

Chapter 12

SUPPLEMENTARY PROCEDURES APPLICABLE WITHIN ZONES

10-12-1: INTENT:

The intent of this chapter is to accumulate under one heading, regulations which apply to two (2) or more zones, rather than to repeat them several times. (Ord. 6-18-81A, 6-18-1981)

10-12-2: YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building, or which is hereafter provided around any building, which is needed to comply with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord. 6-18-81A, 6-18-1981)

10-12-3: EVERY DWELLING ON ZONING LOT:

Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development, mobile home park or other large scale development. (Ord. 6-18-81A, 6-18-1981)

10-12-4: SALE OR LEASE OF REQUIRED SPACE PROHIBITED:

No space needed to meet the width, yard area, coverage, parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building, unless other space so complying is provided. (Ord. 6-18-81A, 6-18-1981)

10-12-5: YARDS UNOBSTRUCTED; EXCEPTIONS:

Every part of a required yard shall be open to the sky and unobstructed, except for permitted accessory buildings and except for ordinary and customary projection of sills, belt

courses, cornices and other ornamental features and unenclosed steps, unwallled stoops, porches and carports which may project up to three feet (3') into a required yard. No projection into a required court which is provided in connection with an apartment shall be constructed, except for customary sills, belt courses and cornices which may extend into the court not more than sixteen inches (16"). (Ord. 6-18-81A, 6-18-1981; amd. 2003 Code)

10-12-6: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord. 6-18-81A, 6-18-1981)

10-12-7: STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES:

The storage and/or continuous on street parking of trucks having a rated capacity of one and one-half ($1\frac{1}{2}$) tons or greater and construction equipment such as bulldozers, graders, compressors, etc., shall not be permitted in any residential zone; provided, that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year. (Ord. 6-18-81A, 6-18-1981)

10-12-8: STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES:

No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, shall be used for the storage of junk, debris or obsolete vehicles. No land shall be used for such purposes, except as specifically permitted hereby. (Ord. 6-18-81A, 6-18-1981)

10-12-9: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a distance of at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Ord. 6-18-81A, 6-18-1981)

10-12-10: MINIMUM HEIGHT OF DWELLINGS AND FENCES:

A. Dwelling Height: No dwelling shall be erected which has a ceiling height of less than seven feet six inches (7'6") or one story above grade, whichever is greater.

B. Fences, Walls Or Hedges:

1. Height: No fence, wall or hedge shall be constructed higher than three feet (3') above the ground in any required front or side yard that fronts on a street, except in compliance with one or more of the following conditions:
 - a. The fence is not sight obscuring, such as chainlink or similar type material, and does not exceed four feet (4') in height.
 - b. The fence, wall or hedge is enclosing a side yard and/or back yard, and is located forty feet (40') from the property corner, less street, and does not exceed six feet (6') in height.

On side and back yards, where a fence, wall or hedge is constructed parallel to a road on a corner lot, the fence shall be set back five feet (5') from the back of the curb or side street.

2. Grade Difference: Where a fence, wall or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two (2) sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
3. Distance To Fire Hydrant: There shall be no fence, wall or hedge within three feet (3') of any fire hydrant. (Ord. 4-3-96A, 4-3-1996)

10-12-11: LOCATION OF BARNS:

No barn, corral or coop shall be constructed closer than one hundred feet (100') from any existing dwelling, where such barns, corrals or coops are permitted. (Ord. 6-18-81A, 6-18-1981)

10-12-12: DRAINAGE:

Surface water from rooftops, lots or irrigation ditches shall not be allowed to drain onto adjacent streets. (Ord. 6-18-81A, 6-18-1981)

10-12-13: CLEAR VIEW OF INTERSECTING STREETS:

In all zones which require a front yard, no construction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty five feet (45') from the intersection of the street line. (Ord. 6-18-81A, 6-18-1981)

10-12-14: EFFECT OF STREET PLAN:

Whenever a front or side yard is required for a building, which building abuts on a proposed street which has not been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from such proposed street line. (Ord. 6-18-81A, 6-18-1981; amd. 2003 Code)

10-12-15: EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS:

The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord. 6-18-81A, 6-18-1981)

10-12-16: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS:

Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by city council. (Ord. 6-18-81A, 6-18-1981)

10-12-17: SEWAGE DISPOSAL:

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the health department before a building permit shall be issued therefor. (Ord. 6-18-81A, 6-18-1981)

10-12-18: LOCATION OF GASOLINE PUMPS:

Gasoline pump islands shall be set back not less than fifteen feet (15') from any street easement line to which the pump island is vertical, and twelve feet (12') from any street line

to which the pump island is parallel, and not less than twelve feet (12') from any residential zone boundary line. If the pump island is set in at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve feet (12') from any street line, nor closer than ten feet (10') from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than one hundred twenty five feet by one hundred feet (125' x 100') in size. Canopies over islands may extend to within five feet (5') of the property lines. (Ord. 6-18-81A, 6-18-1981)

10-12-19: OFF STREET PARKING AND LOADING:

- A. Loading And Unloading Space: Off street loading and unloading space shall be provided on the same lot for every building used for manufacturing, storage, warehousing, goods display, department stores, granary, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise. Such space, unless otherwise adequately provided, shall include a minimum of ten feet by twenty five feet (10' x 25'), with a minimum of fourteen feet (14') height clearance loading space for every ten thousand (10,000) square feet of floor space in the building, or fraction thereof.
- B. Dwellings: Not less than two (2) off street parking spaces shall be provided on the same lot for any single-family dwelling, plus one space for each additional dwelling unit. All off street parking spaces shall be graded and graveled.
- C. Variances: The board of adjustment may approve a variance for substitute parking locations and may reduce the amount of off street parking required where sufficient off street parking is not readily available within the vicinity, and/or where acquisition of land for such use is unnecessary in order to carry out the spirit of this title.
- D. Size Of Parking Space: All required off street parking spaces shall be a minimum of nine feet by eighteen feet (9' x 18').
- E. Nonresidential Uses: Off street parking for nonresidential uses shall be required as follows:

| | |
|----------------------------------|---|
| 1. Business professional offices | 1 space for each 250 square feet of gross floor area (footside building measurements) |
| 2. Churches, sports arenas, | 1 space for each 3 ¹ / ₂ fixed seats of maximum |

| | |
|---|--|
| auditoriums, theaters, assembly halls, lodge halls or other meeting rooms | 1 space for each 5 1/2 fixed seats or maximum seating capacity or 1 space for each 35 square feet of seating area within the main auditorium where there are no fixed seats. 18 linear inches of bench shall be considered a fixed seat. |
| 3. Furniture stores, appliance stores and lumberyards | 1 space for each 600 square feet of floor area |
| 4. Hospitals | 2 parking spaces for each bed |
| 5. Nursing homes | 1 parking space for each 5 beds |
| 6. Hotels, motels, motor hotels | 1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner |
| 7. Retail stores and shops, commercial banks, savings and loan offices, other financial institutions, general retail stores, food stores, supermarkets, drug stores and other similar commercial businesses | 1 space for each 250 square feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 shall be calculated on the basis of one space for each 500 square feet of gross floor area. |
| 8. Mortuaries and funeral homes | 5 spaces, plus 1 space for each 35 square feet of gross floor area |
| 9. Motor vehicle sales and automotive repair | 1 space for each 400 square feet of gross floor area |
| 10. Bowling alleys and billiard halls | 5 spaces for each alley, plus 2 spaces for each billiard table contained therein |
| 11. Golf driving ranges | 1 space per tee |
| 12. Libraries | 1 space for each 300 square feet of gross floor area. |
| 13. Restaurants, taverns, lounges, drive-ins, drive-throughs, takeout restaurants and other establishments where food or beverages are consumed | 10 spaces minimum or 1 space for each 100 square feet of gross floor area, whichever is greater |
| 14. Day nurseries, including preschools and nursery schools | 1 space for each 5 children for which said establishment is licensed |
| 15. Golf courses | 6 spaces per hole |
| 16. Skating rinks, ice or roller | 1 space for each 150 square feet of gross floor area |
| 17. Swimming pools (commercial) | 1 space for each 100 square feet of water surface or 10 stalls, whichever is greater |
| 18. Tennis, handball and racquetball courts (commercial) | 6 spaces minimum or 3 spaces per court, whichever is greater |
| 19. Health studies and spas | 1 space for each 250 square feet of gross floor |

| | |
|---|--|
| 19. Health studios and spas | 1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater |
| 20. Educational uses: | |
| Elementary | 2 spaces per classroom |
| Senior high schools and junior high schools | 1 space for each member of the faculty and 1 space for each 6 regularly enrolled students |
| College, universities, trade schools, etc. | 1 space for each faculty member, plus 1 space for each 3 students |
| Schools having an arena or auditorium | Shall meet the requirements of subsection E2 of this section, whichever is greater |
| 21. Veterinary hospitals | 5 spaces for each doctor |
| 22. Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes | 1 space for each 2,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area or as may be required by the planning commission |
| 23. Service commercial businesses such as electrical shops, plumbing shops, contractors' storage yards, cabinet shops and other similar businesses of a service commercial nature | 1 space per 400 square feet of gross floor area |

(Ord. 6-18-81A, 6-18-1981)

10-12-20: MOTOR VEHICLE ACCESS:

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

A. Number; Exception: Access shall be by not more than two (2) driveways from any one street except as may be permitted by the board of adjustment, when it can be shown that additional driveways will promote traffic safety.

B. Distance: Driveways shall be not closer to each other than twenty feet (20') on any one lot.

- C. Width: Each driveway shall be not more than thirty six feet (36') in width in any commercial or industrial zone measured at right angles to centerline of driveway. In residential zones, the driveways shall not be more than twenty four feet (24') in width, except when approved for large scale development.
- D. Corner Lots: On corner lots, no driveway shall be closer than twenty five feet (25') to the point of intersection of the front property line with the side property line which abuts upon a street.
- E. Curb, Fence Required: Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city. (Ord. 6-18-81A, 6-18-1981)

10-12-21: LANDSCAPING REQUIRED:

Front yards and side yards of all dwellings which front on public streets must be landscaped, except for driveways and off street parking. (Ord. 6-18-81A, 6-18-1981)

10-12-22: CURB, GUTTER AND SIDEWALK POLICY:

- A. New Development: The entire cost of the curb, gutter, and sidewalk shall be the responsibility of the developer and/or the owner of the property. This shall include all new development, whether it be in a new subdivision, an addition in an existing subdivision, or the development of a single lot that does not appear to be part of any apparent subdivision. The curb and gutter shall be completed prior to issuance of a certificate of occupancy. Also, all grades for curb and gutter shall comply with the current master plan for drainage, and shall be surveyed by the city by a surveyor or engineer of the city's choosing, at the city's expense.
- B. Existing Structures Within City Limits: The city shall provide curb and gutter at the city's expense. This shall be done on a first come first served basis, except in cases as it deemed necessary by the council that a more urgent need for the control of drainage is needed elsewhere. It is the desire of the city that sidewalk be constructed at the time the curb and gutter is constructed, and shall be required by the property owner. The city may secure bids for the cost of the sidewalk or the owner may secure his own bids. Either way, the property owner is responsible for all costs associated with the sidewalk. If the property

owner chooses to allow the city to do the sidewalk, the cost shall be agreed to, in writing, prior to construction. (Res. 5-09-2000, 5-9-2000)

10-12-23: POLLUTION PREVENTION:

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering ground water in amounts exceeding the standards prescribed by the state water pollution control board or the board of health, shall be prohibited. (Ord. 6-18-81A, 6-18-1981)

10-12-24: VACATION VEHICLES AND MOBILE HOMES PROHIBITED; EXCEPTIONS:

- A. Vacation Vehicles: It shall be unlawful to place any vacation vehicle on any lot or parcel of land in the area covered by the zoning map and to use the same for human habitation, except when located in a vacation vehicle court.
- B. Mobile Homes: It shall be unlawful to place a mobile home on any lot or parcel of land in an area covered by the zoning map and to use the same for human habitation, except in compliance with one or more of the following conditions:
1. When placed in a licensed mobile home park.
 2. When placed on a zoning lot that complies with the regulations of the zone in which the mobile home is located, provided:
 - a. The mobile home site complies with the use, width, location, height, size of building and special provision requirements for structures within the zone.
 - b. The mobile home complies with the state building code for mobile homes.
 - c. The mobile home is placed upon a permanent foundation; and
 - d. The mobile home has been approved by the board of adjustment as a moved on building as provided for in section 10-11-6 of this title.
 3. When temporarily located on a lot on which a residence is being constructed and said mobile home is connected to approved water and sewer facilities, provided the mobile home and the lot which it is placed be under the same ownership. The period of

habitation of such a mobile home shall not exceed one year. (Ord. 6-18-81A, 6-18-1981)

10-12-25: HOME OCCUPATIONS:

The board of adjustment may grant a permit for a home occupation subject to the following conditions:

- A. Permitted In Zone: Home occupations are permitted in the zone in question.
- B. Accessory Buildings Not Used: The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside the dwelling.
- C. Conducted Within Building By Residents: The home occupation is conducted entirely within the dwelling and is carried on in the dwelling only by members of the residing family.
- D. Commercial Vehicle Usage: No commercial vehicles are used except one delivery truck which does not exceed three-fourths ($\frac{3}{4}$) ton rated capacity.
- E. Use Incidental: The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- F. Sign: Signs are limited to those permitted for home occupations by chapter 14 of this title.
- G. Percentage Of Dwelling Use: Not more than the equivalent of twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
- H. Registration Required: The home occupation shall be registered with the license division or department.

- I. Entrances: Entrances to the home occupation area from outside shall be the same entrance normally used by the residing family, except when required otherwise by regulation of the state health department or other public agent.
- J. Appearance: In the opinion of the board of adjustment, the physical appearance, traffic and other activities in connection with the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located and does not depreciate surrounding residential values.
- K. Advertising Prohibited: There shall be no public advertising (newspaper, radio, yellow pages, etc.) used in connection with the home occupation. (Ord. 6-18-81A, 6-18-1981)

10-12-26: KEEPING OF ANIMALS:

- A. For the keeping of animals within the residential zoning of the city the following requirements are provided:
 - 1. No farm animal(s) shall be kept on any lot smaller than thirty thousand (30,000) square feet.
 - 2. The number of farm animals kept on any lot or parcel in the R-1, R-2, R-3, or Rm-1 zones shall not exceed one farm "animal unit", as defined herein, for each ten thousand (10,000) square feet of lot or parcel size.
 - 3. Farm animals may be kept on any lot or parcel in the A-1 or O-1 zones without restriction to the number of farm animals (except pigs and porcine), provided the keeping of farm animals in the zones does not constitute a nuisance as defined in the laws of the city.
 - 4. No farm animal(s) shall be kept on any lot or parcel where less than twenty thousand (20,000) square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted for horses, mules, donkeys, bovine cows, llamas or alpacas. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens, or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways, or lawns.
 - a. Pasture Requirements: Lots or parcels where animals are kept must be maintained with at least seventy five percent (75%) pastured area. Pasture will not be required for fowl (excepting ratite fowl), and rabbits.

b. Definition Of Pasture: An area of a lot or parcel, which is used intermittently for animals to browse, but which is not used for long term continuous confinement. Pasture area shall be maintained such that the ground surface remains predominantly vegetated at all times.

5. One "animal unit" shall be any one of the following: One cow, one horse, one mule, one donkey, one bovine cow, two (2) llamas or alpaca, four (4) adult sheep, eight (8) feeder lambs, four (4) goats, four (4) ratite fowl, twelve (12) of any other fowl, twelve (12) rabbits, together with the suckling offspring thereof.

No pigs or porcine shall be kept in any zone within the city limits. Any animal not specifically permitted is prohibited.

6. Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited a minimum of one hundred feet (100') behind the rear of the main building, and shall comply with all other setbacks and yard requirements for the zone.

7. The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:

a. All such structures and buildings shall be located at least one hundred feet (100') from all dwellings located on adjoining lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least three feet (3') from the property line of the adjacent lot or parcel.

b. Any structure or enclosure for the confinement of animals within the city limits must be cleaned and maintained so as not to become a health hazard or nuisance.

8. Each lot or parcel must have a year round water supply. (Ord. 29-3-26, 6-12-2001)