

ARTICLE 6. ACCESSORY USES, TEMPORARY USES AND HOME OCCUPATIONS

100 Accessory Uses Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

A. Definitions. An accessory use is a structure or use which:

1. Is subordinate to and serves a principal structure or use;
2. Is subordinate in purpose to the principal structure or use served;
3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal structure or use served; and
4. Is located on the same zoning lot as the principal structure or use served. (See Section 6-100D1 regarding beginning any accessory structure or use prior to the principal structure or use.)

B. Permitted Accessory Uses. Any structure or use that complies with the terms of Section 6-100A may be allowed as an accessory use or structure and may be included, but is not limited to the following list: *

1. Off-street parking and loading space as regulated by Article 5 of these regulations, including detached garages and carports. On lots for single and two-family dwelling units and all types of manufactured and mobile homes in the City such structures may contain incidental space for storage and other uses and are limited to one each per zoning lot not over 750 square feet in gross floor area for a garage and 400 for a carport, unless a conditional use is approved by the Board of Zoning Appeals for a larger structure. Similarly, on lots outside the City, detached garages shall not exceed 1,200 square feet and carports 600 square feet.
2. Signs, when permitted by Article 7 of these regulations.
3. Buildings for storage and other enclosed purposes; provided, that no such buildings on lots in the City which are accessory to single and two-family dwelling units and all types of manufactured and mobile homes shall exceed 400 square feet in gross floor area, unless a conditional use is approved by the Board of Zoning Appeals for a larger building. Similarly, on lots outside the City, such buildings shall not exceed 1,200 square feet.

* Zoning permits are required only for accessory structures which exceed 100 square feet of ground area unless a permanent foundation is required by any applicable building code; however, permits are required for fences in the front yard setback and for satellite dish antennas which exceed one meter (39.37 inches) in diameter. (For other accessory zoning permits, see Section 6-101 for temporary uses, Section 6-102 for home occupations, Section 5-100 for parking spaces and loading areas and Article 7 for signs.)

No motorized vehicle of any type or any portion thereof such as a truck trailer may be used on a residential lot for storage or any purpose other than for periodic vehicular parking according to provisions of Article 5. Similarly, a railroad box car, construction trailer, dumpster, shipping container or portable storage unit is not permitted permanently on a residential lot. Motorized vehicles and portions thereof, construction trailers, dumpsters, shipping containers or portable storage units; however, may be used only temporarily for refuse disposal or storage during a period of construction, reconstruction or moving including location on a driveway. (See Section 2-102 for definition of PORTABLE STORAGE UNIT.)

4. Storage of recreational vehicles; provided, that they shall not be utilized for living purposes, except for the convenience of temporary lodging only, for not more than 15 days at any one time, and when stored on the driveway or on a graveled or paved surface parallel and adjacent to the driveway of a residential lot by the occupant who is the vehicle owner, shall be located not less than ten feet from the front lot line and not otherwise stored in a front yard setback. (See Section 2-102 for definitions of RECREATIONAL VEHICLE (RV) and YARD, FRONT.)
5. Storage outside both above or below ground level of petroleum products for heating and power purposes or for fueling vehicles related to the operation of the principal use on commercial and industrial lots only and for sale at automobile and truck service stations. (See also State Fire Marshal's regulations.)
6. Detached, rack mounted solar equipment; and satellite dish antennas; provided, that on lots with single-family and duplex dwelling units and all types of manufactured and mobile homes that the antenna structure shall not be located in any front yard setback nor in any portion of the area which is parallel to the front facade of the principle structure. Satellite antenna dishes exceeding one meter (39.37 inches) in diameter shall not be located on or attached to or mounted on masts (wireless cable) which are attached to dwelling units or manufactured or mobile homes nor their accessory garages or storage buildings. If an acceptable quality signal cannot be received under these restrictions to minimize visual impact and to provide safety, the Zoning Administrator may approve an alternative location suitable for reception. (See Section 2-102 for definition of HEIGHT, MAXIMUM for wireless cable antenna height.)
7. Communication structures, antennas and aerials. (See Section 2-102 for definition of HEIGHT, MAXIMUM and Section 6-100B6 above for satellite dish antennas.)
8. Storm shelters, children's playhouses, statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, bathhouses and permanent-type swimming pools; provided, the latter are enclosed by a security-type fence for the protection of young children in

residential districts only as approved by the Zoning Administrator regardless of whether the pool is above or below ground.

9. Guest houses without kitchen facilities or rooms for guests in an accessory building; provided, such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
10. Restaurants, pharmacies, gift shops, beauty parlors, barber shops and newsstands when located in a permitted hotel or motel.
11. For employees only, child care centers and restaurants when located in a permitted business or industrial building.
12. Recycling collection centers, large and small. (See Section 2-102 for definition of RECYCLING CENTER.)
13. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in these regulations. (See Section 2-102 for definition of STORAGE, OUTSIDE and Section 3-103N3 for manufactured or mobile homes as storage structures.)
14. Private wind energy conversion systems may be permitted in all districts as an accessory use if granted as a conditional use by the Board of Zoning Appeals.

C. Bulk Regulations.

1. Accessory structures and uses shall maintain the same side and front yard setback as is required for the principal structure, unless they are a permitted obstruction within the provisions of Sections 3-103F and 6-100B3. (See Section 5-100A4 for parking spaces.)
2. Accessory buildings shall be set back at least five feet from the rear lot line, except that garages with entrances facing alleys shall be set back at least 20 feet. (See Section 9-101A for zoning permits on easements.)
3. No part of any accessory building shall be located closer than 10 feet to any principal structure. (Note: Additions or attachments to principal structures are not considered accessory buildings and are regulated by the bulk regulations for the principal structure.)
4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located, except that in residential districts no accessory building shall be more than one story high nor exceed 18 feet in height.

D. Use Limitations. All accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located with the following additional use limitations:

1. No accessory structure shall be constructed and occupied or a use started on any zoning lot prior to the time construction begins on the principal structure or use to which it is accessory. Conversely, no accessory structure shall continue to be used or occupied after the principal structure has been removed from a zoning lot. (See Section 6-100A4 regarding same zoning lot.)

101 Temporary Uses Permitted. The following uses of land are permitted in each zoning district unless specifically restricted to particular zoning districts and are subject to the regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted unless otherwise indicated:*

- A. Temporary zoning permits for community celebrations, carnivals, circuses, musical festivals, religious revival services or similar outdoor events and Halloween or haunted houses may be approved with conditions by the Governing Body or their designated representative. Such uses need not comply with the bulk or lot size requirements; provided, that structures or equipment which might block the view of operators of motor vehicles on the public streets shall meet the requirements of the vision triangle. (See Section 2-102 for definition of VISION TRIANGLE.)
- B. Christmas tree sales in any agricultural, business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided, that no tree shall be displayed within the dimensions of a vision triangle. (See Section 2-102 for definition of VISION TRIANGLE.)
- C. Contractors' offices, equipment sheds and open storage areas which are accessory to a construction project and remain on the site only during the duration of such project. Similarly, a model home or a portion thereof may be used as a real estate sales office on the site of large scale residential developments.
- D. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Small, temporary structures on private property incidental to such sale need not comply with the applicable front yard requirements.

* Temporary zoning permits are required for events provided for in Section 6-101A and fireworks stands. A recycling center is also required to obtain such a permit, but no fee is charged.

- E. Promotional activities of retail merchants involving the temporary display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any two-month period in an area adjacent to the building subject to the following conditions:
1. No portion of the display shall be on publicly owned property, unless the applicant shall first have obtained approval for such use from the City.
 2. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used goods such as furniture, appliances, plumbing, housewares, building material or similar display or sale in any business or industrial districts, unless permitted otherwise by these regulations.
- F. Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than two days during any one sale and no more than four sales to be held at the same residence during any calendar year.
- G. Recycling centers, small and large, periodically operated not for profit in business and industrial districts only for not more than 10 days in one period and for no more than three times during any 12-month period consistent with adequate provisions for public health and safety. (See Section 6-101 for zoning permit.)
- H. Fireworks may be sold from an outside stand during the months of June and July as approved by state law and when all other applicable City regulations for a permit have been met and such stand removed at all other times of the year. (See Section 6-101 for temporary zoning permit.)
- I. Temporary permits may be approved by the Governing Body or their designated representative for an equipment and material yard including an asphalt or concrete mixing plant for stated periods of time with conditions attached as deemed necessary to accommodate working space for highway or road projects.

102 Home Occupations Authorization. Home occupations that are customarily incidental to the principal use of a residential building or any type of manufactured or mobile home shall be permitted; provided, that the residential appearance of the building or home is maintained and no undue traffic or parking problems are created. If such a home occupation is conducted in a business or industrial district as a legal, nonconforming

use, all the provisions of this section must be adhered to unless a zoning permit is obtained to operate the property and structure(s) thereon as a use meeting all the provisions of the applicable business or industrial district. *

- A. Definition. A business, profession, occupation, or trade conducted for gain or support entirely within a residential building or any type of manufactured or mobile home, or within a permitted structure that is accessory to such a building or home.
- B. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
1. The home occupation shall be conducted entirely within the principal residential structure or a garage, swimming pool or an accessory structure. (See Sections 6-100B 1 and 3 for limitations on garages and storage structures.)
 2. No exterior alteration of the principal residential structure shall be made which changes the character thereof as a residence or causes goods to be displayed visibly from the residence or on the premises.
 3. No more than 50% of the gross floor area of the residence shall be devoted to the home occupation; provided, that rooms let to boarders and roomers, adult care homes or used by child care facilities are not subject to this limitation. (See Section 2-102 for definition of BOARDING OR ROOMING HOUSE.)
 4. Goods or stock for sale on or off the premises may be stored in enclosed areas, except articles which may constitute a hazard to the safety of adjacent property owners or tenants.
 5. There shall be no outdoor display of goods for sale or the storage of equipment or materials used in the home occupation. No more than one commercial vehicle may be permanently or temporarily parked on a driveway or inside of a building and such a vehicle shall not exceed 12,000 pounds gross vehicle weight rating.
 6. No equipment or process shall be used which shall create undue noise, smoke or particulate matter emission, vibrations or odors which are detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates a visual effect or an audible interference off the premises in any radio or television receiver or transmitter or causes fluctuation in the voltage.

* Zoning permits are required only when a home occupation sign is displayed on an accessory structure is used.

7. No more than one person other than a member of the immediate family occupying such residence shall be employed; provided, that no such person is employed in a two-family or multiple-family dwelling or in a manufactured home park. (Note: Independent contractors and/or employees of firms who only provide limited periodic service such as a bookkeeper, lawn maintenance service, maid, nurse and similar service personnel are not considered to be an employee of the home occupation.)
 8. No sign shall be permitted other than that allowed by the applicable regulations in Article 7. (See Section 7-104A and B for home occupation sign.)
- C. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, that each listed occupation shall be subject to the requirements of Section 6-102A and B:
1. Adult care center for not more than four adults, adult care home, group boarding home, day care home and family and group day care home.
 2. Artist, author, composer, photographer, physical therapist or sculptor.
 3. Barber or beautician; provided, that only one operator shall be permitted.
 4. Home crafts, such as cabinet making, model making, lapidary work, rug weaving and the like.
 5. Minister, priest or rabbi.
 6. Office for a route salesperson, sales representative or manufacturer's representative, where no exchange of tangible goods is made on a regular basis on the premises.
 7. Professional office for an accountant, architect, attorney, building contractor, dentist, engineer, landscape architect, physician, real estate or insurance agent or a member of a similar profession.
 8. Seamstress or tailor.
 9. Teacher, including music and dance instructions; provided, that instructions shall be limited to two pupils at any time, except for occasional groups.
- D. Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
1. Animal kennels, or commercial stables.

2. Automobile and other vehicular repair shops or sales of such vehicles which exhibit a pattern of regular or continuous sales. A person holding a State Vehicle Dealer's License may not operate as a home occupation. This shall not prevent the periodic sale of a vehicle which is owned and operated for personal use.
 3. Child care centers and preschools, unless specifically permitted by the district regulations.
 4. Churches, chapels, temples or synagogues for regular public worship or religious services.
 5. Dancing schools, except as provided for in Section 6-102C9.
 6. Excavating or heavy equipment operators or providing a trucking service.
 7. Funeral homes, unless specifically permitted by the district regulations.
 8. Grocery stores.
 9. Private schools providing educational services for persons outside of the home other than tutoring.
 10. Renting of equipment, furniture, motorcycles, tools or trailers.
 11. Repair of diesel or gasoline engines.
 12. Restaurants.
 13. Sale of firearms or ammunition and gunsmithing, i.e., the repair of firearms.
- E. Home Occupation Authorization by Conditional Use. Notwithstanding any other provisions of these regulations and, in particular, Section 6-102A through D, an application may be made to the Board of Zoning Appeals for a conditional use as an exception to allow a home occupation in an agricultural district which would permit a broader range of home occupations and less restrictions than otherwise required, so long as in the opinion of the Board under stated conditions that the effect upon adjacent areas is minimized to the extent feasible and the public interest served. The intent of such a provision is to provide for a wider range of home occupational activities while at the same time protecting adjacent properties from the intrusion of incompatible uses and uses of too great an intensity. In addition to the procedures and standards for establishing conditional uses as provided for in Section 10-108, the Board may, using the use limitation restrictions of Section 6-102B as guidelines, permit the following variations:
1. Limited outdoor storage of goods, materials and equipment when screened wherever feasible.

2. Limited outdoor display of goods, when deemed essential to the proper merchandising of the product.
3. Limited number of additional employees other than members of the immediate family occupying the dwelling unit may be employed regularly or periodically.
4. Limited outdoor related activity necessary to the conduct of the home occupation.
5. A sign for such home occupation may be increased in size when warranted by the type of activity.
6. Limitations as to stated periods of operational time such as hours, days and seasons.
7. Conditions may be attached to the premises and/or to the person(s) conducting the home occupation including licensing and permits.