

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. Except as otherwise provided, 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; with multiple employees in excess of the standard home occupation allowance, where photographs are taken on the premises, except when:
 - a. located within a home on a lot that is a minimum of one acre in size, and
 - b. 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)(Amend. #62)~~13.~~
 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.