

6.4 SUPPLEMENTAL REGULATIONS FOR ACCESSORY USES

6.4.1 INTENT

This section establishes supplemental regulations for specific accessory uses in addition to those otherwise established in this Chapter.

6.4.2 OUTDOOR EATING AND DRINKING FACILITIES

Outdoor eating and drinking facilities shall be a permitted accessory use in association with approved eating and drinking establishments in districts where that use is permitted under Article 2 of this Ordinance.

A. The maximum number of seats permitted for any outdoor eating and drinking facility shall not exceed 50% of the approved number of indoor seats unless otherwise indicated by the issuance of a special use permit.

B. Site Plan review shall be required for any outdoor eating and drinking facility with more than 80 seats.

C. Outdoor eating and drinking facilities can only be operated from March 1 through October 31 and shall not be occupied by patrons between the hours of 2:30 a.m. and 8:00 a.m. No music may be played on the premises outdoors between 12 a.m. and 8:00 a.m.

6.4.3 HOME OCCUPATIONS

Home occupations are permitted as accessory uses, as indicated in Article 2 and as follows, provided they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

A. Application

The property owner shall seek a Certificate of Occupancy and/or a Building Permit, as required by the Building Department, to establish a home occupation.

B. Requirements

1. The activity shall be conducted entirely within the structure and shall occupy no more than 15% of the total floor area of the residential dwelling units.
2. Only occupants of the residence and no more than one non-occupant may conduct the activity at any one time.
3. The activity shall generate no more than ten visits to the property per day. Visits may not occur before 8:00 a.m. or after 9:00 p.m.
4. Any need for additional parking generated by the activity shall be met onsite.
5. One non-illuminated, wall sign, not exceeding 1½ sq. ft. in area, is permitted in association with the activity.

6. No outdoor storage or display of products or equipment in association with the activity is permitted.

B. Permitted Activities

Permitted home occupations include but are not limited to the following non-residential activities:

1. Business and professional office facilities
2. Facilities for patient consultations
3. Instructional facilities for not more than 3 students at any given time
4. Workshop or studio facilities for artists, composers, craftspersons, photographers, tailors, writers, and the like

6.4.4 TEMPORARY ACCESSORY DWELLINGS

In order to provide flexibility for the temporary housing of family, employees and guests, a “temporary accessory dwelling” shall be permitted as an accessory residential use within an existing legal single-family residence, where indicated in Article 2, as follows:

A. Application

The property owner shall seek a building permit to create a temporary accessory dwelling and indicate the period of time for which the temporary accessory dwelling is requested.

B. Size

A temporary accessory dwelling shall only be located in a residence with a minimum of 1,000 square feet. A temporary accessory dwelling shall not occupy more than 1/3 of the square footage of the primary dwelling.

C. Access

There shall be no exclusive access to the temporary accessory dwelling. Access shall only occur through a building entrance that serves both the principal dwelling and the temporary accessory dwelling and through a living area in the primary dwelling.

D. Utilities

A temporary accessory dwelling may have independent kitchen and bath facilities but shall not have separate utility meters or services from the street.

E. Compensation

Application for a temporary accessory dwelling shall include a notarized statement that no rent or other compensation shall be collected for occupancy of the temporary accessory dwelling.

6.4.5 WALLS AND FENCES

A. Height

Walls and fences shall be measured from the ground level at the base of the side

directed toward the abutting property. Walls and fences, including combinations of both, shall be permitted up to a maximum height of 6 feet with the following exceptions:

1. A maximum height of 8 feet is permitted within any commercial or industrial district, or along any boundary between a residential and non-residential district.
2. Light fixtures, post tops, finials and other ornamentation above the mass of the wall or fence shall not exceed 1/3 of the permitted height of the wall or fence. Such ornamentation may be placed at intervals no less than 8 feet on average.

B. Orientation

Fences and walls shall have the finished face of the wall or fence directed toward the abutting property.

C. Maintenance

The property owner on whose land the wall or fence is located shall be responsible for the maintenance of both sides of the wall or fence. If the property owner is denied access to the abutting property, the property owner shall be relieved of the maintenance obligation.

6.4.6 SWIMMING POOLS

In addition to the requirements of City Code Chapter 209, swimming pools shall conform to the following requirements:

A. Residential Swimming Pools

1. Residential swimming pools may be installed only as accessory to a residence for the exclusive use of the owners or occupants of such residence and their guests.
2. The pool shall be installed in the rear or side yard of the premises and shall not be installed in the front yard. No pool wall or related structure shall be located within 8 feet of an adjoining lot line. There shall be no required separation distance from the swimming pool to the principal structure.

B. Commercial or club swimming pools

1. Club swimming pools shall be permitted as an accessory structure to a permitted membership club.
2. Commercial or club pools shall comply with the area, yard and other dimensional requirements of the presiding district.

C. Enclosure

All pools shall be completely surrounded by an enclosure preventing unimpeded access.

1. A residence or accessory structure may be used as part of such enclosure.

2. Fencing shall be between 4 and 6 feet in height with support posts at no less than 8 feet intervals. Wire mesh fencing shall not have openings, holes or gaps larger than 2 inches in diameter.
 3. An unobstructed maintenance area, at least 3 feet in width, shall be maintained between the side walls of the pool and surrounding fence or structure.
 4. Above-ground pools with solid walls preventing entrance to the pool, except by an entrance ladder, shall not require additional fencing.
- D. Noise and lighting restrictions
1. No loudspeaker or other sound device, operated in connection with a pool, shall be heard beyond the property lines.
 2. No lighting, operated in connection with a pool, shall illuminate beyond the property lines.

6.4.7 ANTENNAS AND SATELLITE RECEIVERS

Antennas and satellite receivers that meet the following conditions shall be permitted as accessory structures in any zoning district.

A. Building-mounted structures

Building-mounted antenna or satellite receivers shall not exceed 6 feet in height, width or depth, shall not extend more than 6 feet above or beyond the building, and shall not encroach into required yard dimensions.

B. Freestanding structures

One freestanding antenna or satellite receiving structure is permitted per lot in a residential district; one or more are permitted in non-residential districts. Freestanding antenna or satellite receiving structures shall not exceed 20 feet in height, width or depth, and shall be located in the rear yard no less than 25 feet from rear and side property lines.

6.4.8 SOLAR ACCESS

Except as otherwise provided by this Chapter, no property owner may erect a structure or allow a tree or other flora to cast a shadow upon a solar collector greater than the shadow cast by a hypothetical wall six feet high located along the property line between 8:00 a.m. and 4:00 p.m. Eastern Standard Time from September 21 to March 21.