

SECTION 600. GENERAL REGULATIONS

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such general regulations shall be made by the Council or its duly appointed agent.

601. Residual Features

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

602. Lighting (*Ord No 12-10-2015-2*)

General Requirements. Any lighting used to illuminate an off-street parking area, sign or structure shall comply with the following general requirements:

.01 In All Districts:

Any lighting used to illuminate an off-street parking area, sign, structure, or other area shall be arranged so as to deflect light away from any adjoining property or from the public streets. Direct or sky-reflected glare from high temperature processes such as combustion shall not be directed into any adjoining property. All luminaries shall be full cut-off style lens and shall be parallel with the pavement and ground, except for decorative fixtures and ground-mounted lighting, which shall be permitted

.02 Exemptions:

- (1) Temporary outdoor lighting used during customary holiday seasons
- (2) Temporary outdoor lighting used for civic celebrations and promotions
- (3) Emergency lighting by police, fire and rescue authorities
- (4) Outdoor recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks and tennis courts.

603. Refuse

All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Garbage and refuse containers shall be kept either in or beside a structure. Garbage and refuse containers shall not be kept or permitted to stand on any streets or avenues within the City, except on the day on which garbage pickup is scheduled. Containers shall be promptly removed from the street on the same day that garbage pickup is made (*Ord No 12-10-2015-2*)

604. Accessory Structures (*Ord No 12-10-2015-2*)

Accessory structures are allowed in Residential districts based on the following standards:

- .01 No detached garage, accessory building or use shall be permitted in any required front yard and no detached accessory building shall be erected within five feet of any principal building
- .02 Accessory buildings and decks shall conform to setbacks which are imposed within the respective zoning district
- .03 A detached accessory building shall have a maximum door height of 13' and shall not exceed any dimension of the principal structure
- .04 Construction of an accessory structure on a lot may not precede construction of the principal structure
- .05 A zoning permit is required for an accessory building of 120 square feet or less. Accessory buildings greater than 120 square feet shall comply with Section 900
- .06 Construction of an accessory structure shall be of the same or a similar material as the principal structure including roofing material and roof line design. An exception to this requirement is provided for:
 - (1) Pre-fabricated construction kits of 120 square feet or less
 - (2) Structures greater than 120 square feet and less than 240 square feet shall be of the same roofing material. Siding must have similar compatible color as the principal structure
 - (3) Where there is an existing dwelling and the exterior is brick, stone or stucco and the cost to mimic the exterior is impractical, alternate materials, but in similar compatible colors, may be approved by the Zoning Officer
- .07 Temporary structures including carports or fabric-style covers shall not be permitted
- .08 Size and building limit restrictions:
 - (1) No lot shall have more than two accessory structures including a detached garage. An attached garage is not included in this two-structure limit
 - (2) Accessory structures shall not exceed 2,000 square feet (including total square footage of all detached structures) Accessory structures with a door facing an alley must be set back 20' from alley right-of-way.

605. Drainage

No land shall be developed and no use shall be permitted that result in water run-off, flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm sewer drain or water course ponding area.

606. Dwelling Below Ground Level

No interior space below ground level shall be occupied for dwelling purposes unless such a space is part of a structure having at least one full story above ground level and giving its exterior portion in a structurally finished state. This restriction shall not prohibit construction of earth sheltered homes where one side is exposed.

607. Conservation of Natural Features and Amenities

In the development of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed developments.

608. Repealed (*Ord No 12-10-2015-2*)

609. Sanitary Facilities

In addition to other requirements herein, no building designed for residential, public or commercial purposes shall be erected in the City without indoor toilet facilities. This is to include buildings moved into the City or moved within the City, as well as accessory buildings converted into residential or commercial purposes. Only flush toilets shall be provided. Buildings for public recreational purposes such as park shelters shall be exempt from this provision. Where lots are served by sanitary sewer, required toilet facilities shall be connected to said sewer. Where lots are not served by sanitary sewer, a private sewer system may be constructed provided it is in conformity with applicable structural and sanitary regulations, and in no event shall it be closer than 20 feet from any residence, and it shall not be closer than 10 feet from any lot line nor 50 feet from any well. Prior to construction of any private sewer system, there shall be filed with the City Administrator/Treasurer, a map drawn to scale showing the locations of the proposed private sewage system in relation to lot lines, wells, and places of residence. Existing outdoor privies are hereby declared to have the status of non-conforming use in all districts (*Ord No 12-10-2015-2*)

610. Construction and Temporary Facilities

Temporary construction offices and storage facilities may be maintained within any district by permit following review and approval by the Commission. A time limit shall be stipulated along with such other conditions deemed appropriate. A performance bond may be required to assure timely removal.

611. Pipeline Setback Requirements (*Ord No 1991-1-J*)

For the purpose of protecting the public from the hazards of a pipeline leak, setback requirements are established requiring new buildings designed for human use or occupancy and places of public assembly, to meet minimum setback requirements as follows:

.01 Definitions

(1) Pipeline

A pipe operated at a pressure of more than 275 pounds per square inch that carries gas or a pipe with a nominal diameter of 6 inches or more used to transport hazardous liquids, but does not include pipe used to transport the hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refinery, storage or manufacturing facility.

- (2) **Building**
Any structure designed primarily for human use or occupancy including, but not limited to, businesses, offices, residences, institutions. Decks, overhangs, porches or any similar attached structures shall be considered a part of the building.
- (3) **Place of Public Assembly**
A site that is occupied by 20 or more persons at least five days per week for 10 weeks in any 12 month period. The days and weeks need not be consecutive.
- (4) **Pipeline Easement**
Existing easement or a subsequent easement resulting from the negotiation from a change in the boundaries of the existing easement.

.02 **Applicability**
This setback requirement applies to any new subdivision, building or addition to existing buildings. It does not apply to development that has occurred or for which development permits have been issued before the effective date of this Ordinance.

.03 **Setback**
All buildings and all places of assembly subject to this Ordinance shall be designed and located to accommodate a setback from the pipeline equal to or greater than the pipeline easement boundaries.

.04 **Variances**
Variance procedures are set forth in Zoning Ordinance No. 1989-1-A and amendments thereto.

.05 **Pipeline Location**
At time of application for a building permit, site plan review or preliminary plat, the applicant shall provide a scaled site plan that shows the location of any pipeline located on the premises involved.

612. Easements *(Ord No 3-20-2008-1)*

Buildings are prohibited and shall not be maintained on or in an easement, except by variance granted pursuant to Section 1000 of this Ordinance.