors subject to approval from the Fire Department.
 - (viii) Containers shall be maintained in a good state of repair, free from rust, peeling paint, and other forms of visible deterioration.
 - (ix) Existing containers must come into conformance with regulations within sixty days following passage of ordinance regulating placement, appearance, and screening requirements.
 - (x) The container is further subject to the screening requirements of Section 9-107 J

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 than 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 contraction 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.

- (a) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a

dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

- (b) No separate entrance shall be provided in connection with the conduct of any home occupation in a principal structure.

3. Occupational Limitations.

- (a) No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
- (b) No more than a total of 480 square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
- (c) No stock in trade shall be displayed or sold on the premises of any home occupation except as part of a garage sale, and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
- (d) No routine attendance of patients, clients, subcontractors or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to six children, including family members, at any one time may be allowed at a day care nursery operated as a home occupation, and that attendance of up to two persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation required non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
- (e) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- (f) No outdoor storage shall be allowed in connection with any home occupation.
- (g) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
- (h) Vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101 D4 of this Article.

4. Signage and Visibility.

- (a) No sign other than as permitted pursuant to Paragraph 9-106 F3 shall advertise the presence or conduct of the home occupation.
 - (b) Except for the identification sign permitted in Subparagraph C4(a) above, no home occupation shall be in any manner visible or apparent from any public or private street.
- 5. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
 - 6. Nuisance-causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
 - 7. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

9-103: TEMPORARY USES

- A. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- B. Definition. A temporary use is a use that:
 - 1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
 - 2. Does not involve the construction or alteration of any permanent structure.
- C. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.
 - 1. Certificate Required. Except as provided in Paragraphs DI and D13 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code; provided, however, that permitted temporary uses of publicly owned or leased buildings and property, other than those included in Paragraph D13 below, shall be exempt from this requirement.
 - 2. Bases for Certificate Denial. Such a Certificate may be denied if the Community Development Director determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all City Ordinances regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Community Development Director determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. Conditions on Certificate. Such a Certificate may be conditioned upon such special requirements as the Community Development Director may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.
 4. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section 9-103, or such certificate, are violated.
- D. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:
1. Garage Sales. In any residential district, but only in compliance with the following terms and conditions:
 - (a) Garage Sale Defined. The term “garage sale” includes all general sales of goods open to the public, conducted from a residential premises including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” “rummage,” “estate,” or “moving” sale.
 - (b) Permit Required. It shall be unlawful for any person to conduct or allow a garage sale involving the sale of multiple new items of the same description without applying for and obtaining a permit therefore. Such permit shall be without charge and in a form acceptable to the Community Development Director.
 - (c) Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be required for garage sales authorized pursuant to this Paragraph 1.
 - (d) Frequency. Garage sales shall be limited to a period not to exceed three consecutive days. No more than four garage sales shall be conducted from the same dwelling unit in any calendar years, and no more than one such sale shall occur in any 30-day period.
 - (e) Hours of Operation. No garage sales shall operate before 7:30 a.m. or after sunset on any day.
 - (f) Sign Limitations. Notwithstanding the provisions of Section 9-106 of this Code, only off-site directional signs not to exceed four square feet in area shall be permitted for the purpose of advertising garage sales. Such signs shall not be erected in excess of 24 hours prior to the commencement of the garage sale and shall be removed within two (2) hours after the termination of the sale.

- (g) Location of Sale. No portion of any garage sale shall take place on any public or private landscaped area, on any public sidewalk, or on any public right-of-way.
2. Indoor and Outdoor Art, Craft and Plant Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Any such sale shall be limited to a period not to exceed three consecutive days. In addition to the foregoing indoor and outdoor art, craft and plant shows shall be permitted in a residential district as part of a garage sale and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
 3. Christmas Tree Sales. In any commercial or manufacturing district and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any open space or institutional buildings district; provided, however, that any such use in any open space or institutional buildings district shall be conducted solely by the officers, directors, members, and employees of any such group or organization, and any proceeds of such Christmas Tree sales shall accrue solely to such group or organization; provided, further, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of Christmas trees need not comply with the yard requirements of this Code, except that no tree shall be displayed within the Sight Triangle defined in Subsection 12-206 S of this Code.
 4. Contractors' Office and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
 5. Real Estate Offices, Including Model Units. In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.
 6. Carnivals and Circuses. In any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such

use need not comply with the yard requirements of this Code except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the Sight Triangle defined in Subsection 12-206 S of this Code. Such use need not comply with the maximum height requirements of this Code. The concessionaire responsible for the operation of any such carnival or circus shall:

- (a) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
 - (b) Provide for a thorough clean-up of the site upon termination of the event.
7. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use. In the II District when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:
- (a) Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of temporary sale.
 - (b) No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
 - (c) Number and Duration of Sales Limited. Not more than four (4) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days.
8. Tents. In any district, in connection with any permitted, accessory, temporary or special permit use no tent shall be allowed to remain for a period of more than four (4) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days. Unless waived in writing by the Community Development Director, every tent shall comply with bulk, yard and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.
9. Civic Uses of Public Property. In the IB District or OS District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.
10. Unique Events. In any district for a period not to exceed seven (7) consecutive days; subject to such conditions and security requirements as the Community Development Director determines are necessary. Unique events shall include motion picture, video and television filming.

11. Electrical Substations. In any district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of need and impact on surrounding properties.
 12. Temporary Location of Local Government Uses. The activities of units of local government and public school district may be temporarily located in any non-residential district, but only during periods of reconstruction, renovation or expansion of existing facilities for those activities at another location. No such temporary relocation shall be allowed without the prior approval by the corporate authorities by resolution duly adopted. The corporate authorities may, but shall not be required to, hold a public hearing prior to adoption of such approval resolution. Such approval by the corporate authorities shall be in lieu of any Certificate of Zoning Compliance and shall be subject to the special standards contained in Subsection C of this Section and the use limitations contained in Subsection F of this Section, all as determined and imposed by the corporate authorities, in its sole discretion.
- E. Special Use Permit Temporary Uses. Subject to the issuance of a special use permit as provided in Section 11-502 of this code. The special use permit temporary use requires a public hearing set, noticed, and conducted by City Council. The City Council may, in its sole and absolute discretion, refer such applications to the Planning and Zoning Commission for a recommendation prior to action.
1. Exhibition Shows and Automobile Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Additionally the Community Development Director has the authority to impose any additional conditions pursuant to Section 9-103 H.
- F. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- G. Use Limitations.
1. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Subsection D above. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.
 2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Community Development Director, in the certificate required by Subsection C of this Section,

on the basis of the nature of the temporary use and the character of the surrounding area.

3. Public Safety. No temporary use shall be permitted unless the Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Community Development Director, operator of the temporary use shall employ a fire watch team and appropriate security personnel.
 4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
 5. Conflicts With Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
 6. Parking. Before approving any temporary use, the Community Development Director shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Community Development Director, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in questions.
- H. Additional Conditions. Every temporary use shall, in addition, comply with, and the Community Development Director may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.