

Title 4 UNIFIED DEVELOPMENT CODE

Chapter 4-1 ZONING

Article 4-1-B ZONING DISTRICT REGULATIONS

Section 4-1-B-24 ACCESSORY USES AND STRUCTURES.

Principal uses specified as permitted or special uses by the district regulations of this Title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations. In no case shall an accessory use, building or structure be established on a lot until the principal use has been established.

F. Accessory Use Development And Performance Standards:

1. **Accessory Apartments:** (Reserved for future adoption)

2. **Accessory Buildings And Structures:**

a. **General:**

1. **Floor Area:** Unless otherwise provided in this Section, the total floor area of any 1 accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the total ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures shall be in compliance with zoning district open space requirements.
2. **Appearance:** Residential accessory buildings and structures that are larger than 200 square feet in area shall be constructed of quality materials and shall be compatible in design and character with the dwelling unit.
3. **Height:** Residential accessory buildings and structures shall not exceed 25 feet in height.
4. **Vision Obstructions At Intersections:** Accessory buildings and structures are subject to the requirements of [Section 4-1-B-26](#) of this Article.
5. **Double-Frontage Lots:** On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, an accessory building or structure shall be located no closer to the abutting street than a line established by the platted front building line of the adjacent property or, if unplatted, the distance from the street to the required front building line. However, the Planning Commission, at the time of the platting or Community Development Director thereafter shall have the authority to reduce the setback requirement, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general neighborhood character along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed accessory building or structure, the difference in elevation of the affected properties, and other existing site characteristics.

6. **Nonresidential Use In Residential Zoning Districts:** Accessory buildings and structures for permitted or approved nonresidential uses in residential zoning districts shall follow the minimum property development regulations for the NP-O, Planned Neighborhood Office District, except that no accessory building or structure shall exceed 25 feet in height.
7. **Temporary Portable Storage Containers:** Temporary portable storage containers in residential and agricultural zoning districts shall not be utilized as permanent accessory structures.

b. **AG, RE And RP-E Zoning Districts:**

1. **Location:** In order to maintain the open space character of these larger lots, accessory structures shall be subject to the zoning district property development regulations of this Chapter with the following exceptions:
 - a. Residential accessory buildings and structures 200 square feet or smaller in area and no more than 10 feet in height shall be permitted within interior side and rear yard areas, provided that they maintain a minimum setback of 10 feet from the property line.
 - b. On parcels which are larger than 1 acre, the Community Development Director may permit residential accessory buildings and carports to be located within the front yard area but behind the required front and side yard setback lines where the principal structures within the established neighborhood generally maintain greater setbacks or other similar design diversity has been established. Such buildings shall be constructed of quality materials and designed to be architecturally compatible with the dwelling unit.

c. **R-1, RP-1, RP-2 Zoning Districts:**

1. **Location:** Accessory buildings and structures shall be located in the rear yard, subject to the following requirements and exceptions:
 - a. **Side Yard:** Accessory buildings and structures shall be permitted to occupy side yards provided that they comply with the zoning district's setback requirements, are constructed with quality materials and are architecturally compatible with the dwelling unit.
 - b. **Parcels Larger Than 1 Acre:** On parcels which are larger than 1 acre, the Community Development Director may permit residential accessory buildings and structures to be located within the front yard area, but behind the required front and side setback lines, where the principal structures within the established neighborhood generally maintain greater setbacks, or other similar design diversity has been established. Such buildings and structures shall be constructed of quality materials and designed to be architecturally compatible with the dwelling unit.
2. **Floor Area:** The total floor area of any one accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures is subject to the following:
 - a. **Lots Less Than 1 Acre:** The maximum allowed total ground floor area for all accessory buildings and structures shall not exceed 250 square feet in area for each 3,000 square feet of lot area up to a maximum of 1,500 square feet.
 - b. **Lots At Least 1 Acre But Less Than 2 Acres:** The maximum allowed total ground floor area of all accessory buildings and structures shall be 2,000 square feet.
 - c. **Lots At Least 2 Acres But Less Than 5 Acres:** The maximum allowed total ground floor area of all accessory buildings and structures shall increase from 1,500 square feet by 1,000 square feet for each full acre of lot size greater than 1 acre and on a pro rata basis for each fraction of a full acre.

- d. **Lots 5 Acres or Larger:** The total ground floor coverage for all accessory buildings and structures shall not be limited if the structures comply with the zoning district setback and open space requirements of this Chapter.

3. **Setbacks:**

- a. Accessory buildings with a ground floor area no larger than 200 square feet and a height no taller than 10 feet shall be set back at least 5 feet from rear and side property lines. If the accessory building is taller than 10 feet, the setback shall be at least equal to the height of the structure, but need not exceed the minimum yard setback requirements for the zoning district in which it is located, unless otherwise required by this Chapter.
- b. All accessory structures, and those accessory buildings with a ground floor area greater than 200 square feet shall comply with the yard setback requirements for the zoning district in which they are located, unless otherwise required by this Chapter.

4. **Height:** Residential accessory buildings and structures shall not exceed 25 feet in height.

5. **Appearance:** Residential accessory buildings and structures that are larger than 200 square feet in area shall be constructed of quality materials and shall be compatible in character with the dwelling unit.

- d. **All Other Zoning Districts:** Except as noted below, accessory buildings and structures shall be subject to the property and planned development regulations of the zoning district in which they are located.

Incidental buildings that do not exceed 200 square feet in area and 10 feet in height, such as guardhouses and mechanical buildings that require unique locations for functional reasons, may be permitted within required yard areas, provided that such structures shall be constructed with quality materials which are architecturally compatible with adjacent buildings and structures, and provided that they maintain a minimum setback of 10 feet from property lines.

- 3. **Accessory Retail Services In Office Buildings:** The following ancillary commercial activities shall be permitted as accessory office uses in the CP-O District if the conditions set forth below are met: a) retail sale of convenience goods, including, but not limited to, pharmaceuticals, toiletries, tobacco, magazines and flowers; b) general restaurants; and c) barber and beauty care.

- a. The accessory commercial activities shall be located within the same building as a permitted principal activity and shall serve only the occupants of the building.
- b. The structure containing the principal activity shall have a minimum of 10,000 square feet of floor space devoted to the principal activity.
- c. The accessory commercial activities shall occupy no more than 10 percent of the gross floor area within the principal building.
- d. No signs or other external evidence of ancillary convenience uses shall be visible from a public street or adjacent lot.
- e. No direct exterior customer access shall be provided to the accessory retail service use.

4. **Animals:**

- a. **Domestic, Nonfarm Animals:** The raising, keeping and breeding of domestic, nonfarm animals for purely noncommercial purposes shall be considered a permitted accessory use in residential zoning districts. Compliance with the animal control regulations of Title 3, Chapter 2 of the City Code shall also be required.
- b. **Livestock and/or Poultry:** The raising, keeping and breeding of livestock and/or poultry shall be permitted on AG, Agricultural District, zoned lots of at least three (3) acres in size. The raising, keeping and breeding of livestock and/or poultry for purely noncommercial purposes shall be permitted as an

accessory use on AG-zoned lots of less than three (3) acres in size and on nonagriculturally zoned land only in accordance with the provisions of Title 3, [Chapter 3-2](#) of this Code.

- c. **Exotic/Wild Animals:** Except as provided in [Article 3-2-1](#) of this Code, the keeping of exotic, wild, or hybrid animals is prohibited in all zoning districts. Compliance with the animal control regulations of Title 3, [Chapter 3-2](#) of the City Code shall also be required.
- d. **Bees:** No bees or beehives shall be kept in any district except the AG, RE or RP-E Zoning Districts. Beekeeping operations shall also be subject to the regulations of Title 3, [Chapter 3-2](#) of the City Code.

5. Fences And Walls:

a. General:

- 1. **Permits Required:** Except for fences or walls to be used for agricultural purposes within the AG District and retaining walls of 4 feet or less in height in any zoning district, a fence permit shall be obtained and the required fee paid before installation of any fence or wall. A plot plan drawn to scale, indicating the location of the proposed fence, all property lines, easements, setbacks and buildings, shall be submitted with the permit request. After receipt of a fence permit application, the City Building Official shall approve, approve with conditions, or deny the permit request. When installing a fence or wall in conjunction with the installation of a satellite dish antenna, or wall sign, only 1 permit for the satellite dish or sign shall be required if all required plan details are submitted in conjunction with the application.
 - 2. **Retaining Walls:** Retaining walls of 4 feet or less in height are permitted when they are reasonably necessary due to the topography of the site. The wall shall be located at least 2 feet from any street right of way and shall not extend more than 6 inches above the ground level of any land to be retained. Retaining walls of more than 4 feet in height shall be reviewed in accordance with the standards of subsection F-5-a-(1) of this Section.
 - 3. **Easements:** Fences or walls constructed within City or private easements may be removed to allow access to utilities. The property owner shall be responsible for the reconstruction and replacement of any fences or walls removed.
 - 4. **PUD And Planned Developments:** The Planning Commission may approve master fence plans for development projects using the PUD or planned development regulations. The type, location and height regulations of this subsection may be varied by the Planning Commission to encourage high-quality, innovative fence and wall designs.
 - 5. **Drainage:** All fences and walls shall be constructed to allow for proper surface drainage. Retaining walls shall be designed to support lateral loads and to ensure proper surface drainage.
- b. **Location:** The following standards shall apply to fences and walls in all zoning districts unless otherwise specified:
- 1. **Front Setback:** Fences and walls shall be placed no closer to the front lot line than the front yard setback line established by the building or buildings erected upon the lot.
 - 2. **Corner Lots:** Fences and walls shall be located no closer to the side lot line than the side yard setback line of residential corner lots which adjoin interior lots that front or face onto a side street.
 - 3. **Rear Setback:** A fence or wall may be constructed on the rear property line with the following exceptions:
 - a. Fences constructed within a designated residential fence/wall buffer area or land use buffer area must comply with the location shown on the approved plan.
 - b. On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, the rear yard fence of the double-frontage lot shall be located no closer to the abutting street than a line established by the platted front building

line of the adjacent property or, if unplatted, the distance from the street to the required front building line. However, the Community Development Director shall have the authority to reduce the required rear fence setback for such a double-frontage lot, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general neighborhood character along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed fence, the difference in elevation of the affected properties, and other existing site characteristics.

4. **Decorative Fences:** Decorative fences may be located anywhere on a site, including all yard areas.
 5. **Land Use Buffer Fences And Walls:** The setback standards of this subsection notwithstanding, land use buffer fences and walls may be located in land use buffer areas.
 6. **Recreational Fences And Walls:** Recreational fences and walls shall be located as approved on final plans, at least 15 feet from any property line.
 7. **Residential Fence And Wall Buffers:** Residential fence and wall buffers shall be located within approved residential fence and wall buffers adjacent to collector and arterial streets (see [Section 4-2-E-4](#) of this Title).
 8. **Swimming Pool And Hot Tub Enclosures:** Swimming pool and hot tub enclosures shall be installed pursuant to the standards of subsection F13 of this Section.
- c. **Height:** The following standards shall apply to fences and walls in all zoning districts unless otherwise specified:
1. **Residential Districts:** Except as otherwise noted, fences and walls shall not exceed 6 feet in height in the residential zoning districts (AG through RP-5).
 2. **Commercial And Industrial Districts:** Except as otherwise noted, fences and walls shall not exceed 10 feet in height in the commercial and industrial zoning districts.
 3. **Decorative Fences:** Decorative fences shall not exceed 3 feet in height.
 4. **Recreational Fences And Walls:** Recreational fences and walls shall not exceed 10 feet in height.
 5. **Residential Fence And Wall Buffers:** Residential fence and wall buffers shall not exceed 6 feet in height (see [Section 4-2-E-4](#) of this Title).
 6. **Swimming Pool And Hot Tub Enclosures:** The height of swimming pool and hot tub enclosures shall be as specified in subsection F13 of this Section.
 7. **PUD And Planned Developments:** The Planning Commission may approve waivers from the fence and wall height regulations of this subsection for projects developed under the PUD or planned development standards to increase screening, buffering and/or security. Waiver granted pursuant to this standard shall not exceed 20 percent of the specified maximum height.
- d. **Design And Materials:** The following standards shall apply to fences and walls in all zoning districts unless otherwise specified:
1. **Appearance:** All walls shall be constructed of high-quality materials which are compatible in appearance with other building materials used on the site. To enhance the appearance of the neighborhood and surrounding area, all fences shall be constructed of high-quality materials and, excepting transparent fencing material such as chain link, shall be constructed with a finished side facing outward from the property and the support posts placed on the inside. As an alternative, the posts and rails may be designed as an integral part of the finished surface. If chain link fencing is used, color versions, such as green or black, are encouraged. The Community Development Director shall have the authority to waive the requirement that the fence be constructed with a finished side facing outward from the property in unique situations where the topography, vegetation or other site conditions screen the fence from the affected neighboring property. Consideration may be given to

the concerns of the owner(s) of the affected neighboring property if the existing screening condition has the potential to become significantly diminished over time.

2. **Decorative Fences:** Decorative fences shall be designed so that they are neither solid fences nor opaque screens or used to enclose a specific area. Split-rail and wrought-iron fences are examples of the types of nonopaque fences that could serve as decorative fencing. Decorative walls shall be constructed of natural rock or other masonry materials which are compatible in appearance with other building materials used on the site. The total length of decorative fences and walls shall not exceed 75 percent of the total width of the lot, as measured along the front setback line.
3. **Electric Fencing:** The installation of aboveground electric fences shall be prohibited in all zoning districts; except, that electric fences shall be permitted in the AG District when used for agricultural purposes. Low-voltage electric wires attached to the top of fences shall be permitted in the RE, RP-E, R-1, RP-1, R-2 and RP-2 Districts when used for animal control purposes and when they are used for no more than 120 days. No permits shall be required for the use of such temporary electric wires.
4. **Barbed Wire Fencing:**
 - a. **Residential And Commercial Districts:** Barbed wire fences or barbed wire assemblies atop fences shall be prohibited in residential and commercial zoning districts unless expressly approved by the Planning Commission pursuant to the approval of a conditional or special use permit. In such cases, the design standards of subsection F-5-d-4-C of this Section shall apply.
 - b. **Agricultural District:** Barbed wire fences are permitted in the AG District when used for agricultural purposes.
 - c. **Industrial Districts:** Barbed wire fences will be permitted in the industrial zoning districts, subject to the following standards:
 1. Barbed wire assemblies will be restricted to 3 horizontal wire strands not to exceed a maximum width of 18 inches.
 2. Barbed wire assemblies shall be erected atop fences with a minimum height of 6 feet.
5. **Razor Ribbon:** Razor ribbon or similar types of barbed wire assemblies shall be prohibited in all zoning districts.
- e. **Deviations From Strict Compliance:**
 1. **Approval:** It is recognized that site conditions vary greatly among sites and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of project review for planned districts and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:
 - a. Purpose and intent of the Code.
 - b. Impact on adjacent properties.
 - c. Safety.
 - d. Unique site conditions and constraints.
 - e. Promotion of high quality or unique design.
 - f. Character of the neighborhood.

2. **Appeal:** The decision of the Community Development Director may be appealed to the Planning Commission. In reviewing the appeal, the Planning Commission shall consider the criteria of the preceding paragraph.
6. **Garage, Craft And Sample Sales:** Garage sales, craft sales and manufacturers' sample sales shall be a permitted accessory use in the residential zoning districts; provided, that:
- No more than 2 sales events shall be conducted on the premises in any calendar year;
 - No sales event shall be conducted for longer than 4 days duration;
 - Sales events may be conducted during the daylight hours only; and
 - The sign regulations set forth in [Section 4-1-E-4-N](#) of this Chapter shall be followed.
7. **Hobby Activities:** Hobby activities shall be permitted as an accessory residential use by the occupant of the premises when conducted purely for personal enjoyment, amusement or recreation and when the activity does not conflict with any City ordinance.
8. **Home Occupations:** A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered, as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. A home occupation shall be considered an accessory use, subject to the following standards:
- Intent:** These home occupation standards are intended to permit the establishment of certain incidental and accessory home occupation uses in residential neighborhoods under conditions that will ensure their compatibility with the residential character of the neighborhood. They are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. Use of a dwelling as a "Hotel or Motel" as defined in [Section 4-3-C-3](#) of this Code shall not be allowed as a home occupation. The standards of this section shall not apply to a "Day Care" as defined in [Section 4-3-C-2](#) of this Code.
 - Employees:** No more than 1 other person in addition to members of the family residing on the premises shall be engaged in the home occupation at the place of residence.
 - Size:** A home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit, and no more than 25 percent of the total floor area of the dwelling including garage and basement space, shall be used for the home occupation. If more than 1 home occupation is operated in the residence, the combined total square footage devoted to the home occupations shall not exceed 25 percent of the total floor area of the dwelling including garage and basement space.
 - Appearance:** There shall be no change in the exterior appearance of the dwelling unit or other visible evidence of the conduct of the home occupation.*
See [Section 4-1-E-4-V](#) (Home Occupation Signs) of this Chapter.
 - Landlord Consent:** Any person applying for a business license for a home occupation that will take place within a rental property shall submit written consent signed by the owner of the rental property.
 - Hours Of Operation:** A home occupation may attract business-related vehicular and pedestrian visits only between the hours of 6:00 A.M. and 9:00 P.M.
 - Traffic:** A home occupation shall not generate more than 6 round-trip vehicular trips per day.
 - Parking:** No parking in the public right of way shall occur as a result of the home occupation except for occasional business gatherings as permitted in this subsection.
 - Entrance:** No separate street-side entrance for the exclusive use of the home occupation shall be permitted.
 - Nuisances:** A home occupation shall not create noise, dust, heat, smoke, odor, vibration, electrical interference, glare, light or radio or television transmission interference that exceeds levels normally associated with single-family dwellings. The production, dumping or storage of combustible, toxic or

other hazardous substances shall be expressly prohibited on the site of the home occupation, unless approved by the City in writing.

- k. **Business Gatherings:** The standards of this subsection shall not be interpreted to prohibit occasional group gatherings, such as recitals or demonstrations; provided, that such gatherings occur during the hours of operation specified in this subsection F8, and provided that they do not occur more than twelve times per year.
- l. **Business License:** A business license shall be required for the operation of a home occupation. The Community Development Director shall have the right to place stipulations and restrictions on the approval of the business licenses for home occupations to ensure the home occupation operates in a manner consistent with the intent of this section as set forth in subsection (a) above.
- m. **Violations.** Any person found to be in violation of the provisions of this Section relating to home occupations shall be notified in writing by the Community Standards Officer, or his or her designee, by regular U.S. mail, personal service, or publication and posting, in accordance with [Section 3-5-H-7](#). In addition, the enforcement process for home occupation violations shall be executed in accordance with the property use and maintenance code enforcement process set forth in Title 3, Chapter 5-H; provided, however that the City's remedy for a third violation of these home occupation regulations within a twenty-four (24) month period shall be the revocation of permits and licenses in accordance with [Section 4-1-B-24-F-8n](#).
- n. **Enforcement Process; Multiple Violations; Revocation.** Penalties for violations of this Section shall escalate in severity for each successive violation within the immediately preceding two (2) year period, as follows:
 - 1. **First And Second Violations:** Enforcement actions for the first two (2) violations of this Section period shall be executed in accordance with the property use and maintenance code enforcement process set forth in Title 3, Chapter 5-H.
 - 2. **Third Violation:** Enforcement actions for the third violation of this Section within a twenty-four (24) month period shall implement the notice and hearing components set forth in Title 3, Chapter 5-H. In addition, the business license issued for the home occupation may be revoked and, if revoked, shall not be reissued for a period of at least two (2) years from the date of revocation.

9. **Outdoor Retail Display In Commercial Zoning Districts:**

- a. Retail businesses shall be allowed to maintain outdoor retail displays of organic seasonal products, such as firewood, bedding plants, Christmas trees, pumpkins, and landscape plants. Except as set forth in [Section 4-1-B-25-B-1-f](#), this provision does not allow the outdoor retail display of the following types of seasonal landscape material: mulch, chips, rocks, fertilizer, potting soil, pots, pesticides, etc. Retail businesses shall not be allowed to maintain outdoor retail display for other seasonal products.
- b. Each business shall be limited to 2 outdoor vending-type machines, such as ice machines, LP gas cylinder exchanges, soft drink dispensers and children's rides. This provision shall not apply to newspaper vending machines
- c. No outdoor retail display permitted by this subsection shall interfere with pedestrian or vehicular access or parking.

10. **Radio And Television Antennas:**

- a. **Purpose And Intent:** The purpose and intent of this subsection is to provide for the safe and effective installation and operation of amateur radio, citizens band radio and television antenna support structures and the beam antennas installed on those support structures. It is also the purpose and intent of this subsection to provide for a reasonable accommodation of amateur radio communications, in accordance with parts 95 and 97 of chapter 1 of title 47 of the Code of Federal Regulations, while reflecting the City's legitimate interest in protecting and promoting the health, safety, welfare, neighborhood aesthetics and morals of its citizens. The standards in this subsection are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and

antenna support structures and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.

- b. **Applicability:** All amateur and citizens band radio and television transmission and receiving antennas, excluding satellite dish antennas, shall be governed by the standards of this subsection.
 - c. **Residential Districts:** In the residential districts, all antenna support structures which have a height of more than 35 feet above grade level, including the antenna installed on the support structure, shall be considered a special use requiring review and approval pursuant to the standards of [Article 4-1-G](#) of this Chapter. Antenna support structures which have a height of 35 feet or less above grade level, including the antenna installed on the support structure, shall be considered a permitted accessory use.
 - d. **Nonresidential Districts:** In the nonresidential districts, all antenna support structures which extend more than 12 feet above the highest point of the principal structure, including the antenna installed on the support structures, shall be considered a special use requiring review and approval pursuant to the standards of [Article 4-1-G](#) of this Chapter. Antenna support structures which extend 12 feet or less above the highest point of the principal structure, including the antenna installed on the support structure, shall be considered a permitted accessory use.
 - e. **Location:** All antennas and antenna support structures shall comply with these location standards:
 - 1. **Setbacks:** All antenna support structures and the beam antennas installed on those support structures, including all elements or parts thereof, shall conform to the minimum yard setback standards of the district in which it is to be located.
 - 2. **Support Structure Location:** In addition to complying with the district setback standards, antenna support structures shall be located on the property so as to provide a minimum distance equal to 50 percent of the height of the tower from aboveground utility power lines other than applicant's service lines or a break point certified by a professional engineer or as evidenced by the manufacturer's specifications. In addition, no antenna support structure shall be located in the front yard.
 - 3. **Anchor Location:** All antenna support structure supports and peripheral anchors shall be located entirely within the boundaries of the property, and if closer than 5 feet to property under different ownership and if such support or anchor extends greater than 3 feet above ground, it shall be effectively screened from view from abutting properties and shall extend no greater than 6 feet above ground.
 - 4. **Limitation:** No more than 1 antenna support structure shall be allowed on any residential lot.
11. **Satellite Dish Antennas:** The provisions of this subsection shall apply to the installation, location and screening of satellite dishes and accessories except where the Federal Communications Commission (FCC) has preempted regulation of small antennas, which are defined as Direct Broadcast Satellite (DBS) antennas 1 meter or less in diameter. It is the intent of these requirements to further the community's health, safety, welfare, and aesthetic objectives; to provide for timely installation of satellite dish antennas; and to allow reasonable flexibility in locating and screening the antennas to optimize reception or transmission while maintaining accepted community aesthetic standards. Locational restrictions of accessory structures such as satellite dish antennas are intended to ensure safety and to minimize obstruction of views and open space from adjacent properties. Screening and locational requirements are intended to minimize the visual impact of larger satellite dish antennas and to set aesthetic standards that are comparable to that required for other accessory structures in commercial and industrial zoning districts, such as dumpsters and mechanical equipment, and to be more compatible with the nonobtrusive structures that are commonly found in residential neighborhoods.
- a. **General Requirements Applicable To All Satellite Dish Antennas Unless Indicated Otherwise:**
 - 1. **Permanent Installation Required:** Satellite dish antennas shall be permanently installed on a building, in the ground or on a foundation and shall not be installed on a portable or movable structure, such as a trailer.

2. **Location:** Satellite dish antennas shall be located so they do not interfere with safe visibility at street intersections or driveways, do not obstruct movement of vehicles or pedestrians, or block building entries and shall not be located in any manner that interferes with or creates a hazardous condition with utilities or other structures.
 3. **Appearance:** To the extent permitted by operational requirements, satellite dish antennas, except those that are 1 meter or less in diameter, shall be of a color that blends with the surroundings. No signs, advertising or business identification other than the manufacturer's labeling shall be permitted on the dish or screening.
 4. **Cables:** All cables and lines serving ground-mounted satellite dish antennas shall be located under ground.
 5. **Electromagnetic Interference:** Each satellite dish antenna shall be filtered or shielded to prevent the emission of radio-frequency energy that would cause any harmful interference with the radio or television reception or broadcasting on adjacent properties. In the event the interference is detected after installation of the satellite dish antenna, the owner of the unit shall immediately take steps to eliminate the interference.
 6. **Construction, Installation And Operation:** The construction, installation and operation of satellite dish antennas shall comply with all Federal, State and local regulations.
 7. **Permits Required:** Satellite dish antennas greater than 1 meter in diameter shall require a building permit and payment of the fee adopted by the City Council. Direct Broadcast Satellite dish antennas 1 meter or less in diameter generally do not require a building permit and payment of fees, except as indicated in subsection F11d of this Section. A plot plan drawn to scale and specifications, such as property lines, setbacks, building location, utility easements, accessory structures, fences, trees and proposed screening methods along with detailed information about the proposed dish and method of installation shall be submitted with the permit request. The permit shall be approved, approved with conditions, or denied by the Community Development Director.
 8. **Maintenance Specifications:** Satellite dish antennas shall be properly maintained. Exposed surfaces, including the dish, brackets and any supporting members, shall be kept clean and painted as necessary to achieve a well maintained appearance in keeping with all approvals. The Community Development Director shall have the right to order the repair or removal of any satellite dish antenna that is damaged, deteriorated or no longer in use.
- b. **Residential And Agricultural Districts:** The following additional standards shall only apply to satellite dish antennas that are greater than 1 meter in diameter within the residential and agricultural districts:
1. **Number, Mounting And Height:** One satellite dish antenna greater than 1 meter in diameter shall be permitted per parcel. Satellite dish antennas shall be ground-mounted and shall not exceed a total height of 12 feet.
 2. **Location And Setbacks:** Satellite dish antennas shall be located within the rear yard and shall be set back a distance inside all property lines at least equal to its height, but not less than 5 feet from the property line.
 3. **Screening Of Ground-Mounted Antennas:** A satellite dish antenna shall be screened so as not to be readily visible from surrounding properties or any public rights of way. The screen may consist of structures, fences, plant materials and/or earth berms which are located to conceal at least the sides and rear of the antenna and its support. A solid perimeter fence with a minimum height of 6 feet installed around the yard in which the antenna is located is deemed to satisfy these screening requirements. If plant materials are used to provide screening, the type used shall effectively screen the antenna throughout the year. The plants shall have a minimum height of 5 to 6 feet at the time of initial planting and must be spaced appropriately to achieve the screening.
- c. **Nonresidential Zoning Districts:** The following additional standards shall only apply to satellite dish antennas that are greater than 1 meter in diameter within the nonresidential zoning districts:

1. **Size:** Retail commercial sites may utilize an antenna that does not exceed 12 feet in total height. Broadcasting studios, offices, manufacturing and warehouse uses may utilize larger antennas up to the maximum building height permitted on the site; however, the overall height of roof-mounted antennas shall not exceed 12 feet over the maximum permitted building height on the site.
 2. **Number:** Multiple satellite dish antennas may be permitted; however, multiple antennas over 12 feet in total height shall be approved only through final plan review by the Planning Commission.
 3. **Location And Setbacks:** A ground-mounted satellite dish antenna shall be permitted on any portion of the lot, except between any right-of-way line and the corresponding building line. The antenna shall be set back inside any property line a distance at least equal to its height, but not less than 5 feet from the property line.
 4. **Roof-Mounting:** A roof-mounted satellite antenna shall be permitted; provided, that it is in scale with the overall building mass and the specific location at which it is installed. As a guideline to proper scale, the visible height of the antenna should be no more than 25 percent of the height to the top of the underlying building edge or screen, and no more than 25 percent of the width of the underlying building edge or screen. Regardless of scale requirements, the building edge or screening should obscure the lower part of the support structure and all accessory equipment from ground-level views within 1,000 feet of the antenna. The criteria of this subsection may be varied in the case of irregularly shaped buildings or other unique installation locations as long as the overall intent of this subsection is met.
 5. **Ground-Mounted Installation:** A ground-mounted installation shall include installation of fencing, berming or landscaping to accomplish the following:
 - a. Complete screening of all accessory equipment and the lower part of the support structure.
 - b. Screening at the rear and sides of the structure, at an elevation and size equal to the height of the highest portion of the structure, in order to break down the scale of the dish itself.
 - c. Installation of landscape material in the vicinity of the structure so as to, at least, partially obscure the view of the dish from all off-site rights of way and public areas of private property.
 6. **Off-Site Satellite Antenna Locations:** Satellite antennas may be located on a different site from the building they serve, when written permission is granted by the owner of the proposed property where the antenna is to be located.
- d. **Small Satellite Dish Antennas:** In addition to the general requirements of this Section, the following supplementary standards shall apply to satellite dish antennas that are 1 meter or less in diameter within all zoning districts:
1. **Location:** Every effort should be made to install satellite dish antennas that are 1 meter or less in diameter in a location that is not visually obtrusive from neighboring properties or the public right of way.
 2. **Building Permit:** In order to protect public safety, a building permit may be required if any of the following occurs:
 - a. The installation requires electrical service of 110 volts or greater.
 - b. A ground-mounted antenna is to be installed a distance from a property line that is less than the overall mounted height of the dish.
 - c. A roof-mounted antenna will extend more than 12 feet above the surface on which it is mounted.
 - e. **Deviations:** Requirements for overall height, location, setback, ground-mounting, and screening of any satellite dish antenna may be modified or waived by the Community Development Director in cases where unique site conditions prevent reasonable reception or transmission and where compliance with these provisions would impair signal reception. In addition, the Community Development Director may modify or waive screening requirements for satellite dish antennas where the antenna's material, color,

and placement diminish its visibility to the same extent that other screening elements would. The Community Development Director shall consider the following criteria in acting upon a request for deviation:

1. The deviation shall be in compliance with the general purpose and intent of the City's satellite dish antenna regulations.
2. The deviation shall not create a safety hazard.
3. The placement, color, and screening of the satellite dish antenna shall minimize the visual impact on adjacent properties and minimize obstruction of views and open space from adjacent properties.
4. The deviation from the satellite dish antenna regulations shall be the least amount necessary to provide reasonable satellite dish antenna reception or transmission.

12. **Solar Energy Systems:** The provisions of this subsection shall apply to the design, construction, installation, alteration, materials, location, repair and removal of solar systems and accessories connected, attached or adjacent to a building or structure. The provisions of this subsection relate to solar energy systems and component requirements similar to those provided in the Building Code.* Solar energy systems, whether active or passive, shall be designed to be compatible with the surrounding neighborhood and shall comply with the following standards:

See [Article 4-4-D](#) of this Title.

- a. **Maintenance And Access:** Solar energy system components shall be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure of a building or appurtenance.
- b. **Location:** Solar energy system components shall not be located so as to interfere with the operation of required doors, windows or other building components. Provision shall be made over pedestrian and vehicular ways to protect those areas from sliding snow or ice. Solar energy systems may be placed in the side or rear yards of any lot; provided, that the required setback distances are observed. In no instance shall solar energy systems be placed any closer to the front lot line than the front of the building or buildings erected upon said lot.
- c. **Compliance With Building Code:** Solar energy system components shall be constructed or installed in accordance with [Article 4-4-D](#) of this Title.
- d. **Roof-Mounted Equipment:** Solar energy systems, when mounted or placed atop the roof of a structure, shall conform to the following requirements:
 1. **New Construction:**
 - a. **Residential And Agricultural Zoning Districts:** In the residential and agricultural zoning districts (R-1 through RP-5 and AG), solar energy systems shall be incorporated as a building component of the roof of a structure or otherwise integrated into the roof so that the device forms a part of the roof itself. Placement above or away from the roof line in "standoff" or "rack" mounting arrangements shall not be permitted.
 - b. **Commercial And Industrial Zoning Districts:** In the commercial and industrial zoning districts solar collection systems may be mounted upon any roof section of a structure; provided, that the height of the device shall not project more than 3 feet above the height of the corresponding roof line. All mounting arrangements must be screened from the adjacent public right of way.
 2. **Residential Retrofit:**
 - a. **Domestic Hot Water Systems:**
 1. **Collector Surface Area:** The collector surface area for solar energy systems shall be limited to a maximum of 120 square feet for each residential lot.

2. **Location And Placement:** The device may be placed on any roof section of a structure; except, that part of the roof which provides the most direct exposure or greatest visibility to the front lot line and the adjacent public street right of way.
 3. **Height:** The device shall be placed so that its highest point does not exceed the highest elevation of the corresponding roof line of the structure by a distance greater than 3 feet. Where the roof section provides direct exposure or greatest visibility to the front lot line and the adjacent public street right of way, then the following restrictions shall apply:
 1. The apparatus shall not project above the ridge line or beyond the hip or gable of the roof when viewed from the front lot line or adjacent public street right of way;
 2. All points of the lower edge of the collector shall not extend more than 18 inches above the roof; and
 3. For rack-mounted apparatus, the rack only shall be enclosed in such a way as to be architecturally compatible with the existing roof. The enclosure shall in no way interfere with the safety and efficiency of the solar apparatus.
 4. **Framing Materials:** All framing shall be rust treated or of nonrusting materials.
- b. **Systems With Space Heating Applications:** The installation of solar systems with space heating applications shall be approved in accordance with [Article 4-1-H](#) of this Chapter.
 - c. **Existing Solar Energy Systems:** Existing solar energy systems shall be permitted to have their existing use continued, provided their use and maintenance is not a hazard to life, health or property. Conditions that endanger life, limb, health or property shall be abated by repair, rehabilitation, demolition or removal in accordance with the provisions of [Article 4-4-E](#) of this Title.
13. **Swimming Pools And Hot Tubs:** Outdoor swimming pools, hot tubs and spas shall be enclosed by a fence or wall with a self-latching gate. The fence or wall shall have a minimum height of 4 feet. The fence shall be constructed so as not to allow a 4 inch diameter sphere to pass through the fence. Enclosing the entire yard containing the swimming pool, hot tub or spa in accordance with these requirements shall satisfy the intent of this subsection. In addition, rigid hot tub covers, latched in place when not in use, shall be permitted in lieu of required hot tub fencing. Swimming pools, hot tubs and spas shall be set back at least 5 feet from all side and rear lot lines, as measured from the water's edge, and shall not exceed the size of the dwelling unit.
 14. **Temporary Uses and Structures:** The following temporary uses and/or structures are subject to the regulations contained within this section, with the exception of temporary banking facilities which are regulated separately under [Section 4-1-B-23-AA](#).
 - a. **Temporary Construction Site Office and/or for Storage:** Temporary construction site office(s) and/or storage, including modular offices and trailers are permitted on the same site as a single-family lot, commercial, industrial, or multi-family construction project possessing a valid building permit. Temporary construction office(s) may be occupied for construction office purposes or used for storage of equipment and material used during development of the site. All temporary structures must meet required setbacks for accessory structures. Such temporary structure(s) must be well maintained by the developer, property owner, or contractor or his or her designee. Failure to comply may result in the applicant being ordered to remove or relocate the temporary structure(s). The temporary structure(s) shall be removed within 30 days after issuance of a final Certificate of Occupancy or expiration of the building permit for said project, whichever first occurs. No hazardous materials or wastes of any kind may be stored unless otherwise approved by the Kansas Department of Health and Environment.
 - b. **Temporary Sales Office:** A temporary sale offices for a new development shall be permitted for the purpose of selling properties or memberships when located within an approved structure, i.e. model home, apartment, trailer, pursuant to a valid permit for said residential or non-residential development. The temporary structure must meet applicable building and fire code requirements, i.e. anchoring, ADA

ramps, access. The temporary sales office structure shall be removed within 30 days after issuance of a temporary Certificate of Occupancy or expiration of the building permit for said project, whichever first occurs.

- c. **Temporary Portable Storage Containers:** Temporary portable storage containers shall be permitted by the property owner or tenant of said residential property for temporary storage, or by commercial/ industrial property owners or tenants for the temporary storage of inventory provided they can meet the following regulations listed below. Portable containers cannot be used as temporary construction site offices, sales offices or by third-parties for storage. Roll-off bins or dumpsters are not considered temporary portable storage containers.
 1. Residential and Agricultural zoned lots developed with a principle structure:
 - a. Temporary portable storage containers are permitted for a period not to exceed a total of 30 days within any calendar year. The Community Development Director is authorized to grant additional time for temporary portable storage containers, when requested in writing.
 - b. Temporary portable storage containers must be located on private property and a paved surface, and may not obstruct any city right-of-way, sidewalks or interfere with the normal operations of the permanent use on the property.
 - c. The maximum allowable size for temporary portable storage containers shall be 160 square feet with an overall length not to exceed 20 feet or height of eight (8) feet.
 - d. Rail cars, semi-trailers, or other similar structures may not be used for temporary storage.
 - e. The temporary portable storage containers shall be weather resistant, and made of a high quality/commercial grade material intended for outdoor use and be water tight.
 - f. All temporary portable storage containers shall be delivered and maintained in good condition, free from rodents, insects, or graffiti. It shall be the responsibility of the property owner or tenant and the supplying company to maintain the portable storage containers.
 2. Commercial or Industrial zoned lots developed with a principle structure: Temporary portable storage containers shall be allowed for the storage of seasonal merchandise for no more than 60 days within any calendar year and must be located out of street right-of-way and public view.
- d. **Temporary Structures for Elementary and Secondary Schools:** Temporary structures for the use of elementary and secondary schools shall be permitted in any zoning district; provided:
 1. The temporary structure is placed on an active elementary or secondary school campus where students or members are in attendance.
 2. The temporary structure is not located within any required parking or landscape area.
 3. A staff approved all weather surface is provided for access to the temporary structure.
 4. The applicant provides a parking study demonstrating the existing parking facilities can accommodate the additional classrooms or space, or how additional parking spaces can be provided, per City code.
 5. The temporary structure must meet applicable fire and building code requirements, as well as other applicable development regulations.
 6. The applicant and City enter into a Development Agreement inclusive of a phasing plan, requirements for maintenance and/or repairs, and duration of the temporary structure.
 7. A separate building permit is not required for the temporary structure, but a temporary structure will only be allowed in conjunction with a building permit for improvements and/or expansion to an existing permanent school structure located on the campus property.

8. The temporary structure shall be removed within 2 years of issuance of a building permit or upon expiration of the building permit for said project, whichever first occurs. The Community Development Director is authorized to grant additional time for a temporary structure, when requested in writing.

15. Outdoor Storage Associated with Residential Uses:

- a. No property owner or resident shall allow the placement, storage, installation, or construction of any item, object or structure on any property zoned or used for residential purposes, including the RE, RP-E, R-1, RP-1, RP-2, RP-3, RP-4, RP-5, and AG districts, except as specifically permitted by this Section.
- b. An item, object, or structure not specifically permitted by this Section shall be considered to be placed, stored, or installed on the property if it remains on the property and is not properly enclosed or screened for a period in excess of forty-eight (48) hours.
- c. **Outdoor Storage Specifically Permitted:** The following items, objects, or structures are specifically permitted and are exempt from the enclosure and screening requirements set forth in this Section:
 1. Any item, object, or structure permitted under the provisions of the applicable zoning district regulations established in [Article 4-1-B](#) or the applicable accessory use regulations established in [Section 4-1-B-24](#) of the Code, if in full compliance with the authorizing provision.
 2. **Authorized Trash Containers.** An "authorized trash container" is one that has been designed and manufactured specifically for storage of solid waste and is leak proof and waterproof. That container shall be closed at all times except when depositing waste therein or removing the contents thereof. Containers shall be a light weight and of sturdy construction and shall not exceed 90 gallons in capacity.
 3. Firewood, neatly stacked and free of insects and vermin; provided, that its storage shall be at least three feet (3') from the property line if it is bounded by a wooden fence on an adjacent property owned by another person, and, furthermore, its storage shall not be at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this Section, "primary wall surface" shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.
 4. Outdoor play equipment, patio furniture, barbecue grills, dog houses, lawn ornaments, garden hoses and sprinklers; provided, that these items must be specifically manufactured for outdoor use and in working/useable condition.
 5. Outdoor building materials for a home/lawn improvement project, not requiring a building permit, may be stored outside in a neat and orderly manner for a period not to exceed thirty (30) days. Examples of such items include, but shall not be limited to, fencing, lumber, masonry, dirt, sand, and gravel. Building materials stored in conjunction with an active building permit must be stored in a neat and orderly manner.
- d. **Screening or Enclosure Required for Other Items Not Specifically Permitted:**
 1. Any item, object, or structure not specifically authorized in [Section 4-1-B-24-F-15c](#), above, must be located either within a fully enclosed structure or in the rear yard and substantially screened from view from any adjacent property at ground level by a wall or fence. The Community Development Director may approve mature landscape materials as acceptable substantial screening if he/she determines that it provides the substantial equivalent of approved fence or wall materials. Fence or wall materials shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Community Development Director. Fencing or walls, adequate to prevent viewing of outdoor items from adjacent properties at ground level, may be used for screening purposes provided they are constructed and maintained in compliance with City Code and comply with primary structure setback requirements for the zoning district. Common examples of items that

require screening include, but shall not be limited to, garden equipment/tools, lawn mowers, edgers, wheelbarrows, saw horses, storm windows, snow removal equipment, and ladders.

2. **Compost Piles:** Residential compost must be stored in a container manufactured or constructed so as to contain all materials and permit turning to aerate the materials. The container and contents must be stored in the rear yard and screened from the view of adjacent properties at ground level. The container and contents must be maintained in a neat and sanitary condition and be free of odor.

3. Notwithstanding any other applicable provision, permitted items, objects, or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by these permitted items, objects, or structures to determine if the twenty percent (20%) outside storage area is exceeded, a rectangle shall be drawn to include all points where any such item, object, or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in [Section 4-1-B-24-F-15c](#) above.

e. **Outdoor Storage Expressly Prohibited:** The following items, objects, or structures are expressly prohibited from outdoor storage: appliances, furniture or items not manufactured for outdoor use, any item in disrepair, accumulation of yard waste (except as permitted in [Section 4-1-B-24-F-16d2](#)), vehicle parts or tires, business equipment, machinery or supplies (except in an AG district as permitted by [Section 4-1-B-4-G-4](#)), and building materials (except as permitted in [Section 4-1-B-24-F-16c5](#)).

16. **Storm Protection Area:** Storm protection areas for any new residential development for which a preliminary plan/plat application is approved by the Planning Commission after December 1, 2005, shall be a permitted accessory use when located with such development.

a. Storm Protection Areas shall comply with Federal Emergency Management Agency - Publication 320 (Taking Shelter From the Storm) or Publication 361 (Design and Construction Guidance for Community Shelters).

17. **Small Wind Energy Conversion Systems (WECS)**

A Small WECS may be located in any zoning district within the city as an accessory use provided all conditions in this section are satisfied.

a. Location on the Property:

1. Residential Zoning Districts: The Small WECS may not be located in any required or established front or side yard.

2. Agricultural, Commercial, and Industrial Zoning Districts: The Small WECS may not be located in any required front or side yard.

b. Number of Units: One Small WECS may be in addition to any other accessory structure located on the property. With respect to the total number of accessory structures located on a property, the WECS shall be counted as a single accessory structure. More than one Small WECS may be placed on properties zoned other than RE, RP-E, R-1, RP-1, and RP-2 with approval of a Special Use Permit .

c. Height: All Small WECS, both roof/building mounted and ground mounted, shall comply with the maximum height restrictions for the applicable zoning district. Small WECS proposed to exceed the maximum height restrictions may be allowed subject to approval of a Special Use Permit. For roof/building mounted Small WECS, the total height of the building and Small WECS shall be considered when measuring the overall height. The highest point of the Small WECS structure, including blades, if applicable shall also be included as part of the overall height. The height for ground mounted Small WECS shall be measured from average grade at the tower base to the highest point of the Small WECS structure, including blades, if applicable.

d. Blade Design: Only propeller-style Small WECS may be considered as an accessory use. All other blade or collection styles may be allowed subject to approval of a Special Use Permit.

- e. **Setback:** All Small WECS shall comply with the minimum property line setback requirements for the applicable zoning district or be set back from the property line a distance greater than or equal to the overall height of the Small WEC, including blades, whichever is greater. Setback requirements shall not apply for roof/building mounted Small WECS. The setback of the building shall be considered as satisfying the setback requirement for the Small WECS.
- f. **Design and Aesthetics:** Small WECS shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community.
- g. **Tower Design:** All tower structures for Small WECS shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice or guyed monopole structures shall be permitted.
- h. **Minimum Blade Clearance:** The blade tip clearance for ground-mounted Small WECS shall, at its lowest point, be not less than 30 feet.
- i. **Lighting:** Small WECS shall be lighted only if required by the Federal Aviation Administration (FAA) or other applicable authority. Lighting of other parts of the Small WECS facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall comply with all other requirements of this chapter.
- j. **Noise:** The noise emitted from any Small WECS shall not exceed the noise level limits outlined in [Section 4-1-C-4](#).
- k. **Vibration:** Vibration emitted from any Small WECS shall not exceed the limits outlined in [Section 4-1-C-4](#).
- l. **Signage:** Any signage proposed in conjunction with a Small WECS shall comply with [Article 4-1-E Signs](#).
- m. **Equipment Cabinets and Other Ground-Level Equipment:** Ground-level equipment shall either be fully enclosed in a building meeting architectural compatibility standards with surrounding properties, or adequately screened based on site specific location and adjacent land uses. At a minimum, ground-level equipment shall be enclosed with a 3/8" non-climbable, black vinyl, chain link fence with a variety of upright evergreens planted in a staggered spacing necessary to achieve the desired screening. In residential settings or where ground-level equipment is readily visible from public areas of surrounding properties or from any public rights-of-way a solid screen wall, of a height at least equal to the maximum height of the equipment may be required. The screen wall shall be architecturally compatible with adjacent development.

Screening of the ground-level equipment may be waived provided that such equipment is screened by other property boundary enclosures or other structures so as not to be visible from surrounding properties or public ways.
- n. **Compliance with Building Code:** All Small WECS shall require a building permit for installation.
- o. **Removal of Inoperable WECS:** Any Small WECS that is inoperable for twelve consecutive months shall be considered abandoned, and the owner of such Small WECS shall either restore the Small WECS to operating condition or remove the Small WECS, including all associated support structures and transmission lines, within ninety days of receipt of notice from the governing authority notifying the owner of such abandonment. If, after ninety days, the Small WECS is not removed, the Small WECS and associated structures would be subject to the enforcement provisions as set forth in [Article 3-5-H](#) of the Municipal Code. For purposes of this section, inoperable shall be deemed to include, but shall not be limited to, the blades of the Small WECS remaining stationary so that wind resources are not being converted into energy, or the Small WECS is no longer connected to equipment to convert the wind into energy.
- p. **Miscellaneous:**
 - 1. The principle use of the Small WECS shall be providing power for the structure(s) on the subject property. Incidental selling of power back to the electric grid shall not constitute a commercial use unless the WECS is part of larger a wind farm.