

CHAPTER 11-06: USE REGULATIONS

Section 11-06-07: Accessory Uses and Structures

Subsection 4: Additional Standards for Specific Accessory Uses

include group instruction or counseling and home based contractors. Administrative home occupations are subject to allowed home occupation criteria and the following:

- (a) One vehicle, in addition to that used by an employee, may be used with a home occupation subject to the following:
 - i. Commercial vehicles are prohibited. (See definitions)
 - ii. An off-street parking space is required and may be provided on a driveway apron.
 - iii. Construction trailers must be stored outside of setbacks on improved surfaces and may not be visible a street.
 - iv. Outdoor storage of building materials and supplies is prohibited.
- (b) Instruction in such activities as swimming, yoga and dance shall be limited to a maximum of five students per class. Conditions may be added to limit hours.
- (c) Internal or external changes that would make the dwelling appear less residential are prohibited. Examples include construction of parking lots, paving of required setbacks and adding commercial-like exterior lighting.

(4) **Prohibited Home Occupations**

The following occupations are prohibited:

- (a) Occupations which involve highly combustible materials.
- (b) Occupations where the dimensions, power rating, or weight of equipment and tools used exceed that of normal household equipment and tools.
- (c) Occupations that cause abnormal automotive or pedestrian traffic or that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration or similar disturbances.
- (d) Retail stores.
- (e) Dispatch centers where employees meet at the dwelling unit and are sent to other locations
- (f) Occupations that would detract from the residential character of the neighborhood.

D. Livestock and Animals

(1) **Purpose**

To define livestock and pets and establish standards for their keeping and care; that will maintain neighborhood compatibility and protect the health, safety, and welfare of the general public.

(2) **Livestock**

Livestock are animals kept outside the home in enclosures such as pens, barns or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.

(3) **Pet**

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of pets must comply with the performance standards in Section 11-06-07.4.D(7)(f).

CHAPTER 11-06: USE REGULATIONS

Section 11-06-07: Accessory Uses and Structures

Subsection 4: Additional Standards for Specific Accessory Uses

(4) **Commercial Livestock Uses**

The keeping of livestock for sale or the sale of livestock products (such as milk) requires compliance with the standards in this ordinance and a conditional use permit.

(5) **Animal Unit**

(a) An animal unit is:

- i. One – horse, mule, cow, llama;
- ii. Four – sheep, goats, or swine;
- iii. Six – geese;
- iv. Ten – rabbits; or,
- v. Twelve – chickens, ducks.

(b) The Planning Director may determine a unit number for animals not listed.

(6) **Livestock as Legal Nonconforming Uses**

Nonconforming status shall be in accordance with Chapter 11-011, *Nonconformance*. Nonconforming status shall be lost if the livestock are absent from the property for a continuous period of two years.

(7) **Standards**

(a) A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.

(b) With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.

(c) Livestock shall be kept within fences, corrals, barns, or pens.

(d) Livestock enclosures must comply with setback requirements.

(e) The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. (See exceptions listed in 'H' below.) Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.

(f) Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.

(g) It shall be unlawful to keep any animal listed in B.C.C. Section 6-07-06 under the auspices of this Section.

(8) **Exceptions to Minimum Area**

(a) Livestock may be kept on less than one acre when allowed by subdivision covenants or duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this ordinance shall apply.

(b) Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.

CHAPTER 11-06: USE REGULATIONS

Section 11-06-07: Accessory Uses and Structures

Subsection 4: Additional Standards for Specific Accessory Uses

- (c) Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

E. Urban Farm Standards

(1) **Setbacks**

There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.

(2) **Maintenance**

Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.

(3) **Equipment**

The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours

(4) **Clear Vision Triangle**

Plantings shall not obstruct any clear vision triangle. Plantings in the public right-of-way require a license agreement from ACHD.

(5) **Water Conservation**

Drip irrigation and other methods to conserve water are encouraged.

(6) **Chemicals and Fertilizers**

Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.

(7) **Contact Information**

On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6' in height or 32 square feet in background area.

(8) **Lighting**

No overhead lighting is allowed.

(9) **Historic Districts**

Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.

(10) **Produce Distribution**

The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.

(11) **Retail Sales**

Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:

CHAPTER 11-06: USE REGULATIONS

Section 11-06-08: Temporary Uses

Subsection 1: Purpose

- (a) Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25 percent of total product on display.
- (b) Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.
- (c) Installation of new overhead lighting is prohibited.
- (d) Applications shall include signatures of residents of adjacent properties, including those across streets and alleys, indicating they have been notified of the intent to conduct retail sales. The list shall include the address of any residents unwilling to sign.
- (e) In Residential and Open Space zones:
 - i. The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
 - ii. Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
 - iii. Installation of new on-site parking to support retail sales is prohibited.

(12) Review

- (a) A decision to approve or deny will be made within 15 days of receipt of a complete application. If approved, notice will be sent informing owners and residents within three-hundred feet of the decision and their right to appeal.
- (b) Conditions may be imposed to protect adjacent properties from adverse impacts.
- (c) These standards may be exceeded with approval of a Conditional Use Permit.

11-06-08. TEMPORARY USES

1. PURPOSE

This section authorizes the establishment of temporary uses subject to a zoning certificate.

2. APPLICABILITY

A. Types of temporary uses and structures that may be approved under the temporary use approval process include:

- (1) Temporary buildings;
- (2) Temporary display and sale of merchandise;
- (3) Model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;
- (4) Seasonal uses (e.g., fireworks stands, Christmas tree lots, and produce stands); and
- (5) Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Director.

B. Uses that may not be considered for temporary approval include:

- (1) Uses that require PZC approval.
- (2) Structures or uses that are intended to be placed upon unimproved property, other than seasonal uses or uses incidental to construction.