

ARTICLE 5
SUPPLEMENTARY DISTRICT REGULATIONS

1. Height Regulations: Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations. In all districts, one additional foot of height above the specified height limitation shall be permitted for each foot of additional yard provided over the minimum requirement on all sides of the lot.

2. Yard Regulations:
 - A. Minimum Yard Requirements: The yard requirements heretofore established in all districts other than the “R-A” *Rural Agriculture* and “R-0” Residential Suburban District shall be adjusted in the following cases: (*Ord. 2237*)
 - (1) Where the property fronts on a collector or an arterial street, as identified in the De Soto Comprehensive Plan, the required front yard shall be modified as follows:
 - (a) Arterial Street: The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the particular zoning district plus 50 feet.
 - (b) Collector Street: The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the particular zoning district plus 40 feet.
 - (2) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
 - (a) Where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be 15 feet, subject to the provisions of paragraph (1).a. above.
 - (3) Double frontage lots shall maintain the required front yard setback along both frontages.

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(4) Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with structures that have observed a front yard greater than required, then:

(a) Where a structure is to be erected on a parcel of land that is within 100 feet of existing structures on both sides, the minimum front yard setback shall be a line drawn between the two closest front corners of adjacent structures on the two sides; or,

(b) Where a structure is to be erected on a parcel of land that is within 100 feet of an existing structure on one side only, such structure may be erected as close to the street as the existing adjacent structure.

B. Minimum Yard Requirements: The yard requirements heretofore established in all districts, *except the "R-A" Rural Agriculture District*, shall be adjusted in the following cases: (**Ord. 2237**)

(1) Where a site abuts property zoned for a higher or lower intensity use and adequate additional depth is available, additional yard depths may be required. In no case shall a depth more than 1.5 times that of the zoning district's minimum yard depth be required.

(2) When abutting property containing a non-conforming structure which does not comply with the yard requirements which are applicable to new structures in the zoning district in which it is located and which is located along the abutting property line, additional setback may be required. In no case shall the additional required setback be more than the total setback required for new development in each district.

3. Accessory Structures and Uses: Unless otherwise provided, no accessory structure or use shall be erected in any required or established front yard, or a required side or rear yard, and no detached accessory structure shall be erected closer than ten feet to the principal structure on the lot. No accessory structure shall cover more lot area than the equivalent of 30 percent of the required rear yard. (**Ord. 2091**)

The following permitted accessory structures and uses shall be allowed in any zoning district in connection with any permitted principal use:

A. *One structure for storage incidental to a permitted use; provided, however, that no storage structure that is accessory to a residential building shall exceed 200 square feet in gross floor area, the use shall be in keeping with the principal structure, and no part of such structure shall be located in the front, side or rear yard setback for the applicable zoning district, except that the side or rear setback need not exceed 10 feet. (Ord. 2091; 2207)*

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- B. *One child's playhouse, provided it shall not be more than 120 square feet in gross floor area, and it shall not be located in the front, side or rear yard setback for the applicable zoning district, except that the side or rear setback need not exceed 10 feet. (Ord. 2091; 2207)*
- C. *A detached garage or other accessory structure is allowed in any zoning district, consistent with the following criteria: (Ord 2091)*
- (1) Except for agricultural accessory structures on lots/tracts greater than ten (10) acres in the "R-A" District (Ord. 2237), no detached garage or other accessory structure shall be greater in gross floor area than ten percent of the lot area nor greater than the gross floor area of the principal structure. For these purposes, the gross floor area for the principal structure and the accessory structure shall be based only on the footprint of the structure, and shall not include multiple stories or finished basement or attic spaces. (Ord. 2091)*
 - (2) In the "R-A" District, on lots/tracts that are greater than ten (10) acres, there shall be no maximum limit for accessory agricultural structures used only for agricultural purposes. On any lot or tract, non-agricultural accessory structures shall not exceed 1,200 square feet in gross floor area, or 400 square feet per acre of the subject property, whichever is greater up to a maximum of 2,400 square feet in gross floor area. Non-agricultural accessory structures exceeding 1,200 square feet in gross floor area shall be subject to site plan review. (Ord. 2237)*
 - (3) In the "R-0" District, no detached garage or other accessory structure shall exceed 1,200 square feet in gross floor area, or 400 square feet per acre of the subject property, whichever is greater. No detached garage or other accessory structure shall exceed 2,400 square feet in gross floor area. In the "R-0" district, accessory structures over 1,200 square feet in gross floor area shall be subject to site plan review. (Ord. 2091)*
 - (4) In all districts except "R-A" and "R-0", no detached garage or other accessory structure shall exceed 900 square feet in gross floor area or 250 square feet per acre of the subject property, whichever is greater. No detached garage or other accessory structure shall exceed 2,400 square feet in gross floor area. (Ord. 2091, 2237)*
 - (5) In all districts except "R-A" and "R-0", accessory structures over 900 square feet in gross floor area shall be subject to site plan review. (Ord. 2091, 2237)*
 - (6) In any zoning district, except for an accessory agricultural structure on lots/tracts greater than ten (10) acres in the "R-A" District (Ord. 2237), the required yard setback applicable to an accessory structure shall increase by five feet for every 100 square feet of gross floor area above 900 square feet. (Ord. 2091)*
 - (7) For the purpose of accessory structure size calculations, all accessory structures on the subject tract, except for accessory agricultural structures on lots/tracts greater than ten*

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(10) acres in the “R-A” District (Ord. 2237), shall count toward the total gross floor area accessory structure size allowance. (Ord. 2091)

- (8) *In any zoning district, except “R-A” District, no more than two accessory structures as defined in this paragraph C shall be allowed on any lot, unless specifically allowed under the terms of an approved site plan or in conjunction with a special use permit. (Ord. 2091, 2237)*
- (9) *In the “R-A” District there shall be no more than two (2) accessory structures as defined in this paragraph C on any lot, except that there are no limits on the number of accessory agricultural structures and accessory agricultural structures do not count toward the established limit if the tract/lot is greater than ten (10) acres. (Ord. 2237)*

All attached garages or other attached accessory structures *must be* an integral part of the overall design and made structurally a part of the primary building. *Except for an accessory agricultural structures on lots/tracts greater than ten (10) acres in the “R-A” District (Ord. 2237), all unattached accessory structures greater than 900 square feet in size shall be made an integral part of the overall design and shall be constructed to the same standards as the primary structure. (Ord. 1152)*

Except for an accessory agricultural structure on lots/tracts greater than ten (10) acres in the “R-A” District (Ord. 2237), no structure shall exceed 12 feet in height at the sidewall unless meeting the following criteria:

- (1) The accessory structure’s sidewalls do not exceed the height of the primary structure’s sidewalls;
 - (2) The accessory structure does not exceed the height of the primary structure or the height of the primary structures on abutting sites;
 - (3) The structure is complementary to the scale, proportion and design of the surrounding structures;
 - (4) A sidewall height of 20 feet is not exceeded in an “R-A” District, an “R-0” District or a non-residential district; and
 - (5) A sidewall height of 16 feet is not exceeded in any other residential zoning district.
- D. A private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards.
 - E. Statuary, arbors, trellises, flagpoles, fences, walls and hedges shall be allowed within the required setback areas.
 - F. Signs, when permitted by these regulations and by the individual district regulations.
 - G. Off-street parking and loading spaces, as permitted by these regulations.
 - H. Restaurants, drug stores, gift shops, clubs, lounges and newsstands, when located in a permitted hotel, motel or office structure.

- I. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial structure.
 - J. Storage or use of accessory uses, such as boats, boat trailers, camping trailers, or converted buses or trucks; except that such uses shall be allowed within required rear yards and within established side yards if placed upon a hard surface as defined in the off-street parking regulations. Such uses shall not include the outdoor storage or parking of commercial trucks or buses which exceed a three-ton manufacturer's rating hauling capacity in a residential district.
 - K. Satellite dish antennas, except that such accessory structure shall be setback from all lot lines, and from the front yard setback lines, a distance no less than its height; and if roof mounted, shall not be visible from any public right-of-way if practical.
 - L. Home occupations subject to limitations set forth in Section 12 of this article.
4. Use Limitations of Accessory Structures: Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- No accessory structure shall be used for dwelling purposes *except for on lots/tracts greater than ten (10) acres in the "R-A" District and as defined in Article 2 Rules and Definitions, Accessory Dwelling. (Ord. 2237)*
5. Number of Structures and Uses on a Zoning Lot: Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the structure or structures conform to all requirements for the district in which the lot or tract is located.
6. Sight Triangle: On a corner lot in any district, except "C-1", development shall conform to the requirements of the sight triangle as defined by this regulation.
7. Access to Business and Industrial Districts: No land that is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.
8. Outdoor Seating within Rights-of-Way: *Temporary or permanent outdoor seating facilities may be permitted by a Temporary Right-of-Way Use Permit. Permit applications are available in the Community Development Department. The City Engineer may require additional information, including but not limited to: a survey performed by a licensed professional; a building materials list; a building plan drawn to scale; and approval of a Building Permit by the City Building Inspector. Temporary Right-of-Way Use permits may only be granted by the Planning Commission and only under the following circumstances: (Ord. 2107; 2139)*

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- (1) *The applicant's property is located in the 'C-1' Central Business zoning district.*
- (2) *The applicant's land use is designated as "Food Service – Alcohol or Malt Beverage Sales Less than 50% of Total Sales" in Appendix A: Permitted Uses by District of these Regulations.*
- (3) *If the applicant is not the owner or tenant of the land adjoining the right-of-way sought to be used, the permit must be accompanied by a letter from such owner or tenant consenting to such use of the adjoining right-of-way.*
- (4) *An 8-foot wide, unobstructed, ADA compliant pedestrian way is maintained.*
- (5) *The outdoor seating area must be a well-defined space, designed and serviced to keep debris from blowing off the premises.*
- (6) *The applicant agrees to the following conditions, as set forth on the Temporary Right-of-Way Use Permit, by signature on same:*
 - a) *The applicant is responsible for removing tables, chairs, and any other temporary or permanent structures from the right-of-way within 48 hours of notification by a City Official.*
 - b) *In the event that the right-of-way is damaged as a result of the placement of structures within it by the applicant, the applicant is responsible for repairing and returning the right-of-way to its original state within one (1) month of notification by a City Official.*
- (7) *The term of the permit shall be no longer than two years subject to renewal.*

9. *Temporary Uses.* **(Entire Section Revised--Ord 2139)**

- A. *Statement of Purpose. The purpose of this Section is to provide for and govern the approval and operation of the temporary use of land. This Section further intends to ensure that such temporary uses are consistent with the normal use of the subject site and beneficial to the general welfare of the public. Furthermore, it is the intent of this Section to protect nearby property owners, residences and businesses from temporary uses which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use. Finally, it is the purpose of this Section to preserve the public health, safety and welfare.*
- B. *Temporary Uses Permitted. No land shall be used for temporary purposes except as defined and specified herein. The following uses are exclusive. Uses not defined herein shall not be permitted as temporary uses.*

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- (1) *Garage, Yard or Porch Sales, and Estate Sales or Auctions: Sales of used or second-hand merchandise in residential districts.*
- (2) *Fundraising or Non-Commercial Events: Events for nonprofit religious, educational, community or civic organizations including car washes, rummage sales, bake sales, and similar activities. A Permit is not required for such organizations holding fundraising events on their own private property.*
- (3) *Christmas Tree Sales and other Outdoor Seasonal Sale of Harvestable Goods Associated with Major Holidays: The sale or display and sale of Christmas trees, garland, wreaths, pumpkins, and other holiday related harvestable goods or produce.*
- (4) *Outdoor Produce and Harvestable Goods: The sale and display of seasonal produce or harvestable goods, including fruits and vegetables, house plants and annual or perennial bedding plants, ground covers, bulbs and related small plant materials. This shall not include sale of general landscaping materials, including sod, trees or shrubs.*
- (5) *Outdoor Seasonal Displays: The sale and display of seasonal merchandise and products such as gardening supplies or lawn furniture.*
- (6) *Promotional Activities or Devices: Activities or devices intended to attract attention to a specific merchandise, services or product lines, such as outdoor displays, entertainment or activities, including hot air balloons or other large inflatable objects, searchlights, rows of pennants or flags, vehicles or trailers used primarily for advertising display and secondarily for transportation, 'air dancers' or similar vinyl tubes with blower systems, or other, similar promotional displays or activities.*
- (7) *On and Off-Site Construction Structures and Storage: Contractor's offices and equipment sheds accessory to a construction project. Such structures cannot contain sleeping or cooking accommodations.*
- (8) *On-Site Construction Housing: Temporary housing, including a basement, garage, camper or manufactured home utilized by full-time, regular workers during construction of the principal residential structure.*
- (9) *Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development.*
- (10) *Recycling or Material Collection Vessels: For collection of recyclable materials. Such vessels shall meet minimum zoning district yard setbacks and shall be screened from view of all adjacent residentially zoned properties or existing residential uses.*
- (11) *Camping Trailers and Recreational Vehicles: Camping Trailers as defined in 4-801 of Chapter IV of the De Soto City Codes and recreational vehicles, which are hereby defined as vehicular type units primarily designed as temporary living quarters for recreational camping or travel uses and which have their own motive power, may be temporarily used as an overnight residence in areas of the City which are not considered camp grounds or trailer parks. (Ord. 1119)*

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- (12) *Emergency Relief Housing: Housing, including manufactured homes, mobile homes, campers, trailers, or recreation vehicles for the purpose of providing temporary housing following a disaster, such as fire, tornado or flood.*
- (13) *Commercial Activities: Activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sales, sidewalk sales, trade shows, auctions, flea markets, or swap meets.*
- (14) *Public Events: Events primarily for public entertainment or amusement such as parades, group runs or walks, carnivals, concerts or festivals, or arts and crafts shows operated separately or in conjunction with other activities such as sales by merchants for vendors.*

C. Permit Process, Regulations and Duration.

- (1) *General Requirements. Temporary Use permits shall be issued only if all the following general criteria are met:*
 - (a) *Parking and Traffic Control. Adequate off-street parking with an approved surface shall be provided for customer vehicles outside the roadway improvement area. The temporary use shall not cause undue traffic congestion or additional accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.*
 - (b) *Adequate Sight Distances. Structures or product displays shall not be placed inside the visual sight triangle at intersections. Adequate sight distances shall be available for vehicles entering and leaving the temporary use site.*
 - (c) *Nuisances. Noise, odor or light emissions from the site shall not present an interference with the enjoyment or use of the property or a hazard to adjoining properties or public ways. Unless otherwise approved by the Governing Body, all uses shall be subject to all applicable lighting and noise regulations of the City.*
 - (d) *Waste Disposal. Adequate provision for sanitary waste and trash disposal shall be provided by the applicant. Trash, rubbish and waste products shall be removed from the premises daily.*
 - (e) *Utilities. Utility services provided shall comply with applicable building, electrical, plumbing, fire, safety, sanitation, public health and other codes, laws or regulations applicable to the use and shall be installed only under permits obtained as required by such codes.*
 - (f) *Fire Protection. Any structure used in conjunction with the temporary use may be subject to inspection by the Fire Chief.*
 - (g) *Site Clean Up. The site shall be cleaned up and restored to its previous condition upon expiration of the Temporary Use Permit. If the site is not returned to its previous condition, the City may restore the site at the event coordinators expense.*

- (2) *Specific Temporary Use Regulations. Uses shall be subject to the following standards and conditions in addition to the General Requirements defined within Subsection C above.*
- (a) *Garage, Yard or Porch Sales, and Estate Sales or Auctions.*
 - (i) *Location. Entirely on private property located in any residential district.*
 - (b) *Fund Raising or Non-Commercial Events.*
 - (i) *Location. Entirely on private property with the approval of the property owner as evidenced by written permission.*
 - (ii) *Structures. Any structure used in conjunction with the use/event shall meet applicable yard setbacks, shall be subject to valid building permit, and shall be promptly removed upon completion of the event. No motorized rides shall be provided.*
 - (iii) *Hours of Operation. The event shall be restricted to hours of operation between 8:00 a.m. and 11:00 p.m.*
 - (iv) *Uses/Events that do not meet the above requirements shall be subject to the regulations for Commercial Activities.*
 - (c) *Christmas Tree Sales and other Outdoor Seasonal Sale of Harvestable Goods Associated with Major Holidays.*
 - (i) *Location. Entirely on private property within any commercial or industrial district with the approval of the property owner as evidenced by written permission or by the owner and resident of an agricultural tract or lot greater than 3 acres within the “R-A” District. (Ord. 2237)*
 - (ii) *Structures and Displays. Structures and displays need not comply with the yard and setback requirements of these regulations, provided that no structure or display is located within 30 feet of the intersection of the curb line of any two streets.*
 - (iii) *Hours of Operation. The event shall be restricted to hours of operation between 8:00 a.m. and 10:00 p.m.*
 - (d) *Outdoor Produce and Harvestable Goods.*
 - (i) *Location. Entirely on private property within any commercial or industrial district with the approval of the property owner as evidenced by written permission, or on any residential lot of three (3) acres or greater in an “R-A” Rural Agriculture District, an “R-0” Residential Suburban District or “R-1” Residential Low Density District. (Ord. 2237)*
 - (ii) *Structures and Displays. With the exception of uses/events in the “R-A”, “R-0” or “R-1” Districts, structures and displays shall be temporary in nature and shall be removed at the end of each business day. All structures and displays used in conjunction with the use/event shall meet all sight distance and setback requirements. (Ord. 2237)*

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- (iii) *Hours of Operation.* The event shall be restricted to hours of operation between 8:00 a.m. and 10:00 p.m.

- (e) *Outdoor Seasonal Displays.*

 - (i) *Location.* Entirely on private property owned or leased by the sponsoring organization or as a permanent facility and located within any commercial or industrial district. Outdoor seasonal displays may be located in a paved parking area containing no greater than twenty contiguous parking stalls or an area no greater than twenty percent of the floor area of the business, whichever is less, provided the overall number of parking stalls remaining is not less than that required by the zoning ordinance.
 - (ii) *Unenclosed Display.* The display area shall not block any turn lanes, aisles, fire lanes or be placed inside a sight triangle. The height of such displays shall not exceed five feet, and the perimeter of the area shall be fenced or otherwise protected from vehicular traffic. The display area shall also be located behind any platted setback lines. All material shall be displayed in an orderly manner. Broken bags and spilled contents shall be removed. The display shall occur on the same lot as the building.
 - (iii) *Enclosed Display.* Enclosed outdoor seasonal display area (those with solid walls and roofs, including tents) may be located in a parking lot area on the same lot as the business, containing a cumulative area when combined with any open area display no greater than twenty contiguous stalls, or an area no greater than twenty percent of the floor of the business, whichever is less, provided the overall number of parking stalls remaining is not less than that required by the zoning ordinance. The display area shall be placed in a hard surface, and shall not block any turn lanes, aisles, fire lanes, or be placed inside a sight triangle, nor shall it block the view of oncoming traffic.
 - (iv) *Hours of Operation.* The event shall be restricted to hours of operation between 8:00 a.m. and 10:00 p.m.

- (f) *Promotional Activities or Devices.*

 - (i) *Location.* The use/event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
 - (ii) *Structure and Displays.* Any structure or display used in conjunction with the use/event shall meet all sight distance and setback requirements, shall be subject to a valid building or sign permit, and shall be promptly removed upon cessation of the event. No motorized rides shall be permitted.

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- (iii) *Impact. The event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution. The promotional display or activity shall be generally compatible with the them, visual quality, and overall character of the surrounding area.*
- (iv) *Sidewalk Displays. When merchandise or activities are held on the sidewalk in front of businesses, one-half the width of the sidewalk shall be clear space and merchants may display merchandise only within the area of the sidewalk that immediately abuts their business.*
- (g) *On and Off-Site Construction Structures and Storage.*

 - (i) *Location. The use is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.*
- (h) *On Site Construction Housing.*

 - (i) *Location. The use is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.*
 - (ii) *Duration. Upon conclusion of the permitted time period or completion of the principal structure, whichever occurs first, the owner shall remove the temporary housing or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located.*
- (i) *Real Estate Office.*

 - (i) *Location. Entirely on private property owned or leased by the sponsoring organization as a permanent facility within a residential district.*
 - (ii) *Structure. Limited to a real estate office containing no sleeping or cooking accommodations unless located in a model dwelling unit and incidental to a new housing development. Any structure used in conjunction with the temporary use shall meet applicable yard setbacks, shall be subject to valid building permit, and shall be promptly removed upon the sale or lease of all dwelling units in the development.*
- (j) *Recycling or Material Collection Vessels.*

 - (i) *Location. The use/event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.*
 - (ii) *Structure. The collection vessel shall not block any turn lanes, aisles, fire lanes or be placed inside a sight triangle. All sight building setbacks shall be observed. All collection and storage shall be within enclosed containers. To the extent possible, all vessels shall be screened from view of all adjacent residentially zoned properties or existing residential uses.*

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- (iii) *Parking. Off-street parking spaces shall be provided and parking regulations observed, as determined to be necessary by the Community Development Department.*

- (k) *Camping Trailers and Recreational Vehicles.*

 - (i) *Location. Areas of the City which are not considered mobile home or trailer parks, as approved at the discretion of the City Building Official. The owner of the property where the camping trailer or recreational vehicle will be located, or their designated representative, shall obtain a permit for the camping trailer or recreational vehicle from the City Building Official, which permit will specifically designate the approved location for the trailer or vehicle and, if available, any connections to water and sewer pipes. The City Building Official may deny the requested location if he/she determines that the trailer or vehicle, or any of its equipment, will constitute a nuisance or pose a health or safety risk.*
 - (ii) *Permit Display. Such permit is conspicuously displayed on the travel trailer or recreational vehicle so that it can be seen from the outside by the City Building Official.*
 - (iii) *Waste Disposal. In the event that no sewer connection is available and approved by the City Building Official, the property owner, or their designated representative, agrees that no waste materials other than ordinary bagged garbage will be released from the travel trailer or recreation vehicle for the duration of the unit's stay. The property owner, or their designated representative, also agrees that any such bagged garbage will be properly disposed of by placing it from the trailer or vehicle into the property owner's garbage receptacles.*
 - (iv) *Revocation. The City Inspector may revoke the permit or renewal of the same at any time if he/she determines that the trailer or vehicle or any of the equipment constitutes a nuisance or poses a health or safety risk.*
 - (v) *Fines. The failure of the property owner or their designated representative to remove the trailer or vehicle, or any equipment or garbage connected therewith, upon the expiration of the permit, or renewal of the same, will result in the property owner, and/or their designated representative, being fined not more than \$25.00 for each day that the trailer or vehicle, equipment, or garbage, remains on the property.*

- (l) *Emergency Relief Housing*

 - (i) *Location. Entirely on the lot on which the damaged or destroyed structure was located unless otherwise approved by the Community Development Department or City Administrator. No alternative location shall be approved on private property without the approval of the property owner as evidenced by written permission.*

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- (ii) *Structure. The home shall be suitably anchored to the ground. The placement of the home on the lot or tract shall be such as to not unduly interfere with the use and enjoyment of adjacent properties and shall meet all setback and sight distance requirements.*
 - (iii) *Parking. Off-street parking spaces shall be provided and parking regulations observed, as applicable to the zoning district; provided, however, that garages or covered carports shall not be required and the paving of any required parking area may be waived.*
 - (iv) *Duration. The application shall indicate the anticipated duration of such temporary use of the home, and the permit shall indicate the date on which it is to expire; provided, however, that in no event shall the permit be granted for a period in excess of six months.*
- (m) *Commercial Activities.*
- (i) *Location. The use/event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.*
 - (ii) *Structure and Displays. Any structure or display used in conjunction with the use/event shall meet all sight distance and setback requirements, shall be subject to a valid building permit, and shall be promptly removed upon cessation of the event. No motorized rides shall be permitted.*
 - (iii) *Impact. The event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.*
 - (iv) *Sidewalk Displays. When merchandise or activities are held on the sidewalk in front of businesses, one-half the width of the sidewalk shall be clear space and merchants may display merchandise only within the area of the sidewalk that immediately abuts their business.*
 - (v) *Additional Conditions. Additional conditions may be imposed by the Governing Body as they deem necessary to ensure the safety and general welfare of the community.*
- (n) *Public Events.*
- (i) *Location. As may be permitted by the Governing Body in an “R-H”, “C-1”, “C-2”, “O-I”, “M-1”, or “M-2” District.*

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two (2) weeks of application receipt. Applications to be considered by the City Council will be forwarded following review and comment by the Community Development Department. Prior to consideration by the City Council, the applicant shall be notified of the time and date of such consideration. Following consideration, applicants shall be notified of action taken, including required conditions, if any. When approved, temporary use permits shall be posted on the site for the duration of the event.

<i>Permit Requirement, Duration and Frequency Table</i>			
<i>Temporary Use</i>	<i>Approval/Fee Required</i>	<i>Maximum Duration¹</i>	<i>Maximum Frequency</i>
<i>Garage, Yard or Porch Sales and Estate Sales or Auction</i>	<i>None/No Fee</i>	<i>4 days</i>	<i>2 times per calendar year²</i>
<i>Fundraising or Non-Commercial Events</i>	<i>Admin/No Fee</i>	<i>4 days</i>	<i>2 times per calendar year³</i>
<i>Christmas Tree Sales and other Outdoor Seasonal Sale of Harvestable Goods Associated with Major Holidays</i>	<i>Admin/Fee</i>	<i>60 days</i>	<i>2 times per calendar year</i>
<i>Outdoor Produce and Harvestable Goods</i>	<i>Admin/Fee</i>	<i>March 1 to November 1</i>	<i>-</i>
<i>Outdoor Seasonal Displays</i>	<i>Admin/Fee</i>	<i>March 1 to November 1</i>	<i>-</i>
<i>Promotional Activities or Devices</i>	<i>Admin/Fee</i>	<i>10 days</i>	<i>2 times per calendar year</i>
<i>On and Off-Site Construction Structures and Storage</i>	<i>Admin/Fee</i>	<i>Duration of construction</i>	<i>-</i>
<i>Real Estate Office</i>	<i>Admin/Fee</i>	<i>Until the sale or lease of all dwelling units</i>	<i>-</i>
<i>Recycling or Material Collection Vessels</i>	<i>Admin/Fee</i>	<i>As approved</i>	<i>As approved</i>
<i>Camping Trailers and Recreational Vehicles</i>	<i>Admin/Fee</i>	<i>7 days, with 7 day permitted extension</i>	<i>3 times per calendar year</i>
<i>Emergency Relief Housing</i>	<i>Gov/Fee</i>	<i>As approved</i>	<i>-</i>
<i>Commercial Activities</i>	<i>Gov/Fee</i>	<i>2 weeks</i>	<i>As approved</i>
<i>Public Events</i>	<i>Gov/Fee</i>	<i>4 weeks</i>	<i>As approved</i>
<ol style="list-style-type: none"> <i>1. All measurements of duration shall be consecutive not cumulative.</i> <i>2. Estate sales shall be one-time events.</i> <i>3. An additional two (2) events may be held strictly for charitable purposes, with all profits going to the charity. These two (2) events cannot be used to promote merchandise or services located at the location of the event or for sponsors of the event.</i> 			

(d) *Submittal Requirements.* Each application for Temporary Use permit shall contain the following information as may be provided on forms provided by the Community Development Department.

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- (i) *Location. The commonly known, street address of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately describe the property.*
 - (ii) *Proposed Use. A description of the proposed use including dates, time schedules and activities proposed.*
 - (iii) *Contact Information. The name, address and phone number of the applicant and the property owner and the person(s) responsible for the use if different than the applicant.*
 - (iv) *Written Permission. Written permission of the property owner or property manager if other than the applicant.*
 - (v) *Summary of Operation. A statement describing provisions which will be made for sanitation facilities, utilities, parking, traffic circulation and control, security, fire safety, medical emergency and first aid, noise control, and clean up.*
 - (vi) *Additional Information. Additional information including a sketch of the layout of the proposed site and activities may be required by the Community Development Department as determined to be necessary to adequately determine if the standards and conditions specified herein can be adequately addressed.*
- (e) *Application and Fee. Application fees shall be paid at the time of application in accordance with the City's adopted fee ordinance. No application shall be considered until all applicable fees have been paid in full.*
- (f) *Prohibition on Transfer. No Temporary Use Permit issued under the provisions of this Section shall be assignable or transferable to any other person or transferable to another location for the operation of a special event by that business or person at a different location.*

10. Determination of Structure Setback Line: The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:

- A. Projections for new construction shall conform to the provisions of the adopted Uniform Building Code in effect at the time of application, with regard to construction details, property setbacks and public property encroachment.
- B. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor, wall, roof or foundation line. Projections include, but are not limited to:

- | | |
|----------------|---|
| (1) Roof Eaves | (6) Bay and Egress Windows |
| (2) Cornices | (7) Combustible or Noncombustible Ornamentation |
| (3) Porches | (8) Soffitts |
| (4) Stairs | (9) Balconies |
| (5) Dormers | |

C. Exception for Canopies and Awnings: A canopy or awning may be permitted to overhang a public way in any business zoning or industrial zoning district providing:

- (1) The canopy or awning construction is covered with a fabric material, such as canvas, or is made of a material that simulates a fabric covering, other than metal or aluminum.
- (2) No portion of the canopy or awning shall be less than eight (8) feet above the level of the sidewalk or other public way.
- (3) The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two (2) feet inside the curb line of a public street.

11. Fences: *Except as otherwise provided in other codes and regulations for the City of De Soto, the following regulations shall apply to the construction of fences: (Section Replaced by Ord 2234)*

A. *Intent: It is the intent of these regulations to improve the safety of city sidewalks and streets through the maintenance of adequate visibility into and from private property and within the public right-of-way and to allow property owners to adequately screen their property without undue negative impact to abutting properties.*

B. *General Requirements*

- (1) *All fences must be maintained in good and sound condition, free of damage, breaks or missing structural members.*
- (2) *Fences shall not restrict surface drainage or be constructed to divert or channel storm water flow. No solid fences are allowed in drainage easements. Non-opaque fences may be allowed at the discretion of the City Engineer.*
- (3) *Except in the "R-A" Rural Agricultural District, only decorative fences are allowed in the established front yard of a residence. Decorative fences shall be designed so that they are at least 40% transparent such as split-rail, picket, wrought-iron, or similar. Decorative fences shall not include chain link fencing.*

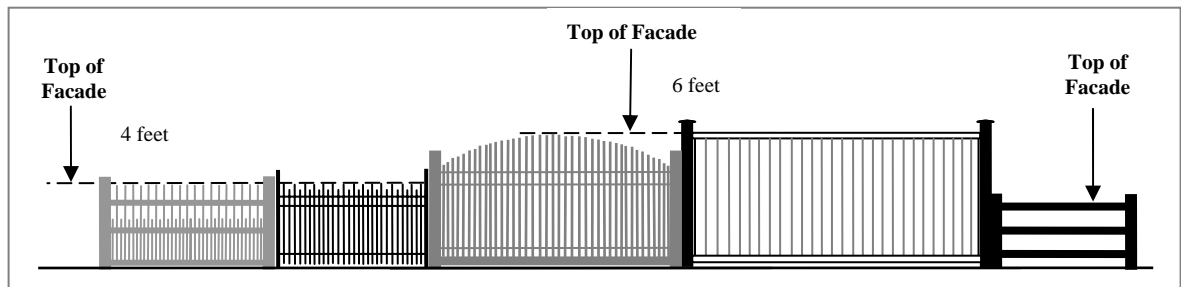
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- (4) *All fences shall be constructed with a finished surface facing outward from the property. The posts and support beams shall be on the inside or be designed as an integral part of the finished surface.*

C. Height

- (1) *Except in the “R-A” Rural Agricultural District, fences in the established front yard of a residence shall not exceed four (4’) feet in height. Fences in side or rear yards shall not exceed six (6’) feet in height.*
- (2) *Fence height shall mean the maximum vertical dimension from the top of the fence façade to the ground.*



- (3) *Fences erected upon school grounds; in public parks or playgrounds; or for public or private recreational purposes may be constructed to a greater height when approved as part of an overall site plan or special use permit.*

D. Setbacks

- (1) *Front Fence Line: In all areas, fences may be placed at the joint property line/road right-of-way line, but in no case shall the fence be closer than 15’ to the back of the curb or the edge of the paved street.*
- (2) *Corner Lots: Fences along the street sides of a corner lot shall observe the following:*
 - a. *Decorative fences as defined in Part B.3 above may be placed in accordance with the Front Fence Line requirements as stated in D.1.*
 - b. *Fences taller than four (4’) feet or fences that are non-decorative in nature shall be located no closer to the side joint property line/road right-of-way line than the interior side yard setback for that zoning district.*

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- (3) *Side Fence Line: On interior lots, fences may be placed on the property line.*
- (4) *Rear Fence Line: A fence may be constructed on the rear property line unless the lot is a thru lot.*
- (5) *Thru Lot: Fences must observe a front fence line along the rear of the lot as defined in D.1 Front Fence Line above.*
- (6) *Fences proposed within utility easements may be prohibited by the easement holder and nothing herein, or a permit issued hereunder, shall be construed as modifying such prohibition.*
- (7) *In no case shall a fence be allowed within the road right-of-way.*

E. Safety

- (1) *At least one gate must be placed in the fence for access to an enclosed area. A pedestrian gate that is the only access to an enclosed area must be at least three (3) feet wide to allow for passage of emergency personnel and equipment.*
- (2) *No fence shall be constructed, which in the opinion of the City Engineer, will constitute a traffic hazard or obstruct visibility within the 'sight triangle' as defined by these regulations.*
- (3) *No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.*
- (4) *Residential swimming pool enclosures are regulated by the International Residential Code, the adopted building codes for the City.*
- (5) *Barbed wire and/or electric livestock fencing is allowed for agricultural uses detention purposes only.*
- (6) *Security wire, such as razor ribbon or ribbon wire may not be used in any other manner or Zoning District.*
- (7) *Electronic pet fencing in residential areas may be allowed according to the Section 2-110 of the De Soto City Code.*

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F. *Permit*

- (1) *No type of fence shall be constructed or placed without first obtaining a valid building permit from the City Building Official.*
- (2) *A fence permit shall also be required whenever extending an existing fence; or when replacing, moving or repairing an existing fence by 50% or more.*
- (3) *Said permit shall require a plot plan drawn to scale, indicating the location of the proposed fence, all property lines, easements, setbacks and buildings.*
- (4) *Fences used for agricultural purposes do not need a fence permit, but must still meet the stated regulations. Agricultural purposes shall include land zoned Rural Agricultural District and used for the raising of crops, horticulture, animal and poultry husbandry.*

G. *Variance*

- (1) *These regulations or the decision of the Building Official may be appealed to the Board of Zoning Appeals. In reviewing the appeal, the BZA shall consider the following criteria: a.) purpose and intent of the regulations; b.) impact on adjacent properties; c.) safety; d.) unique site conditions and constraints; e.) promotion of high quality or unique design; and f.) character of the neighborhood.*
- (2) *The Planning Commission may, as part of a special use permit application or as part of a site plan review, vary from the stated fence regulations when it is found that the proposed fence meets the stated intent above and in consideration of the criteria in G.1 above. All such variations from the regulations must be clearly cited and/or depicted on the site plan or permit.*

12. Home Occupations: Home occupations shall be permitted in all districts permitting dwellings.

A. **Restrictions and Limitations:**

- (1) The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.

- (2) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
- (3) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
- (4) No sign shall exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.
- (5) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and not more than one full-time equivalent, non-resident employee.
- (6) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
- (7) Vehicular traffic generated by the business shall not be abnormal for local residential traffic volumes and vehicular types. *Parking associated with the home occupation must be off-street and shall not exceed two additional non-resident or employee vehicles at a time, excluding the drop-off or picking up of children. (Ord 2155)*

B. Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of (1) through (6) above:

- (1) Art, dancing, and music schools provided that instruction is limited to five pupils at one time.
- (2) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
- (3) Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
- (4) Watch, clock, and jewelry repair services.
- (5) Radio, television, phonograph, recorder, and small appliance repair services.
- (6) Day care homes and day care nurseries.
- (7) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
- (8) Tailoring, alterations, and seamstresses.

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- (9) *Barber and beauty salons, including hair, skin and nail care services, tanning, and massage. (Ord. 2155 & 2156)*
- (10) Tool sharpening and filing.
- (11) Bed and breakfast, by special use permit, with certain conditions.

C. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:

- (1) Antiques - retail.
- (2) Funeral services.
- (3) Groceries - retail.
- (4) Second-hand merchandise - retail.
- (5) Equipment rental.
- (6) Automobile and other motor vehicle repair services.
- (7) Physicians.
- (8) Dentists.
- (9) Chiropractors.

13. Swimming Pools:

- A. Shall be located at least ten feet from the nearest property line.
- B. An enclosure shall be provided in accordance with the Code of the City of De Soto at least four feet in height, no closer than four feet from any edge of the pool.

14. Livestock and Animals: Keeping livestock in the City shall be restricted by City Code, and subject to further regulation by the County Health Officer. No accessory structure for housing animals shall be nearer than 50 feet from any side yard or rear yard lot line; and no animal shall be nearer than 150 feet from the center line of any public right-of-way.

15. Wind Energy Conversion Systems (WECS). (Section added Ord. #2244)

- A. *These regulations allow for the following types of wind energy conversion systems:*
 - (1) *A horizontal, tower mounted WECS in a residential application where the system height does not exceed 1.5 times the maximum height for the zoning district where it is located and lot/tract size is greater than 2 acres.*

- (2) *A vertical WECS in a residential application that does not exceed the maximum height regulations for the zoning district.*
- (3) *A vertical WECS, either as a single turbine or a series of turbines, which is integrated into the design of a non-residential building or development and approved as part of an overall Site Plan Review of such improvements. In such case, the requirements found in Article 10 Special Use Permits, Section 4.L Wind Energy Conversion Systems shall be considered as guidelines for approval.*

B. *General siting and construction requirements*

- (1) *Applications shall include a line drawing of the system and electrical components in sufficient detail to allow for a determination that the manner of installation conforms to city codes and manufacturer's recommendations. All electrical connections shall be certified by an electrical engineer.*
- (2) *Any energy system that will be connected to a utility grid must meet the standards of that utility and provide proof of compliance.*
- (3) *Systems shall be set back from the property line a distance equal to the total system height. If the system includes guy wires, they must be set back from the property line a minimum of 10 feet.*
- (4) *The system shall not be audible at the property line above the levels provided for in Article 8 of Chapter VIII of the City Code.*
- (5) *Energy system shall not cause or intensify interference with nearby telephone, television or communications signals.*
- (6) *No signage (other than emergency contact information), flags, streamers or other items may be attached to any part of the system.*

16. *Solar Energy Conversion Systems.* **(Section added Ord. #2244)** *Passive and active solar collectors shall be permitted provided that the following performance standards are met:*

- A. *All solar energy systems shall be designed, constructed and installed in accordance with the adopted building and electrical codes for the City of De Soto. All such systems shall be structurally adequate as determined by the City Building Official to withstand foreseeable natural phenomena.*

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- B. *Roof-mounted residential solar collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than 24 inches from the roof as measured perpendicularly to the roof at the point where it is mounted.*

- C. *Roof-mounted residential solar collectors located on the rear or interior side building roofs or on the roof of an accessory building shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than four feet from the roof as measured perpendicularly to the roof at the point where it is mounted.*

- D. *Roof mounted systems shall not extend beyond the edge of the roof.*

- E. *If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, and the like.*

- F. *All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.*

- G. *Ground-mounted solar collectors shall only be allowed in the R-A and R-0 zoning districts. Units shall not exceed 8 feet in total height, shall be located to the rear of the primary structure for the site and comply with rear and side setbacks. All lines serving a ground-mounted solar collector shall be located underground.*

- H. *Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level.*