

## **ARTICLE XXXII**

### **ADDITIONAL RESIDENTIAL DISTRICT STANDARDS**

#### **Section 32.01 Residential Accessory Building and/or Structures**

“Accessory building or structure” shall mean a structure occupied by a use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities.

Residential accessory structures are subject to the following additional requirements:

- A. Not more than two (2) accessory buildings or structures shall be permitted on a single residential lot, not more than one of which may be a moveable storage building.
- B. Moveable storage buildings shall not exceed twelve (12) feet in height or 160 square feet in area. Any other accessory use or structure shall not exceed fifteen (15) feet in height, unless the subject property is located within the UR or URO District, and specific approval for a higher accessory building is granted by the Planning and Zoning Commission, in order to promote consistency with the architectural character of other structures on the site.
- C. An unattached accessory structure shall be located to the side or rear of the principal structure, within any side or rear yard. Such accessory structure shall be constructed not closer to the side or rear lot line than the side yard requirement of the district where it is located, and must maintain a minimum of ten (10) feet between structures on a residential lot; and not closer than twelve (12) feet to any alley right-of-way. Accessory structures in the PUDR District shall keep a minimum four (4) foot side and rear yard setbacks.
- D. The total area of all detached accessory structures shall not exceed thirty-five percent (35%) of the actual rear yard area, but in no case shall the total area of all accessory structures exceed 800 square feet, except for swimming pools and tennis courts which shall be exempted from these area requirements.

#### **Section 32.02 Private Swimming Pools**

A “private swimming pool” as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover shall not be considered as a “swimming pool” subject to the provisions of this section. No swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.
- C. The surface area of the swimming pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than six (6) feet in height, as measured from ground level at the point most proximate to the edge of the pool, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

#### **Section 32.04 Residential Fences and/or Hedges**

“Fence” or “wall” means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. A “decorative fence” means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

No fence or wall, as defined above, may be erected within the City unless the property owner or this agent files application with the Zoning Administrator. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The granting of a permit to construct a fence in no way shall be considered as the City’s authorization that the property lines as shown on the application are correct.

- A. Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A decorative fence not exceeding 48 inches (48") in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 32.04.A.3 below are met.
2. A fence or wall not exceeding seventy-two inches (72") in height may be erected in any area of the lot behind the front face of any principal structure, however, any residential chain link fence in excess of forty-eight inches (48") in height shall require the specific approval of the Planning and Zoning Commission.
3. No fence, hedge or wall shall be erected on any lot in such manner so as to obscure the vision of motorists approaching the intersection of any street or alley. Twenty-five feet(25') clear sight distance shall be maintained along any street or alley from said intersection.

B. Prohibited Fences

No person shall erect or maintain any fence or wall in any residential district charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

### **Section 32.05 Home Occupations**

Home occupations shall be considered as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square foot, attached flat against the principal structure.
- E. No physical good or commodity, other than those incidental to the performance of a service, shall be sold from the premises.
- F. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- G. Activities related to the home occupation shall be conducted primarily within the confines of the principal building on the lot. No home

occupation shall be conducted from any accessory building on the lot.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a seamstress, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist or private teacher. The home occupation shall be performed by the occupant of the premises.

### **Section 32.06 Group Residential Facilities**

“Group residential facilities” shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted in any zoning district that permits single-family dwellings. A Class I Type A group residential facility, as defined in Article II, shall be considered as a conditional use in the AR, NB and GB Districts, subject to the standards set forth below. A Class II group residential facility, as defined in Article II, shall be treated as a conditional use in the GI and LIC Districts subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the character of the structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- F. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby neighbor’s grievances may be filed and resolved.

### **Section 32.07 Dish-Type Satellite Signal Receiving Antennas**

The owner or occupant of any lot, premises, or parcel of land who desires to erect a satellite dish in excess of thirty-nine inches (39") in diameter shall apply to the Zoning Enforcement Officer for a permit. On such application the owner or occupant shall certify that the requirements of this Ordinance are met. Satellite dish antennas thirty-nine inches (39") in diameter and smaller shall not require a permit for installation, and are exempt from these regulations.

- A. All satellite dishes shall be constructed or erected to the rear of the premises.
- B. No satellite dish shall be erected within twenty (20) feet from any lot

line.

- C. No satellite dish shall be erected on the roof of any residential building or structure.
- D. No satellite dish shall be linked to receivers which are not located on the same lot or premises.
- E. Landscaping should be provided, or the dish shall be located so as to effectively screen the dish from view of adjacent property.

**Section 32.08 Amateur "Ham" Radio Antennas**

Amateur "ham" radio antennas shall be considered as accessory structures in residential districts. No more than two (2) such antennas shall be permitted on any one lot, and such structures shall be subject to the requirements of Section 32.01 above.

Revisions: Ord 02-91, effective 09/06/02; Ord 09-74, effective 07/21/09