

ARTICLE V

ACCESSORY USES, TEMPORARY USES, HOME OCCUPATIONS

PART 1. ACCESSORY USES

5-101. Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is either permitted or conditional, except that in a Planned Unit Development accessory uses and structures must be specifically authorized.

5-102. Definition.

- (A) An accessory use is a structure or use which is subordinate to and serves a principal building or principal use; and is subordinate in area, extent or purpose to the principal building, or principal use served; and contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and is located on the same lot as the principal building or principal use served.
- (B) A structure or use which does nothing more than provide an economic benefit to the principal building, use or occupant shall not be deemed to serve the principal building or use.

5-103. Bulk Regulations.

- (A) Accessory structures shall comply with the bulk regulations of the district in which they are located unless specifically set out to the contrary in this section. Accessory uses located in I-1, I-2, and I-5 shall always comply with the bulk regulations of their district, regardless of the provisions of this section.
- (B) Yard Requirements:
  - (1) Minimum Front Yard: Generally sixty (60) feet, except that accessory buildings on corner lots shall be set back from the side street a distance not less than that required for the principal structure, and except that fences shall follow the front yard required by the district in which it is located.
  - (2) Minimum Side yard: Generally three (3) feet, except that fences and trash receptacle screening enclosures may be as close as zero (0) feet.
  - (3) Minimum Rear yard: Generally five (5) feet, except in cases where the

rear lot line abuts an alley, the rear yard shall be ten (10) feet, and except that trash receptacle screening enclosures may be as close as three (3) feet and fences may be as close as zero (0) feet.

5-104. Use Limitations.

- (A) All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
- (B) No zoning lot shall be utilized for any accessory structure or use prior to the time that the principal structure or use is located thereon.
- (C) No zoning lot shall be utilized for a use or structure that was accessory to a principal use or structure after such time as the principal use or structure has been eliminated, unless the remaining use or structure complies with all regulations of the district as a permitted use
- (D) Nothing in this article shall be deemed to allow any zoning lot to exceed the number of residential living units permitted by the zoning district in which it is located.
- (E) Nothing in this article shall be deemed to allow for storage or overnight parking, of trucks or buses (as an accessory use) in a residential district.
- (F) All uses except for single family, single family attached, and two family structures shall enclose any trash receptacles with sight obscuring screening.

PART 2. TEMPORARY USES

5-201. Permitted Temporary Uses. The following uses of land are permitted in each zoning district, unless restricted to particular zoning districts, subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

- (A) Christmas tree sales in any commercial or industrial district for a period not to exceed sixty (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 thirty (30) feet of the intersection of the curb line of any two streets.
- (B) Contractors' offices and equipment sheds, in connection with a construction project, which contain no sleeping or cooking accommodations, and which are located on the construction site, are allowed only during the duration of such projects.

- (C) Real estate offices and model homes incidental to a new housing development, are allowed until the sale or lease of either ninety (90) percent of the dwelling units in the development or of ninety (90) percent of units located within 200 feet of the property on which such office or model home is located, whichever occurs first.
- (D) Display of goods and merchandise related to seasonal sales of live planting stock, landscaping materials, and firewood may be conducted outside of enclosed buildings in any commercial district or commercial Planned Unit Development (PUD) for a period of not more than a total of ten (10) weeks in any six-month period except as permitted by other provisions of these regulations, and subject to the following conditions:
  - (1) An area equivalent to not more than five (5) percent of the total floor area of the primary enclosed building, or 500 square feet, whichever is less, may be used for open display and sales of seasonal outdoor merchandise.
  - (2) No portion of the display shall be located in any required front yard setback, or on publicly owned property.
  - (3) No portion of the display shall be located such that it interferes with the primary traffic circulation, or reduces the provided parking space below the minimum required for the enclosed building or buildings
- (E) Other promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than a total of two weeks in any three-month period 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) No more than ten (10) percent of the required off-street parking or loading area will be utilized for such display, storage or dispensing.
- (F) Fireworks stands, stationary or mobile, shall only be located in commercial or industrial districts or in commercial or industrial areas of a PUD, Planned Unit Development.

### PART 3. HOME OCCUPATIONS

- 5-301. Authorization. Home occupations as defined herein shall be permitted in any dwelling unit, manufactured home or mobile home, in any residential district, except that in a Planned Unit Development home occupations must be specifically

authorized.

5-302. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, manufactured home or mobile home; or, when permitted by Section 5-303, within a structure that is accessory to a residential building, manufactured home or mobile home; and that is subordinate in area, extent, and purpose to the residential use, manufactured home or mobile home. The renting of a portion of a residential building, manufactured home or mobile home, for habitation by other persons, in compliance with these Zoning Regulations, shall not be considered to be a home occupation.

5-303. 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:

- (A) No stock in trade shall be displayed, rented, sold, or stored on the premises, except for articles produced by persons residing on the premises, and except for items customarily stored or sold through a home occupation.
- (B) No alteration of the principal residential building, manufactured home or mobile home, shall be made which changes the character thereof as a dwelling, manufactured home or mobile home.
- (C) No more than twenty-five (25) percent of the dwelling unit, manufactured home or mobile home, shall be devoted to a home occupation. In addition, the total area of the premises devoted to the home occupation shall not exceed fifty (50) percent of the living area of the dwelling unit, manufactured home or mobile home.
- (D) There shall be no outdoor storage of equipment or materials used in the home occupation.
- (E) No person shall be employed by the home occupation, unless they reside in the dwelling unit, manufactured home or mobile home, with the exception of one (1) additional employee for a Day Care Home who does not reside in the dwelling unit, manufactured home or mobile home.
- (F) The home occupation shall be conducted entirely within the principal residential building, manufactured home or mobile home, or in a permitted structure accessory thereto, except that day care homes are permitted to have outdoor play areas.
- (G) Signage for home occupations shall follow the regulations for Single-family and Two-Family Dwellings described in Article VI.

- (H) There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.

5-304. Examples of Home Occupations Permitted. The following are intended to be examples of home occupations that are permitted, and not intended to be an all inclusive list.

- (A) Dressmakers, seamstresses, tailors.
- (B) Music teachers, dance or art instructors, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
- (C) Artists, sculptors and authors or composers.
- (D) Ministers, rabbis, priests.
- (E) Offices.
- (F) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.
- (G) Day care homes.
- (H) Barber and beauty shops, provided that only one operator shall be permitted.
- (I) Veterinarian, limited to small animal out-patient clinic.

5-305. Particular Home Occupations Prohibited. The following uses, except for uses limited to the maintenance of an office, shall be prohibited as home occupations:

- (A) Animal hospitals, kennels, or stables.
- (B) Cleaning, maintenance, manufacturing, modification, repair, or restoration of motor vehicles.
- (C) Funeral homes.
- (D) Group day care centers.
- (E) Pest control business.
- (F) Restaurants.