

Section 400.240. Accessory Uses.

[R.O. 2012 §400.240; Ord. No. 88-5-5 §§ — III, 5-16-1988; Ord. No. 89-1-2 §23 B, 1-2-1989; Ord. No. 91-10-2 §400.240, 10-7-1991; Ord. No. 92-8-6, 8-3-1992; Ord. No. 93-6-4 §400.240, 7-6-1993; Ord. No. 94-11-5 §I, 11-7-1994; Ord. No. 96-3-1, 3-18-1996; Ord. No. 04-7-6, 7-6-2004; Ord. No. 2011-11-06-05 §2, 6-20-2011]

A. *General Regulations.* Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, unhealthy or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

1. *Generally.* The following uses shall be permitted as accessory to main uses permitted in this Chapter.

2. *Eligibility for accessory use.* The determination of the eligibility of a proposed use as an accessory use shall be made by the City Building Official and appeal can be made from his/her decision as set out in Section **404.080**.

[Ord. No. 18-09-06, 9-17-2018]

B. *Districts "A", "R-1", "R-1A" And "R-2".*

1. *Home occupations permitted.*

- a. Architect.
- b. Artist.
- c. Author or writer.
- d. Chiropractor.
- e. Clergyman.
- f. Contractor.
- g. Dentist.
- h. Engineer.
- i. Hairdresser.
- j. Lawyer.
- k. Osteopath.
- l. Physician.
- m. Sales.
- n. Seamstress — dressmaker.
- o. Teaching or instruction provided, not more than three (3) students are taught at any one (1) time and not more than twelve (12) students per day, excluding informal study groups such as literary and religious discussion activities.
- p. Day care home for a maximum of four (4) children unrelated to the operator.
- q. Informal and occasional study groups such as literary and religious discussion activities in a home.

2. The following conditions and restrictions shall apply to such customary home occupations:

- a. That the primary use of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.
- b. That no assistant or other than an immediate member of the family household is employed.
- c. That no equipment, machinery or operation is used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

3. *Garages and carports.* For each dwelling unit there may be permitted one (1) private garage or covered carport with space for not less than one (1) vehicle and each principal use is also allowed one (1) "accessory use building" if a detached garage is located on the lot or parcel, or two (2) accessory use buildings if there is no

detached garage. Detached garages and accessory use buildings shall be located behind the front yard building line as established by the principal structure to which the structure is to be accessory. Detached garages and accessory use buildings shall be a minimum of five (5) feet from the side yard and five (5) feet from the rear yard where the lot abuts another residential lot. Where the lot abuts or adjoins an alley, the rear yard requirement may be waived by the City Building Official.

[Ord. No. 18-09-06, 9-17-2018]

A garage constructed as part of the main building shall be subject to the regulations affecting the main building except that on a corner lot, a private attached garage may extend into the required rear yard to a point not less than twenty (20) feet from the rear lot line and shall not occupy more than thirty percent (30%) of the required rear yard.

A detached garage and accessory use building may contain up to an aggregate maximum square footage according to the following standards:

Lot/Parcel Size	Maximum Square Footage
Up to 1.99 acres	1,000 square feet
2.00 to 2.99 acres	2,000 square feet
3.00 to 3.99 acres	3,000 square feet
4.00 to 4.99 acres	4,000 square feet
5.00 to 5.99 acres	5,000 square feet
6.00 to 6.99 acres	6,000 square feet
7.00 to 7.99 acres	7,000 square feet
8.00 to 8.99 acres	8,000 square feet
9.00 to 9.99 acres	9,000 square feet
10 acres or more	10,000 square feet

An accessory use building or detached garage shall not exceed twenty-six (26) feet in height. Any accessory use building or detached garage that exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third (1/3) its height. A detached garage shall not occupy more than thirty percent (30%) of the required rear yard. The setback, height and yard requirements of this Subsection **(B)(3)** do not apply to lots in an "R-1A" Zoning District.

No vehicle, vehicle component, van, trailer or trailer box may be used as a building or structure in any district.

4. *Additional uses.* An otherwise legal hobby activity may be operated as an accessory use by the occupant(s) of the premises purely for personal enjoyment, amusement or recreation, provided that the sale of articles produced or constructed does not take the form of a business, but rather are incidental to the hobby activity. Such additional uses as private swimming pools, gardens, customary pets, television and radio receiving antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking area, and detached garages and accessory use buildings.

[Ord. No. 18-09-06, 9-17-2018]

5. *Fences.* Fences in Residential Districts shall be permitted as follows:

a. In the front yard a wood, chain link, iron or split rail type provided said fence shall be not less than fifty percent (50%) perforated and open over its entire surface, shall not encroach on the sight distance triangle required in Section **400.240** and shall not exceed four (4) feet in height.

b. In the side yard a wood, chain link, wrought iron or split rail type provided such fence shall not encroach on the sight distance triangle required in Section **400.240** and shall not exceed six (6) feet in height.

c. In the rear yard a wood, chain link, wrought iron or split rail type which may be perforated or solid, and which shall not exceed eight (8) feet in height.

6. Storage Of Equipment, Material, Vehicle, Boat Or Trailer.

- A. The parking of any vehicle shall not occur on lawn areas, unpaved public right-of-way or other locations in a residential district. Parking shall be limited to areas that are hard surfaced and shall generally be located in close relationship to the garage or otherwise vehicle-oriented portion of the premises so that the lawn area may be maintained with grass, trees and shrubs.
- B. Recreational vehicles, hauling trailers or boats may be stored, on the basis of one (1) per family, in fully enclosed private garages, in paved driveways of single-family homes if parked behind the building line, or in rear or side yards of single-family homes behind the building line and no closer than six (6) feet to the adjoining lot line if parked on a concrete, asphalt or paver block pad; provided no such vehicles shall be used for residential purposes nor connected to a water or electric source.
- C. Parking of commercial trucks or buses on any street in a residential district except in conjunction with the conduct of business shall be prohibited.

[Ord. No. 17-04-01 § 1, 4-3-2017]

7. *Dish antennae.*

- a. Television receiving dish antennae shall be so constructed and placed as to ensure structural integrity and electrical or operational safety, and as to minimize adverse effects upon the use or enjoyment of adjacent and nearby property.
- b. A television receiving dish antennae of a solid color may be located at grade for private reception provided the maximum cross dimension of the dish shall not exceed ten (10) feet and the highest point of the dish or structure shall not be more than twelve (12) feet above grade, and further provided that no dish antennae or portion thereof may be located in a front yard or in a side yard on the street side of a corner lot, or closer than ten (10) feet to any lot line. A building permit is required for all dish antennae. Landscaping to conceal the base is required for permanent installations.
- c. Provided however, that a building permit is not required for dish antennae four (4) feet or less in diameter with front to back measurement of four (4) feet or less and a vertical height of five (5) feet or less. Mounting of such antennae is allowable on the side, rear or front of a principal structure or on the rear portion of the roof of a principal structure under the following criteria:
 - (1) A three (3) foot setback shall be maintained from side lot lines, not including the side yard on the street side of a corner lot, and from rear lot lines.
 - (2) Such satellite dish antennae may be directly mounted without mast or pole on the rear portion of the roof of the principal structure, or located at grade.
 - (3) Such satellite dish antennae mounted in front of the principal structure, in the front yard or in the side yard on the street side of a corner lot shall be mounted within four (4) feet of the structure.

8. Composting of yard wastes will be permitted and shall be subject to the following restrictions:

- a. Composting piles must be no longer than one hundred twenty-five (125) cubic feet and no taller than five (5) feet in height. Only one (1) compost pile is permitted on any residential premise up to one (1) acre. On residential premises greater than one (1) acre, no more than two (2) compost piles are permitted.
- b. The pile(s) must be maintained in an enclosure which can include woven wire, wood construction, cement blocks, brick, or commercially available compost bins; and such enclosures must not detract from neighborhood features.
- c. The compost pile(s) may not solely contain grass clippings, but may contain grass clippings blended with a suitable ration of other yard wastes, chopped straw or hay, sawdust and soil. Compost piles must be aerated to

prevent odors. Commercial fertilizers and other nitrogen sources are permitted to promote the decomposition of high carbon wastes such as wood plant materials or mature leaves. No animal fats are allowed as compost pile inputs.

d. The compost pile(s) must be located in the rear yard only. No compost piles are allowed in front or side yards. They may be located no less than ten (10) feet from any building on the premise and no less than five (5) feet from the lot lines.

e. The Community Development Department has the authority to grant exemptions to these regulations. If a property owner cannot meet the placement, size, or quality standards, he or she may establish other reasonable compost piles with the approval of the Community Development Department.

B.1 Districts "R-1" "R-1A" and "R-2". If a lot is occupied by a single-family dwelling unit as the principal use, one (1) accessory dwelling unit (ADU) is permitted under the following standards:

- a. An ADU may be located within the principal single-family dwelling or a detached building.
- b. Either the principal single-family dwelling or the ADU shall be occupied by the property owner.
- c. An ADU shall be limited to 60% of the total square footage of the principal single-family dwelling but shall not exceed 1,000 square feet.
- d. A detached ADU shall not exceed the height of the principal single-family dwelling.
- e. Construction of an ADU shall comply with all building code requirements for multi-family structures.

C. *Districts "R-3", "R-4" And "R-5"*. In the "R-3", "R-4" and "R-5" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collections enclosures, power generators, vending machines for tenant use, dish antennae and other similar uses. Single and two-family dwellings located in these districts shall conform to the regulations of Subsection (B) above.

D. *Districts "C-0" And "C-1"*. In the "C-0" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television, microwave or dish antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar uses.

E. *Districts "C-2" And "C-3"*. In the "C-2" and "C-3" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. Washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

F. *Districts "M-1" And "M-2"*. In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio, microwave, and dish antennae towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

G. *Motor Hotels*. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

H. *Hospitals*. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

I. *Utility Buildings*. Storage of materials and equipment in a "utility building", as defined herein, is permitted in all non-residential districts. Outside storage incidental to a utility building shall be screened from view from off the premises.

J. *Limitations On Accessory Use.* Any of the accessory uses listed in this Section may specifically be prohibited or further controlled by restrictions written into a Special Use Permit prior to its approval.

K. Solar Panels.

[Ord. No. 18-11-03, 11-5-2018]

1. Solar panels shall be permitted as an accessory use in all zoning districts subject to the following performance standards:

a. Solar panels must be located on the premises.

b. Solar panels may be mounted on roofs or walls subject to:

(1) Roof-mounted residential building solar panels located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such solar panel shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.

(2) Roof-mounted residential building solar panels located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted, and no portion of any such solar panel shall extend more than four (4) feet as measured perpendicularly to the roof at the point where it is mounted.

c. Solar panels may be ground mounted subject to:

(1) Ground-mounted solar panels shall not exceed eight (8) feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.

(2) All utility service lines serving ground-mounted solar panels shall be located underground.

d. Any system incorporated into a non-residential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if rack mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.

e. Roof-mounted solar panels mounted on accessory buildings are permitted.

f. Solar panels may be mounted on light poles as a source of power for the light fixtures if they are designed as part of the fixtures.

g. All exposed metal, including the framework of active solar panels or exposed mullions and framework of passive systems, shall be colored to visually blend into the surroundings.

2. Exceptions to these standards may be considered for approval through special use permit if the City finds there would be no detrimental impact to the public health, safety or general welfare.

Section 400.250. Prohibited Uses.

NOTE: No review or changes

Section 400.260. Mobile Homes, Recreation Vehicles and Trailers.