

158.03. CONDITIONAL USE REQUIREMENTS

158.03.01 General

Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix. Once authorized, conditional uses shall be subject to the regulations of this Section 158.03 and by any other requirements the Board feels necessary to further the purpose of this Code.

158.03.02 Setback Requirements for Conditional Uses

- A. Those proposed to be located in an Agricultural, Recreation/Open Space, Residential, or Institutional; shall be the same as those for a single-family dwelling;
- B. For those proposed to be located in the Downtown Business District, the same as those for a permitted use in that District;
- C. For those proposed to be located in the PB District, , the same as those for a permitted use in that District;
- D. For those proposed to be located in the Planned Industrial District, the same as those for a permitted use in that District.

158.03.03 Building Height Requirements for Conditional Uses

The maximum height of conditional uses shall be as for permitted uses in the district in which they are located, except that buildings may be erected higher if the buildings shall be set back from the required side and rear yard lines one foot for each two feet of height above 25 feet in the AG or R/OS District, but not exceeding 35 feet in any case; 35 feet in the Residential Districts, but not exceeding 45 feet in any case; 45 feet in the PB District, but not exceeding 60 feet in any case; and 60 feet in the DB and PI Districts, but not exceeding 70 feet in any case.

<u>District(s) in Which Use is Permitted</u>	<u>Maximum Building Height in Feet</u>
AG, R/OS	25 feet or 2 stories
Residential	35 feet or 2-1/2 stories
PB	45 feet or 3 stories
DB & PI	60 feet or 5 stories

158.04. ACCESSORY USES AND STRUCTURES

158.04.01 Intent

The regulations of this Section 158.04 apply to accessory uses and structures such as garages, carports, canopies, porte-cocheres, patios, outdoor fireplaces, bath houses, cabanas, doghouses, children’s play equipment, greenhouses, television satellite dishes, solar panels, and similar accessory buildings or structures.

158.04.02 General Provisions

Accessory Uses and Structures shall be permitted in all districts in accordance with the provisions of this Section. Accessory uses and structures:

- A. shall not be erected prior to the erection and operation of the principal use, except for strictly storage purposes;
- B. shall not be used for human occupancy;
- C. shall be incidental and subordinate to, and commonly associated with the operation of, the principal use of the lot;

- D. shall be operated and maintained under the same ownership and on the same lot, or adjoining lots, as the principal use; and
- E. shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use served.

158.04.03 Bulk Requirements for Accessory Structures

A. Area

The maximum ground floor area of an accessory structure shall be 1200 square feet. Maximum lot coverage shall not exceed that allowed in the bulk matrix.

B. Setbacks

No accessory structures shall be located within fifty (50) feet of the front building line. The minimum setback of an accessory structure shall be as follows:

<u>District Located</u>	<u>Minimum Side and Rear Setback</u>
AG, RR, I	Seven (7) feet
Residential	Six (6) feet
DB, PB, PI	Five (5) feet

Exception: In HR and SF the side setback may match the existing setback on the lot as long as it is no closer than three (3) feet to the property line.

C. Height

The maximum height of an accessory structure shall be fifteen (15) feet.

158.04.04 Additional Regulations for Swimming Pools

- A. Private in-ground swimming pools shall be surrounded on all sides by a fence at least five (5) feet in height, which shall be maintained to prevent access by children and animals.

158.04.05 Bulk Exemptions

- A. Fences, latticeworks, screens, hedges, or walls, not to exceed six (6) feet in height, shall be permitted in a required side or rear yard. Hedges, not to exceed three and one-half (3.5) feet in height, shall be permitted in any front yard.
- B. Nothing contained in this Section 158.04 shall be deemed to prohibit the construction of maintenance of a fence of any height in connection with an agricultural use.
- C. Trees, shrubs, flowers, and plants shall be permitted in any yard except where vision clearance on corners is required.

158.04.06 Certain Accessory Uses Exempt from Permit

Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths, or similar structures, as determined by the Planning Department, shall be permitted in any yard without a permit.