

ARTICLE 20

SUPPLEMENTAL DISTRICT REGULATIONS

Sections:

- 20-1 General
- 20-2 Height and Yard Regulations
- 20-3 Number of Structures on a Lot
- 20-4 Corner Visibility
- 20-5 Screening for Commercial and Industrial-Zoned Property
- 20-6 Temporary Uses
- 20-7 Accessory Uses
- 20-8 Accessory Uses; Additional Requirements in Residential Districts
- 20-9 Fences
- 20-10 Residential - Design Manufactured Housing Standards
- 20-11 Building Setbacks
- 20-12 Home Occupations

SECTION 20-1 GENERAL

20-101. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 20-2 HEIGHT AND YARD REGULATIONS

20-201

- a. Height. Chimneys, cooling towers, elevator headhouses, fire towers, monuments, stacks, watertowers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations.
- b. Yard.
 - 1. *Front yards.* The front yards established by the district regulations are to be measured from the street right-of-way fronting a property, and shall be adjusted in the following cases:
 - (a) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

- (b) On through lots, the required front yard shall be provided on each street.
 - (c) Where a lot is located at the intersection of two (2) or more streets and there is a yard required on the side street, there shall be a yard of fifteen (15) feet on the side street. The yard on the side street shall not be greater than that of any other buildings on the side street within the same block, but the depth of the yard shall not be less than eight (8) feet on the side street.
 - (d) Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front and side yard not more than six (6) feet.
 - (e) Where twenty-five (25) percent or more of the street frontage or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet of a property is improved with buildings that have a front yard that is six (6) feet greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.
2. *Structural projections.* Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:
- (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
 - (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and one-half (3.5) feet into a required side yard and five (5) feet into a required rear yard.
3. Additional setback requirements are set out at Section 20-11.

SECTION 20-3 NUMBER OF STRUCTURES ON A LOT

20-301. Where a lot is used for other than a single family residence, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

SECTION 20-4 CORNER VISIBILITY

20-401. Removal of Traffic Hazards. In all areas on public or private property at any corner formed by intersecting public streets, no traffic hazard shall be allowed by installing, setting out or maintaining or allowing the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view, or the parking of any vehicle within that triangle formed as hereby described, such areas to be described as sight triangles:

- a. Uncontrolled Intersections – Local Street to Local Street: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 50 feet.
- b. Uncontrolled Intersections – Local to Collector/Arterial: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance 50 feet on the local street and 60 feet on the collector or arterial street.
- c. Controlled Intersections – Partial Traffic Signalization/Signage: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet on the street with the stop sign and 60 feet on the street with no traffic signage.
- d. Controlled Intersections – Full Traffic Signalization or 4 Way Stop Signs: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet.

20-402. Exceptions. The provisions of sight triangle shall not apply to those shrubs or bushes located within a designated sight triangle, the maximum height of which is less than three (3) feet measured from the established street level. For trees located within a sight triangle, a minimum height clearance for limbs

and relative growth shall be trimmed for clearance of eight (8) feet from the established street level. Utility poles and equipment required for traffic control shall be exempt from this section's restrictions.

SECTION 20-5 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY

20-501. Commercial or industrial development adjacent to a residential zone shall be screened in accordance with the approved site plan.

SECTION 20-6 TEMPORARY USES

20-601.

- a. Only the following temporary uses may be permitted.
 1. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from the boundary of a residential zone and for a time period not exceeding two (2) consecutive weeks.
 2. Contractor's office and equipment sheds on the site of a construction project only during the construction period.
 3. Model homes or development sales offices located within the subdivision or development area to which they apply, with such use to continue only until sale or lease of all units in the development.
 4. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 5. One travel trailer or manufactured home to be used as a temporary office for any allowed use in an industrial or commercial zoning district, provided that such trailer or home shall not be used for more than a one year period starting the day the home is set upon the property.
- b. Persons seeking approval for a temporary use authorized by items 1,2 and 4 in subsection a. of this section shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. The Zoning Administrator may issue a certificate of temporary use

upon the payment of the temporary use permit fee imposed by the fee ordinance and upon finding:

1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
2. The temporary use will not impact the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.

SECTION 20-7 ACCESSORY USES

20-701. Accessory uses are permitted in any zoning district in connection with any permitted principal use, consistent with the provisions of this section and section 20-8.

- a. **Definitions.** An accessory use is a structure or use which:
 1. Is subordinate to and serves a principal building and principal use.
 2. Is subordinate in area, extent or purpose to the principal building or buildings served.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 4. Is located on the same tract as the principal building or principal use served.
- b. **Permitted accessory uses.** Any structure or use that complies with the terms of subsection a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
 1. Private garages and carports, whether detached or attached.
 2. A structure for storage incidental to a permitted use.
 3. A children's playhouse.
 4. A private swimming pool and bathhouse.
 5. A guest house or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of

guests of the occupants of the principal building and not as rental units or permanent occupancy as house-keeping units.

6. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.
 7. Storm shelters.
 8. Retail sales of products manufactured, processed or fabricated on site.
 9. Storage of recreational equipment, such as boats, boat trailers, camping trailers and motor homes, provided no such equipment is occupied for dwelling purposes.
 10. Restaurants, drug stores, gift shops, club and lounges and newsstands when located in a permitted hotel, motel or office building.
 11. Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
 12. The storage of retail merchandise when located within the same building as the principal retail business.
 13. Accessory, open, and uncovered swimming pools and home barbecue grills may occupy a required rear yard; provided they are not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
- c. **Prohibited accessory uses.** None of the following shall be permitted as an accessory use:
1. Outdoor storage, except as specifically permitted in the district regulations.
 2. Storage of containers typically transported by tractor-trailer rigs, in a residential district, except where completely enclosed within a structure.

20-702. Existing accessory buildings or structures which do not meet the minimum setbacks may be repaired, maintained or enlarged, providing those actions do not further decrease the existing setbacks.

SECTION 20-8 ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS

20-801.

- a. Detached accessory buildings shall not occupy a required yard other than a required rear yard if not located within five (5) feet of a rear property line or within three (3) feet of a side property line.
- b. Detached accessory buildings shall not be located within ten (10) feet of the primary structure and shall be located behind the front building line of the primary structure.

20-802.

- a. Accessory buildings in a zoning district having residences as a permitted use shall not collectively occupy more than 40% of the required yard spaces in the rear half of the lot.
- b. No single accessory building in a zoning district having residences as a permitted use shall occupy more than 30% of the required yard spaces in the rear half of the lot.
- c. No accessory building on a corner lot shall be located closer to the street side yard than the front yard abutting the street.

20-803. Garages shall not be constructed upon lots in residential-zoned districts upon which no principal dwelling is located.

20-804. Accessory buildings may be constructed with used materials, except the exterior shall be of new materials. Accessory buildings shall be of conventional wood or metal construction. Metal shipping containers, truck boxes, trailers, etc. are prohibited from use as detached accessory buildings on property located in residential (R) zoning districts.

SECTION 20-9 FENCES

20-901. ~~Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences.~~ *No fence shall be constructed within the City unless it is constructed in conformance with the following requirements:*

- a. ~~No fence shall be constructed at a location where it would constitute a traffic hazard.~~ *A fence or wall may project into or enclose any required*

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Deletions struckthrough in ~~red~~

New provisions in italics and highlighted in yellow

front, side or rear yard subject to access requirements of any established easement and in accordance with the following:

~~b. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.~~

Comment [JW1]: This wording was moved to the section regarding corner visibility. The new section includes the reference to the former b. about dedicated easement.

Comment [JW2]: The easement is briefly noted in a. above

1. *The maximum height of fences or walls erected in a residential district shall be no more than six (6) feet in height for any side or rear yards measured from the adjacent grade.*

Comment [JW3]: This was previously 8 feet but an 8 feet fence triggers additional structural requirements. 7 feet may work but the standard size is 6.

2. *Any fence that extends beyond the front wall of any principal structure shall not be more than four (4) feet in height.*

Comment [JW4]: Some cities say 3 instead of 4. 4 feet is the current restriction.

3. ~~e. For corner lots in a residential district, a solid fence six (6) feet in height may be constructed in the side street front yard subject to the following rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non-address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback.~~

i. The fence shall not extend nearer to the front street lot line than the front wall of the principal building

ii. The fence shall not extend into any sight triangle as defined in these regulations.

iii. The zoning administrator shall establish which yard is the side street front yard.

Comment [JW5]: This is new wording, that is similar to 2 above. It should help with corner visibility and reduce traffic hazards. It also is clearer than the previous language or at least that is the intent.

Comment [JW6]: This also covers the former a. about traffic hazards.

4. ~~d. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections b, d and e of this section, and has at a maximum eight (8) foot height provided it does not constitute a traffic hazard.~~

Comment [JW7]: This statement had to be removed due to section renumbering/organization

5. ~~e. A fence may be erected in a commercial district or industrial district to not more than eight (8) foot maximum height, except no fence shall have a height greater than six (6) feet in a required front yard, except where these Regulations provide otherwise.~~

~~f. A fence may be erected in a residential district to not more than eight (8) foot maximum height, provided a fence not more than four (4) feet in height may project into or enclose any required front yard to a depth from the street line equal to the required depth of the front yard.~~

Comment [JW8]: This was moved up to a.1. above

6. *Except as otherwise set forth in these regulations, permitted materials for fences or walls on all properties shall include:*
- a. new lumber and new wood boards (picket style);*
 - b. chain link;*
 - c. wrought iron and decorative aluminum;*
 - d. vinyl (picket or panel style);*
 - e. brick and masonry (including proper footing in accordance with the building codes);*
 - f. stone, rock and concrete block (including proper footing in accordance with the building codes);*
 - g. stucco (including proper footing in accordance with the building codes);*
 - h. any generally accepted fencing materials commonly used in the fencing industry as approved by the Zoning Administrator.*

7. *Prohibited materials shall include but not be limited to:*
- a. sheet metal;*
 - b. metal building siding and roofing materials;*
 - c. corrugated metal or fiberglass;*
 - d. chicken wire;*
 - e. plywood;*
 - f. scrap wood;*
 - g. scrap metal;*
 - h. canvas, nylon or other non-rigid material or fabric;*
 - i. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence (including pallets); and*
 - j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.*
 - ~~k. g. Barbed wire fences are prohibited inside the City limits, except:~~

i. 4. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.

ii. 2. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;

Comment [JW9]: 6 and 7 were added to better define what is acceptable and not acceptable for fencing materials. This is new as the current regulations did not define this.

Comment [JW10]: Moved up to the prohibited section

Comment [JW11]: Simply moved from its previous section, wording is the same.

~~l.h. Electric charged fences are prohibited inside the City limits, except:~~

- i. ~~4.~~ An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
- ii. ~~2.~~ Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;

~~m.i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.~~

Comment [JW12]: Simply moved from its previous section, wording is essentially the same.

Comment [JW13]: Simply moved from its previous section, wording is the same except for the removed redundancy.

8. *The zoning administrator may require a photograph or sketch of the proposed fence.*

Comment [JW14]: New language that is especially helpful for interpreting 6i above. Notice the intentional use of the word "may" as this will not always be required.

b. *The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.*

Comment [JW15]: This is new language and is OPTIONAL. I wanted to add it because there is often issues with this. Generally speaking, whoever is constructing the fence should have the finished side facing outward but it can get interesting if the fence is on a shared property line.

c. *Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or more provisions of these regulations. However, any replacement or change consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.*

Comment [JW16]: This is new language. This section could help us with non-conforming fences.

SECTION 20-10 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

20-1001.

- a. In order to be classified as a Residential-Design Manufactured Home a structure must be manufactured to the standards embodied in the National

Manufactured Home Construction and Safety Standards generally known as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs; a pitched roof; siding and roofing materials which are customarily used on site-built homes; and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:

1. The roof must be predominantly double-pitched and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of ten (10) inches which may include a gutter.
2. Exterior siding shall be of a nonreflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with any applicable City-adopted building codes.
3. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and any applicable building code adopted by the City.
4. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home.
5. At the main entrance door there shall be a landing that is a minimum of twenty-five (25) square feet which is constructed to meet the requirements of any applicable City-adopted building codes.

6. On level sites, the main floor shall be no greater than twenty four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24) inches above the finished grade at the foundation.
 7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City-adopted building codes and attached permanently to the primary structure and anchored permanently to the ground.
 8. Any attached addition to such a home shall comply with all construction requirements of the City-adopted building codes, unless designed and constructed by a manufactured home factory.
- b. For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home".

SECTION 20-11 BUILDING SETBACKS

20-1101. For purposes of determining the applicability of building setback lines established in these regulations whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.

20-1102. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any right-of-way line or easement.

20-1103. Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.

SECTION 20-12 HOME OCCUPATIONS

20-1201. Home occupations as defined in Article 2 of these regulations shall be permitted in the A District, and the CS, MHS, R-1 and R-2 residential districts, subject to the following:

- a. **Restrictions and Limitations; All Home Occupations.** The following shall apply to any home occupation in existence at the time of, or commenced after, the effective date of these Regulations:

1. No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use.
 2. No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary lines of the property, which would be in excess of that ordinarily created by a single family residential dwelling.
 3. No merchandise shall be displayed or sold on the premises to members of the general public, except craft or articles made by the person operating the home occupation. In no instance shall there be any outside display of such articles in connection with the home occupation. "Members of the general public" shall not include persons who have prior individualized invitation.
 4. The area of an accessory structure devoted to home occupations shall be limited to nine hundred (900) square feet.
- b. **Restrictions and Limitations; New Home Occupations.** The following shall apply to any home occupation commenced after the effective date of these Regulations:
1. No more than one employee or volunteer shall engage in such home occupation in addition to the person occupying the dwelling unit as his or her place of residence.
 2. There shall be no outdoor storage of materials or equipment used in the home occupation.

20-1202. Power of Zoning Administrator. The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of Section 20-12, including the power to:

- a. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with these regulations.
- b. Enter upon premises for the purpose of making examinations: provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

20-1203. Permitted home occupations are primarily of a service nature similar to, but not limited to, the following:

- a. Artists, sculptors and writers.
- b. Custom dressmaking, tailoring or sewing of fabrics.
- c. Giving of lessons of any type, provided instruction does not exceed five (5) pupils at a time. Such limitation shall not apply to recitals or other performances.
- d. Professional offices for architects, engineers, computer software engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives, contractors, and similar occupations.
- e. Fabrication and/or assembly of handicraft or hobby articles.
- f. Occupations where business is conducted primarily or exclusively over the Internet.
- g. Photographic studios.
- h. Beauty or barber shops having one chair, stand or station.
- i. Multi-level marketing and home party product sales, including but not limited to, Avon, Mary Kay Cosmetics and Tupperware.
- j. Sales of farm or garden produce, bulbs, plantings or cut flowers when grown on the same premises as the residence.

20-1204. Except where allowed as a permitted or conditional use, home occupations shall not in any event include the following:

- a. Antiques, either retail or wholesale.
- b. Animal care other than grooming.
- c. Funeral homes or services.

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Deletions struckthrough in ~~red~~

New provisions in italics and highlighted in *yellow*

- d. Retail sale or rental of any goods or products, other than where the commercial exchange constituting such sales or rental is accomplished by means of catalog orders, whether in written or electronic form.
- e. Automotive sales, repair or service of any type.
- f. Appliance repairs (other than for small electronic devices including computers and hand-held household appliances).
- g. Small-engine repairs.