

§ 82-4 DEFINITIONS.

RECREATIONAL EQUIPMENT. Trailer coaches, travel trailers, utility trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, and boat trailers, snowmobiles, horse trailers, dune buggies, race cars, demolition derby cars and other similar equipment and conveyances.

§ 82-59 JURISDICTION.

(A) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. These powers include the following.

(3) *Exceptions and special approvals.* To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:

(f) Permit temporary carport and storage structures. The Board shall consider the placement of such structures with regard to size, anchoring, type of construction, and appropriate setbacks of the zoning districts. The Zoning Board shall determine the length of time the temporary building may be allowed and may attach reasonable conditions of approval.

82-454 ACCESSORY BUILDINGS AND USES.

Accessory buildings, structures and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(A) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter applicable to main buildings.

(B) Accessory buildings shall not be erected in any minimum side or front yard setback.

(C) A building accessory to a residential building may occupy not more than 25% of required rear yard, provided that in no instance shall the accessory building exceed 100% of the ground floor area of the main building. On a corner lot all of the land to the rear of the house may be utilized in the computation of percent of lot coverage for accessory buildings.

(D) A detached building accessory to a residential building shall not be located closer than ten feet to any main building nor shall it be located closer than five feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.

(E) No detached accessory structures in the R-1, R-2, RT, RM-1, RM-2, MH, OS-1, B-1 and P-1 Districts shall exceed 18 feet in height; provided, however, when the detached accessory building is located in a rear yard with a ground elevation lower than that of surrounding the primary residential structure, the height of the accessory building may be measured from a plane parallel to the first floor of the primary residential structure. Accessory structures in all other districts may be constructed to equal the permitted maximum height of structures in such districts.

(F) In no case shall a residential accessory structure have a flat, level roof. All accessory structure roofs must be sloped to allow water drainage.

(G) Temporary carport and storage structures, whether manufactured or home-built, shall adhere to all requirements of section 82-545 for detached accessory structures. Permits for temporary carports and storage structures are limited to a period of two years, and said temporary carport or storage structure shall be removed upon expiration. Temporary carport and storage structures shall be securely fastened to ground in a manner sufficient to prevent its detachment due to wind or weather.

(H) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot. In no instance shall a building accessory to a residential building be located nearer than ten feet to a street right-of-way line.

(I) Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Design elements that should be considered in determining compatibility include: exterior building material (which need not be identical to the principal building but compatible in appearance), roof style and pitch, architectural style, and color.

(J) The provisions concerning the size and height in this section shall not apply to accessory buildings on a farm (such as barns and silos).

(K) Satellite dish antennas are subject to the following.

(1) Satellite dish antennas in all residential districts:

(a) Roof-mounted antennas shall be located only on the rear one-half of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side;

(b) Roof-mounted antenna shall not project upward beyond the height in feet allowed for the main building within the district in which the satellite dish antenna is being placed;

(c) Ground-mounted antennas shall only be located in the rear yard and shall not extend into any rear extension of required side yards;

(d) Ground-mounted antennas shall not project upward more than eight feet.

(2) Satellite dish antennas in all other districts:

(a) No ground-mounted antennas shall be permitted;

(b) A roof-mounted antenna shall not project upward beyond ten feet measured from the roof upon which it is mounted. The combined height of the building and antenna shall not exceed the maximum allowable height for a building designated for that particular district in which the antenna is to be mounted.

(c) Building permits will be required before any satellite dish antenna with a diameter exceeding 24 inches may be installed and the installation of the antenna must conform to all requirements of the city code.

(L) Wireless transmission antennas and towers are subject to the following the requirements of § 82-459.

(1) A maximum height limit of 60 feet for towers and antennas is permitted in residential districts.

(2) No maximum height limit is required in nonresidential districts.

(3) In all districts a tower or antenna shall be located on the parcel or lot in such manner that the base of the tower or antenna is set back from all property lines not less than the height of the tower or antenna.

(M) Recreational equipment owned by residents of the city may be stored on their individual lots in accordance with the provisions of this section.

(1) All recreational equipment parked or stored shall not be connected to sanitary facilities; and shall not be occupied, except as provided in subsection (a) of this section.

(a) In any residential district it shall be lawful for only nonpaying guests at a residence to occupy a single recreational vehicle for a period not exceeding 72 hours. The total number of days during which recreational vehicles may be occupied under this subsection shall not exceed 10 in any calendar year on the premises of a dwelling unit.

(2) Recreational equipment shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area. A suitable, securely fastened weatherproof cover shall be placed on all boats whenever stored outside. In lieu of a cover, canoes and rowboats may be stored such that they do not collect and retain rainwater. Snowmobiles, ATV's, personal watercraft and similar vehicles shall be stored under a suitable, securely fastened weatherproof cover, or stored within an enclosed trailer.

(3) Recreational equipment shall be operable and shall have a current license or registration when applicable.

(4) Recreational equipment stored on residential lots may be parked in the following manner:

(a) Inside any enclosed structure.

(b) Outside in the rear yard on an improved surface (gravel, asphalt or concrete), no closer than 5 feet to any side or rear lot line, and no closer than 10 feet to the primary residential structure.

(c) Outside in the side yard on an improved surface (gravel, asphalt or concrete), no closer than 5 feet to any side or rear lot line, and no closer than 10 feet to the primary residential structure, and provided such parking shall be behind the front face of the primary residential structure.

(d) Outside on the front driveway or improved surface directly adjacent to the front driveway, provided that the vehicle is no closer than 15 feet to the front lot line. The provisions of Section 82-454(k)(4)(c) do not apply to recreational equipment stored under the provisions of this section.

(e) Notwithstanding the provisions of this section, a recreational vehicle may be parked anywhere on the premises, or within a public right-of-way area where street parking is permitted, during active loading or unloading.

(f) The combined area covered by the dwelling, accessory structures, and the area covered by the outside storage of such units shall not exceed 40% of the net lot area.

(5) The provisions of this section shall not apply to recreational equipment officially designated for barrier-free use in accordance with state law, and used as the regular means of transportation by or for a handicapped person.

(N) A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may conduct minor automobile repairs of vehicles of the resident such as oil changes and tune ups between the hours from sunrise to sunset on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on such property. The sale of vehicles from a residential property shall not exceed two vehicles in any one year for a period not to exceed two weeks in any one year.

(O) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(P) Wind generators may be permitted in rear yards when the following conditions are met.

(1) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.

(2) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.

(3) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.

(4) The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.

(Q) In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure or by building design.

(R) Temporary carport and storage structures shall be under the jurisdiction of the Zoning Board of Appeals.

(1993 Code, § 82-454) (Ord. passed 10-12-1992; Ord. passed 3-13-2000; Ord. passed 11-12-2002(2); Ord. passed 1-13-2003(2); Ord. 2014-04, passed 9-8-2014)