

**ORDINANCE NO. (O)16-11**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.2, ACCESSORY USES AND STRUCTURES, SUBSECTION 25.2.C HOME OCCUPATIONS, AND CHAPTER 31, DEFINITIONS, OF THE ORO VALLEY ZONING CODE REVISED, TO UPDATE THE HOME OCCUPATION STANDARDS TO ALLOW HOME BASED BUSINESSES WHILE MAINTAINING THE RESIDENTIAL CHARACTER OF A NEIGHBORHOOD; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

**WHEREAS**, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

**WHEREAS**, the proposed amendments to Chapter 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions will update the home occupation standards to allow home based businesses while maintaining the residential character of a neighborhood; and

**WHEREAS**, the OVZCR currently allows home based businesses in accordance with established standards and uses in a format that relies on a list based review; and

**WHEREAS**, the proposed approach will allow for an evaluation of the home based business that is based on the specific performance standards of each business; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendment at a duly noticed public hearing on August 2, 2016, in accordance with State Statutes and the OVZCR, and recommended conditional approval of the proposed amendment to the Town Council, with changes related to the number of employees for Type 1 and Type 2 home occupations; and

**WHEREAS**, the Mayor and Council have considered the proposed amendments to Chapter 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions, and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town’s General Plan and other Town ordinances and is in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Oro Valley that:

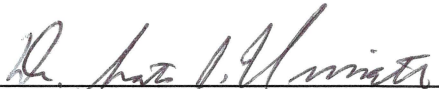
**SECTION 1.** That certain document entitled, Chapter 25, Use Regulations, Section 25.2, Accessory Uses and Structures, Subsection 25.2.C, Home Occupations and Chapter 31, Definitions, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions in ~~strike through~~ text.

**SECTION 2.** All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

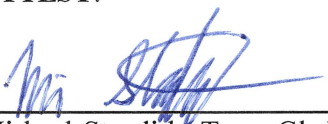
**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 7<sup>th</sup> day of September, 2016.

**TOWN OF ORO VALLEY**

  
Dr. Satish I. Hiremath, Mayor

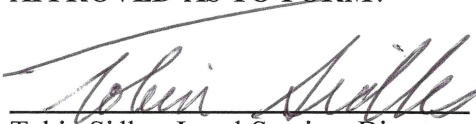
**ATTEST:**

  
Michael Standish, Town Clerk

Date: 9/16/16

**PUBLISH: DAILY TERRITORIAL  
SEPTEMBER 13, 14, 15, 16, 2016**

**APPROVED AS TO FORM:**

  
Tobin Sidles, Legal Services Director

Date: 9/14/16

**POSTED: 9/20/16 - 10/20/16**

## EXHIBIT "A"

This section has been reformatted and grouped into subject matter.  
New code language in ALL CAPS, strikethrough used for language to be removed

### 25.2.C-D. Home Occupations

#### 1. Purpose

~~The purpose of this Section is to:~~

- a. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- ~~b. Ensure home occupation activities are incidental to, and compatible with, the surrounding residential areas.~~
- b. Establish criteria and standards for home occupations conducted in dwelling units in residential zones **TO ENSURE ACTIVITIES ARE INCIDENTAL TO, AND COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD IN WHICH IT IS LOCATED.**

#### ~~b. Definitions~~

- ~~a. A home occupation is defined as business or commercial activity that is conducted from property that is zoned for residential use.~~
- ~~b. Home occupation uses (Type I, see subsection 5. below), are allowed as authorized by subsection 5. and regulated by subsection 4, without a public hearing or permit requirement.~~
- ~~c. A home occupation use permit, (Type II, see Section subsection 6. below), is permitted when authorized by the Planning and Zoning Commission only after a public hearing, per subsection 9.~~

#### ~~c. Home Occupation Permit Requirement~~

- ~~a. No Type II home occupation shall be permitted without the prior issuance of a home occupation Type II permit.~~
- ~~b. The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&Rs) agreements exist between private property owners in many homeowners associations. Nothing in Section 25.2.C. of this Code shall be interpreted to void the provisions of those agreements.~~

2. HOME OCCUPATIONS ARE ALLOWED THROUGH A BUSINESS LICENSE AND ZONING APPROVAL AS EITHER A TYPE I OR TYPE II USE.

- A. TYPE I HOME OCCUPATIONS ~~are primarily office, hobby-type or similar scale uses and~~ SHALL NOT HAVE A DISCERNIBLE IMPACT ON THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD. TYPE I USES ARE ALLOWED AS REGULATED BY SECTION 3 WITH THE PLANNING AND ZONING ADMINISTRATORS APPROVAL WITHOUT A PUBLIC HEARING.
- B. TYPE II HOME OCCUPATIONS MAY HAVE THE POTENTIAL FOR A MINOR OR ADVERSE IMPACT TO THE NEIGHBORHOOD AND ARE REGULATED BY SECTION 3. TYPE II BUSINESSES INCLUDE ONE OR MORE OF THE FOLLOWING:
  - I. THE PRIMARY BUSINESS ACTIVITY IS OUTDOORS.
  - II. MORE THAN (1) ONE BUT NOT MORE THAN (2) TWO NON-RESIDENT EMPLOYEES REPORT TO WORK AT THE HOME.
  - III. ~~Child-care group home~~ CARE IS OFFERED FOR five (5) to ten (10) children, age twelve and under. ~~also, prior to the operation of the child-care group home,~~ ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) STATE APPROVAL IS REQUIRED.
  - IV. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation. TYPE II HOME OCCUPATIONS MAY BE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A PUBLIC HEARING, PER SUBSECTION 4.B.

3. Home Occupation Standards

All home occupations, whether authorized and regulated as a Type I or Type II Use, shall conform to the following standards UNLESS OTHERWISE SPECIFIED WITHIN THIS CHAPTER:

- ~~i. Employees~~
  - ~~a) Type I uses, residents only;~~
  - ~~b) Type II permit, only one (1) non-resident may be employed on the home occupation premises.~~

A. GENERAL:

- I. HOURS OF OPERATIONS FOR EXTERNAL BUSINESS ACTIVITIES, SUCH AS CUSTOMER PARKING OR DELIVERIES, SHALL BE LIMITED TO BETWEEN 7:00 A.M. AND 8:00 P.M.
- II. The home occupation use shall not produce sustained or obnoxious odors, vibrations, glare, fumes, dust, heat, or electric interference which are detectable to normal sensory perception beyond the perimeter of the property.
- III. A HOME OCCUPATION MUST BE PRIMARILY OPERATED BY PERSON(S) DWELLING IN THE HOME.
- IV. WHEN A DWELLING IS RENTED, THE PROPERTY OWNER MUST AUTHORIZE, IN WRITING, USE OF THE HOME AS A PLACE OF BUSINESS.
- V. THE FOLLOWING USES ARE PROHIBITED DUE TO THE POTENTIAL TO HAVE A NEGATIVE OR ADVERSE IMPACT ON THE NEIGHBORHOOD:
  - a) THE KEEPING, CARING AND/OR SALE OF ANIMALS ON THE PROPERTY.
  - b) AUTOMOBILE, MOTORCYCLE, BOAT OR ANY VEHICLE REPAIR, PARTS SALES, UPHOLSTERY, DETAILING, WASHING OR PAINTING ON THE PROPERTY.

B. EMPLOYEES:

- I. Type I uses, ~~residents only~~. SHALL EMPLOY ONLY THOSE WHO RESIDE IN THE HOME AND MAY ALLOW NO MORE THAN (1) ONE NON-RESIDENT EMPLOYEE TO WORK IN THE HOME AT ANY GIVEN TIME.
- II. Type II uses may employ ~~only~~ NO MORE THAN TWO (2) non-resident employees TO WORK AT THE HOME AT ANY GIVEN TIME. ~~on the home occupation premises.~~
- III. ADDITIONAL INDIVIDUALS MAY BE EMPLOYED BY OR ASSOCIATED WITH THE HOME OCCUPATION, PROVIDED THEY DO NOT REPORT TO THE HOME FOR ANY PURPOSE.

C. ACCESSORY BUILDING:

- I. NO MORE THAN ONE (1) DETACHED ACCESSORY BUILDING SHALL BE USED FOR THE HOME OCCUPATION.
- II. THE BUSINESS SHALL NOT OCCUPY MORE THAN 200 SQUARE FEET OF FLOOR AREA OF THE DETACHED ACCESSORY BUILDING.

- iii. ~~There shall be no alteration of the detached accessory building floor plan which creates a solid barrier between the home occupation area and the remaining floor area of the detached accessory building.~~

D. NOISE:

- ~~I. The home occupation use shall produce no noise in violation of Town Code, Chapter 10,~~

- I. THE HOME OCCUPATION SHALL NOT EXCEED NOISE LEVELS IN ACCORDANCE WITH THE TOWN CODE, ARTICLE 10-1-4, NOISE.

E. PARKING:

- ~~I. If the home occupation requires the conversion of existing parking for business use, an equal number of off-street parking spaces shall be provided on-site. If the home occupation use requires additional parking beyond existing parking spaces, based on the provisions of Section 27.7, the additional parking shall be provided on-site. THE EXISTING PARKING PROVIDED ON THE PROPERTY SHALL BE USED TO ACCOMMODATE VEHICLES RELATED TO THE HOME BUSINESS.~~

- II. VEHICLES OWNED AND/OR USED BY THE BUSINESS THAT ARE PARKED AT THE HOME SHALL MEET THE FOLLOWING STANDARDS:

- A) NO MORE THAN ONE VEHICLE RELATED TO THE HOME OCCUPATION SHALL BE ALLOWED ON THE RESIDENTIAL PROPERTY.
- B) THE VEHICLE SHALL BE LIMITED TO A PASSENGER CAR, VAN OR PICK-UP TRUCK.
- C) THE OVERALL LENGTH OF THE VEHICLE SHALL NOT BE MORE THAN 25' AND OVERALL HEIGHT SHALL NOT BE MORE THAN 8'.
- D) PARKING SHALL BE ON PRIVATE PROPERTY IN A CARPORT, GARAGE OR SHIELDED FROM VIEW FROM ADJOINING PROPERTIES BY LANDSCAPING, FENCING OR SCREENING MATERIAL.
- E) THESE STANDARDS WILL NOT APPLY TO THE PERSONAL VEHICLE OF NON-RESIDENT EMPLOYEE FOR TYPE II OCCUPATIONS.

- III. UTILITY TRAILERS USED FOR THE BUSINESS SHALL BE PARKED INSIDE AN ENCLOSED BUILDING OR SCREENED FROM VIEW USING OPAQUE LANDSCAPING, FENCING OR OTHER SCREENING MATERIAL.

- IV. DELIVERIES FOR THE BUSINESS SHALL BE LIMITED TO DELIVERY TRUCKS (SU-30, SINGLE UNIT TRUCK) WHO CUSTOMARILY DELIVER ITEMS TO RESIDENTIAL AREAS.

- VI. THERE SHALL BE NO DELIVERIES DURING THE HOURS OF 8:00 P.M. TO 7:00 A.M.

F. PROPERTY:

- I. THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE RESIDENTIAL USE OF THE PROPERTY.
- II. A home occupation shall be conducted entirely within the primary dwelling unit or within a detached accessory building. SEE SECTION 25.2.C.3.C FOR ACCESSORY BUILDING STANDARDS.
- III. THERE SHALL BE NO OUTDOOR ACTIVITIES RELATED TO THE HOME OCCUPATION ON THE PREMISES WITH THE EXCEPTION OF PLAYGROUND EQUIPMENT FOR CHILD CARE OR AS ALLOWED BY SUBSECTION 2.B
- IV. THE BUSINESS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ENTIRE PRIMARY DWELLING UNIT'S FLOOR AREA. ~~They shall not occupy more than 25 percent of the property's living space floor area.~~
- V. There shall be no alteration of the residential ~~or detached accessory building~~ floor plan which creates a solid barrier between the home occupation area and the remaining floor area of ~~either the residence or a detached accessory building.~~
- VI. There shall be no alteration of the property's exterior residential appearance.
- VII. COMMERCIAL DUMPSTERS ARE PROHIBITED.

G. SIGNS

- i. No signs shall be allowed for any home occupation pursuant to Section 28.9, Prohibited Signs.

H. STORAGE AND EQUIPMENT:

- i. Storage of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous materials must comply with the ~~2003~~ International CURRENT International Building Code and/or the International Fire Code and shall not create an unsafe condition.
- ii. There shall be no process or materials used which are hazardous to public health, safety, or welfare.
- iii. ~~The home occupation shall have no on-site sales or public display of stock-in-trade upon the premises.~~ THERE SHALL BE NO DISPLAY OF PRODUCTS OR INVENTORY AT THE HOME.
- iv. ~~There shall be no outdoor open operations, storage, or display of materials, or products~~  
~~The home occupation use shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractor's or landscaper's equipment.~~

IV. THERE SHALL NOT BE ON SITE STORAGE OF OR USE OF TRACTOR TRAILERS, SEMI-TRUCKS OR HEAVY EQUIPMENT ASSOCIATED WITH THE BUSINESS.

Much of the former sections 4,5 and 6 has been move into other categories

~~4. Home Occupation Standards:~~

- ~~b. No mechanical equipment is to be used except that which is necessarily, customarily, or ordinarily used for household, non-business, non-commercial purposes.~~
- ~~h. Home occupations resulting in visitors, customers, or deliveries with a potential for creating vehicular traffic in excess of twenty-five percent above that normally and reasonably occurring in a residential area as determined by the Planning and Zoning Administrator, are to be reviewed by the Town as a Type II Home Occupation.~~
- ~~d. Home occupation uses to be located in non-living space area of a building space will require a building permit to convert the area to building codes living space standards prior to occupancy for the home occupation.~~

~~5. Type I Home Occupation Descriptions~~

- ~~i. A Type I home occupation may be conducted within the primary dwelling unit, or within a detached accessory building. It has resident employees only and no discernible impact on the residential character of the neighborhood. Type I uses are primarily office or hobby type and similar scale uses, including but not limited to:
  - ~~a) Architectural service.~~
  - ~~b) Consulting service.~~
  - ~~e) Home base office for direct sale product(s) with no on-site sales, display of product(s), or distribution of product(s).~~
  - ~~d) Drafting or graphic service.~~
  - ~~e) Dressmaking, sewing, tailoring, or contract sewing (one machine).~~
  - ~~f) Engineering service.~~
  - ~~g) Financial planning, investment service.~~
  - ~~h) Home crafts (including ceramics with a single kiln up to six (6) cubic feet), but no on-site sales.~~
  - ~~i) House cleaning service.~~~~



- ~~j) Insurance office.~~
- ~~k) Real estate office.~~
- ~~l) Interior design.~~
- ~~m) Mail order (excluding direct on-site sales, distributions of merchandise, or pick-ups).~~
- ~~n) Sales representative (office only).~~
- ~~o) Typing or word processing service.~~
- ~~p) Writing, computer programming, or computer applications.~~
- ~~q) Child care service for no more than four (4) (non-resident) children at any given time.~~
- ~~r) Flower arranging.~~
- ~~s) Jewelry making or jeweler.~~
- ~~t) Legal service.~~
- ~~u) Tutoring, limited to one (1) student at any given time.~~
- ~~v) Music lessons, limited to one (1) student at any given time, provided that provisions are taken to ensure audio levels are reasonable within the limits of the Town's Code, Article 10-1-4, Noise.~~
- ~~w) Analogous uses as determined by the Planning and Zoning Administrator.~~

## ~~6. Type II Home Occupation Descriptions~~

- ~~a. A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.
 
  - ~~i. Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
  - ~~ii. Bed and breakfast service.~~
  - ~~iii. Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
  - ~~iv. Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~~~

- v. ~~Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
- vi. ~~Massage therapy.~~
- vii. ~~Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
- viii. ~~Analogous uses as determined by the Planning and Zoning Administrator.~~

## 6. ~~Type II Home Occupation Descriptions~~

b. ~~A Type II home occupation may be conducted wholly within the primary dwelling unit, in a detached accessory building, or outdoors as approved by the Planning and Zoning Administrator. It may have one (1) non-resident employee on the home occupation premises, and it may have some minor, adverse impact on the neighborhood.~~

- ix. ~~Outdoor sport lessons, such as tennis, volleyball, racquetball, baseball, equestrian, or bicycle.~~
- x. ~~Bed and breakfast service.~~
- xi. ~~Tutoring, teaching, and music lessons with more than one (1) student, but not more than six (6) students, at any one (1) time and provisions are taken to ensure audio levels are reasonable.~~
- xii. ~~Child care group home, caring for five (5) to ten (10) children, age twelve and under, also, prior to the operation of the child care group home, an Arizona Department of Health Services (ADHS) State approval is required.~~
- xiii. ~~Small electronic component assembly, excluding television repair, refrigerator, and large appliance repair.~~
- xiv. ~~Massage therapy.~~
- xv. ~~Contractor's office, including businesses, such as, landscaping, masonry, plumbing, or painting, (excluding equipment/materials storage yards).~~
- xvi. ~~Analogous uses as determined by the Planning and Zoning Administrator.~~

## 7. ~~Prohibited Home Occupation Uses~~

~~Some uses are prohibited because they have the potential to involve the storage or use of large vehicles or equipment on-site; create traffic or parking problems; create excess noises, odors, or other adverse impacts; or to expand beyond the limits permitted for home occupations. These include but are not limited to:~~

- i. ~~Ambulance service.~~
- ii. ~~Appliance repair.~~
- iii. ~~Automobile repair, parts sales, upholstery, detailing, washing, or painting.~~
- iv. ~~Beauty parlors, skin care salons, tattoo parlors, and barber shops.~~
- v. ~~Carpentry or other woodworking such as: cabinet making, furniture making, or volume-produced wood products.~~
- vi. ~~Boarding house.~~
- vii. ~~Ceramics (kiln over six (6) cubic feet).~~
- viii. ~~Health salons, gyms, dance studios, and aerobic exercise studios.~~
- ix. ~~Helium balloon service.~~
- x. ~~Limousine or pedicab service.~~
- xi. ~~Medical or dental office.~~

- ~~xii. Mortician or hearse service.~~
- ~~xiii. Palm reading or fortune telling.~~
- ~~xiv. Private clubs.~~
- ~~xv. Commercial food preparation.~~
- ~~xvi. Retail sales from site (except direct distribution).~~
- ~~xvii. Tow truck service.~~
- ~~xviii. Upholstery.~~
- ~~xix. Veterinary uses including grooming or boarding.~~
- ~~xx. Ongoing garage sales excluding private homeowner's garage sales not exceeding one (1) garage sale per quarter.~~
- ~~xxi. Motorized outdoor sport products, such as: radio controlled miniature airplanes, motorcycle track, go-cart racing.~~
- ~~xxii. Photo developing or photo studios.~~
- ~~xxiii. Welding shop.~~
- ~~xxiv. Analogous uses as determined by the Planning and Zoning Administrator.~~

4. 7. Review and Appeal Procedure

A. TYPE I HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE TOWN CLERK'S OFFICE FOR REVIEW BY THE PLANNING AND ZONING ADMINISTRATOR.

B. TYPE II HOME OCCUPATION

- I. APPLICATION SHALL BE MADE TO THE PLANNING DEPARTMENT FOR REVIEW BY THE PLANNING AND ZONING COMMISSION. UPON RECEIPT OF A COMPLETE SUBMITTAL, THE TOWN WILL NOTIFY THE ADJACENT PROPERTY OWNERS WITHIN 300' BY MAIL AND POST THE SUBJECT PROPERTY WITH A SIGN NOTIFYING THE PUBLIC OF THE APPLICATION AND MEETING DATE.

- a. C. Type II home occupation permits, which may be revocable, conditional, or valid for a term period, may be granted or denied by the Planning and Zoning Commission after a public hearing and a finding that the use meets the home occupation standards herein. ~~The public hearing will be scheduled and noticed as follows:~~

- i. ~~The date of the public hearing before the Planning and Zoning Commission shall be set no more than 50 days from the date of application. The date, time, and place of such public hearing and the nature of the use permit requested shall be published in a newspaper of general circulation in the Town of Oro Valley and one (1) notice of the said hearing shall be posted conspicuously on the property. Both such publication and posting shall give 15 days notice of such Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.~~
- ii. ~~The notice, as published and posted, upon application, at the applicants request shall be sent by regular mail to property owners of property within 300 feet, not less than 15 days prior to the date of the first public hearing. The applicant shall submit to the Town Clerk an accurate verified list made within 60 days prior to the date of hearing before the Planning and Zoning Commission giving the names and addresses of the recorded owners of all properties, any part of which~~

~~is within 300 feet of the proposed use permit, or more as the Planning and Zoning Administrator may determine necessary to provide reasonable notice. Failure of property owners to receive such notice shall not invalidate a use permit that may be subsequently approved.~~

## 5. Appeal

~~I. Decisions of the Planning and Zoning Administrator may be appealed to the Board of Adjustment within 30 days from date of~~

~~II. i. Decisions of the Planning and Zoning Commission may be appealed to the Town Council, within 30 days from date of decision~~

### 5. 9. Validity of Type II Home Occupation Permit

The Planning and Zoning Administrator may cite any home occupation use for non-compliance with the criteria set forth in this chapter and/or conditions set by the Planning and Zoning Commission. Revocation may take place at any time it is determined the home occupation is in non-compliance. If the permit is revoked, it becomes null and void, and said use shall be terminated immediately.

### 6. 40. Inspections

A home occupation property owner shall permit inspections of the premises by the Planning and Zoning Department to determine compliance with this chapter.

## **Section 25.2 Accessory Uses and Structures**

### **A. Accessory Buildings – General**

1. No accessory building shall be constructed upon a lot unless the construction of the main building has actually commenced
2. No accessory building shall be used for dwelling purposes other than by household employees working on the premises or relatives or other non-paying guests.
3. No accessory building shall be permitted in a front yard.
4. If setbacks for accessory building are not specifically called out within the applicable zoning district, accessory buildings must meet all side setbacks and shall not be constructed closer than five (5) feet to any rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than 15 feet to the center line of said alley.

### **B. Abandoned or Junk Vehicles**

1. All abandoned or junk vehicles undergoing major repairs or being restored shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located in such a manner as to not be visible from any point lying outside the property upon which abandoned or junk vehicle is stored or parked.
2. For the purposes of this Section:
  - a. Abandoned or junk vehicle means a vehicle or any major portion thereof that is incapable of movement under its own power and will remain so without major repair or reconstruction.
  - b. Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.
  - c. Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

### **C. PROHIBITED USES**

1. ONGOING GARAGE SALES, EXCLUDING PRIVATE HOMEOWNER'S GARAGE SALES NOT EXCEEDING ONE (1) GARAGE SALE PER QUARTER FOR A MAXIMUM OF THREE (3) CONSECUTIVE DAYS.
2. MOTORIZED OUTDOOR SPORTS ACTIVITIES SUCH AS RADIO CONTROLLED MINIATURE AIRPLANES, DRONES, MOTORCYCLE TRACK AND GO-CART RACING.

## **Chapter 31**

New definition:

**EMPLOYEE:** SHALL MEAN ANY PERSON PAID IN ANY WAY TO PERFORM A JOB OR DUTY OF ANY KIND.

### **Home Occupation**

Shall mean business or commercial activity that is conducted from property zoned for residential use and which meets the standards of Section 25.2.C.D.