

§ 156.110 ACCESSORY USES.

Accessory uses as defined by this chapter shall include but are not limited to the following:

(A) *Accessory to dwellings.*

(1) Private garage.

(2) Open storage space or a parking area for motor vehicles, provided that such space shall not be used for more than one commercial vehicle.

(a) Commercial vehicles, such as dump trucks, wreckers, utility trucks, tractor-trailer rigs, field service trucks, delivery trucks, and the like are prohibited in residential areas.

(b) Commercial vehicles that are acceptable include standard size vans, sport utility vehicles and pick-up trucks.

(3) Shed or tool room, including metal prefabricated structures, for the storage of equipment used in ground or building maintenance. Shipping containers, tractor-trailer containers, and similar structures that have an original intended purpose other than as a residential storage facility are not allowed as an accessory use. A portable storage unit as defined in § 156.007 is a temporary use subject to the provisions of this chapter.

(4) Children's playhouse and play equipment.

(5) Private kennel for not more than three dogs.

(6) Private bath house or cabana, tennis courts, and private recreation for tenants of principal buildings. A swimming pool may be constructed and operated when a suitable enclosure or safety device in compliance with the adopted International Building Code for residential pools is provided.

(7) Structures designed and used for purpose of shelter in the event of manmade or natural catastrophe.

(8) Noncommercial flower, ornamental shrub, or vegetable garden, greenhouse, or slat house. (9)

Laundromats in multi-family developments for the exclusive use of the tenants.

(10) *Patios, open decks, and elevated walkways.* If the structure is connected to the main building in any way other than by a grade level walkway, it must meet the minimum setback requirements for the lot.

(11) *Accessory Dwelling Units (ADUs).* In order to encourage accessory dwellings as an alternative housing choice, accessory dwelling units are permitted in the RC-1, RC-2, RR, CC, CL, R-1, R-2, R-3, R-4, WG-W, and PD zoning districts, provided all of the following conditions are met:

(a) Prior to construction, a scaled site plan must be submitted which shall show all information listed on the Accessory Dwelling Unit Site Plan Checklist provided by the Department of Planning, Land Use, and Neighborhoods, as may be amended from time to time;

(b) In conjunction with the site plan, a Recorded Covenant Affidavit must be submitted, which certifies that no covenants exist that prohibit the construction of an accessory dwelling unit;

(c) There shall be a limit of one accessory dwelling unit per lot, subject to lot coverage requirements;

(d) Each accessory dwelling unit shall be limited to 850 square feet of conditioned floor area.

1. In the case of an accessory dwelling unit located above a detached garage, footprint maximums described in § 156.111(A)(4) take precedence over the requirements of this section.

2. In the case of an accessory dwelling unit located on the ground level and attached to or located within a detached garage building or similar building, neither the building footprint nor the total conditioned floor area of the entire building shall exceed 850 square feet.

(e) No detached accessory dwelling unit shall exceed 25 feet in height;

(f) The architectural design, color and material of an accessory dwelling unit shall be compatible with the neighborhood in which it is established;

(g) One private, off-street parking space is required for use by occupants of each accessory dwelling unit, in addition to any and all spaces required for the principal structure. The location of this dedicated off-street parking space must be clearly indicated on the site plan. Tandem parking is not permitted unless the tandem spaces serve only the accessory dwelling unit;

(h) These conditions shall be memorialized in a recorded covenant to run with the property.

1. Either the principal structure or the accessory dwelling unit must be owner-occupied and serve as the owner's primary residence.

2. Occupancy of an accessory dwelling unit shall be limited to no more than three persons;

3. Under no circumstances shall the property be converted to a horizontal ownership regime.

(12) *Home-based business.*

(a) *General conditions.* The following conditions shall be met by all types of home-based businesses.

1. The occupation, profession, or trade is carried on wholly within a building, except as provided in division (d) below;
2. No merchandise or articles are displayed for advertising purposes, nor are displayed in such a way as to be visible from outside the dwelling, nor are stored other than inside a building;
3. There is no alteration of the residential character of the building or premises;
4. Any deliveries to the home-based business are provided by carriers that typically deliver to residential dwellings, such as Federal Express, UPS, or DHL; and
5. The occupation, profession, or trade is licensed by the town and any other applicable regulatory agency.

(b) *Home office.* A home office is a type of home-based business with no employees working on the premises other than the resident(s) of the dwelling unit and no customers or clients that visit the site. A home office shall be permitted in all zoning districts where residential dwellings are permitted.

(c) *Limited home-based business.* A limited home-based business is a type of home-based business with no employees working on the premises other than the resident(s) of the dwelling unit, and that may have occasional customers or clients. A limited home-based business shall be permitted in all zoning districts where residential dwellings are permitted, except the MF, Multi-Family Residential District, provided the following conditions are met:

1. No traffic shall be generated by such limited home-based business in greater volumes than would normally be expected in a residential district;
2. Any need for parking generated by the conduct of such limited home-based business shall be met off the street; and
3. Not more than 30% of the floor area of the principal building shall be used for the conduct of the limited home-based business; however, up to 100% of the floor area of an accessory building may be used for the conduct of the limited home-based business, provided that no part of the principal building is used for the conduct of the limited home-based business.

(d) *Home-based day care.* A home-based day care is a type of home-based business where children or adults are provided care, protection, and supervision on a regular basis for less than 24 hours per day. Home-based day cares shall be permitted in the RC-1, RC-2, RR, CC, R-1, and R-2 zoning districts, provided the following conditions are met:

1. Home-based day cares located in an R-1 or R-2 zoning district shall require Special Exception Use approval by the Board of Zoning Appeals. The conditions specified both in this section and in § 156.411(A)(3) shall apply;
2. Not more than one employee, other than the resident(s) of the dwelling unit, shall be permitted to work on the premises;
3. Any need for parking generated by the conduct of such home-based day care shall be met off the street;
4. Not more than six children and/or adults shall be cared for at any given time, including those children and/or adults residing in the home and those children and/or adults related to either the resident(s) of the dwelling unit or the nonresident employee;
5. Not more than 30% of the floor area of the principal building shall be used for the conduct of the home-based day care; however, up to 100% of the floor area of an accessory building may be used for the conduct of the home-based day care, provided that no part of the principal building is used for the conduct of the home-based day care;
6. An outdoor play area may be provided; and
7. All home-based day cares shall be licensed by the appropriate state agency.

(e) *Exemptions.* Yard sales, garage sales, and product sales associated with private social events (e.g. "Tupperware parties") shall be exempt from the provisions of this section, provided such sales occur no more than four times per year at any given residence.

(B) *Accessory to church buildings.*

- (1) Religious education and day care buildings.
- (2) Interment uses.
- (3) Parsonage, pastorium or parish house, together with any use accessory to a dwelling, as listed in division (A) above.
- (4) Off-street parking area for the use without charge of members and visitors to the church.
- (5) Completely enclosed building for storage of supplies, stock, or merchandise. A portable storage unit as defined in § 156.007 is a temporary use subject to the provisions of this chapter.

(C) *Accessory to retail businesses, office uses, commercial or residential facilities.*

(1) Off-street parking or storage area for customer, client, or employee-owned vehicles.

(2) Completely enclosed building for the storage of supplies, stock or merchandise. Outdoor areas, such as parking lot spaces, are not to be utilized for storage of goods or merchandise. A portable storage unit, as defined in § 156.007, is a temporary use subject to the provisions of this chapter.

(3) In the AB, Areawide Business; NC, Neighborhood Commercial; OP, Office Professional; ED, Economic Development; and LO, Limited Office Districts, shipping containers, tractor-trailer containers and similar structures are prohibited. However, existing containers are allowed to remain as nonconforming uses, but may not be replaced or expanded. A portable storage unit, as defined in § 156.007, is permitted, subject to the provisions of this chapter.

(a) *Setbacks and buffers required.* Accessory uses shall adhere to setback and buffer requirements applicable to their respective districts or uses. Containers shall not be allowed to encroach into the required setback or buffer.

(b) *Maximum number of containers allowed.* The number of containers allowed on the property shall be determined by acreage and intensity of development (number of businesses) as follows:

1. Properties of zero through three acres are limited to one container, regardless of the number of businesses located on the property or within the development.

2. Properties greater than three acres to nine acres are limited to one container per business; however, the total number of containers on the property shall not exceed three, regardless of the number of businesses.

3. Properties greater than nine acres are limited to one container per business; however, the total number of containers on the property shall not exceed six, regardless of the number of businesses.

4. If a unified development project has been subdivided into separate tracts, the requirements listed above shall apply to the development as a whole and not per tract within the development.

(c) *Location.*

1. Containers shall not displace required parking.

2. The container must be located on the site where it can be adequately screened from view from any public right-of-way or other properties and in all cases shall be located to the rear of any building, unless prohibited by site constraints.

(d) *Screening.*

1. The goal of screening shall be to limit the visibility of the container from the public right-of-way and other properties.

2. Staff approval of appropriate screening will be required.

3. Site plans with landscaping and fencing detail must be submitted for approval.

4. Appropriate screening will depend upon the location of the container on the site and requirements may vary.

5. Screening will largely be achieved through heavy landscaping; however, in some instances, lattice fences with landscaping, masonry fences, or walls may also be required.

6. Painting of containers may also be required.

(D) *Accessory to retail, commercial or industrial facilities.*

(1) Manufacturing and/or repair facility incidental to the principal use, provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which the principal and accessory uses are located.

(2) Gasoline or fuel oil pump and storage tank, provided not more than 500 gallons of gasoline are stored above ground, nor storage of petroleum products in excess of 40,000 gallons per site.

(E) *Accessory to public or private campgrounds.*

(1) Recreational vehicle parks, limited to spaces/hook-ups for a maximum of 12 vehicles.

(2) Recreational uses, such as, but not limited to, pedestrian and bicycle trails, natural swimming areas (ponds or lakes, but not swimming pools), picnic areas, and observation towers.

('81 Code, §§155.96 and 155.110) (Ord. passed 8-13-79; Am. Ord. passed 1-6-86; Am. Ord. passed 7-12-88; Ord. 94029, passed 8-9-94; Am. Ord. 99012, passed 4-21-99; Am. Ord. 02024, passed 6-11-02; Am. Ord. 05108, passed 1-11-06; Am. Ord. 05025, passed 5-10-05; Am. Ord. 09054, passed 8-12-09; Am. Ord. 09062, passed 9-9-09; Am. Ord. 11005, passed 2-8-11; Am. Ord. 11035, passed 5-10-11; Am. Ord. 12037, passed 6-12-12; Am. Ord. 14047, passed 8-12-14; Am. Ord. 19080, passed 12-11-19; Am. Ord. 21042, passed 5-11-21) Penalty, see § 156.034