

M. Vending machines

Section 8.080. Accessory uses permitted by interpretation

Uses other than those listed herein may be determined to be accessory uses in any district based upon interpretation by the Director.

DIVISION III. SPECIALTY ACCESSORY USES

Section 8.090. Accessory use in religious, educational and community buildings

Child care center, pre-school, Mother's Day Out and similar programs shall be permitted as an accessory use in religious, educational and community buildings.

Section 8.100. Home occupation – accessory use in residential dwelling

Home occupations shall be permitted as an accessory use in residential dwellings in any district subject to the following provisions:

A. Purpose and intent.

It is the purpose and intent of these requirements to:

1. Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses;
2. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors;
3. Establish criteria for operating home occupations in dwelling units; and
4. Ensure that public and private services such as streets, sewers, water or utility systems are not burdened by home occupations to the extent that usage significantly exceeds that which is normally associated with a residence.

B. General Provisions.

Home occupations shall be permitted as accessory uses within principal residential dwellings in any district provided they meet the following conditions and all requirements of the district in which located:

1. The home occupation must be clearly incidental and secondary to the primary residential use of the dwelling;
2. The home occupation must not change the outside appearance of the dwelling.
3. Exterior signage for a home occupation is prohibited;
4. The home occupation must not generate traffic, parking, sewerage or water use in excess of what is normal or customary in a residential neighborhood;

5. The home occupation shall not create a hazard to person or property, result in electrical interference, or become a nuisance in the neighborhood;
6. No outside storage of any kind related to the home occupation shall be permitted;
7. No persons other than self or family members residing on the premises, plus one additional person not residing on the premises, shall be employed or involved in any business activity related to the home occupation on the premises;
8. No more than 25% of the gross floor area of the dwelling unit shall be used for the operation of the home occupation. No accessory buildings shall be used in conjunction with a home occupation;
9. Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel service vehicles;
10. Noise, vibration, smoke, odors, heat or glare as a result of a home occupation, which would exceed that normally produced by a single residence, shall not be permitted;
11. The home occupation shall not utilize more than one private commercial vehicle limited to 1 ton capacity. The vehicle shall be capable of being parked or stored inside the garage and shall be required to be kept in said garage when not in use for the home occupation (Amend. #13);
12. Retail sales on the premises shall be secondary to the major operation of the home occupation;
13. The primary use of the building in which the home occupation is situated shall clearly be the dwelling used by the person as his/her private residence;
14. Home occupations shall maintain required licenses mandated by applicable local, state and/or federal laws;
15. Persons intending to operate a home occupation should notify the HOA, Home Owners Association, of their intent prior to beginning operations. Said notification is to provide the HOA with notice of intent only.

C. Permitted home occupations.

Home occupations shall be approved by the Director upon his/her determination that the requirements of this ordinance can be satisfied. In the event a home occupation is denied by the Director, the reasons for the denial shall be given to the applicant in writing. Such decision for denial may be appealed to the City Council within 14 days of the date on the letter from the Director.

D. Prohibited home occupations. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the following uses shall be specifically prohibited as home occupations, except as further indicated below. (Amend. #16)

1. Sales to the public on the premises not secondary thereto;
2. Equipment rental;
3. Automobile and other motor vehicle repair services and/or sales;

4. Radio, television and similar electronic devices, small appliances and small engine repair services;
 5. Physicians, dentists;
 6. Chiropractor, except when located within a home on a lot that is a minimum of one acre in size and where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9)
 7. Upholstery and furniture making;
 8. Horse pasturing (does not include the accessory use of same)
 9. Pet grooming, except when: (Amend. #17)
 - a. Only one (1) animal is groomed or kept on the premises at a time, except for pets owned by the groomer; and
 - b. Only one person shall perform grooming services on the premises; and
 - c. All grooming activities shall be by appointment only; and
 - d. No animal runs, kennels or cages shall be kept on the premises in conjunction with the grooming business except for portable kennels necessary to transport the animal to and from the grooming appointment; and
 - e. No more than five (5) animals shall be groomed per day.
 10. Animal grooming (except as provided in 8 above) (Amend. #17), boarding, and/or related services;
 11. Uses requiring storage or use of highly flammable, toxic or other hazardous materials;
 12. Printing and/or typesetting services;
 13. Photographic studio, where photographs are taken on the premises, except when located within a home on a lot that is a minimum of one acre in size and where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9)
 14. Massage therapy, (to be conducted in the Licensed Massage Therapist's home) unless specifically approved as a Special Use under Article 10 of this Chapter. (Amend. #16)
- E. Any proposed home occupation not specifically prohibited in this Section may be permitted provided that all conditions listed above are observed.

Section 8.110. Hospital – related accessory uses

The following uses are accessory uses within a hospital when located within the main hospital building and designed to serve hospital personnel, visitors or patients: residential quarters for staff and employees; nursing or convalescent quarters; storage and utility buildings; food service and vending machines; laundry and dry cleaning pickup and delivery; and flower and gift shops.

Heliports shall be allowed as an accessory use at a regional hospital, provided the following conditions are met:

- A. A heliport plan is submitted to the Director which includes all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be

supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).

- B. Adequate safety provisions shall be provided and indicated by plans that control or restrict access to the landing and take-off areas by the general public.
- C. Landing and take-off areas shall be surfaced in such a manner as to avoid dust or dirt from blowing onto neighboring property.

Section 8.120. Hotel and motel – related accessory uses

The following uses are accessory uses within a hotel or motel provided the use is located within the main hotel building and designed to serve the occupants and patrons of the hotel or motel: restaurants; clubs; drinking establishments; banquet rooms; package sales of alcoholic liquor or cereal malt beverages; sales of notions; newsstands; vending machines; barber shops and hair salons; arcades; and flower and gift shops.

Section 8.130. Kennel – accessory use to veterinarian

Kennels for small animals shall be subject to the following conditions:

- A. A kennel with outside runs as an accessory use to a veterinarian shall be located at least one hundred (100) feet from any property zoned or used for residential purposes.

Section 8.140. Outdoor storage in PI industrial districts – accessory use (Amend. #34)

In PI industrial districts, outside storage is restricted to new products manufactured or assembled on site or such materials that are used in conduct of the business and which shall meet the following conditions:

- A. The outside storage is to be located on land owned by, leased by, or under the control of the users.
- B. Outside storage shall be restricted to side or rear yards not within required yards and shall be screened from view of neighboring properties.
- C. Outside storage areas are to be properly screened by means of a solid, sight-obscuring fence, not less than six (6) feet in height. A living screen may be substituted for the fence providing said screen shall provide a solid screen at planting. Fences used as screening directly adjacent to land zoned residential shall incorporate planted buffers as required in Article 14.
- D. All storage areas and access drives shall be paved.
- E. Outside storage of inoperative vehicles or equipment shall not exceed 72 hours. (Amend #6)

Section 8.150. Solar collectors – accessory use

Solar collectors are permitted accessory uses, provided that the following performance standards are met:

- A. Roof-mounted solar collector components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.
- B. Roof-mounted solar collectors located on front or side building roofs, which are visible from the public right-of-way, shall not extend above the peak of the roof plane on which they are mounted, and no portion of the solar collector shall extend more than twenty four (24) inches perpendicular to the point on the roof where it is mounted;
- C. Roof-mounted solar collectors located on the rear side of building roofs shall not extend above the peak of the roof plane on which they are mounted, and no portion of the solar collector shall extend more than four (4) feet perpendicular to the point on the roof where it is mounted;
- D. Ground-mounted solar collectors shall not exceed eight (8) feet in total height and shall be located within the rear yard at least twelve (12) feet inside the property line and
- E. All lines serving a ground-mounted solar collector shall be located underground.

Section 8.160. Tattoo/permanent cosmetic services/body piercing services as accessory use to primary use in district Planned Office (PO)

Tattoo/permanent cosmetic services/body piercing services are restricted as an accessory use business located in a Planned Office, PO, zoning district as follows:

- 1. The accessory use business shall only be provided by the licensed professional as business owner of the primary business; and
- 2. The primary business shall be associated with an artist studio engaged in the application, teaching, or production of fine arts such as drawing, painting, and sculpture or in film editing and screenwriting and similar uses associated with the fine arts; and
- 3. Services shall be provided by appointment only and shall not become the primary business; and
- 4. Signage shall be prohibited except for a logo, telephone number and email address.

DIVISION IV. PERMITTED TEMPORARY ACCESSORY USES

~~Section 8.160.~~**Section 8.170. Permitted temporary accessory uses**

The following uses are temporary accessory uses in any district unless further limited herein:

- 1. Construction/sales office on site of a construction project provided such trailer is removed upon completion of the project. In residential districts, the construction trailer must be removed upon completion of the first residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the first dwelling unit for that phase.
- 2. Portable storage containers – 14 days duration limitation (See also Article VII, Chapter 16 of the Code of Ordinances)