



PLANNING COMMISSION
Agenda

December 13, 2016

1025 9th Avenue
District 6 Administration Building
School Board Meeting Room
1:15 p.m.

-
- I. Call to Order**
 - II. Approval of minutes for meeting held on November 22, 2016**
 - III. A public hearing to consider various ministerial amendments to Chapter 18 of the Municipal Code**

Presenter: Mike Garrott, Planning Manager
 - IV. Staff Report**
 - V. Adjournment to Worksession**
 - VI. Worksession**

Site Plan Review Training

PLANNING COMMISSION UPCOMING MEETINGS:

Unless otherwise noted, all hearings are held at 1:15 p.m. at the District 6 Administration Building, School Board Meeting Room, 1025 9th Avenue, Greeley, Colorado

December 27, 2016
January 10, 2017
January 24, 2017
February 14, 2017
February 28, 2017

This page intentionally left blank.



PLANNING COMMISSION Proceedings

November 22, 2016

**1025 9th Avenue
District 6 Administration Building
School Board Meeting Room
1:15 p.m.**

I. Call to Order

Vice Chair Rarick called the meeting to order at 1:15 p.m. Commissioners Schulte, Andersen, Weaver, Yeater and Mirick were present. (Chair Hall was absent.)

II. Approval of minutes for meeting held on November 8, 2016

Commissioner Andersen moved to approve minutes for the meeting held on November 8, 2016. Commissioner Weaver seconded the motion. The motion carried 6-0. (Chair Hall was absent.)

III. A public hearing to consider a request by Colorado Premium Foods for a Use by Special Review for a 19,879 square foot building expansion in the I-M (Industrial Medium Intensity) zone district. The property is located 205 feet west of US Highway 85 and 465 feet north of 22nd Street on approximately 3.642 acres.

Project Name: Colorado Premium Foods Expansion USR
Case No.: USR 17:16
Applicant: Colorado Premium Properties, LLC
Location: 2035 2nd Avenue
Presenter: Marian Duran, Planner I

Marian Duran addressed the Commission and entered the staff report into the record, noting a correction to the acreage of the site from 3.642 acres to 5.329 acres.

Ms. Duran presented a map of the site as well as various photographs. She stated that the parking lot will be relocated to the south to accommodate the proposed addition. Ms. Duran

reported that landscaping and a sidewalk would be located within the Colorado Department of Transportation (CDOT) right-of-way.

Ms. Duran explained that the expansion would allow for a significant amount of product to be moved. She presented a site and landscape plan and highlighted the area where the addition will be located. Ms. Duran also presented building elevations and renderings of the exterior and advised that the architectural characteristics of the expansion will include similar elements as the existing building.

Ms. Duran described the Use by Special review criteria and noted that the application met the applicable criteria. The Administrative Review Team reviewed the application and all comments were addressed. Neighbors within 500 feet of the site were notified with no inquiries being received. Staff recommended approval of the application.

Commissioner Mirick asked what would happen to any landscaping in the event CDOT needed to use the area in the future. Ms. Duran reported that CDOT had confirmed that there were no foreseeable plans to extend the right-of-way. Commissioner Mirick also asked about a reference in the packet concerning a forthcoming application for a subdivision. Ms. Duran advised that during the early stages of the plan review, staff was unaware that the property had not been subdivided and added that this would be handled at a future date. Commissioner Mirick also asked about the requirement for a release of an easement by the railroad. Ms. Duran reported that since the time that the report was prepared, that requirement had been satisfied.

Referring to Attachment F, Commissioner Andersen noted the location of overhead power lines next to trees and asked whether the trees should be located elsewhere. Ms. Duran clarified that the trees shown on the plan were existing and that five additional trees would be planted. Commissioner Mirick asked whether there would be a mix of deciduous and evergreen trees and Ms. Duran confirmed that there would be a mix of trees.

Jess Schwartz, 2035 2nd Avenue, addressed the Commission and stated that he had nothing further to add to the presentation. Commissioner Schulte observed that noise would likely be reduced since the trucks would be placed indoors. He asked whether energy savings were anticipated with the new indoor facility. Ms. Schwartz stated that the applicant had been working with Xcel Energy on the lighting and refrigeration programs and added that the trailers would be moving out. Upon question by Commissioner Schulte, Mr. Schwartz anticipated using less energy and fuel when the new addition was constructed.

Vice Chair Rarick opened the public hearing at 1:30 p.m. There being no public testimony, the public hearing was closed at 1:30 p.m.

Commissioner Mirick made a motion that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review request for a building addition of approximately 19,879 square feet in the I-M (Industrial Medium Intensity) zone district on approximately 5.329 acres of land meets Development Code Section 18.20.070(a) (Items 1 through 5); and, therefore, approves the Use by Special Review. Commissioner Schulte seconded the motion.

The motion carried 6-0. (Chair Hall was absent.)

IV. A public hearing to consider a request by Family of Christ Church for a Use by Special Review for an expansion of church use, specifically locating a new structure on the site to allow for offices and accessory uses. The property is located in the R-L (Residential Low Density) zone district.

Project Name: Family of Christ Church USR
Case No.: USR 12:16
Applicant: Family of Christ Church
Location: 2410 35th Avenue
Presenter: Brett Walker, Planner III

Brett Walker addressed the Commission and entered the staff report into the record and provided a memorandum with a proposed amended motion.

Mr. Walker reported that a home known as the Carrel House had been moved to the site owned by the applicant, placed on a new foundation, and undergone exterior and interior renovations. The applicant proposes to use the structure for additional classroom space, a dining area, and other church use. Mr. Walker noted that the home has not been designated on the Greeley Historic Register and added that it is unlikely the proposed usage will generate increased traffic or noise.

Mr. Walker presented a map showing the surrounding zoning. He also presented an aerial photograph as well as renderings of the structure showing future landscaping. Mr. Walker presented a site plan showing the existing church building and the location of the structure. He described the Use by Special Review approval criteria and stated that the criteria, as well as the Zoning District Development Standards, had been met.

Mr. Walker responded to questions by the Commissioners about landscaping and possible uses for the structure.

Nate Solhill, Pastor of Family of Christ Presbyterian Church, 1621 15th Avenue, addressed the Commission and thanked staff for their support throughout the process. Upon question by Commissioner Schulte about how the building would be used, Pastor Solhill advised that they are still working on the details and that it could be a year or so before the space is occupied. He added that they want to provide a way to expand their outreach to the community and added that the structure will not be used as a rental property.

Vice Chair Rarick opened the public hearing at 1:46 p.m.

Carol Dirks, 2448 Mountair Lane, addressed the Commission and stated that she has noticed the house and was at the hearing to find out where it would be located. She expressed concerns about increased traffic and parking on Mountair Lane.

Stacey Rains, 3310 W. 24th Street, addressed the Commission and reported that students often walk across her front yard. She expressed concern about people walking across her yard to get to the church.

The public hearing was closed at 1:48 p.m.

Pastor Solhill returned to the podium and responded to the citizen concerns.

Commissioner Weaver made a motion that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review to allow for a church use in an R-L zone district is consistent with the Development Code criteria as outlined in Section 18.20.070(a)(1 through 5), that all Development Standards of the zoning district in which the subject property is located have been met, and all applicable General Performance Standards in Chapter 18.40, Off-street Parking and Loading Standards in Chapter 18.42, Landscaping and Buffering Standards in Chapter 18.44, and Design Review Performance Standards in Chapter 18.46, as well as other applicable standards have been met; and, therefore, approve the Use by Special Review as submitted. Commissioner Mirick seconded the motion.

Commissioner Schulte expressed appreciation for the use of a historic building and added that since the same number of people would be using both facilities, there should be no increase in traffic. Commissioner Weaver was in agreement about reuse of the historic building.

The motion carried 6-0. (Chair Hall was absent.)

V. Staff Report

Brad Mueller, Community Development Director, acknowledged the delay in receiving packets by mail and reported that staff was working to find a solution. If packets continue to be received late, staff will look at alternative delivery methods. Vice Chair Rarick stated his opinion that packets should be received by Friday to allow Commissioners the weekend to review materials. He felt that it was unacceptable to receive packets on Monday. Commissioner Mirick was in agreement.

Mr. Mueller reported that City Council had additional questions regarding implementation of the 8th Street Corridor Plan. He also advised that work on the updated Comprehensive Plan is underway with an expected launch in mid-January.

Commissioner Mirick provided conceptual drawings of proposed artwork for Fire Station No.1. He also gave each Commissioner and staff member a set of five collector cards depicting some of the public art projects and stated five new cards would be created each year. Vice Chair Rarick thanked Commissioner Mirick for his work with the Arts Commission

VI. Adjournment

The meeting was adjourned at 2:11 p.m.

Jon Rarick, Vice Chair

Brad Mueller, Secretary

DRAFT



Community Development Department
Planning Division

MEMORANDUM

TO: Planning Commission

RE: Family of Christ Presbyterian Church Use by Special Review (Case # USR 12:16)

FROM: Brett Walker, Case Planner

DATE: 11/22/2016

Please note that the Staff Report as distributed contains a recommended motion that does not apply to the above mentioned USR case. It is written in the staff report as follows:

PLANNING COMMISSION RECOMMENDED MOTION:

Based on the application received and the preceding analysis, the Planning Commission find that the proposed Use by Special Review for request for an auto dealership facility over five (5) acres in size in the C-H (Commercial High Intensity) Zone District is consistent with the Development Code criteria of Section 18.38.140(b)(5), Alternative Compliance, and Section 18.20.070(a)(1 through 5), as outlined below:

If the Planning Commission so determines, Staff's *corrected* recommended Planning Commission motion is as follows:

CORRECTED PLANNING COMMISSION RECOMMENDED MOTION:

Based on the application received and the preceding analysis, the Planning Commission find that the proposed Use by Special Review to allow for a Church Use in an R-L Zone District is consistent with the Development Code criteria as outlined in Section 18.20.070(a)(1 through 5), that all Development Standards of the zoning district in which the subject property is located have been met, and all applicable General Performance Standards in Chapter 18.40, Off-street Parking and Loading Standards in Chapter 18.42, Landscaping and Buffering Standards in Chapter 18.44, and Design Review Performance Standards in Chapter 18.46, as well as other applicable standards have been met; and, therefore, approve the Use by Special Review as submitted.

PLANNING COMMISSION SUMMARY

ITEM: Various amendments to the Greeley Municipal Code including, Repealing Chapter 18.52 (Accessory & Temporary Uses, Structures and Buildings), Chapter 18.36 (Home Occupations), Section 18.44.140 (Fences, Walls and Hedges), and, Reenacting and Enacting Chapter 18.52 (Accessory Uses and Structures) and Chapter 18.53 (Temporary Uses and Structures).

PROJECT: Chapter 18 Development Code updates

LOCATION: (not applicable)

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Mike Garrott AICP, Planning Manager

PLANNING COMMISSION HEARING DATE: December 13, 2016

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public, and shall then make recommendations to the City Council regarding the proposed various amendments to the Development Code.

PROJECT OVERVIEW AND BACKGROUND:

Planning staff, from time to time, makes recommendations for various changes to the Development Code as part of an on-going effort to ensure the Code's effectiveness, accuracy, and functionality. Revisions are proposed to address inconsistencies that may have been discovered, or to improve the structure and allow easier use by the public and others who use the Code. Changes may also be proposed to address a new need in community development, either based on best professional practices, or to respond to a recent City issue.

This package of proposed changes are generally not considered substantive, but more ministerial in nature. The changes include repealing Chapter 18.52 (Accessory & Temporary Uses, Structures and Buildings), Chapter 18.36 (Home Occupations), Section 18.44.140 (Fences, Walls and Hedges), and, reenacting and enacting Chapter 18.52 (Accessory Uses and Structures) and Chapter 18.53 (Temporary Uses and Structures).

In addition to the proposed amendments above, staff is recommending minor amendments to Chapter 18.54 (Signs), including adding temporary sign(s) associated with temporary use(s) and modifications to election signs. These are in advance of future more comprehensive sign code changes, part of a national response to the U.S. Supreme Court ruling regarding signs. Within

Appendix 18-B (Definitions), staff proposes adding new definitions and modifications to existing definitions, including a recommending to revise the building and structure height definition, with an addition of an exhibit for multi-gable roofs.

The reasoning for specific changes follows each section of the Code where the amendment is proposed.

KEY ISSUES / STAFF ANALYSIS:

Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing land use recommendations to City Council. These proposed changes are relevant for the Commission’s review and recommendation for Council consideration.

NOTICE AND COMMENTS:

No formal noticing of the Planning Commission meeting concerning Code changes is required.

PLANNING STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDED MOTION:

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission find that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

ATTACHMENTS:

Attachment A – Proposed Code Changes & Staff Analysis

Attachment B – Proposed Clean Version of Chapter 18.52

Attachment C – Proposed Clean Version of Chapter 18.53

ATTACHMENT A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

Bold, Italicized = Text added/amended

Italicized = Explanation

Topic: Accessory & Temporary Uses, Structures & Buildings

Staff Analysis: The City's Finance Staff (along with numerous Department, including Community Development) has spent over a year reviewing the 36 existing business specific licenses and has recommended reducing the number of licenses down to five business specific licenses and a general business license. The general business license would be required of every person doing business in Greeley, which would be valid for two years, and there would be no fee to obtain the license.

City Staff is recommending adding an Outdoor Vendor license which would include: mobile food trucks, outdoor vendors of miscellaneous goods, mobile vending carts or pushcart, pedi-cab or bicycle service, and horse-drawn carriage. This Outdoor Vendor license would replace several different types of licenses which were confusing to the public and which did not seem to address the changing needs of the business community. The fees with the current structure are \$100.00 for a temporary use permit, per location for 90 days, and \$110.00 for a 90-day temporary vendor license, or \$840.00 per year. The proposed structure would cost \$110.00 for an Outdoor Vendor license, which is good for one year and multiple locations. These code changes are scheduled to be considered separately by the City Council on December 20, 2016.

As part of adding Outdoor Vendors to the Chapter 6 of the City's Code, changes are proposed within Chapter 18 (Development Code) to align with those changes. The changes within Chapter 18 include the following:

- *Reflect proposed changes within proposed Chapter 6.09 (Outdoor Vendors)*
- *Remove the 90 days limitation for outdoor vendors use (previously referred to as a temporary uses), which had been regulated by the Development Code, lumped together with other temporary uses. Food truck events (more than one food truck at one location at a time) would still be required to follow the temporary use limitations as outlined below.*
- *Clarification language is proposed to be added to the time limitation for temporary uses. The Development Code current limits temporary uses to 90 days for every 12 months. For clarity purposes, along with consistencies with other time limitations listed elsewhere in the Code, staff is recommending temporary uses by allowed 90 days per calendar year, beginning on January 1.*

Additional updates to Chapter 18 are proposed in order to reflect modern industry standards, to separate temporary uses and structures from accessory uses and structures into two separate chapters, to combine accessory uses into one chapter, and to modify and add definitions. The following changes are proposed:

- *Repeal Chapter 18.52 (Accessory & Temporary Uses, Structures and Buildings) and replace with Chapter 18.52 (Accessory Uses and Structures) and Chapter 18.53 (Temporary Uses and Structures)*
- *Repeal Section 18.44.140 (Fences, Walls and Hedges) and replace industry standard language, which staff has researched by reviewing neighboring communities' codes, along with meetings with homeowners associations within Greeley. The proposed Chapter 18.52 (Accessory Uses and Structures), reflects those standards.*
- *Repeal Chapter 18.36 (Home Occupations) and relocate to Chapter 18.52 (Accessory Uses and Structures). Staff is not requesting any other changes to home occupation, with the exception of updating code citation references.*
- *It is the intent of the Development Code to allow temporary signs as part of a temporary use. Currently, a temporary use is permitted for 90 days (Accessory and Temporary Uses, Structures and Buildings, Chapter 18.52) and a temporary sign is permitted for 60 days (Signs, Chapter 18.54), an inconsistency that causes administrative challenges and confusion. This change would allow signage for the entire duration of a temporary use. Additionally, current language limits seasonal uses to 60 days. The proposed changes would treat seasonal uses (excluding Outdoor Vendors) the same as any temporary use, unless the seasonal area was approved as part of a site plan application.*

Proposed Changes:

Chapter 18.52

Accessory and Temporary Uses, Structures and Buildings

18.52.010 Purpose and intent.

~~The purpose of this Chapter is to set forth regulations governing accessory uses, structures and buildings and temporary uses, structures and buildings. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

18.52.020 Definitions.

~~The following terms as used in this Chapter shall have the following meanings:~~

~~*Accessory building or structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.*~~

~~*Accessory use* shall mean a use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.~~

~~*Temporary structure* shall mean a structure without any foundation or footings and which is intended to be removed at some point in the future.~~

~~*Temporary use* shall mean a use which shall generally be permitted to exist and be operated for no longer than ninety (90) days in twelve (12) consecutive months and which may occur as an accessory or principal use. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

18.52.030 Accessory uses, structures and buildings.

The following provisions shall apply to accessory uses, structures and buildings:

(1) ~~— The accessory use, structure or building shall be subordinate to and customarily found with the principal use of the land or site, located on the same lot as the principal use and shall not exceed the height of the principal building or structure and sixty percent (60%) of the footprint of the principal building on the site, including attached garage area, except in the H-A Zone, which shall not have a limit on the size of accessory structures and buildings used for agricultural purposes. In residential zones, the sixty percent limit may be exceeded for one (1) detached garage if all of the following criteria are met:~~

- ~~a. The detached garage is used to accommodate parking for residential uses on-site.~~
- ~~b. The detached garage shall be no larger than six hundred sixty (660) square feet in size.~~
- ~~c. The site cannot exceed one hundred fifty percent (150%) of the required amount of parking spaces.~~

~~The total square footage of all accessory buildings and structures in residential zones shall not exceed the footprint of the principal building, including attached garage area. In commercial and industrial zones, there shall be no limit on the size or number of accessory buildings and structures, but such accessory buildings and structures shall be required to meet all applicable design review standards if in an infill location.~~

(2) ~~— The accessory use, structure or building shall be operated and maintained for the benefit or convenience of the occupants, employees and customers of or visitors to the premises which contains the principal use.~~

(3) ~~— The accessory structure or building shall not be used for living or sleeping quarters except for industrial uses which may provide accessory living or sleeping quarters for the housing of security or maintenance personnel in close proximity to the industrial use and which shall not exceed one thousand two hundred (1,200) square feet in size. In no event shall such accessory living or sleeping quarters become an independent living unit, nor shall the accessory building or structure be subdivided from the remainder of the site.~~

(4) ~~— Accessory buildings and structures shall comply with the front, rear and side yard setbacks set forth in Chapter 18.38. Portable accessory buildings less than one hundred twenty (120) square feet in size which do not require a building permit shall be permitted to locate in~~

rear and interior side yard setbacks. When accessory buildings and structures have alley access, the setback from the alley shall be a minimum of five (5) feet when access to the accessory building or structure occurs parallel to the alley. Otherwise, the minimum setbacks for accessory buildings or structures that have direct access from the alley shall be a minimum of ten (10) feet.

(5) — Accessory buildings and structures which require building permits shall be constructed of similar materials and in a similar design as the principal building or structure. (Ord. 4, 2006 §1; Ord. 65, 2002 §1; Ord. 46, 1999 §1; Ord. 27, 1998 §1)

18.52.040 Temporary uses and structures.

(a) The following provisions shall apply to all those uses and structures which, because of their seasonal or short term nature, shall be considered temporary uses and structures.

(1) — All temporary uses shall provide off street parking according to the type of use. The operator of the temporary use shall demonstrate that temporary off street parking shall:

a. Adequately accommodate the parking needs of the use; and

b. Not displace parking spaces required for other uses on the site, cause safety problems, impede access to and from the site or impede internal circulation.

(2) — There shall be a ninety day limit, unless otherwise noted, within twelve (12) consecutive months for the duration of all temporary uses. Duration of any temporary use may be extended for thirty (30) days subject to written approval by the Community Development Director if the use is in full compliance with all applicable provisions herein.

(3) — The design and operation of the temporary use shall be compatible with the design and operation of the principal use of the site and shall not impact such principal use.

(4) — Upon completion of all temporary uses or occupancy of temporary structures, the site shall be cleaned, all evidence of its use removed and it shall be left in a condition that minimizes adverse impacts to the site and surrounding properties.

(5) — All signs shall be in conformance with Chapter 18.54, Signs.

(6) — The Administrative Review Team (ART) shall review all applications for temporary uses.

(b) Seasonal sales events, including Christmas tree, pumpkin, bedding plant and other similar sales of seasonal items, shall provide the following: If the seasonal sales lot is located on a vacant, undeveloped site, there shall be a sixty day limit in twelve (12) consecutive months for duration of the use. If the seasonal sales lot is located on a developed site, the duration of the sale may be extended for thirty (30) days upon written request to the Community Development Director and if the use is in full compliance with all applicable provisions herein.

(c) Operation of a temporary concrete or asphalt batch plant related to and located in proximity to an on going construction project shall provide the following:

(1) — Comply with City, state and federal laws at the batch plant site.

~~(2) — Locate and operate the batch plant in a manner which eliminates excessive dust, noise and odor.~~

~~(3) — Repair or replace any public improvement that is damaged during operation of the batch plant.~~

~~(4) — If located adjacent to an established residential area, buffering shall be required as provided in Chapter 18.44 and the hours of operation of the batch plant shall be limited to between 7:00 a.m. and 7:00 p.m.~~

~~(5) — Upon completion of the related construction project, a new review shall be required if the batch plant is relocated or if it is intended to remain at the same location to serve another construction project.~~

~~(d) Temporary construction or sales offices shall provide the following:~~

~~(1) — The lot used as a temporary construction yard shall be adjacent to the construction site, or located in such a manner that access from the temporary yard to the site does not impact public streets or surrounding uses. A sales office shall be limited to sales for the subject site.~~

~~(2) — Temporary office structures shall be architecturally compatible with surrounding uses and may be permitted on the site until seventy-five percent (75%) of the lots of the related development are built upon.~~

~~(3) — All structures and materials on a temporary construction yard shall be removed within one (1) month after occupancy of the project for which the construction office is related.~~

~~(4) — If the sales office is intended as a model home, it shall be completed to meet all Building and Zoning Code requirements.~~

~~(e) Outdoor markets for the sale of agricultural produce, plants, handcrafts and flea markets for the sale of new or used merchandise shall provide the following:~~

~~(1) — No product may be placed for sale or display, and no structures used for a temporary seasonal agricultural sales stand shall be placed, within the setbacks established for the zoning district in which it is located.~~

~~(2) — The following shall be required for outdoor markets:~~

~~a. Rest rooms available in adjacent structures or portable rest rooms;~~

~~b. Paved site for the proposed use;~~

~~c. Adequate access for emergency vehicles;~~

~~d. Free admission to the events;~~

~~e. All vendors meeting current licensing requirements; and~~

~~f. Application for the events signed by the property owners and vendors.~~

~~(f) Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall provide the following:~~

~~(1) — Before a carnival, circus or traveling show or exhibition may occur on a site, it shall fully comply with license requirements in Chapter 6.04 of this Code.~~

~~(2) — Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall be limited to two (2) consecutive weeks in duration and shall provide the following:~~

~~a. Rest rooms available to the public in adjacent structures or portable rest rooms;~~

~~b. Adequate access for emergency vehicles;~~

~~c. All vendors meeting current licensing requirements; and~~

~~d. Application for the events signed by the property owners and vendors.~~

~~(g) Garage or yard sales shall provide the following:~~

~~(1) — A person or group of persons shall sell tangible personal property on the premises of one (1) of the owners or lessees of the premises where the sale is conducted and the owner or lessee shall be responsible for the tangible personal property at the time of the sale.~~

~~(2) — A person shall not sell merchandise acquired solely for the purpose of resale at an occasional sale.~~

~~(3) — A person shall not conduct a garage or yard sale for a duration of more than three (3) consecutive calendar days, nor shall he or she conduct more than two (2) such sales on a premises during any consecutive twelve month period.~~

~~(4) — No signs shall be installed in the public right of way and all signs related to the garage or yard sale shall be removed immediately after the sale ends. (Ord. 65, 2002 §1; Ord. 46, 1999 §1; Ord. 27, 1998 §1)~~

Chapter 18.36

Home Occupations

18.36.010 Purpose and intent.

~~The purpose of this Chapter is to provide for limited business uses within dwellings when such uses will clearly not alter the character or appearance of the residential environment. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

18.36.020 Application.

~~(a) Home occupations shall be permitted as an accessory use to any dwellings in accordance with the provisions of this Chapter.~~

~~(b) The conduct of a home occupation requires the approval of the Community Development Director or Planning Commission as provided in Section 18.36.050, who may establish~~

conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Community Development Department.

~~(e) Home occupations shall not be transferable to alternate locations or persons. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

18.36.030 Home occupation requirements.

~~(a) A home occupation shall be permitted as an accessory use to a dwelling, provided that all of the following conditions are continuously met:~~

~~(1) — The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke or vibrations detectable outside the dwelling.~~

~~(2) — All persons involved in carrying on the home occupation on the premises shall be legal and regular inhabitants of the dwelling unit. No other employees associated with the home occupation may be at the site for the purpose of conducting any part of the business operation.~~

~~(3) — The dwelling unit shall continue to be used primarily for residential purposes, and the occupational activities shall be harmonious with the residential use.~~

~~(4) — There shall be no sale and/or display of merchandise which requires customers to go to the property, except as provided in Subsection (b) below.~~

~~(5) — Vehicular traffic associated with the home occupation shall not adversely affect traffic flow and parking in the area. No more than one (1) customer or client vehicle associated with the home occupation shall be at the home at a time, and no more than ten (10) customer/client visits to the home per week and no more than two (2) trips per week shall be related to the delivery of products and/or materials, with the exception of day care homes.~~

~~(6) — No more than twenty percent (20%) of the living space shall be used for the home occupation and any related storage of materials and supplies, except where the home occupation is a board and care home or a child care home, and shall meet state requirements, where applicable. In no event shall the garage be counted toward the total living space area, except as provided in Subsection (b) below.~~

~~(7) — The home occupation shall be confined within the dwelling which shall be the principal building and use on the lot, except as provided in Subsection (b) below, and shall not include use of the garage, whether attached or detached, except for the parking of a vehicle associated with the home occupation.~~

~~(8) — The use of utilities shall be limited to that normally associated with the use of the property for residential purposes. Electrical or mechanical equipment which creates audible interference in radio receivers or visual or audible interference in television receivers, or causes fluctuations in line voltage outside the dwelling unit, shall be prohibited.~~

~~(9) — There shall be no on-premises signs advertising the home occupation.~~

~~(10) Activities conducted and equipment and material used or stored shall comply with the Building Code.~~

~~(11) There shall be no use or storage of mechanical equipment not recognized as being a part of normal household or hobby use.~~

~~(12) Only one (1) vehicle, not to exceed one (1) ton capacity, and one (1) trailer which cannot exceed fifteen (15) feet, may be related to and used in conjunction with the home occupation and shall be parked on site except as provided in Subsection (b) below. (See also Subsection 18.38.020(p).~~

~~(13) Only one (1) home occupation shall be permitted per residence unless more than one (1) home occupation can be operated using the same area within the residence, which shall constitute no more than twenty percent (20%) of the living space and can operate within the parameters of a single home occupation.~~

~~(14) The conditions herein may be altered upon reasonable cause and with approval of the Community Development Director.~~

~~(b) The production and sale of agricultural produce at a rural home occupation, at which all produce for sale has been grown at the site, shall be permitted within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation. Equipment used in the production of agricultural produce shall be that customarily associated with farming or agricultural purposes and shall not be limited in size or number. (Ord. 4, 2006 §1; Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

18.36.040 Permitted home occupations.

~~(a) The following list of permitted home occupations are examples of those occupations which are considered to be incidental to and compatible with residential land uses subject to all provisions of Section 18.36.030, as applicable:~~

~~(1) — Art or photo studio;~~

~~(2) — Sewing or tailoring;~~

~~(3) — Professional office;~~

~~(4) — Teaching or tutoring;~~

~~(5) — Child care home;~~

~~(6) — Board and care home;~~

~~(7) — Clerical, word processing or desktop publishing services;~~

~~(8) — Barber or beauty shop (for the purposes of this Section, body piercing and tattoo establishments shall not constitute a beauty shop);~~

~~(9) — Massage therapists who are state certified;~~

~~(10) Agricultural produce sales as provided in Section 18.36.030(b) above; and~~

~~(11) Any other use determined by the Community Development Director to be incidental to and compatible with residential land uses.~~

~~(b) Permitted home occupations that would otherwise exceed Subsection 18.36.030(a)(5) above regarding vehicular traffic shall be considered a major home occupation and shall be required to submit the home occupation request as a use by special review meeting the provisions of Chapter 18.20 regarding special review. The use by special review request, if approved by the Planning Commission, shall be operated only by the original applicant at the original site and shall expire three (3) years after the date of approval unless renewed under the provisions of Section 18.36.050 below. (Ord. 65, 2002 §1; Ord. 46, 1999 §1; Ord. 27, 1998 §1)~~

~~18.36.050 Home occupation permit.~~

~~(a) An application for a Home Occupation Permit shall be made to the Community Development Director for all home occupations except child care homes. Upon completion of an application provided to the Community Development Director or designee and upon verification by the Director that said home occupation meets the provisions of this Chapter, the Director shall issue a Home Occupation Permit, which shall require a twenty five dollar fee and which shall be renewed every three (3) years, subject to meeting all provisions herein at the time of renewal. Renewal of major home occupations as provided for in Section 18.36.040(b) above shall require notification of affected property owners and posting notice for the proposed renewal under the provisions of Chapter 18.18, Public Notice. If objections to the proposed renewal of a major home occupation are made to the Community Development Director or designee, then renewal of the major home occupation shall follow the provisions of the use by special review procedure as detailed in the applicable sections of Chapter 18.20, Review Procedures.~~

~~(1) — In accordance with the provisions of this Chapter, no use of the dwelling shall be made other than residential use and that use as specified on the Home Occupation Permit.~~

~~(2) — A copy of the Home Occupation Permit shall be filed with the City.~~

~~(b) If the Community Development Director determines that the use does not meet all of the requirements for a home occupation, then the Home Occupation Permit shall not be issued and the use shall either be brought into full compliance with the provisions of this Chapter or the use shall be abandoned and all operations ceased. (Ord. 65, 2002 §1; Ord. 46, 1999 §1; Ord. 27, 1998 §1)~~

~~18.36.060 Revocation.~~

~~A Home Occupation Permit may be revoked or modified by the Community Development Director if any one (1) of the following findings can be made:~~

~~(1) — The use has become detrimental to the public health, safety or welfare, or constitutes a nuisance;~~

- ~~(2) — The permit was obtained by misrepresentation or fraud;~~
- ~~(3) — The use for which the permit was granted has ceased or was suspended for six (6) or more consecutive months;~~
- ~~(4) — The condition of the premises has changed negatively as a result of the home occupation;~~
- ~~(5) — One (1) or more of the conditions of the Home Occupation Permit have not been met; or~~
- ~~(6) — The use is in violation of any statute, ordinance, law or regulation. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)~~

Chapter 18.44

Landscaping & Buffering Standards

18.44.140 Fences, walls and hedges.

- ~~(a) Fences, walls and hedges shall be considered accessory structures in all zoning districts.~~
- ~~(b) All fencing, walls and hedges shall be maintained in good condition, including but not limited to replacing or repairing broken components, such as pickets, and repainting.~~
- ~~(c) Height changes, offset angles and the use of complementary materials shall be used to create variety in contiguous fences and walls.~~
- ~~(d) Location and height.~~
 - ~~(1) — Fences and walls shall be located on lot or on the property line between lots and constructed of durable materials which are visually pleasing and provide the necessary screening and/or enclosure.~~
 - ~~(2) — In all zoning districts, fences taller than forty-two (42) inches in height shall be set back at least ten (10) feet from an adjacent sidewalk or, if no sidewalk exists, at least fifteen (15) feet from the back of curb or edge of pavement if no curb exists.~~
 - ~~(3) — Hedges shall be located entirely on lot.~~
 - ~~(4) — Fences and walls shall be measured from the ground level immediately adjacent to the fence or wall.~~
 - ~~(5) — Fences, walls and hedges which are located in required front setbacks for residential uses shall not exceed forty-two (42) inches in height, as measured at grade where the fence will be located.~~
 - ~~(6) — Fencing for residential, commercial, industrial and institutional uses may exceed forty-two (42) inches in height in the front yard or in a required street setback only if the fencing is constructed of decorative wrought iron or similar appearing material and is at least seventy five percent (75%) visually open; and in no event shall such fencing exceed six (6) feet in height or impair sight distance. Fences which are a required element of buffer yards and screen walls in~~

~~industrial, commercial and institutional districts or uses shall be exempt from this requirement, except for sight distance requirements.~~

~~(7) — If a lot or site is a corner lot, fences, walls and hedges located within the clear vision zone of said lot shall be limited to a height of thirty six (36) inches. A fence, wall or hedge which exceeds these height limitations when measured on one (1) side thereof, but not when measured on both sides, shall not be in violation of these provisions.~~

~~(8) — Chain link fencing is not permitted in the required front setbacks for residential or commercial uses.~~

~~(9) — In the I M and I H zoning districts, chain link fences may exceed the six foot height limitation, provided that the chain link fence is designed as an open fence.~~

~~(10) No more than three (3) strands of barbed wire may be added to the height of chain link fencing in the I M, I H, C D and H A zoning districts subject to the following:~~

~~a. The lowest strand of barbed wire is maintained at least six and one half (6½) feet above the adjoining ground level outside the fence; and~~

~~b. Exterior area security lighting, controlled by an automatic light level switch, is installed and maintained in good operating condition.~~

~~(11) In no event shall a fence, wall or hedge be located in or extend partly into any public right-of-way or easement without first obtaining a revocable permit from the Department of Public Works.~~

~~(e) Clear vision zone.~~

~~(1) — The clear vision zone of a corner lot is a triangle formed by combining the lines of sight for both left and right directions along the intersecting streets or streets and alleys. Clear vision zones shall be free from shrubs, ground covers, berms, fences, signs, structures, parked vehicles or other materials or items greater than thirty six (36) inches in height from the street level. Fences which are at least seventy five percent (75%) visually open may be a maximum of forty two (42) inches in height. Table 18.44-12 and Figure 18.44-9 below shall be used to establish clear vision zone setbacks.~~

~~(2) — The distances in the Clear Vision Zone Setback chart are typical distances to be used under normal conditions and may be modified by the City Engineer in order to protect the public safety and welfare in the event that exceptional sight conditions necessitate such a modification.~~

~~(3) — At the intersection of a street and an alley, minimum clear vision distance shall be a triangle measuring thirty (30) feet along each curb or edge of roadway from the point of intersection, the third side being a diagonal line connecting the first two (2) lines.~~

~~(4) — At the intersection of a driveway and a street, minimum clear vision distance shall be a triangle measuring fifteen (15) feet along the edge of the driveway and along the curb or edge of a roadway from the point of intersection, the third side being a diagonal line connecting the first two (2) lines.~~

~~(f) Electric fencing.~~

~~(1) — Electric fences require a building permit and are allowed in the I-M, I-H, H-A and PUD (per an approved PUD plan) zoning districts pursuant to the provisions of Section 16.06.130 of this Code.~~

~~(2) — Electric horse fencing requires a building permit and shall be allowed in R-E zoning districts for properties at least two (2) acres in size for the keeping of livestock. Electrified tape or coated wire must not exceed the maximum amperage needed, must be located at least forty-two (42) inches above grade, must be surrounded by permanent fencing and must contain signs every fifty (50) feet identifying the fence as being electrically charged.~~

~~(g) Materials.~~

~~(1) — All fencing shall be constructed of brick, stone, wood, vinyl, wrought iron, decorative concrete block, chain-link or other material customarily intended to be used for fencing.~~

~~(2) — Nondecorative supporting posts shall be placed on the interior side of the fence so that the supporting posts are not visible from a public right-of-way.~~

~~(3) — All other materials and construction methods shall be subject to review and approval by the City.~~

~~(4) — Chain-link fencing is not permitted within the required front setbacks for residential uses.~~

~~(5) — Barbed wire is not permitted except in the I-M, I-H and H-A zoning districts, as provided herein, and in areas where there are prevailing safety concerns, such as oil or gas well and tank sites.~~

~~(6) — The use of concertina or razor wire is prohibited except in an approved planned unit development (PUD) which specifically provides for the use of the wire.~~

~~(7) — The use of slats or fabric to give the appearance of a solid fence using chain-link fencing is not permitted, except fabric used around public ball fields.~~

~~(8) — Precast or prefabricated walls used to enclose a yard and which are longer than fifty (50) feet shall be designed and constructed to vary the appearance of the wall by using changes in height, different material combinations and textures, offset angles or articulation along the top and/or bottom of the wall, plant materials and/or berms.~~

~~(9) — Where posts or columns are used to create variation, they shall protrude a minimum of six (6) inches from the adjacent plane of the wall along the street side. When walls are articulated, consideration should be given to the maintenance of landscaping on the street side of the wall.~~

~~(h) Retaining walls.~~

~~(1) — Retaining walls shall be constructed of a high-quality material, such as stone, masonry block with an integral color and exterior texture or concrete with stone, brick or stucco facing, taking into account the character and materials of the related building and landscape plan.~~

~~Where retaining walls are adjacent to a public right-of-way or residential area, such walls shall have a decorative exterior finish. Non-pressure-treated wood and wood materials, vinyl or other plastic materials shall not be permitted for the construction of retaining walls.~~

~~(2) — Where retaining walls are proposed in setbacks, such walls shall be treated as fencing for determining permitted height and shall require a minimum setback of one (1) foot for every additional one (1) foot of retaining wall height above the maximum allowed six-foot height. Areas between retaining wall tiers shall be a minimum of two (2) feet in width between each tier and shall contain live plantings when feasible.~~

~~(3) — Any retaining wall proposed to exceed a height of six (6) feet shall require approval of a variance under the provisions of Chapter 18.22 of this Title. This Subsection shall not apply where retaining walls are not visible from an adjacent public right-of-way or residential area.~~

Chapter 18.52

Accessory Uses and Structures

18.52.010 Purpose and intent.

The purpose of this Chapter is to set forth regulations governing accessory uses and structures.

18.52.020 Definitions.

The following terms as used in this Chapter shall have the following meanings:

Accessory structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use shall mean a use customarily incidental, related and subordinate to the main use of the lot,

Electric fence as used in this chapter shall mean any fence using, carrying or transmitting an electrical current for any purpose, except electric or radio transmission dog or cat fence not meant to detain any person or animal except the dog or cat wearing the transmission collar.

Fence shall mean any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Home occupation shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.52.

Home occupation, rural shall mean an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation.

Livestock shall mean animals typically related to agricultural or farming uses, including but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Open fence shall mean a fence that is at least seventy-five percent (75%) transparent. See also solid fence.

Sidewalk shall mean a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Solid fence shall mean a fence that is at least seventy-five percent (75%) opaque. See also open fence.

18.52.030 Accessory uses and structures.

The following provisions shall apply to accessory uses, structures and buildings:

(a) The accessory uses or structures shall be subordinate to and customarily found with the principal use of the land or site.

(b) Accessory uses or structures shall be located on the same lot as the principal use.

(c) Accessory structures shall not exceed the height of the principal building or structure and sixty percent (60%) of the footprint of the principal building on the site, including attached garage area, except in the H-A Zone, which shall not have a limit on the size of accessory structures and buildings used for agricultural purposes.

(d) In residential zones, the sixty-percent (60%) limit may be exceeded for one (1) detached garage if all of the following criteria are met:

(1) The detached garage is used to accommodate parking for residential uses on-site.

(2) The detached garage shall be no larger than six hundred sixty (660) square feet in size.

(3) The site cannot exceed one hundred fifty percent (150%) of the required amount of parking spaces.

The total square footage of all accessory buildings and structures in residential zones shall not exceed the footprint of the principal building, including attached garage area. In commercial and industrial zones, there shall be no limit on the size or number of accessory buildings and structures, but such accessory buildings and structures shall be required to meet all applicable design review standards if in an infill location.

(e) Accessory uses or structures shall be operated and maintained for the benefit or convenience of the occupants, employees and customers of or visitors to the premises which contains the principal use.

(f) Accessory structure shall not be used for living or sleeping quarters except for industrial uses which may provide accessory living or sleeping quarters for the housing of security or maintenance personnel in close proximity to the industrial use and which shall not exceed one thousand two hundred (1,200) square feet in size. In no event shall such accessory living or sleeping quarters become an independent living unit, nor shall the accessory building or structure be subdivided from the remainder of the site.

(g) Accessory structures shall comply with the front, rear and side yard setbacks set forth in Chapter 18.38. Portable accessory buildings less than one hundred twenty (120) square feet in size which do not require a building permit shall be permitted to locate in rear and interior side yard setbacks. When accessory buildings and structures have alley access, the setback

from the alley shall be a minimum of five (5) feet when access to the accessory building or structure occurs parallel to the alley. Otherwise, the minimum setbacks for accessory buildings or structures that have direct access from the alley shall be a minimum of ten (10) feet.

(h) Accessory structures which require building permits shall be constructed of similar materials and in a similar design as the principal building or structure.

18.52.035 Fences and walls

(a) General Provisions

(1) Fences and walls shall be considered accessory structures in all zoning districts.

(2) A building permit is not required for fences up to six (6) feet tall; all fences must meet zoning code requirements. Fences or walls located within a floodway will require a floodplain development permit.

(3) Fences along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (1/3) of the length of the fence or fence section (as applicable) by a minimum of three (3) feet.

(4) All fences shall have the finished (smooth) side facing the public right-of-way, common open space, or other public areas, as applicable.

(5) All fencing and walls shall be maintained in good condition, including but not limited to replacing or repairing broken components, such as pickets, and repainting.

(b) Fence and Wall Placement

(1) Fences and walls shall be located on-lot or on the property line between lots and constructed of durable materials which are visually pleasing and provide the necessary screening and/or enclosure.

(2) Fences and walls shall be located no closer than two (2) feet to a public sidewalk on the front and street side;

(3) Fences and walls shall be located no closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line.

(4) In no event shall a fence or wall be located in or extend partly into any public right-of-way or easement without first obtaining a revocable right-of-way permit from the Public Works Department.

(c) Fence and wall height

(1) For the purposes of this Section, the height of a fence or wall shall be the distance from the top of the fence or wall to the finished grade of the lot directly under the fence or wall as such grade existed at the time the fence or wall was constructed. Any berm, wall or similar feature that is constructed for the purpose of increasing the height of a fence or wall shall be considered to be a part of the fence or wall.

(2) Fences and walls which are located in required front setbacks for residential uses shall not exceed forty-two (42) inches in height, as measured at grade where the fence will be located.

(3) Fencing for residential, commercial, industrial and institutional uses may exceed forty-two (42) inches in height in the front yard or in a required street setback only if the fencing is constructed of decorative wrought iron or similar-appearing material and is at least seventy-five percent (75%) visually open; and in no event shall such fencing exceed six (6) feet in height or impair sight distance. Fences which are a required element of buffer yards and screen walls in industrial, commercial and institutional districts or uses shall be exempt from this requirement, except for sight distance requirements.

(4) If a lot or site is a corner lot, fences, walls and hedges located within the clear vision zone of said lot shall be limited to a height of thirty-six (36) inches. A fence, wall or hedge which exceeds these height limitations when measured on one (1) side thereof, but not when measured on both sides, shall not be in violation of these provisions.

(5) In the I-M and I-H zoning districts, chain-link fences may exceed the six-foot height limitation, provided that the chain-link fence is designed as an open fence.

(d) Fence and Wall Materials

(1) Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl, decorative concrete, PVC fence material or any other material approved by the Director.

(2) All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.

(3) Chain-link fencing is not permitted in the required front setbacks for residential or commercial uses.

(4) Chain-link fencing, with fencing slats are permitted in the I-M and I-H zone districts only, provided such fences are not located along collector and arterial roadways.

(5) No more than three (3) strands of barbed wire may be added to the height of chain-link fencing in the I-M, I-H, C-D and H-A zoning districts subject to the following:

a. The lowest strand of barbed wire is maintained at least six and one-half (6½) feet above the adjoining ground level outside the fence; and

b. Exterior area security lighting, controlled by an automatic light level switch, is installed and maintained in good operating condition.

(6) Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, fencing slats (except in the I-M and I-H zoned districts), scrap wood or any other material not customarily sold for fencing.

(7) Plastic or temporary construction fence may not be used as a permanent fence material.

(8) Approved materials for wall construction include, but are not limited to: commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director.

(9) Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

(10) Retaining walls.

a. Retaining walls shall be constructed of a high quality material such as stone, masonry block with an integral color and exterior texture, or concrete with stone, brick or stucco facing, taking into account the character and materials of the related building and landscape plan. Where retaining walls are adjacent to a public right-of-way or residential area, such walls shall have a decorative exterior finish. Non-pressure treated wood and wood materials, vinyl or other plastic materials shall not be permitted for the construction of retaining walls.

b. Where retaining walls are proposed in setbacks, such walls shall be treated as fencing for determining permitted height and shall require a minimum setback of one (1) foot for every additional one (1) foot of retaining wall height above the maximum allowed six-foot height. Areas between retaining wall tiers shall be a minimum of two (2) feet in width between each tier and shall contain live plantings when feasible.

c. Any retaining wall proposed to exceed a height of six (6) feet shall require approval of a variance under the provisions of Chapter 18.22, Variances. This Subsection shall not apply where retaining walls are not visible from an adjacent public right-of-way or residential area.

18.52.036 Home Occupations

(a) Home occupations shall be permitted as an accessory use to any dwellings in accordance with the provisions of this Chapter.

(b) The conduct of a home occupation requires the approval of the Community Development Director or Planning Commission as provided in Section 18.52.036 (f), who may establish conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Community Development Department.

(c) Home occupations shall not be transferable to alternate locations or persons.

(d) Home occupation requirements.

(1) A home occupation shall be permitted as an accessory use to a dwelling, provided that all of the following conditions are continuously met:

a. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke or vibrations detectable outside the dwelling.

b. All persons involved in carrying on the home occupation on the premises shall be legal and regular inhabitants of the dwelling unit. No other employees associated with the home occupation may be at the site for the purpose of conducting any part of the business operation.

c. The dwelling unit shall continue to be used primarily for residential purposes, and the occupational activities shall be harmonious with the residential use.

d. There shall be no sale and/or display of merchandise which requires customers to go to the property, except as provided in Subsection (2) below.

e. Vehicular traffic associated with the home occupation shall not adversely affect traffic flow and parking in the area. No more than one (1) customer or client vehicle associated with the home occupation shall be at the home at a time, and no more than ten (10) customer/client visits to the home per week and no more than two (2) trips per week shall be related to the delivery of products and/or materials, with the exception of child care homes.

f. No more than twenty percent (20%) of the living space shall be used for the home occupation and any related storage of materials and supplies, except where the home occupation is a board and care home or a child care home, and shall meet state requirements, where applicable. In no event shall the garage be counted toward the total living space area, except as provided in Subsection (2) below.

g. The home occupation shall be confined within the dwelling which shall be the principal building and use on the lot, except as provided in Subsection (2) below, and shall not include use of the garage, whether attached or detached, except for the parking of a vehicle associated with the home occupation.

h. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes. Electrical or mechanical equipment which creates audible interference in radio receivers or visual or audible interference in television receivers, or causes fluctuations in line voltage outside the dwelling unit, shall be prohibited.

i. There shall be no on-premises signs advertising the home occupation.

j. Activities conducted and equipment and material used or stored shall comply with the Building Code.

k. There shall be no use or storage of mechanical equipment not recognized as being a part of normal household or hobby use.

l. Only one (1) vehicle, not to exceed one (1) ton capacity, and one (1) trailer which cannot exceed fifteen (15) feet, may be related to and used in conjunction with the home occupation and shall be parked on site except as provided in Subsection (2) below. (See also Subsection 18.38.020 (p)).

m. Only one (1) home occupation shall be permitted per residence unless more than one (1) home occupation can be operated using the same area within the residence, which shall constitute no more than twenty percent (20%) of the living space and can operate within the parameters of a single home occupation.

n. The conditions herein may be altered upon reasonable cause and with approval of the Community Development Director.

(2) The production and sale of agricultural produce at a rural home occupation, at which all produce for sale has been grown at the site, shall be permitted within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation. Equipment used in the production of agricultural produce shall be that customarily associated with farming or agricultural purposes and shall not be limited in size or number.

(e) Permitted home occupations.

(1) The following list of permitted home occupations are examples of those occupations which are considered to be incidental to and compatible with residential land uses subject to all provisions of Section 18.52.036 (d), as applicable:

a. Art or photo studio;

b. Sewing or tailoring;

- c. Professional office;*
- d. Teaching or tutoring;*
- e. Child care home;*
- f. Board and care home;*
- g. Clerical, word processing or desktop publishing services;*
- h. Barber or beauty shop (for the purposes of this Section, body piercing and tattoo establishments shall not constitute a beauty shop);*
- i. Massage therapists who are state-certified;*
- j. Agricultural produce sales as provided in Section 18.52.036 (d) (2) above; and*
- k. Any other use determined by the Community Development Director to be incidental to and compatible with residential land uses.*

(2) Permitted home occupations that would otherwise exceed Section 18.52.036 (d) (1) e. above regarding vehicular traffic shall be considered a major home occupation and shall be required to submit the home occupation request as a use by special review meeting the provisions of Chapter 18.20 regarding special review. The use by special review request, if approved by the Planning Commission, shall be operated only by the original applicant at the original site and shall expire three (3) years after the date of approval unless renewed under the provisions of Section 18.52.036 (f) below.

(f) Home occupation permit.

(1) An application for a Home Occupation Permit shall be made to the Community Development Director for all home occupations except child care homes. Upon completion of an application provided to the Community Development Director or designee and upon verification by the Director that said home occupation meets the provisions of this Chapter, the Director shall issue a Home Occupation Permit, which shall require a fee established by the City Manager and which shall be renewed every three (3) years, subject to meeting all provisions herein at the time of renewal. Renewal of major home occupations as provided for in Section 18.52.036 (e) (2) above shall require notification of affected property owners and posting notice for the proposed renewal under the provisions of Chapter 18.18, Public Notice. If objections to the proposed renewal of a major home occupation are made to the Community Development Director or designee, then renewal of the major home occupation shall follow the provisions of the use by special review procedure as detailed in the applicable sections of Chapter 18.20, Review Procedures.

a. In accordance with the provisions of this Chapter, no use of the dwelling shall be made other than residential use and that use as specified on the Home Occupation Permit.

b. A copy of the Home Occupation Permit shall be filed with the City.

(2) If the Community Development Director determines that the use does not meet all of the requirements for a home occupation, then the Home Occupation Permit shall not be issued and the use shall either be brought into full compliance with the provisions of this Chapter or the use shall be abandoned and all operations ceased.

(g) Revocation.

(1) A Home Occupation Permit may be revoked or modified by the Community Development Director if any one (1) of the following findings can be made:

a. The use has become detrimental to the public health, safety or welfare, or constitutes a nuisance;

b. The permit was obtained by misrepresentation or fraud;

c. The use for which the permit was granted has ceased or was suspended for six (6) or more consecutive months;

d. The condition of the premises has changed negatively as a result of the home occupation;

e. One (1) or more of the conditions of the Home Occupation Permit have not been met; or

f. The use is in violation of any statute, ordinance, law or regulation.

18.52.040 Livestock.

The following provisions shall apply to the keeping of livestock:

ANIMAL UNIT EQUIVALENCY CHART*

<i>Animal Species</i>	<i>H-A Zone - max 2 animal units per acre animal unit equivalents</i>	<i>Equivalent number of allowed animals per acre</i>	<i>Max number of animals per acre</i>	<i>Other Zones - max 1 animal unit per acre animal unit equivalents</i>	<i>Equivalent number of allowed animals per acre</i>	<i>Max number of animals per acre</i>
<i>Slaughter, feed & dairy cattle, bison, elk, llamas, horses, mules, burros, yaks, alpacas</i>	<i>1.0</i>	<i>1.0</i>	<i>2.0</i>	<i>1.0</i>	<i>1.0</i>	<i>1.0</i>
<i>Swine, butcher & breeding - over 55 lbs.</i>	<i>.50</i>	<i>2.0</i>	<i>4.0</i>	<i>.50</i>	<i>2.0</i>	<i>2.0</i>
<i>Sheep, lamb, goats</i>	<i>.50</i>	<i>2.0</i>	<i>4.0</i>	<i>.50</i>	<i>2.0</i>	<i>2.0</i>
<i>Turkeys</i>	<i>.20</i>	<i>5.0</i>	<i>10.0</i>	<i>.20</i>	<i>5.0</i>	<i>5.0</i>
<i>Chickens, broiler & layer; rabbits</i>	<i>.10</i>	<i>10.0</i>	<i>20.0</i>	<i>.10</i>	<i>10.0</i>	<i>10.0</i>

(Young stock, less than 50% percent of adult weight, reduces the above equivalency factor by ½. "Per acre" refers to areas specifically devoted for animal use).

** This chart shall not be used in a cumulative fashion. For example, in the H-A Zone, there is a maximum of 2 animal units permitted per acre. These animal units may be derived from a combination of animals, but in no event shall it exceed the maximum of 2 animal units per acre.*

Chapter 18.53

Temporary Uses and Structures

18.53.010 Purpose and intent.

The purpose of this Chapter is to set forth regulations governing temporary uses and temporary structures.

18.53.020 Definitions.

The following terms as used in this Chapter shall have the following meanings:

Garage or yard sale shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building.

Outdoor vendor shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location.

Temporary use shall mean a use that occurs for commercial purposes on private land on an impermanent basis. A temporary use can operate at one location or regularly move locations.

Temporary structure shall mean a structure that exists on an impermanent basis during the operation of the temporary use and may require a building, fire, or other type of permit.

Temporary use permit shall mean the authorization from the city for the operation of a temporary use. The temporary use permit does not exempt the applicant from obtaining any required building permits for associated structures or other applicable permits or approvals from the city or outside public or private agencies.

18.53.030 General Provisions

(a) Temporary uses and any associated structures shall be subject to all zoning and other requirements of the Municipal Code, including the specific provisions set forth below.

(1) The following are allowable temporary uses per zoning district:

a. Temporary uses shall be considered as accessory uses in the zone district in which they are permitted, provided they are on lots that contain a principal building or use wherein active operations are being conducted. Temporary uses located on lots wherein active operations have ceased or never existed shall be considered principal uses and shall be subject to change of use provisions of Chapter 18.44.070 (k) (5). Temporary uses that qualify as accessory uses shall not be subject to change of use provisions of Chapters 18.16 and 18.44.070 (k) (5) which would otherwise require the properties on which they are located to be brought into compliance with the standards of this Code.

b. Temporary uses shall be limited to ninety days (90) days, unless otherwise noted, within a calendar year (i.e. twelve (12) months starting January 1st) for the duration of all the temporary use. Signage associated with any temporary use shall also be limited to the ninety (90) day provision. Duration of any temporary use may be extended for thirty (30) days subject to written approval by the Community Development Director if the use is in full compliance with all applicable provisions herein, unless noted otherwise within this code.

(2) A temporary use location shall have safe access, egress, and circulation, including emergency access, shall not impede traffic, and shall not significantly impact access or egress for existing uses.

(3) Setbacks of the applicable zone district shall apply to all temporary uses.

(4) A temporary use shall be subject to the screening requirement for the applicable zoning district, including screening of materials, equipment, and storage.

(5) Where a temporary use is located on a site with another permitted commercial use, adequate on-site parking shall be provided for the temporary use in addition to retaining the minimum required parking for existing commercial use.

(6) Merchandise, equipment or temporary structures shall not be permitted in the public right of way, access easements, or required bufferyards or setbacks in the applicable zoning district.

(7) Temporary uses shall operate only on improved sites, unless approved otherwise by the Community Development Director.

(8) The applicant shall obtain all associated, required and applicable approvals, permits, and licenses including, but not limited, a temporary use permit, a business license, a temporary sign permit, or outside agency approval, prior to initiating operations.

(9) The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of such permit or the date operations related to such permit cease except that permanent improvements made to the location may remain with the property owner's written consent.

(10) The Community Development Director may require the review of Administrative Review Team (ART) for temporary uses that involves multiple Departments.

(11) Unless noted otherwise within this Code, all Temporary Uses require approval by the Community Development Director, prior to commencing any activities.

18.53.040 Submittal Requirements.

(a) Any person, business or organization must submit an application for a temporary use permit in such form and content as may be prescribed by the Community Development Department. Such application shall include:

(1) Written authorization of the property owner or property manager.

(2) A narrative description of the use, associated structures, and the subject property, including duration of use, hours of operation, existing site conditions, method of site restoration, and any other relevant information.

(3) A site plan of the entire property drawn to scale that shows structures, dimensions, structure height, access, egress and circulation routes for the temporary use, parking, trash receptacles, existing and proposed locations of signage, and any other relevant information for the site or use.

(4) A temporary sign permit application in conformance with Chapter 18.54 (if applicable).

18.53.050 Special Provisions.

(a) Outdoor Vendors

(1) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 6.09 of the City's Code.

(2) Outdoor vendors are not subject to the provision of Sections 18.53.030(a) (1) b and Section 18.53.030 (3).

(3) Outdoor vendors located on lots wherein active operations in the principal building have ceased or never existed shall be considered principal uses and shall be subject to change of use provisions of Chapters 18.16 and 18.44.070 (k) (5) requiring that the properties upon which they are located be brought into compliance with the applicable standards of this Code.

(4) Any person who arranges for or allows one (1) or more outdoor vendors to operate at a special event must obtain a temporary use permit in accordance with Chapter 18.53.030.a.

(b) Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall provide the following:

(1) Before a carnival, circus or traveling show or exhibition may occur on a site, it shall fully comply with business license requirements in Chapter 6 of the City's Code.

(2) Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall provide the following:

- a. Rest rooms available to the public in adjacent structures or portable rest rooms;***
- b. Adequate access for emergency vehicles;***
- c. Adequate parking for customers and employees;***
- d. All vendors meeting current licensing requirements***

(c) Garage or yard sales shall provide the following:

(1) Garage or yard sales are not subject to the requirements of Section 18.53.030.

(2) A person or group of persons shall sell tangible personal property on the premises of one (1) of the owners or lessees of the premises where the sale is conducted and the owner or lessee shall be responsible for the tangible personal property at the time of the sale.

(3) A person shall not sell merchandise acquired solely for the purpose of resale at an occasional sale.

(4) A person shall not conduct a garage or yard sale for a duration of more than three (3) consecutive days within a calendar year, nor shall he or she conduct more than two (2) such sales on a premises during any calendar year (i.e. twelve (12) months starting January 1st).

(5) Any signs associated with the garage or yard sale shall comply with Section 18.54.110 (11) of the City Code. No signs shall be installed in the public right-of-way and all signs related to the garage or yard sale shall be removed immediately after the sale ends.

18.53.060 Temporary Structures

(a) General Provisions

(1) The following provisions shall apply to all those structures which, because of their short-term nature, shall be considered temporary structures.

a. The design and operation of the temporary structure shall be compatible with the design and operation of the principal use of the site and shall not impact such principal use.

b. Upon completion of all temporary occupancy of temporary structures, the site shall be cleaned, all evidence of its use removed and it shall be left in a condition that minimizes adverse impacts to the site and surrounding properties.

c. All signs shall be in conformance with Chapter 18.54, Signs.

d. The Administrative Review Team (ART) shall review all applications for temporary structures.

(b) Operation of a temporary concrete or asphalt batch plant related to and located in proximity to an on-going construction project shall provide the following:

(1) Comply with City, State and Federal laws at the batch plant site.

(2) Locate and operate the batch plant in a manner which eliminates excessive dust, noise and odor.

(3) Repair or replace any public improvement that is damaged during operation of the batch plant.

(4) If located adjacent to an established residential area, buffering shall be required as provided in Chapter 18.44 and the hours of operation of the batch plant shall be limited to between 7:00 a.m. and 7:00 p.m.

(5) Upon completion of the related construction project, a new review shall be required if the batch plant is relocated or if it is intended to remain at the same location to serve another construction project.

(c) Temporary construction or sales offices shall provide the following:

(1) The lot used as a temporary construction yard shall be adjacent to the construction site, or located in such a manner that access from the temporary yard to the site does not impact public streets or surrounding uses. A sales office shall be limited to sales for the subject site.

(2) Temporary office structures shall be architecturally compatible with surrounding uses and may be permitted on the site until seventy-five percent (75%) of the subdivision is built out.

(3) All structures and materials on a temporary construction yard shall be removed within one (1) month after occupancy of the project for which the construction office is related.

(4) If the sales office is intended as a model home, it shall be completed to meet all Building and Zoning Code requirements.

Chapter 18.54

Signs

18.54.130 Temporary signs, including portable signs, searchlights and beacons.

(a) Temporary signs shall be allowed per storefront in addition to the amount of permanent signage that is otherwise permitted. Temporary signs require a temporary sign permit.

Temporary signs shall comply with all other applicable provisions of this Chapter, including the provision of Section 18.54.060 (Sign Permits).

(b) The total amount of temporary signage shall not exceed thirty-three (33) square feet in all residential R-H and C-L zones, or fifty (50) square feet in all other commercial and industrial zones.

(c) Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of sixty (60) days in any calendar year.

(d) If more than one temporary sign is proposed, each sign will count towards the total calendar year allowance (i.e. 3 signs for 20 days = 60 days). The total sign area for all signs shall not exceed the total amount of temporary sign allowance.

(e) Temporary signs associated with a temporary use under the provisions of Chapter 18.53.030 shall be limited to the duration of the temporary use, not to exceed more than ninety (90) days in any calendar year. The temporary sign permit may be extended for up to an additional thirty (30) days, provided the Community Development Director has granted an extension of the associated temporary use.

(f)-(e) Any property that contains an outdoor Electronic Messaging Display will not be permitted any additional temporary sign allowance.

(g) (f) Balloons, inflatable signs and other inflatable objects containing text and/or graphics for advertising purposes and which have a total visible area (individually or combined) that does not exceed thirty-three (33) square feet shall be considered a temporary sign and shall require a sign permit. Balloons that do not contain text and/or graphics shall not require a sign permit. No balloon, inflatable sign or other inflatable object shall exceed the height of the principal building on the site and shall not extend over the public right-of-way when fully extended, or impede pedestrian or vehicular traffic.

(h) (g) Searchlights or beacons shall be considered temporary signs, shall require a sign permit and are allowed a maximum of three (3) days per calendar year. Searchlights or beacons shall not be placed or used in such a way that impedes pedestrian or vehicular traffic, or results in light or glare at grade.

Appendix 18-B Definitions

Accessory building or structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Electric fence as used in this chapter shall mean any fence using, carrying or transmitting an electrical current for any purpose, except electric or radio transmission dog or cat fence not meant to detain any person or animal except the dog or cat wearing the transmission collar.

Garage or yard sale shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building. ~~and which shall occur no more than two (2) times during a calendar year, for no more than three (3) consecutive days each time, within any consecutive twelve month period.~~

Home occupation shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.36.52.036

Open fence shall mean a fence that is at least seventy-five percent (75%) transparent. See also solid fence.

Outdoor vendor shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location.

Solid fence shall mean a fence that is at least seventy-five percent (75%) opaque. See also open fence.

Topic: Election Signs

Staff Analysis: In 2015, the United States Supreme Court reviewed a case regarding the Town of Gilbert, Arizona sign regulations, as it relates to temporary non-commercial signs (Reed v. Town of Gilbert). The Court's findings reinforced the issue of "content neutrality" as it applies to government regulation of signs all over the County, denoting an "absolutist" approach versus a "functional" or "purposeful" approach. The court found that the Town of Gilbert treated different categories of exempt non-commercial signs in a different manner, the Town's sign code (as it related to non-commercial signs) was found to be unconstitutional. Essentially, exemptions from the sign code based on content, rather than structure, time, place and manner, discriminates against certain types of speech based on content.

In response to the recent U.S. Supreme Court decision, the City of Greeley's staff is in the process of proposing updates to the sign code that reflect the Court's decision, as it relates to non-commercial signs. As a first step in the code update, Staff is recommending the removal of the time duration for Election Signs, consistent to the Court's findings. Additional updates will be forthcoming.

Proposed Changes:

Chapter 18.54

Signs

18.54.110 Signs Not Requiring a Sign Permit.

(9) Election sign. Election signs are allowed in all zoning districts and are subject to the following provisions:

- a. Each sign shall not exceed thirty-two (32) square feet per sign face.
- ~~b. An election sign shall not be posted more than ninety (90) days prior to the public election to which the sign relates;~~
- ~~c. Election signs shall be removed within fifteen (15) days following the conclusion of the public election;~~
- b.d. Election signs may be located on a property only with the consent of the property owner, authorized property manager, or legal tenant;
- c.e. In no event shall an election sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard.

Topic: Building or structure height

Staff Analysis: The City's Land Development Code defines how the height of a building is calculated. "Building or Structure height shall mean the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or to the highest point of a curved roof ... This measurement shall be exclusive of church spires, chimneys, ventilators, pipes and similar appurtenances." The 2012 International Residential Building Code defines height similarly to that of the City's Development Code: "Height, Building. The vertical distance from grade plane to the average height of the highest roof surface. Once the elevation of the grade plane has been calculated, it is possible to determine a building's height, which is measured vertically from the grade plane to the average height of the highest roof surface." Over the past few years, several requests have been presented to the City regarding interpretations on how building heights are measured for double or triple gabled roofs. As such, an illustration is proposed to be added to the definition to help clarify situations where 2 or more gables are proposed for structure construction, especially for accessory structures.

Proposed Changes:

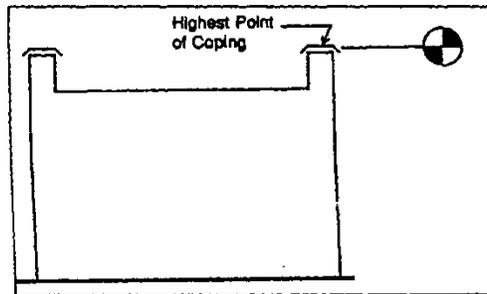
Appendix 18-B Definitions

Building or structure height shall mean the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height

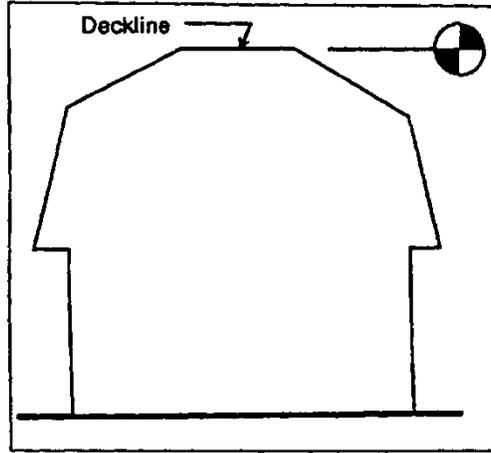
of the highest gable of a hipped roof, **or a monitor roof**, or to the highest point of a curved roof. For the purposes of measuring the setback and height performance options in Section 18.38.100 of this Title, setback increases shall only be required for that portion of the building for which a height increase is sought. This measurement shall be exclusive of church spires, **cupulas**, chimneys, ventilators, pipes and similar appurtenances. For purposes of this definition, *grade* as a point of measure shall mean either of the following, whichever yields a greater height of building or structure:

- a. The elevation of the highest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.
- b. An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.

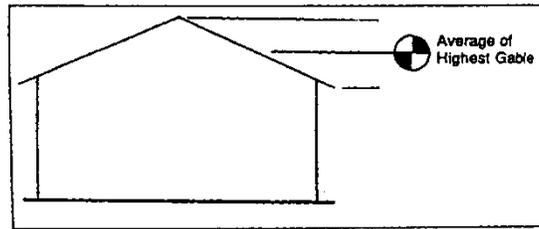
The height of the building is the vertical distance above a reference datum measured to:



**Building with flat roof
(measured to highest point of coping)**



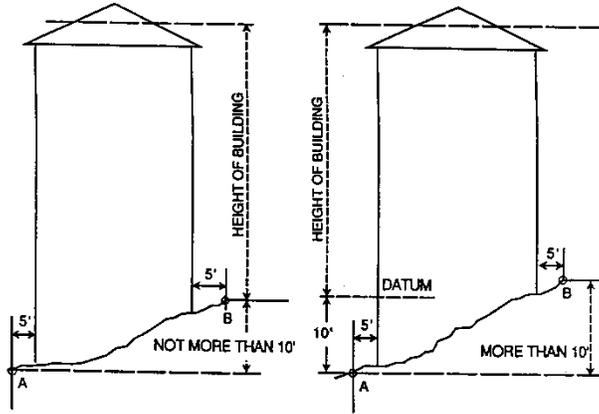
Mansard roof (measured to decline)



**Hipped or gabled roof
(measured to average of highest gable)**



***Gabled roof (2 or more gables)
(Measured to the average of the highest gable)***



* Measure height at ten (10) feet above the lowest point of the ground.

Chapter 18.52

Accessory Uses and Structures

18.52.010 Purpose and intent.

The purpose of this Chapter is to set forth regulations governing accessory uses and structures.

18.52.020 Definitions.

The following terms as used in this Chapter shall have the following meanings:

Accessory structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use shall mean a use customarily incidental, related and subordinate to the main use of the lot,

Electric fence as used in this chapter shall mean any fence using, carrying or transmitting an electrical current for any purpose, except electric or radio transmission dog or cat fence not meant to detain any person or animal except the dog or cat wearing the transmission collar.

Fence shall mean any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Home occupation shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.52.036

Home occupation, rural shall mean an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation.

Livestock shall mean animals typically related to agricultural or farming uses, including but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Open fence shall mean a fence that is at least seventy-five percent (75%) transparent. See also solid fence.

Sidewalk shall mean a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Solid fence shall mean a fence that is at least seventy-five percent (75%) opaque. See also open fence.

18.52.030 Accessory uses and structures.

The following provisions shall apply to accessory uses, structures and buildings:

(a) The accessory uses or structures shall be subordinate to and customarily found with the principal use of the land or site.

(b) Accessory uses or structures shall be located on the same lot as the principal use.

(c) Accessory structures shall not exceed the height of the principal building or structure and sixty percent (60%) of the footprint of the principal building on the site, including attached garage area, except in the H-A Zone, which shall not have a limit on the size of accessory structures and buildings used for agricultural purposes.

(d) In residential zones, the sixty-percent (60%) limit may be exceeded for one (1) detached garage if all of the following criteria are met:

(1) The detached garage is used to accommodate parking for residential uses on-site.

(2) The detached garage shall be no larger than six hundred sixty (660) square feet in size.

(3) The site cannot exceed one hundred fifty percent (150%) of the required amount of parking spaces.

The total square footage of all accessory buildings and structures in residential zones shall not exceed the footprint of the principal building, including attached garage area. In commercial and industrial zones, there shall be no limit on the size or number of accessory buildings and structures, but such accessory buildings and structures shall be required to meet all applicable design review standards if in an infill location.

(e) Accessory uses or structures shall be operated and maintained for the benefit or convenience of the occupants, employees and customers of or visitors to the premises which contains the principal use.

(f) Accessory structure shall not be used for living or sleeping quarters except for industrial uses which may provide accessory living or sleeping quarters for the housing of security or maintenance personnel in close proximity to the industrial use and which shall not exceed one thousand two hundred (1,200) square feet in size. In no event shall such accessory living or sleeping quarters become an independent living unit, nor shall the accessory building or structure be subdivided from the remainder of the site.

(g) Accessory structures shall comply with the front, rear and side yard setbacks set forth in Chapter 18.38. Portable accessory buildings less than one hundred twenty (120) square feet in size which do not require a building permit shall be permitted to locate in rear and interior side yard setbacks. When accessory buildings and structures have alley access, the setback from the

alley shall be a minimum of five (5) feet when access to the accessory building or structure occurs parallel to the alley. Otherwise, the minimum setbacks for accessory buildings or structures that have direct access from the alley shall be a minimum of ten (10) feet.

(h) Accessory structures which require building permits shall be constructed of similar materials and in a similar design as the principal building or structure.

18.52.035 Fences and walls.

(a) General Provisions

(1) Fences and walls shall be considered accessory structures in all zoning districts.

(2) A building permit is not required for fences up to six (6) feet tall; all fences must meet zoning code requirements. Fences or walls located within a floodway will require a floodplain development permit.

(3) Fences along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (1/3) of the length of the fence or fence section (as applicable) by a minimum of three (3) feet.

(4) All fences shall have the finished (smooth) side facing the public right-of-way, common open space, or other public areas, as applicable.

(5) All fencing and walls shall be maintained in good condition, including but not limited to replacing or repairing broken components, such as pickets, and repainting.

(b) Fence and Wall Placement

(1) Fences and walls shall be located on-lot or on the property line between lots and constructed of durable materials which are visually pleasing and provide the necessary screening and/or enclosure.

(2) Fences and walls shall be located no closer than two (2) feet to a public sidewalk on the front and street side;

(3) Fences and walls shall be located no closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line.

(4) In no event shall a fence or wall be located in or extend partly into any public right-of-way or easement without first obtaining a revocable right-of-way permit from the Public Works Department.

(c) Fence and wall height

(1) For the purposes of this Section, the height of a fence or wall shall be the distance from the top of the fence or wall to the finished grade of the lot directly under the fence or wall as such grade existed at the time the fence or wall was constructed. Any berm, wall or similar feature that is constructed for the purpose of increasing the height of a fence or wall shall be considered to be a part of the fence or wall.

(2) Fences and walls which are located in required front setbacks for residential uses shall not exceed forty-two (42) inches in height, as measured at grade where the fence will be located.

(3) Fencing for residential, commercial, industrial and institutional uses may exceed forty-two (42) inches in height in the front yard or in a required street setback only if the fencing is constructed of decorative wrought iron or similar-appearing material and is at least seventy-five percent (75%) visually open; and in no event shall such fencing exceed six (6) feet in height or impair sight distance. Fences which are a required element of buffer yards and screen walls in industrial, commercial and institutional districts or uses shall be exempt from this requirement, except for sight distance requirements.

(4) If a lot or site is a corner lot, fences, walls and hedges located within the clear vision zone of said lot shall be limited to a height of thirty-six (36) inches. A fence, wall or hedge which exceeds these height limitations when measured on one (1) side thereof, but not when measured on both sides, shall not be in violation of these provisions.

(5) In the I-M and I-H zoning districts, chain-link fences may exceed the six-foot height limitation, provided that the chain-link fence is designed as an open fence.

(d) Fence and Wall Materials

(1) Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl, decorative concrete, PVC fence material or any other material approved by the Director.

(2) All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.

(3) Chain-link fencing is not permitted in the required front setbacks for residential or commercial uses.

(4) Chain-link fencing, with fencing slats are permitted in the I-M and I-H zone districts only, provided such fences are not located along collector and arterial roadways.

(5) No more than three (3) strands of barbed wire may be added to the height of chain-link fencing in the I-M, I-H, C-D and H-A zoning districts subject to the following:

a. The lowest strand of barbed wire is maintained at least six and one-half (6½) feet above the adjoining ground level outside the fence; and

b. Exterior area security lighting, controlled by an automatic light level switch, is installed and maintained in good operating condition.

(6) Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, fencing slats (except in the I-M and I-H zoned districts), scrap wood or any other material not customarily sold for fencing.

(7) Plastic or temporary construction fence may not be used as a permanent fence material.

(8) Approved materials for wall construction include, but are not limited to: commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director.

(9) Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

(10) Retaining walls.

a. Retaining walls shall be constructed of a high quality material such as stone, masonry block with an integral color and exterior texture, or concrete with stone, brick or stucco facing, taking into account the character and materials of the related building and landscape plan. Where retaining walls are adjacent to a public right-of-way or residential area, such walls shall have a decorative exterior finish. Non-pressure treated wood and wood materials, vinyl or other plastic materials shall not be permitted for the construction of retaining walls.

b. Where retaining walls are proposed in setbacks, such walls shall be treated as fencing for determining permitted height and shall require a minimum setback of one (1) foot for every additional one (1) foot of retaining wall height above the maximum allowed six-foot height. Areas between retaining wall tiers shall be a minimum of two (2) feet in width between each tier and shall contain live plantings when feasible.

c. Any retaining wall proposed to exceed a height of six (6) feet shall require approval of a variance under the provisions of Chapter 18.22, Variances. This Subsection shall not apply where retaining walls are not visible from an adjacent public right-of-way or residential area.

18.52.036 Home Occupations.

(a) Home occupations shall be permitted as an accessory use to any dwellings in accordance with the provisions of this Chapter.

(b) The conduct of a home occupation requires the approval of the Community Development Director or Planning Commission as provided in Section 18.52.036 (f), who may establish

conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Community Development Department.

(c) Home occupations shall not be transferable to alternate locations or persons.

(d) Home occupation requirements.

(1) A home occupation shall be permitted as an accessory use to a dwelling, provided that all of the following conditions are continuously met:

a. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke or vibrations detectable outside the dwelling.

b. All persons involved in carrying on the home occupation on the premises shall be legal and regular inhabitants of the dwelling unit. No other employees associated with the home occupation may be at the site for the purpose of conducting any part of the business operation.

c. The dwelling unit shall continue to be used primarily for residential purposes, and the occupational activities shall be harmonious with the residential use.

d. There shall be no sale and/or display of merchandise which requires customers to go to the property, except as provided in Subsection (2) below.

e. Vehicular traffic associated with the home occupation shall not adversely affect traffic flow and parking in the area. No more than one (1) customer or client vehicle associated with the home occupation shall be at the home at a time, and no more than ten (10) customer/client visits to the home per week and no more than two (2) trips per week shall be related to the delivery of products and/or materials, with the exception of child care homes.

f. No more than twenty percent (20%) of the living space shall be used for the home occupation and any related storage of materials and supplies, except where the home occupation is a board and care home or a child care home, and shall meet state requirements, where applicable. In no event shall the garage be counted toward the total living space area, except as provided in Subsection (2) below.

g. The home occupation shall be confined within the dwelling which shall be the principal building and use on the lot, except as provided in Subsection (2) below, and shall not include use of the garage, whether attached or detached, except for the parking of a vehicle associated with the home occupation.

h. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes. Electrical or mechanical equipment which creates audible interference in radio receivers or visual or audible interference in television

receivers, or causes fluctuations in line voltage outside the dwelling unit, shall be prohibited.

i. There shall be no on-premises signs advertising the home occupation.

j. Activities conducted and equipment and material used or stored shall comply with the Building Code.

k. There shall be no use or storage of mechanical equipment not recognized as being a part of normal household or hobby use.

l. Only one (1) vehicle, not to exceed one (1) ton capacity, and one (1) trailer which cannot exceed fifteen (15) feet, may be related to and used in conjunction with the home occupation and shall be parked on site except as provided in Subsection (2) below. (See also Subsection 18.38.020 (p)).

m. Only one (1) home occupation shall be permitted per residence unless more than one (1) home occupation can be operated using the same area within the residence, which shall constitute no more than twenty percent (20%) of the living space and can operate within the parameters of a single home occupation.

n. The conditions herein may be altered upon reasonable cause and with approval of the Community Development Director.

(2) The production and sale of agricultural produce at a rural home occupation, at which all produce for sale has been grown at the site, shall be permitted within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation. Equipment used in the production of agricultural produce shall be that customarily associated with farming or agricultural purposes and shall not be limited in size or number.

(e) Permitted home occupations.

(1) The following list of permitted home occupations are examples of those occupations which are considered to be incidental to and compatible with residential land uses subject to all provisions of Section 18.52.036 (d), as applicable:

a. Art or photo studio;

b. Sewing or tailoring;

c. Professional office;

d. Teaching or tutoring;

e. Child care home;

f. Board and care home;

g. Clerical, word processing or desktop publishing services;

h. Barber or beauty shop (for the purposes of this Section, body piercing and tattoo establishments shall not constitute a beauty shop);

i. Massage therapists who are state-certified;

j. Agricultural produce sales as provided in Section 18.52.036 (d) (2) above; and

k. Any other use determined by the Community Development Director to be incidental to and compatible with residential land uses.

(2) Permitted home occupations that would otherwise exceed Section 18.52.036 (d) (1) e. above regarding vehicular traffic shall be considered a major home occupation and shall be required to submit the home occupation request as a use by special review meeting the provisions of Chapter 18.20 regarding special review. The use by special review request, if approved by the Planning Commission, shall be operated only by the original applicant at the original site and shall expire three (3) years after the date of approval unless renewed under the provisions of Section 18.52.036(f) below.

(f) Home occupation permit.

(1) An application for a Home Occupation Permit shall be made to the Community Development Director for all home occupations except child care homes. Upon completion of an application provided to the Community Development Director or designee and upon verification by the Director that said home occupation meets the provisions of this Chapter, the Director shall issue a Home Occupation Permit, which shall require a fee established by the City Manager and which shall be renewed every three (3) years, subject to meeting all provisions herein at the time of renewal. Renewal of major home occupations as provided for in Section 18.52.036 (e) (2) above shall require notification of affected property owners and posting notice for the proposed renewal under the provisions of Chapter 18.18, Public Notice. If objections to the proposed renewal of a major home occupation are made to the Community Development Director or designee, then renewal of the major home occupation shall follow the provisions of the use by special review procedure as detailed in the applicable sections of Chapter 18.20, Review Procedures.

a. In accordance with the provisions of this Chapter, no use of the dwelling shall be made other than residential use and that use as specified on the Home Occupation Permit.

b. A copy of the Home Occupation Permit shall be filed with the City.

(2) If the Community Development Director determines that the use does not meet all of the requirements for a home occupation, then the Home Occupation Permit shall not be issued and the use shall either be brought into full compliance with the provisions of this Chapter or the use shall be abandoned and all operations ceased.

(g) Revocation.

(1) A Home Occupation Permit may be revoked or modified by the Community Development Director if any one (1) of the following findings can be made:

- a. The use has become detrimental to the public health, safety or welfare, or constitutes a nuisance;
- b. The permit was obtained by misrepresentation or fraud;
- c. The use for which the permit was granted has ceased or was suspended for six (6) or more consecutive months;
- d. The condition of the premises has changed negatively as a result of the home occupation;
- e. One (1) or more of the conditions of the Home Occupation Permit have not been met; or
- f. The use is in violation of any statute, ordinance, law or regulation.

18.52.040 Livestock.

The following provisions shall apply to the keeping of livestock:

ANIMAL UNIT EQUIVALENCY CHART*

Animal Species	H-A Zone - max 2 animal units per acre animal unit equivalents	Equivalent number of allowed animals per acre	Max number of animals per acre	Other Zones - max 1 animal unit per acre animal unit equivalents	Equivalent number of allowed animals per acre	Max number of animals per acre
Slaughter, feed & dairy cattle, bison, elk, llamas, horses, mules, burros, yaks, alpacas	1.0	1.0	2.0	1.0	1.0	1.0
Swine, butcher & breeding - over 55 lbs.	.50	2.0	4.0	.50	2.0	2.0
Sheep, lamb, goats	.50	2.0	4.0	.50	2.0	2.0
Turkeys	.20	5.0	10.0	.20	5.0	5.0
Chickens, broiler & layer; rabbits	.10	10.0	20.0	.10	10.0	10.0

(Young stock, less than 50% percent of adult weight, reduces the above equivalency factor by ½. "Per acre" refers to areas specifically devoted for animal use).

* This chart shall not be used in a cumulative fashion. For example, in the H-A Zone, there is a maximum of 2 animal units permitted per acre. These animal units may be derived from a combination of animals, but in no event shall it exceed the maximum of 2 animal units per acre.

Chapter 18.53

Temporary Uses and Structures

18.53.010 Purpose and intent.

The purpose of this Chapter is to set forth regulations governing temporary uses and temporary structures.

18.53.020 Definitions.

The following terms as used in this Chapter shall have the following meanings:

Garage or yard sale shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building.

Outdoor vendor shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location.

Temporary use shall mean a use that occurs for commercial purposes on private land on an impermanent basis. A temporary use can operate at one location or regularly move locations.

Temporary structure shall mean a structure that exists on an impermanent basis during the operation of the temporary use and may require a building, fire, or other type of permit.

Temporary use permit shall mean the authorization from the city for the operation of a temporary use. The temporary use permit does not exempt the applicant from obtaining any required building permits for associated structures or other applicable permits or approvals from the city or outside public or private agencies.

18.53.030 General Provisions.

(a) Temporary uses and any associated structures shall be subject to all zoning and other requirements of the Municipal Code, including the specific provisions set forth below.

(1) The following are allowable temporary uses per zoning district:

a. Temporary uses shall be considered as accessory uses in the zone district in which they are permitted, provided they are on lots that contain a principal building or use wherein active operations are being conducted. Temporary uses located on lots wherein active operations have ceased or never existed shall be considered principal uses and shall be subject to change of use provisions of Chapter 18.44.070 (k) (5). Temporary uses that qualify as accessory uses shall not be subject to change of use provisions of Chapters 18.16 and 18.44.070 (k) (5) which would otherwise require the properties on which they are located to be brought into compliance with the standards of this Code.

b. Temporary uses shall be limited to ninety days (90) days, unless otherwise noted, within a calendar year (i.e. twelve (12) months starting January 1st) for the duration of all the temporary use. Signage associated with any temporary use shall also be limited to the ninety (90) day provision. Duration of any temporary use may be extended for thirty (30) days subject to written approval by the Community Development Director if the use is in full compliance with all applicable provisions herein, unless noted otherwise within this code.

(2) A temporary use location shall have safe access, egress, and circulation, including emergency access, shall not impede traffic, and shall not significantly impact access or egress for existing uses.

(3) Setbacks of the applicable zone district shall apply to all temporary uses.

(4) A temporary use shall be subject to the screening requirement for the applicable zoning district, including screening of materials, equipment, and storage.

(5) Where a temporary use is located on a site with another permitted commercial use, adequate on-site parking shall be provided for the temporary use in addition to retaining the minimum required parking for existing commercial use.

(6) Merchandise, equipment or temporary structures shall not be permitted in the public right of way, access easements, or required bufferyards or setbacks in the applicable zoning district.

(7) Temporary uses shall operate only on improved sites, unless approved otherwise by the Community Development Director.

(8) The applicant shall obtain all associated, required and applicable approvals, permits, and licenses including, but not limited, a temporary use permit, a business license, a temporary sign permit, or outside agency approval, prior to initiating operations.

(9) The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of such permit or the date operations related to such permit cease except that permanent improvements made to the location may remain with the property owner's written consent.

(10) The Community Development Director may require the review of Administrative Review Team (ART) for temporary uses that involves multiple Departments.

(11) Unless noted otherwise within this Code, all Temporary Uses require approval by the Community Development Director, prior to commencing any activities.

18.53.040 Submittal Requirements.

(a) Any person, business or organization must submit an application for a temporary use permit in such form and content as may be prescribed by the Community Development Department. Such application shall include:

(1) Written authorization of the property owner or property manager.

(2) A narrative description of the use, associated structures, and the subject property, including duration of use, hours of operation, existing site conditions, method of site restoration, and any other relevant information.

(3) A site plan of the entire property drawn to scale that shows structures, dimensions, structure height, access, egress and circulation routes for the temporary use, parking, trash receptacles, existing and proposed locations of signage, and any other relevant information for the site or use.

(4) A temporary sign permit application in conformance with Chapter 18.54 (if applicable).

18.53.050 Special Provisions.

(a) Outdoor Vendors

(1) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 6.09 of the City's Code.

(2) Outdoor vendors are not subject to the provision of Sections 18.53.030(a) (1) b and Section 18.53.030 (3).

(3) Outdoor vendors located on lots wherein active operations in the principal building have ceased or never existed shall be considered principal uses and shall be subject to change of use provisions of Chapters 18.16 and 18.44.070 (k) (5) requiring that the properties upon which they are located be brought into compliance with the applicable standards of this Code.

(4) Any person who arranges for or allows one (1) or more outdoor vendors to operate at a special event must obtain a temporary use permit in accordance with Chapter 18.53.030.a.

(b) Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall provide the following:

(1) Before a carnival, circus or traveling show or exhibition may occur on a site, it shall fully comply with business license requirements in Chapter 6 of the City's Code.

(2) Outdoor carnivals, circuses, traveling shows, exhibitions, festivals and street fairs shall provide the following:

a. Rest rooms available to the public in adjacent structures or portable rest rooms;

b. Adequate access for emergency vehicles;

c. Adequate parking for customers and employees;

d. All vendors meeting current licensing requirements

(c) Garage or yard sales shall provide the following:

(1) Garage or yard sales are not subject to the requirements of Section 18.53.030.

(2) A person or group of persons shall sell tangible personal property on the premises of one (1) of the owners or lessees of the premises where the sale is conducted and the owner or lessee shall be responsible for the tangible personal property at the time of the sale.

(3) A person shall not sell merchandise acquired solely for the purpose of resale at an occasional sale.

(4) A person shall not conduct a garage or yard sale for a duration of more than three (3) consecutive days within a calendar year, nor shall he or she conduct more than two (2) such sales on a premises during any calendar year (i.e. twelve (12) months starting January 1st).

(5) Any signs associated with the garage or yard sale shall comply with Section 18.54.110 (11) of the City Code. No signs shall be installed in the public right-of-way and all signs related to the garage or yard sale shall be removed immediately after the sale ends.

18.53.060 Temporary Structures.

(a) General Provisions

(1) The following provisions shall apply to all those structures which, because of their short-term nature, shall be considered temporary structures.

a. The design and operation of the temporary structure shall be compatible with the design and operation of the principal use of the site and shall not impact such principal use.

b. Upon completion of all temporary occupancy of temporary structures, the site shall be cleaned, all evidence of its use removed and it shall be left in a condition that minimizes adverse impacts to the site and surrounding properties.

c. All signs shall be in conformance with Chapter 18.54, Signs.

d. The Administrative Review Team (ART) shall review all applications for temporary structures.

(b) Operation of a temporary concrete or asphalt batch plant related to and located in proximity to an on-going construction project shall provide the following:

(1) Comply with City, State and Federal laws at the batch plant site.

(2) Locate and operate the batch plant in a manner which eliminates excessive dust, noise and odor.

(3) Repair or replace any public improvement that is damaged during operation of the batch plant.

(4) If located adjacent to an established residential area, buffering shall be required as provided in Chapter 18.44 and the hours of operation of the batch plant shall be limited to between 7:00 a.m. and 7:00 p.m.

(5) Upon completion of the related construction project, a new review shall be required if the batch plant is relocated or if it is intended to remain at the same location to serve another construction project.

(c) Temporary construction or sales offices shall provide the following:

(1) The lot used as a temporary construction yard shall be adjacent to the construction site, or located in such a manner that access from the temporary yard to the site does not impact public streets or surrounding uses. A sales office shall be limited to sales for the subject site.

(2) Temporary office structures shall be architecturally compatible with surrounding uses and may be permitted on the site until seventy-five percent (75%) of the subdivision is built out.

(3) All structures and materials on a temporary construction yard shall be removed within one (1) month after occupancy of the project for which the construction office is related.

(4) If the sales office is intended as a model home, it shall be completed to meet all Building and Zoning Code requirements.