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## Sec. 70-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the director of finance of the city.

*Lodger* means the person obtaining lodging from an operator.

*Lodging* means the furnishing for a consideration of lodging by a hotel, motel, dormitory, ~~or~~ roominghouse, ~~bed and breakfast or any other short term rental facility~~ ~~except~~ where such lodging ~~is provided~~ ~~shall be~~ for a continuous period of ~~fewer than~~ 30 days ~~or more~~ to the same lodger. The furnishing of rooms by religious organizations shall not constitute lodging for purposes of this article.

*Motel* means a roadside hotel for motorists.

*Operator* means a person who provides lodging to others or any officer, agent or employee of such person.

*Rent* means the total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

(Ord. No. 668 2nd series, § 1, 12-18-2012)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86-50. - Home occupations and businesses.

(a) An interim use permit shall be required for all home occupations in agricultural and all residential districts unless any of the following three conditions exist:

- (1) Such home occupation is supplementary to a business that has its principal place of business legally located elsewhere.
- (2) Such home occupation is entirely computer and/or internet based.
- (3) Such home occupation is conducted entirely outside the premises except bookkeeping and regular mail delivery.

In addition to any of the above conditions, the home occupation must be such that the traffic entering such dwelling does not exceed that which is normal and customary for a residence, no business related vehicles or vehicles with business advertisement are parked or stored outside, no vehicular traffic or street parking is generated in greater volume than would normally be expected in a residential neighborhood, no direct sale of goods to the consumer occurs on premises, and it meets all relevant provisions of subsection (b), ~~except item (16)~~. As an exception, for businesses compliant with conditions (1) or (3), one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.

(b) Home occupations shall at a minimum meet the following conditions:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its residential use by the applicant.
- (2) The home occupation related space may not exceed one-third of the living space of the dwelling, excluding garages and accessory buildings.
- (3) The conduct of the home occupation shall not result in any change in the outside appearance of the building or land.
- (4) No exterior display or signs related to the home occupation shall be installed.
- (5) No direct sale of goods that are not produced, customized, or modified on site shall take place, except during occasional home sale parties not scheduled on a regular basis.
- (6) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare or electrical disturbance to radio or television reception and no hazard beyond the one customary for dwellings is created.
- (7) Only persons that are members of the family and residing in the premises shall be employed on the premises.
- (8) There shall be no exterior storage of materials, business equipment or vehicles except one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.
- (9) ~~Not There shall not be~~ more than one-half of the accessory buildings shall be used for the storage of merchandise, business equipment, materials or machinery.
- (10) No separate entrance for customers may be provided or used.
- (11) No sewer, water or electric usage beyond what is typical for a dwelling shall occur.
- (12) No regular business hours shall be advertised, including on social media, and all services shall be rendered by appointment only with no general public walk-ins or retail sales.
- (13) If at any time more than two customers may be present, off-street parking shall be provided in addition to parking required ~~by the article~~ for a dwelling. Such parking shall be provided in a location customarily associated with single family dwellings.
- (14) No customers shall be present between 9:00 p.m. and 6:00 a.m.

- (15) Additional home occupation related vehicular traffic, including delivery, shall not exceed four vehicles per day.
- (c) All home occupation interim use permits are issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The first renewal shall be for five years, and the second renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited.
- (d) The home occupation interim ~~conditional~~-use permit is granted to an applicant for a specific property and is not transferable to another person or property, thus expiring at the sales or any other type of property transfer.
- (e) The applicant, upon making application, grants to the City, upon issuing ~~any~~ home occupation interim use permit, the right to inspect the premises in which the occupation is being conducted at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.
- (f) All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:
- (1) Any automotive related activity including, but not limited to, auto repair and detailing.
  - (2) Any children related activity except those licensed by the State and individual lessons.
  - (3) Any animal related activity including, but not limited to, kenneling and breeding, except household pet grooming.
  - (4) Any funeral related activity including, but not limited to, mortuaries and embalming services.
  - (5) Any activity involving commercial cooking, including, but not limited to, restaurants and cafes, except dessert making for private individual customers~~parties, such as weddings and graduations.~~
  - (6) Any activity involving multiple garage sales.
  - (7) Any illegal activity ~~that may be considered objectionable.~~
  - (8) Any activity involving multiple guest assemblies except occasional home sale parties not scheduled on a regular basis.
  - (9) Any activity involving tobacco or alcohol production or sale.
- ~~(g) Home occupations shall be an interim use in agricultural and all residential districts.~~

(Ord. No. 747 2nd series, § 1, 12-10-2019)

**Editor's note**— Ord. No. 747 2nd series, § 1, adopted Dec. 10, 2019, amended § 86-50 to read as set out herein. Previously § 86-50 was titled offices of persons and home occupations and derived from Code 1976, § 11.21(6); and Ord. No. 680 2nd series, § adopted Sep. 24, 2013.

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## Sec. 86-51. Bed and breakfast.

- (a) ~~Bed and breakfast shall be an interim use in agricultural and all residential districts~~A conditional use permit shall be required for all bed and breakfast facilities.
- (b) Bed and breakfast facilities shall at a minimum meet the following conditions:
- (1) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city, including current Building Code and City Ordinance, and all required licenses shall be made available to the City staff upon request. This condition shall be confirmed by City inspection prior to a public hearing.
  - (2) The maximum number of bedrooms shall be established for each facility and no more than four bedrooms shall be available to guests. No more than two persons shall be staying in each bedroom.
  - (3) Off-street parking shall be provided as required in section 86-230 and ~~shall be~~ screened from adjacent properties as required by the parking Ordinance section 86-204. No more than two guest parking on the street shall be permitted.
  - (4) Exterior appearance and lighting shall be compatible with the neighborhood.
  - (5) Identification signs shall be limited to one six-square-foot nameplate sign mounted on the building near the main entrance door.
  - (6) The owners ~~of such facility~~ shall operate and permanently occupy such facilities.
  - (7) No food or beverage service shall be provided to anyone other than transient guests.
  - (8) All bedrooms ~~units~~ shall be established within, and have primary entrances from, the principal structure.
  - (9) Cooking facilities shall not be permitted in the guest rooms.
  - (10) Appropriate insurance including liability insurance shall be filed with the city clerk/~~financial director~~ for a minimum amount of \$1,000,000.00.
  - (11) Other commercial enterprises shall not be operated in conjunction with this facility without a home occupation interim permit.
- (c) All bed and breakfast interim use permits shall be issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited.
- (ed) The applicant, upon making application, grants to the City upon issuing ~~any~~ bed and breakfast interim use permit the right to inspect the premises in which bed and breakfast is located at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.
- ~~(d) Bed and breakfast shall be a conditional use in all residential districts.~~

(Code 1976, § 11.21(7); Ord. No. 680 2nd series, § 1, 9-24-2013; Ord. No. 747 2nd series, § 1, 12-10-2019)

Sec. 86-96. - A agricultural district.

(a) *Intent; scope.* This section applies to the A agricultural district. This A district preserves land for agricultural or undeveloped uses until development pressures require that such land be released and rezoned for purposes of controlled and orderly growth according to the comprehensive plan, pending proper timing and allowance for the economical provision of urban services.

(b) *Permitted uses.* The following uses shall be permitted in the A agricultural district:

Cultivation, maintenance, or harvest of plants for the sale or other commercial use.

~~Agricultural, F~~arming and truck gardening, ~~shrimp growing in enclosed facilities,~~ nurseries and greenhouses, ~~except kennels, terrestrial (land) animal or poultry farms operated for commercial purposes.~~

Golf courses and country clubs, ~~except clubhouses.~~

Hobby farms including keeping up to six horses, mules, sheep, goats, llamas, or ponies.

Parks and recreational areas owned or operated by governmental agencies, ~~except auto racetracks.~~

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the A agricultural district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

Fallout shelters.

Keeping of not more than two boarders and/or roomers by a resident family; ~~provided, however, that the council may grant a special permit to keep more than two boarders and/or roomers for one year at a time upon proof of compliance by the applicant for such special permit with the provisions of this chapter prescribing the required number of off-street parking spaces.~~

Private garages and storage sheds.

Private amateur radio towers and antennas complying with division 6.

Private swimming pool when completely enclosed within a non-climbable chainlink or similar fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

Single-family farm residences if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.

Private accessory equipment complying with Section 86-164, including, but not limited to, sSolar energy collectors and systems, playgrounds, and sports courts.

(d) *Conditional uses.* All conditional use permits for the A district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the A agricultural district by conditional use permit:

Archery rangess.

Automobile, motorcycle, go-cart or snowmobile race and driving -tracks.

Cemeteriesy, memorial gardens, and crematoriums.

Commercial solar energy collectors and systems.

~~Crematorium.~~

~~Driving track.~~

~~Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

Keeping of three or more roomers or boarders.

Kennels.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other residential uses of the same general character as listed in subsection (b).

Outdoor and indoor gun ranges.

Recreational vehicle parks and camp sites.

Riding stables with up to six horses.

Shrimp and fish growing operations.

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the A district are as follows:
- (1) *Height regulations.* No building hereafter erected or altered shall exceed 2½ stories or 30 feet in height.
  - (2) *Front yard regulations.*
    - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
    - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.
  - ~~e. *Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.*~~
  - (3) *Side yard regulations.* There shall be a side yard, on each side of a building, each having a width of not less than five feet.
  - (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth.
  - (5) *Lot area regulations.* Every lot ~~on which a single-family dwelling is erected~~ shall contain an area of not less than 22,000 square feet.
  - (6) *Lot width and depth regulations.* Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than 110 feet at the building setback line, and a minimum depth of not less than 200 feet.
- (f) *General regulations.* Additional regulations in the A agricultural district are set forth in article VI of this chapter.
- (g) *Future annexation.* Any land annexed to the city in the future shall be placed in the A agricultural district until placed in another district by action of the council after recommendation of the planning commission, unless the land being annexed is located within orderly annexation area and is not zoned A agricultural at the time of annexation.

(Code 1976, § 11.06; Ord. No. 404 2nd series, § 1, 11-16-1998; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 720 2nd series, § 1, 5-9-2017; Ord. No. 734 2nd Series, 2-12-2019; Ord. No. 741 2nd series, § 1, 9-24-2019)

**Cross reference**— Animals, ch. 14.

## **Section 86-162 Yard Modifications**

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (a) Cornices, awnings, marquees, eaves, pergolas, and balconies may extend into the required front yard a distance not exceeding four feet, and the required side yard distance not exceeding two feet.
- (b) Fire escapes may extend into the required front yard a distance not exceeding five feet. Basement egress window wells may extend into required front and side yards a distance not to exceed three feet.
- (c) A landing or deck may extend into the required front yard to a distance not exceeding eight feet, if they have the floor no higher than the main floor of the building, except a landing installed at the main entrance of existing residential structure and projecting no more than four feet from the structure may extend 15 feet into required front yard. A four-foot square landing, not including stair, or a five-foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing. An open railing no higher than three feet may be placed around such structures.
- (d) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard.
- (e) The architectural features listed in paragraphs (1) through (4) may also extend into the required rear yard to the same extent as permitted for extension into the required front yard. If an easement coincides with, or is wider than, a required yard, architectural features listed in paragraphs (1) and (2) may extend into such easement not more than two feet with written approval of the city engineer.
- (f) Retaining walls, fences, and other similar structures located in any yard shall not exceed seven feet in height in any of the classes of residential and business districts, unless required by a condition for a variance adjustment, or conditional or interim use permit granted for unrelated issue. Barbed wire or electrical fencing materials are prohibited in these locations.
- (g) Retaining walls, fences or any other structures, both permanent and temporary, located in the front yard of a corner lot at the intersection of streets, except pilon signs, shall not exceed three feet in height as measured above the curb within a 25-foot visibility triangle of the property corner at such intersection and within a ten-foot visibility triangle adjacent to alleys and driveways.
- (h) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets.
- (i) In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.
- (j) Any structure, including fences, built in the rear or side yard that opens into an alley, must not be placed less than three feet from the property line defining this alley. Any garage with overhead door facing, and having a direct vehicle access from, an alley must not be placed less than 18 feet from the alley.
- (k) No front, side or rear yard shall be required in the downtown district, except single family houses and duplexes.
- (l) On a corner lot fronting two intersecting streets, either yard opposite the street may be designated the rear yard; in case of a triangular corner lot, the yard not adjacent to streets shall be designated the rear yard but shall meet the setback requirements of a side yard. On a corner lot fronting three streets, the yard opposite the front yard located between two other front yards shall be designated the rear yard but shall meet the setback requirements of a side yard.
- (m) On a flag lot, the lot side, which faces the street that this lot has an access from, shall be designated the front yard. For such lots, the lot depth calculations shall not include the length of the narrow access portion of the lot.
- (n) On a lot that faces, and is exclusively accessed from, a public roadway easement or recorded access easement providing access to at least one other property beyond said lot, the lot side facing the easement shall be designated the front yard.
- (o) On an interior triangular lot, no rear yard shall be required.



(Code 1976, § 11.19(4)(B); Ord. No. 374 2nd series, § 1, 8-4-1997; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 725 2nd series, § 1, 1-23-2018; Ord. No. 750 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

**Sec. 86-230. Required number of spaces.**

Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided for each use. For mixed use buildings, the required number of parking spaces shall be calculated separately for each area use and then added up. Unless otherwise noted, required off-street parking noted as a S.F. (square foot) ratio is to be applied to the gross building area for each use. The minimum number of off-street parking spaces for each use is listed in table 86-230. The number of provided parking spaces shall not exceed the minimum number by more than ten percent.

Apartment (more than 4 units)	1/efficiency or one bedroom unit plus 2/two or more bedroom unit plus 1/4 units for visitors
Assisted and congregate living facility	0.5/unit plus <del>1/employee</del> plus 1/8 units
Art gallery, museum	1/500 S.F.
Assembly or auditorium with fixed seats, theatre	1/ 4 seats
Assembly without fixed seats <del>not listed anywhere else</del> , arcade	1/100 S.F.
Auction house	1/100 S.F. or 1/4 fixed seats, whichever is greater
Bank	1/ <del>300</del> 250 S.F.
Baseball, <del>soccer, football and sports</del> field, arena or stadium	1/ 4 seats plus 20/field ( <del>court/rink, etc.</del> ) plus 1 oversize space/field ( <del>court/rink, etc.</del> )
Beauty salon, barber shop, massage or tattoo parlor, tanning salons	2/service station or bed <del>plus 2</del>
Bed and breakfast	1/guest bedroom plus 2
Boarding or lodging house	1/rented bed plus 2
Boat, ATV, RV sales and service	1/ <del>1,000</del> 800 S.F. plus <del>4</del> as required for outside sales lot
Bowling alley	<del>45</del> /alley plus 2
Car wash	2 <del>plus 1/employee</del>
Church	1/ 5 seats in largest auditorium
Clinic, medical, dental, etc., doctor or chiropractic office	1/ 250 S.F.
Convenience store	1/ 200 S.F. plus <del>12</del> plus 1 oversize space plus as required for fuel station if applicable
Corrections facility, jail	1/ <del>108</del> beds plus 1/employee
Court, tennis or racquetball, without fixed seating	2/court plus 1
Dance hall	1/ 50 S.F.
Day care	1/ <del>classroom</del> employee plus 1/10 participants
Dwellings, one to four units	2 /dwelling plus one for each roomer or boarder
Drinking or dining establishment:, <del>sit down or buffet</del> restaurant, bar	1/ 50 S.F. of seating area <del>or 1/4 seats, whichever is greater</del> , plus 1/100 S.F. of kitchen and storage <del>area</del>
<del>Dining establishment: fast food restaurant</del>	<del>1/ 75 S.F. of seating area plus 1/ 100 S.F. of kitchen and storage area</del>

Farm implement, industrial equipment, and trucks sales and <del>service</del> repair	1/ <del>1,000</del> 800 S.F. <del>plus 4</del> plus 50% of required for <del>50% of</del> outside sales lot requirements
Fraternity or sorority house, dorm	1 / bedroom plus 1/4 bedrooms for visitors
Funeral home	1/100 S.F. or 1/4 fixed seats in largest parlor, whichever is greater
Furniture, large appliances, spas, building materials, garden supplies <del>sales</del> store, retail greenhouse	1/500 S.F. for area less than 20,000 S.F. plus 1/ <del>1,000</del> 800 S.F. for area over 20,000 S.F.
Golf course	4/green plus 1/200 S.F. of clubhouse
Grocery, food, <del>and</del> beverage sales	1/200 S.F. plus 1 oversize space/30,000 S.F.
Golf, miniature course	2/hole plus 1
Golf, driving range	2/tee plus 1
Hospital	1/2 beds plus 1/employee
Kennel	1/10 kennels plus 1/employee
Library	1/500 S.F. plus 1/employee
Manufactured home park	2/home <del>plus 1/4 homes for visitors</del> plus as required for office building
Manufacturing, fabricating, processing, or printing plants	1/ <del>800</del> 1,000 S.F. <del>or 1/employee plus 2,</del> whichever is greater
Motor vehicle fuel station	<del>12</del> plus 2/ <del>pump</del> plus as required for convenience store if applicable
Motor vehicle sales	1/ 500 S.F. plus <del>4</del> as required for outside sales lot
Motor vehicle repair	<del>13</del> /service stall <del>or 1/200 S.F., whichever is greater</del> plus 2
Motor vehicle garage (commercial)	1/stall plus 1
Motel or hotel	2 plus 1/room plus 1 oversize space/30 rooms
Nursing or rest home, memory care	1/ 6 beds plus 1/employee
Office; business (data processing center, call center, radio, and TV station, etc.)	1/ 200 S.F.
Office; professional (insurance, accountant, travel agent, etc.); <del>or</del> public (city, county) or industrial/contractor	1/300 S.F.
Outside sales lot	1/ <del>5</del> 4,000 S.F. for area less than 20,000 S.F. plus 1/ <del>10</del> 6,000 S.F. for area over 20,000 S.F.
Park	4/acre plus 2/playground plus 5/shelter plus 20/ <del>sports</del> field
Recreation: fitness club, gymnasium, dance, and martial arts studio, without fixed seating	1/ 200 S.F. <del>plus 1/employee</del>
Residential facility, group home	0.5/bedroom plus <del>2</del> 1/employee plus 1/8 bedrooms
Retail stores; general, <del>department</del> , hardware, discount, drug; shopping center; pawn shop; <del>wireless store</del>	1/200 S.F. for area less than 2,000 S.F. plus 1/300 SF for area over 2,000 S.F. but less than 100,000 S.F. plus 1/1,000 S.F. for area over 100,000 S.F.
Retail store; specialized, boutique	1 plus 1/ <del>500</del> 300 S.F.

Service establishment: laundry, repair, dry-cleaning, <del>glazing shop, rental, take-out only restaurant, wireless store</del> photo studio, etc.	1/ <del>500</del> 300 S.F. plus 1/ <del>employee</del>
<del>Service establishment: glazing shop, take out only restaurant, bridal shop, etc. (labor intensive)</del>	<del>1/500 S.F. plus 3</del>
School: Elementary or junior high, private, or public	1.5/classroom or 1/20 students or 1/4 seats in the largest auditorium, whichever is greater
School: Senior high, public, or private	10/classroom or 1/3 students or 1/4 seats in <del>the</del> largest auditorium or gymnasium, whichever is greater
<del>Short-term rental</del>	<del>1/bedroom minus 1, but not fewer than 2</del>
School; post-secondary, professional or business ( <del>educational buildings</del> )	<del>15/classroom 1/student plus 1/employee for entire campus or 1/100 S.F. per educational building</del>
Skating rink	<del>1/200 S.F. of rink plus 1 25</del>
Swimming pool	1/ <del>200</del> 100 S.F. of <del>lap pool area plus 1/500 S.F. of kids pool area</del> plus 1/employee
Terminal, passenger: bus, train, airline	1/200 S.F.
Veterinary clinic	1/500 S.F.
<del>Warehouse, R</del> rental storage units	1/4 units plus 1 plus as required for office if applicable
Wholesale sales, <del>and</del> warehouse	1/2,000 S.F. <del>or 1/employee plus 1, whichever is greater</del>

Table footnotes:

- a. Continuous benches and pews shall be assumed to allow one person per 22 inches of length.
- b. Rental storage units parking spaces located in front of storage units do not require painted line identification and independent access.
- c. When parking requirements are determined by employee counts, such calculation shall be based on the maximum number of employees on the premises at any one time; when parking requirements are determined by student or participant count, such calculations shall be based on the maximum design or licensed capacity.
- d. Parking spaces for all outside sales lots and other outside uses shall be calculated separately based on this table in addition to building parking requirements.
- e. The number of required parking spaces for parks, ~~sports~~baseball fields, churches, and stadiums may be reduced by 20 percent if gravel or grassy overflow space, adequate to compensate for reduced parking, is provided and all landscaping section requirements are met without considering overflow space.
- f. In all industrial zoning districts, the city may allow a reduction in the number of required parking spaces for industrial uses when the owner can demonstrate, in documented form, a required need less than prescribed by the ordinance ~~[this chapter]~~. The city may require the additional land that is necessary to meet the required parking standard to be placed in reserve for parking development should the use change or parking provided be determined inadequate. If at any time the city determines parking to be inadequate, the city may require construction of any or all of the additional parking held in reserve.

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- g. Buildings or building areas where an accessory storage constitutes more than 30 percent of the use area shall be considered mixed uses and parking calculations shall be based on mixed use requirements.
  - h. Buildings where an auxiliary use serving the main use constitutes more than 20 percent of building human occupancy or building area and people not using the rest of the facility are allowed to be present shall be considered mixed use buildings and parking calculations shall be based on mixed use requirements except only 90 percent of parking spaces required for auxiliary uses shall be provided.
  - i. If calculated number of parking spaces is less than five, an accessible space shall be provided in addition to those spaces.

(Ord. No. 686, § 1, 6-10-2014)

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## Sec. 86-248. Outside storage.

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control ~~dust and~~ erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be ~~so designated and~~ paved to control dust and erosion and facilitate access to, and moving of, displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, ~~o~~Outdoor display and sale shall be allowed ~~in all classes of residential districts and residential properties within other zoning districts~~ during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
- (1) Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one-day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
- (2) There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review by city staff for ordinance compliance.
- (e) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by section 50-23. In R-1 and R-2 residence districts trash cans shall not be stored in the required front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. In all classes of business and industrial districts, similar items intended for disposal may be piled together for temporary storage no longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.

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- (1) In all classes of multiple-family and business districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building. Enclosure requirement does not apply in the Downtown district.
- (2) Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is obtained~~displayed on site~~. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, and PODS, ~~and dumpsters~~, are not allowed as permanent storage units in all classes of residential or business districts. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above limitations do not apply to The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained~~dumpsters as regulated in subsection (e)~~. As an exception, shipping containers totaling less than 340 square feet may be permitted by an interim use permit in a B-3 General business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side ~~yard~~ or required rear yard.
- (2) The containers shall be located so as not to be visible from adjacent public right-of-way, public parks, or any lot within 500 feet in any of the classes of residence districts. It may be screened by fencing or landscaping means compliant with section 86-247.
- (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
- (4) The interim use permit shall expire when the property changes ownership).
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard, provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year. No storage or accumulation of any materials in trailers is permitted.

(Code 1976, § 11.19(3)(A)(2); Ord. No. 687, § 1, 6-10-2014; Ord. No. 749 2nd series, § 1, 6-23-2020)

Editor's note(s)—Ord. No. 687, § 1, adopted June 10, 2014, amended the title of § 86-248 to read as set out herein. Previously § 86-248 was titled storage of materials.