

Notes: The entirety of Sections 23.97 and 23.98 are to be replaced with the following text. Section 23.98 will not be needed. All underlined text is new proposed language. All text which is ~~struck through~~ is to be removed. Most requirements from the current Section 23.97 and 23.98 are retained, but arranged for more clarity. The new concepts included in Section 23.97 are **highlighted** for ease of review.

Sec 23.97 Accessory Structures and Uses

(a) Permitted Accessory Uses. Accessory uses are permitted as indicated by the table below:

<u>Accessory Use</u>	<u>Residential Districts</u>	<u>All Other Districts</u>	<u>Special Requirements</u>
<u>Storage</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See Sec 23.97 (c)</u>
<u>Home Occupation</u>	<u>Permitted</u>		<u>See Sec 23.97 (c)</u>
<u>Child Care</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See Sec 23.97 (c)</u>
<u>Residential Accessory Uses</u>	<u>Permitted</u>		<u>See Sec 23.97 (c)</u>
<u>Private Energy Systems</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See Sec 23.97 (c)</u>
<u>Antennas</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See Sec 23.97 (c)</u>
<u>Commercial Accessory Uses</u>		<u>Permitted</u>	<u>See Sec 23.97 (c)</u>
<u>Accessory Living Quarters</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See Sec 23.97 (c)</u>

(b) Accessory Structure Bulk Standards. Accessory structures and buildings are regulated based on the bulk standards as indicated by the table below and as modified by any specific accessory building or use standards in Section 23.97 (c):

<u>Accessory Structure</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Height</u>	<u>Lot Coverage</u>
<u>Yard Accouterments</u>	<u>3 feet</u>	<u>3 feet</u>	<u>Regulated by zoning district</u>	<u>Not Applicable</u>
<u>Residential Accessory Buildings</u>	<u>3 feet</u>	<u>3 feet</u>	<u>Principal Structure Height</u>	<u>Maximum 20% of rear 20 feet in RSL, RSS, RT, NTZ, and MH districts; 30% in multi-family districts</u>
<u>Commercial Accessory Buildings</u>	<u>3 feet</u>	<u>3 feet</u>	<u>Principal Structure Height</u>	<u>Maximum 30%</u>
<u>Detached Storm Shelter</u>	<u>3 feet</u>	<u>3 feet</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Private Energy Systems</u>	<u>5 feet</u>	<u>3 feet</u>	<u>See Sec 23.121 (e)</u>	<u>Not Applicable</u>
<u>Antennas</u>	<u>5 feet</u>	<u>3 feet</u>	<u>See Sec 23.121 (e)</u>	<u>Not Applicable</u>

(c) Specific Accessory Uses and Structures. Certain accessory uses and structures are subject to additional requirements as follows.

1. Storage of any equipment or materials must be accessory to the principal use of the property. Outdoor storage in any residential district for a commercial purpose is prohibited.
2. Home occupations are permitted under the following conditions:
 - a. No person shall be employed in the home other than a member of the immediate family residing on the premises;

- b. No signs, display or advertising on premises, visible from off the property, shall be permitted;
 - c. The home occupation shall be conducted entirely within the enclosed principal structure or within an enclosed accessory structure located on the same lot as the principal structure;
 - d. Exterior alterations of the structure shall not be made which would detract from the residential character and appearance of the structure, of the property, or of the neighborhood;
 - e. Retail sales shall not be permitted;
 - f. Excessive vehicular traffic shall not be generated by the home occupation. Excessive traffic shall be considered more than 20 vehicle trips per day;
 - g. All associated parking shall be accommodated on the property upon which the home occupation is conducted. All parking areas shall be hard surfaced as either concrete or asphalt;
 - h. The total square footage of the home occupation shall not occupy more than 30 percent of the structure within which it is conducted;
 - i. Residential garage sales are not to exceed three consecutive days and limited to three times in a calendar year.
3. Child Care is permitted as an accessory use with the following conditions:
- a. As a Home Occupation
 - 1. Operating as a family child care home or large family child care home as defined in Sec 23.7 herein and in compliance with all applicable state and local license requirements.
 - 2. Such homes must register with the city and must renew annually. Fees may be required as adopted by City Council.
 - 3. Such homes may not be located on a lot or parcel which is located within 300 feet of another lot or parcel on which a family child care home or large family child care home is located; or within 600 feet of a lot or parcel on which a family child care home or large family child care home is located when both properties have frontage on the same street.
 - 4. Nothing in this article is intended to prohibit informal childcare which is exempt from state requirements such as temporary care of children for neighbors, friends, family, or others.
 - b. As an accessory use to a non-residential use in a residential district
 - 1. Operating as a child care center in compliance with all applicable state and local license requirements.
 - 2. Such uses must be registered with the city and must renew annually. Fees may be required as adopted by City Council.
 - 3. Off-street loading and parking must be provided.
 - 4. Are limited to operation hours between 6:00 a.m. and 9:00 p.m. daily.
 - 5. Play areas may not be located in an exterior side yard or front yard and must be enclosed by a fence with an automatically closing and latching gate.
 - 6. Such use may not be located on a lot or parcel which is located within 300 feet of another lot or parcel on which a child care use is located;

- or within 600 feet of a lot or parcel on which a child care use is located when both properties have frontage on the same street.
7. Such uses are limited to a capacity of 10 children who are not related to the owner or operator.
 8. Such uses must be designed, maintained, and operated so the building and yards have the appearance and character of a residential building.
 9. Such uses are permitted by right with non-residential uses which have been approved through a Specific Use Permit. A Specific Use Permit is required to establish such as use at a property which does not have a Specific Use Permit.
- c. As an accessory use to a non-residential use in any non-residential district
 1. Operating as a child care center in compliance with all applicable state and local license requirements.
 2. Such uses must be registered with the city and must renew annually. Fees may be required as adopted by City Council.
 3. Off-street loading and parking must be provided.
4. Residential Accessory Uses in any residential district, including:
 - a. Personal and laundry services accessory to multi-family or mobile home park uses.
 - b. Personal storage of boats, trailers, and recreational vehicles provided that such parking area is located inside a garage, or outside on a paved or gravel area that is not counted as required off-street parking and not located in the public right-of-way or sight-triangle.
 - c. Private swimming pools and bathouses provided that such pools provided that the pool is enclosed by a minimum four foot fence having no opening greater than six inches and equipped with a self-closing gate with a latch at the top of the gate; and no direct access is allowed from adjacent properties.
5. Private Energy Systems with the following conditions:
 - a. Wind-energy electricity generators must be designed and installed to withstand a minimum wind velocity of 100 miles per hour.
 - b. Access to tower shall be limited by a fence with a locking gate at a minimum distance of four feet from the tower on all sides, by limiting climbing apparatus to no more than 12 feet from the ground, or by an anti-climbing device 12 feet from the ground.
 - c. A sign mounted on all sides at eye level within view of a person standing on the ground, at least one sign warning of the hazard of electric shock and describing or illustrating shut-down procedures.
 - d. Such system may not cause electrical interference beyond the boundaries of the property on which the system is located.
 - e. A Specific Use is required for any wind-energy electricity generator in a residential district.
 - f. Wind-energy electricity generators are permitted by-right industrial districts; the P, Public district; and the CG, Commercial General district.
6. Antennas, either attached or detached from a building provided that all structural elements be designed and installed to withstand wind velocities in

accordance with applicable building codes and FCC regulations; and no radio or telecommunication frequency interference may be caused beyond the boundaries of the property on which the antenna is located.

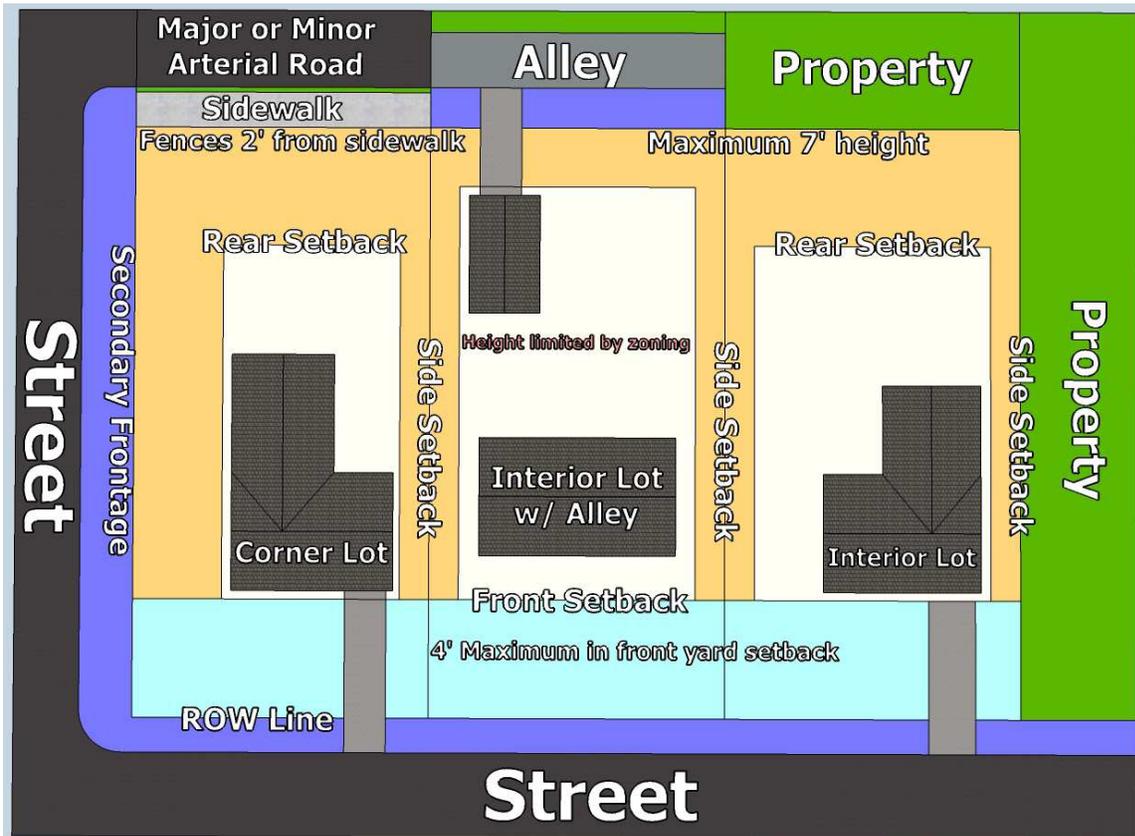
7. Commercial Accessory Uses in any commercial or industrial district, including:
 - a. Rental of autos, utility trailers, and single-axle trucks incidental to an automobile service station, provided that a paved and landscaped area for such accessory use is provided in addition to the service driveway and required off-street parking.
 - b. Sale of gasoline incidental to convenience grocery store, provided that all pump islands and canopy support structures are within the required building setbacks of the applicable zoning district. Pump island canopies may project into a required yard as permitted.
 - c. Restaurants, drug stores, gift shops, clubs, newsstands, travel bureaus, and ticket agencies when located in a permitted hotel, motel, or transportation depot.
 - d. Employee restaurants and cafeterias when located in a permitted business, industrial, or government building.
 - e. Off-street parking and loading in accordance with the provisions of article VIII of this chapter.
 - f. Drive-up windows. Drive-up windows are subject to the following conditions:
 1. Banks. A minimum queue capacity for four cars not blocking any parking space or driveway; this number shall include the space at the point of service;
 2. In-vehicle food service. A minimum queue capacity for five cars not blocking any parking space or driveway; this number shall include the space at the point of service or menu board;
 3. Other uses utilizing a drive-up window. A minimum queue capacity of two cars not blocking any parking space or driveway; this number shall include the space at the point of service;
 4. When more than one drive-up or drive-through lane is to be utilized, the queue capacity shall be the base queue capacity required for the first lane and an additional two-car capacity shall be required per each additional lane not blocking parking spaces or driveways; and
 5. The development services director or designee, shall review all requests for drive-up windows for proper circulation and interaction with the adjacent streets, and may require additional queue capacity if warranted by the particular use and site design.
8. Accessory living quarters are permitted as an incidental, accessory use:
 - a. In commercial and industrial districts for a caretaker or watchman and immediate family in a nonresidential structure or detached dwelling.
 - b. In the RSL and RSS districts for the occasional housing of guests of the occupants of the principal building, and not used as rental units for permanent household occupancy, and provided that such quarters are not classified as a dwelling unit by the building code.

9. Accessory Buildings generally are subject to the following requirements and exceptions:
 - a. Structures such as shipping containers or trailers, or similar structures which are used in a manner similar to a storage building will be treated as an accessory building and subject to setbacks, building code requirements, and building permits where applicable. Such structures are not permitted in any residential district or the CB, Commercial Business district.
 - b. Guy wires to support towers, antennas, wind-energy electric generators, ect. are subject to the accessory structure setback requirements.
 - c. Yard accoutrements such as statuary, flagpoles, treehouses, trellises, arbors, pergolas, and other open side and roof or shade cloth structures are permitted within the front yard setback.
 - d. Small accessory buildings, yard accoutrements, and structures such as dog houses, play houses, garden sheds, ect. which are less than 30 sq. ft. in area and with an empty weight less than 200 pounds, which are independently moveable, and not permanently attached to a foundation are not subject to yard setbacks, and generally do not require a building permit.
 - e. Accessory buildings may be permitted on an adjacent property under common ownership without a primary use, either by combining the properties by deed or by providing a minimum front yard setback for the accessory building of 80 feet.
10. Prohibited accessory uses include:
 - a. In a residential district, the overnight parking of trucks or buses, except those trucks having a manufacturer's rating of less than one ton, and except one bus per multi-family complex in the RM district.
 - b. The outdoor storage of materials or equipment, except during construction of a building or structure, prior to issuance of a certificate of occupancy, and provided that any such materials or equipment are actually incorporated and/or used in the construction of the building or structure.
 - c. In commercial districts, outdoor storage of materials or equipment must be screened from view of any street or residential area. Such storage must be accessory to a use which is permitted in the zoning district in which the property is located.

Sec. 23-121. - Exemptions; setbacks for fences, etc.; projections and encroachments into yards.

- (b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter:

Graphic indicating fence location and height:



Type	Height	Exempt
Fences	Zero to four feet	All setbacks
Fences	Four to eight feet	All rear and side* setbacks
Hedges or required visual barriers	Zero to four feet	All setbacks
Hedges or required visual barriers	Over four feet	All rear and side* setbacks

- (1) Fences, walls, retaining walls, and hedges less than four (4) feet in height are permitted within all setbacks.
- (2) Fences, hedges, and walls four (4) feet and up to seven (7) feet in height are permitted in the following locations:
 - a. Fences, hedges, and walls are subject to the front yard setback requirements of the zoning district in which it is located with the following exceptions:
 - i. Fences and walls are permitted in the IL, Light Industrial and IG, General Industrial districts.
 - ii. Fences and walls are permitted along all alleys and unbuilt rights-of-way.
 - iii. Fences, walls, and hedges are permitted on any frontage along a road classified as a Minor or Major Arterial if the property has no access to the arterial road. Such fences may not be located in the right-of-way and must be set back a minimum of two (2) feet from the sidewalk and landscaping must be provided for any fence which is more than 60% opaque such as privacy and masonry fences.
 - iv. Fences, walls, and hedges are permitted on a secondary street frontage for corner lot, except where the adjacent lot only has frontage on the same secondary street.
 - b. Fences, hedges, and walls are not subject to any side or rear setbacks.
- (3) Fences, walls, and hedges greater than seven (7) feet in height are permitted in the following locations:
 - a. Fences and walls greater than seven (7) feet in height are permitted in an industrial district up to a maximum height of twelve (12) feet.
 - b. Fences and walls greater than seven (7) feet in height are permitted in a commercial district up to a maximum height of ten (10) feet within the district side and rear setbacks.
- (4) Fences, walls, and hedges are subject to the following general requirements and exceptions:
 - a. Fences, walls, and hedges must meet the sight triangle requirements in Sec 23.86 of this chapter.
 - b. Any fence, wall, retaining wall, or hedge located in any easement or right-of-way is subject to removal at any time to permit the use, maintenance, installation or removal of utilities, ect. of the easement or right-of-way.
 - c. No fence or wall is permitted in a drainage easement.
 - d. Retaining walls over four (4) feet in height which face a street or adjacent property must be landscaped with trees to screen the wall.
 - e. Fences over 7 feet in height and retaining walls over 4 feet in height require a building permit and engineer sealed plans.

~~* No fence, hedge, or visual barrier taller than four feet shall extend into the front setback.~~

- (c) *Projections and encroachments into yards.* The following may project from a principal structure into a minimum setback:
- (1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.
 - (2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.
 - (3) Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three and a half (3.5) feet into required yards.
 - (4) Canopies over commercial fuel pump and vehicle service islands may overhang a required front or exterior side yard a distance not to exceed one foot for each one foot in height, provided that the ground support structure is located entirely within the required minimum building setback line, and further provided the canopy extends no closer than five feet to the property line.
 - (5) Open terraces, unenclosed porches of not more than 1/3 the length of the facade, decks, and porches not over 30 inches above the average level of the adjoining ground may encroach project a distance not exceeding five (5) feet into required yards, provided that such encroachment projection extends no closer than five (5) feet to any interior side property line.
 - (6) Under no circumstances shall any portion of a structure project into an easement.
 - (7) Ramps and platforms to provide access to a building or site are not subject to building setbacks.
- (d) *Exemption from setback and building height requirements.* If the structure is developed within a PUD and there is adequate clearance provided.
- (e) *Building height.* Chimneys, elevators, poles, spires, domes, tanks, towers, antennas, solar collectors, wind turbines, high pitched roofs, and other projections not used for human occupancy may extend up to fifteen (15) feet above the maximum permitted height prescribed for buildings in the applicable zoning district where such projections are attached to, or a part of, a building.