

CHAPTER 5

ACCESSORY AND TEMPORARY USES, BUILDINGS AND STRUCTURES

Section 5.01 Accessory Uses, Buildings and Structures.

(A) General.

- (1) *Accessory uses, buildings and structures* shall be permitted in all zoning *districts*, provided, however, that the *primary use* which is supported by the *accessory use, building or structure* is a *permitted use* within the *district* to which a *lot* is zoned.
- (2) An *accessory use, building or structure* shall be required to obtain an *improvement location permit* prior the establishment of said *accessory use, building or structure*, provided however, *accessory buildings and structures* less than or equal to one hundred and twenty (120) square feet in area, or less than thirty (30) inches in height, are exempt from this requirement.
- (3) *Accessory uses, buildings or structures* shall not be permitted on a *lot* prior to the erection of the *primary building*.
- (4) *Accessory uses, buildings and structures* shall comply with all *development standards* of the applicable *district* in which the *accessory use, building and structure* is permitted, unless an exception is specifically provided for in this Section 5.01.
- (5) *Accessory uses, buildings and structures* shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement, or by written consent of the agency in whose favor the easement is granted.
- (6) *Accessory buildings and structures* may not be established and / or used for the storage of material, goods and implements not directly associated with a *permitted use* within the *district* to which a *lot* is zoned.
- (7) *Accessory uses, buildings and structures* shall be located so as not to cause any congestion or interference in or to the public right-of-way, or interfere or conflict with sidewalks, walkways, pedestrian ways, entrances or exits to or from the business or *building, parking areas*, loading areas, *driveways*, interior access drives, perimeter landscape yards or foundation landscaping.
- (8) *Accessory uses, buildings and structures* shall comply with Section 1.20 Clear Sight Area Requirements of this Ordinance.

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(B) Permitted Accessory Uses, Buildings and Structures.

- (1) In the R1 Residential District, *accessory uses, buildings and structures* include, but are not limited to: awnings; boathouses; cabanas and pool houses; canopy storage shelters when permanently anchored to a footing; children's playhouses and *structures*; decks; docks; fences; game courts, such as tennis and basketball courts; garages and carports; home occupations; hot tubs; mini-barns and storage sheds; outdoor fireplaces; patios; porches; radio sending and receiving antennas; satellite dish antenna; signs; swimming pools; and swings.
- (2) In the R2 Multi Family District, *accessory uses, buildings and structures* include, but are not limited to: all uses, *buildings and structures* permitted in subsection (1), above; leasing offices; bathhouses; canopies; common areas such as exercise and meeting rooms; maintenance *buildings*; *parking areas*; and trash containers.
- (3) In the OB Office Buffer District, *accessory uses, buildings and structures* include, but are not limited to: all uses, *buildings and structures* permitted in subsections (1) and (2), above; and *accessory living quarters*.
- (4) In the C Commercial and I Industrial Districts, *accessory uses, buildings and structures* include, but are not limited to: all uses, *buildings and structures* permitted in subsections (1), (2) and (3), above; donation boxes; drive-through facilities; gasoline pump islands, air dispensers and vehicle vacuums; outdoor display area; outdoor storage; vehicular canopy; and vending machines.

(C) Development Standards for Attached Accessory Uses, Buildings and Structures.

- (1) The total floor area of *accessory use* portions of a *primary building* containing a single family *dwelling* unit shall be less than the main floor area of said single family *dwelling* unit.
- (2) The total floor area of *accessory use* portions of a *primary building* containing a two-family *dwelling* unit shall be less than the main floor area of the smaller of the two-family *dwelling* units.
- (3) In the R1, R2 and OB Districts, no garage or garages, in combination, shall exceed a capacity of four (4) cars in total when the *lot* contains a single family and two-family unit, or an office use. Carports and canopy storage shelters shall be included in determining the maximum capacity of a garage or garages.

(D) Development Standards for Detached Accessory Uses, Buildings and Structures.

- (1) The total square foot area of a detached *accessory building*, or combination of *accessory buildings* when the *lot* contains a single family and two-family unit, or an

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office use, shall be less than the *main floor area* of the *primary building*, or *buildings*, or twelve hundred (1,200) square feet, whichever is less.

- (2) Detached *accessory buildings* shall not be located between the established *front building line* and the *front lot line*, notwithstanding sub-section 5.01 (D) (3), below.
 - (3) River Lots. Recognizing the unique characteristics of a *lot* where one or more of the *lot* lines borders a river, bay, creek, or lake, such *lots* are exempt from the prohibition that *accessory buildings* not be any closer to the front *lot* line than the front of the *building*. *Accessory buildings* may be erected within the required *front yard setback line*. *Accessory buildings* may have a *front yard* in depth equal to the average depth of the *front yards* of lots immediately adjacent on either side, but no *front yard* may be less than fifteen (15) feet in depth. Adjacent unimproved *lots* shall be considered as having a *front yard* as required for the *district* in which it is located.
 - (4) *Accessory uses* and *buildings* located in *side* and *rear yards* shall be no closer than five (5) feet from the *side* and *rear lot* lines or encroach upon any established easements unless specifically authorized by the terms of the easement, or by written consent of the agency in whose favor the easement is granted.
 - (5) All uses and operations shall be conducted completely within enclosed *buildings*, except where expressly permitted in Section 5.01 (E), below.
- (E) Development Regulations for Specified Detached Accessory Uses, Buildings and Structures.
- (1) Donation Boxes and Receptacles.

Donation boxes and receptacles shall not be located in any *front setback*, *side setback*, or *rear setback*.

Donation boxes and receptacles shall not interfere with any required parking spaces, or the safe and efficient flow of vehicular and pedestrian traffic around the *parking area* established for the *primary use* of the site.
 - (2) Drive-Through Facilities.

Drive-through facilities such as but not limited to: automated teller machines (ATM's), bank teller windows, car washes, drive through customer service windows, gasoline pump islands, ordering lanes and payment windows, shall have sufficient vehicle stacking area(s) so as not to conflict with Section 5.01 (A) (7), above.

(3) Fences.

- (a) Fences located between the front *lot* line and the front *building* line shall not exceed four (4) feet in height above grade or be less than fifty percent (50%) open.
- (b) Fences located behind the front *building* line shall not exceed eight (8) feet in height, or ten (10) feet in height in an Industrial District.
- (c) Fences are exempt from the minimum side and rear setback requirements.
- (d) Security wire fences shall:
 - 1. include but are not limited to: barbed wire; electric; razor wire or other similar types of security wire fences;
 - 2. only be permitted to secure non-residential uses and equipment including but not limited to: heating, ventilating and air-conditioning units; outdoor storage areas; public safety facilities; public and private communication facilities such as wireless, radio and television communication towers; restricted public access areas such as sewer & water treatment facilities; utility sites such as water, sewer, electric and gas main facilities;
 - 3. not exceed ten (10) feet in height; and
 - 4. not be located between the front *lot* line and the *building* line.

(4) Game Courts.

Game Courts shall not be located in any *front setback* or *side setback*, or between the established front *building* line and the front *lot* line provided, however, a permanent or temporary basketball goal may be located adjacent to a driveway or interior access drive in any minimum yard in any residential use.

(5) Gasoline Pump Islands, Air Dispensers, Vehicle Vacuums and Vehicular Canopies.

- (a) Gasoline pump islands shall not be located within the *front*, *side* or *rear setback*.
- (b) Air dispensers, vehicle vacuums and other like equipment shall be located no closer than fifteen (15) feet from the front *lot* line and shall meet all minimum *side* and minimum *rear yard setbacks*.

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- (c) Vehicular canopies shall be located no closer than ten (10) feet from the *front property line* and shall meet all *minimum side and rear yard setbacks*.
- (6) Home Occupations.
- (a) Home occupations shall be permitted in all residential *districts*.
 - (b) The following standards are established to insure compatibility of home occupations with other *permitted uses* and with the residential character of the *district* and neighborhood in which the home occupation is located, as well as clearly establishing the secondary or incidental status of home occupations in relation to the *primary use* of the *lot* for *dwelling* purposes:
 1. home occupations shall be limited to family members residing within the *dwelling* and who make the *dwelling* their primary place of residence;
 2. all aspects of the home occupation shall be conducted within the *dwelling* unit and or *accessory buildings*;
 3. the use of the *dwelling* unit for the home occupation shall be incidental and subordinate to the use for residential purposes by the occupants, and no more than twenty-five percent (25%) of the combined *floor area* of the *dwelling* unit and *accessory buildings* shall be used in the conduct of the home occupation;
 4. there shall be no structural alterations to the interior of the *dwelling* to accommodate a home occupation which would render the *dwelling* undesirable for residential use;
 5. there shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the *dwelling* or the *lot*, or other visible indications of the conduct of the home occupation;
 6. there shall be no additional or separate entrance to the *dwelling* for the purpose of conducting the home occupation;
 7. there shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fire rating of the *structure*;
 8. notwithstanding Chapter 10 Sign Regulations, of this Ordinance, no more than one (1) sign not exceeding three (3) square feet in area, non-illuminated and affixed to the *building*;

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9. there shall be no outdoor storage of any kind related to the home occupation;
10. there shall be no traffic generated by a home occupation which is greater in volume than that which would be normally expected in the residential area in which the home occupation is located;
11. there shall be no electrical or mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception, or which will cause fluctuations in line voltage off the premises;
12. there shall be no equipment or process used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the *lot* line in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature; and
13. the home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or parcel delivery vehicles).

(7) Permitted Home Occupations.

By way of example, the following *uses*, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations:

- (a) Artist's, musician's or writer's personal studio;
- (b) Barber or beautician, limited to one (1) chair;
- (c) Cake making or decorating (not a catering or commercial bakery facility);
- (d) Child care limited to no more than five (5) children;
- (e) Internet-based services, such as but not limited to data processing, word processing or transcription services;
- (f) Dressmaking, millinery, sewing or tailoring;
- (g) Cottage school (home school);
- (h) Personal office;
- (i) Professional service, limited to one client at a time, such as but not limited to: accountant, insurance agent and photographer;
- (j) Teaching or tutoring, such as but not limited to academic subjects, art, dance and musical instruments, limited to a maximum of two (2) pupils at a time; and

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- (k) Other *uses* that comply with the intent and conditions set forth above in this Section.
- (8) Prohibited Home Occupations.

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the *uses* specified below and other similar or comparable *uses* shall not be permitted as home occupations:

- (a) Retail sales, such as but not limited to antique, book or gift shop;
 - (b) Repair services requiring any outdoor activity and storage of material, equipment or product;
 - (c) Barber shop, beauty shop/parlor/salon, with more than one (1) chair;
 - (d) Dance studio;
 - (e) Dental office or clinic;
 - (f) Freight, trucking or shipping;
 - (g) Medical office or clinic;
 - (h) Painting of vehicles, trailers, boats, etc;
 - (i) Restaurants, eating or drinking establishments;
 - (j) Tool or equipment rental;
 - (k) Tooling, welding or machine shop;
 - (l) Veterinary clinic, kennel, or stable; and
 - (m) Any use not in compliance with the intent and conditions set forth in this Section.
- (9) Outdoor Display or Sales of Merchandise.
- (a) Shall be located so as not to interfere or conflict with sidewalks, walkways, pedestrian ways, entrances or exits to or from the business or *building*, required *parking areas*, required loading areas, *driveways*, interior access drives and *driveways*, perimeter landscape yards, or foundation landscaping.
 - (b) Outdoor display or sales of merchandise may be located no further than ten (10) feet in front of the established *front building line* unless the items displayed during established business hours are removed after every close of business;
 - (c) When such outdoor display or sales consist of the sale or rental of automobiles, trucks, buses, recreational vehicles, equipment and the like, then the area used for such outdoor display or sales shall be located no closer than five (5) feet from the *front lot line* and shall have direct access to an interior *access drive* for each vehicle. The *outdoor display area* shall be considered *parking areas* for

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the purpose of determining and providing interior parking islands in compliance with Chapter 8 Landscape Regulations of this Ordinance;

- (d) Vending machines such as but not limited to video rentals, newspaper boxes, propane exchanges, ice chests, etc. shall abut the exterior wall of the *building*.

(10) Outdoor Seating:

- (a) May be located between the minimum *building* setback line and the front *lot* line.
- (b) Shall not be located in any street right-of-way unless otherwise approved by the Indiana Department of Transportation (if applicable) and the *Town*;
- (c) Shall be included in the calculation of required foundation landscaping area and any applicable *building* foundation landscaping area, and such associated foundation landscaping shall be extended or relocated around the perimeter of the outdoor seating area;

(11) Outdoor Storage.

- (a) Outdoor storage of materials or products shall not be located between the *front lot* line and the established *minimum front building* line.
- (b) Outdoor storage of materials or products shall be screened from view from all *public rights-of-way*.
- (c) Outdoor storage of materials or products shall be screened from view from all residential *lot* lines by *buildings* or Type C/Full Screening per Chapter 8 Landscape Regulations.
- (d) The height of outdoor storage of materials or products shall not exceed the height of the fence.
- (e) Outdoor storage areas shall be surfaced with a durable, dust-free surface such as but not limited to concrete, asphalt, brick or other suitable surface.

(12) Outdoor Operations.

All operations, servicing and processing (except outdoor storage, *off-street parking* and off-street loading) shall be conducted within completely enclosed *buildings*, unless approved through a *Special Exception Use*.

(13) Satellite Dish Antennas.

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One (1) ground-based satellite dish is permitted per *lot* in all *districts*, provided that it is not placed closer to the front property line than the rear *building line*. Satellite dishes may be located on the principal *structure*.

(14) Small Wind Energy Conversion System, per the requirements of Section 12.04 of this Ordinance.

(15) Stoops, Patios, Porches, Gazebos and Decks.

(a) Stoops, patios, porches, gazebos, decks over thirty (30) inches above grade, or which include a roof or roof-like *structure* (e.g., trellis, arbor, and the like) shall comply with all minimum yards and *building* setbacks, and maximum *building* height regulations of the applicable *district* for *accessory structures*, and shall be included in the calculations for maximum *lot* coverage.

(b) Stoops, patios, porches and decks less than thirty (30) inches above grade and which do not include a roof or roof-like *structure*, may be located in a *minimum front, side* and *rear yard*, provided however, such stoop, patio, porch or deck is no closer than fourteen (14) feet to the front *lot* line and shall not be included in the calculations for maximum *lot* coverage.

(16) Swimming Pools and Hot Tubs.

(a) A swimming pool or hot tub, greater than forty-two (42) inches in depth, shall comply with the applicable requirements of the Indiana Administrative Code for residential pools at 675 IAC 14-4.3-270 through 296, as amended; and for commercial pools at 675 IAC 20, as amended.

(b) Swimming pools meeting the depth requirements of subsection (a) above, shall be enclosed by a fence no less than four (4) feet and no greater than eight feet (8) feet in height, measured from the grade level, five (5) feet beyond the fence line.

(c) A swimming pool or hot tub shall not be located between any *front lot line* and the established *front building line*.

(d) A swimming pool or hot tub located in *side* and *rear yards* shall be no closer than five (5) feet to the *side* and *rear lot lines*.

(e) All swimming pools or hot tubs, including associated decking and aprons over thirty (30) inches above grade, shall be included in the calculation of maximum *lot* coverage.

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- (f) No swimming pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with National Safety Code and the National Electrical Code, current additions.
- (g) Abandoned or unused swimming pools or hot tubs, situated on a premises which are not occupied for periods of thirty (30) days or more, shall be drained, filled in, or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

(17) Trash and Recycling Containers and Receptacles.

Any container or combination of containers exceeding thirty-six (36) cubic feet in capacity shall:

- (a) Be screened on at least three (3) sides by a *building* wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above grade, equipped with an opaque screen gate, and any solid-walled portion of the enclosure shall be provided with foundation landscaping;
- (b) Not be located between the front *building* line of the *primary building* and the front *lot* line; and,
- (c) Not be located in any *minimum front, side yard* or *rear yard*.

(18) Underground Structures.

Underground *structures* such as but not limited to fallout shelters, storm shelters and utility vaults are permitted in all *districts*.

(19) Vehicles, Parking and Storage in Residential and Office Buffer Districts.

(Ord. No. 04-2019; 7/2/2019)

- (a) The following categories of vehicles shall be permitted to be parked or stored on lots within the residential and office buffer districts, subject to the development standards provided below:

“Personal Passenger Vehicles”- Vehicles designed with the intent of being utilized primarily for personal transportation, used by the occupants of the property, which are not used for commercial purposes, such as but not limited to cars, pickup trucks, sport utility vehicles, passenger (mini) vans, and motorcycles. Personal passenger vehicles must be operable and properly licensed and registered.

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“Small Work-Related Vehicles”- Motorized vehicles utilized for commercial purposes with gross vehicle weight ratings (GVWR) of 14,000 pounds or less and lengths of 25 feet or less, such as but not limited to company-owned passenger vehicles, cargo and service vans, and pickup trucks. Small work-related vehicles must be operable and properly licensed and registered. If parked on a residential lot, small work-related vehicles must be used by a resident of the property as the primary means of transportation to and from the workplace or regularly utilized in the operation of a lawful home occupation.

“Large Work-Related Vehicles”- Motorized vehicles utilized for commercial purposes with gross vehicle weight ratings (GVWR) of greater than 14,000 pounds or lengths of greater than 25 feet, such as but not limited to buses and tow trucks. Large work-related vehicles must be operable, properly licensed and registered, and parked within a fully enclosed accessory structure. If parked on a residential lot, large work-related vehicles must be used by a resident of the property as the primary means of transportation to and from the workplace.

“Large Recreational Vehicles”- Passenger recreational vehicles and vehicles for recreational hauling, such as but not limited to campers, motor homes, RVs, personal cargo trailers, and large watercraft. Large watercraft stored on a trailer shall be considered one vehicle for the sake of this ordinance. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes.

“Small Recreational Vehicles”- Personal recreational vehicles such as but not limited to ATVs, dirt bikes, snowmobiles, personal watercraft, and small non-motorized watercraft such as but not limited to canoes, kayaks, and rowboats.

(b) Parked or Openly Stored Vehicles in Residential or Office Buffer Districts:

<u>Type of Vehicle</u>	<u>Maximum Number of Vehicle Type Permitted on Lot</u>	<u>Location Restrictions</u>
<u>Personal Passenger</u>	<u>Unlimited, if in compliance with the definition above</u>	<u>Must comply with clear site area requirements in Section 1.20</u>

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<u>Small Work-Related</u>	<u>For transportation to workplace: Unlimited</u> <u>For home occupation: 1</u>	<u>Must comply with clear site area requirements in Section 1.20</u>
<u>Large Work-Related</u>	<u>2</u>	<u>Must be fully enclosed within a legal accessory structure</u>
<u>Large Recreational</u>	<u>2</u>	<u>Lots abutting river, bay, creek or lake: not in side or rear yard setback or closer than 15 feet to front lot line</u> <u>All other Lots: Not in front, side, or rear yard setback</u> <u>Must comply with clear site area requirements in Section 1.20</u>
<u>Small Recreational</u>	<u>4</u>	<u>Lots abutting river, bay, creek or lake: Not in side yard setback</u> <u>All other lots: Not in front or side yard setback, nor closer than 5 feet to the rear lot line</u> <u>Must comply with clear site area requirements in Section 1.20</u>

- (c) Vehicle parking and storage shall be located in compliance with Section 1.20 Clear Sight Area Requirements.
- (d) Residential and Office Buffer Districts.
 - 1. Vehicles as defined in sub-Section (19) (a) 3 and 4 above, shall not be parked in any required *front, side or rear yard setback*;

2. Not more than a total of two (2) vehicles in any combination as defined in subsection (19) (a) 2, 3 and 4 above, shall be permitted to be parked or stored in the open on the same *lot* at any one time.
3. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes.

Section 5.02 Temporary Uses, Buildings and Structures.

(A) General.

- (1) *Temporary uses, buildings or structures* shall be permitted in all zoning *districts*, provided, however, that the *primary use* which is supported by the *temporary use, building or structure* is a *permitted use* within the *district* to which a *lot* is zoned.
- (2) A *temporary use, building or structure* exceeding seventy-two (72) hours in duration shall be required to obtain an *improvement location permit* prior to the establishment of the *use, building or structure*.
- (3) Any *temporary use, building or structure* shall comply with all applicable height and *setback* requirements in the *district* in which the *temporary use, building or structure* is located.
- (4) All *buildings, structures* or debris associated with the *temporary use* shall be removed from the site immediately upon completion or cessation of the *temporary use*, or expiration of the time period set forth in the *improvement location permit*.
- (5) A *temporary use, building or structure* which will be converted into a permanent *primary* or *accessory use* after the cessation of the *temporary use*, shall be required to obtain an *improvement location permit* prior the establishment of the *use* or the construction of any *structure or building*, and meet all development standards in which the converted *temporary use, building or structure* is located.

(B) Permitted Temporary Uses, Buildings and Structures.

Permitted *temporary uses, buildings and structures* include but are not limited to: construction-related activities; garage and yard sales; mobile classrooms; open-air assemblies; sales and leasing offices; roadside stands; *temporary signs* (see Chapter 10 Sign Regulations for additional regulations); and tents.

(C) Construction Activities.

- (1) Construction activities include but are not limited to: borrow pits, contractor offices and storage trailers, portable asphalt and concrete plants, equipment and testing sheds, equipment and material staging areas.
- (2) Any *use* listed in subsection (1), above, may be permitted for a period of time not to exceed the duration of the project that they are associated with. The *Zoning Administrator*, for good cause shown, may extend the duration for a period not to exceed one year past project completion.
- (3) *Uses* shall be located in compliance with all *minimum yard* and *setback* requirements and comply with Section 1.20 Clear Sight Area Requirements.
- (4) All construction activities shall minimize excessive dust, noise and storm water runoff per the applicable regulations of Federal, State and local regulations.

(D) Garage Sales (Yard Sales).

- (1) Notwithstanding any regulations above to the contrary, a garage sale may be conducted on a premise which includes a *dwelling* unit.
- (2) A garage sale may be conducted three (3) times each calendar year per *lot* and shall not exceed three (3) consecutive days in duration.
- (3) A garage sale shall only be conducted during the hours from sunrise to sunset;
- (4) All personal property exhibited outdoors during a garage sale shall be placed within a *building* or *structure* or otherwise removed from the premises immediately following the end of the garage sale.
- (5) Garage sale signs shall comply with the applicable provisions of Section 10.08 Temporary Signs; A garage sale sign shall be exempt from the requirement of this Ordinance to obtain an *improvement location permit* for a *temporary use*.
- (6) Nothing in this Section shall be construed to prohibit one (1) or more owners or occupants from conducting a combined garage sale on one (1) of the lots owned or occupied by the participants, provided that all other provisions of this Section 5.02 Temporary Uses, Buildings and Structures are complied with.
- (7) Personal property exhibited outdoors during a garage sale may be located in a *minimum front, side or rear yard*, provided, however, such personal property shall not be located in any *public right-of-way*.

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(E) Mobile Classrooms, Sales and Leasing Offices.

- (1) Mobile classrooms, sales and leasing offices may be permitted for a period not to exceed five (5) years from the date of issuance of an *improvement location permit*.
- (2) Under-skirting shall be installed around the entire perimeter of the *building* or *structure*.
- (3) The *building* or *structure* shall be located in compliance with all *minimum yard* and *setback* requirements.

(F) Mobile Homes.

Mobile homes shall be permitted as a *temporary* dwelling subject to the following requirements:

- (1) Mobile homes are permitted only as a *Conditional Use*.
- (2) Mobile homes may be used as *temporary dwellings* for a period of time not to exceed twelve (12) months on any *lot* where the *primary dwelling* was damaged or destroyed by fire or other natural disaster, provided the owner has requested a permit for such *temporary use* within three (3) month of the occurrence of the damage or destruction, and intends to begin reconstruction of a permanent *dwelling* as soon as practicable.
- (3) Mobile homes are permitted for a care giver or a care receiver residing on the same *lot* as a permitted single family *dwelling*, subject to the following requirements:
 - (a) The mobile home shall represent no more than a second *dwelling* on the *lot*;
 - (b) The mobile home shall be occupied by a family or family member who either provides or receives not less than weekly assistance to the family or family member residing in a *dwelling* unit permitted in the *district*;
 - (c) A certification from a medical doctor shall be provided stating that the family or family member to receive the assistance is in need of such assistance and establishes the frequency of the assistance needed; and
 - (d) The mobile home shall be limited to a period of time not to exceed three (3) years in duration from the date of approval.

(G) Recreational Vehicle, Camping or Travel Trailer.

- (1) A recreational vehicle and camping or travel trailer may at no time be used for an extra bedroom, playroom or storage place for the occupants of the *lot*.

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- (2) A recreational vehicle and camping or travel trailer, belonging to a guest of the occupant of a residential *dwelling*, may be parked and occupied for lodging purposes on the same *lot* as the *dwelling* for not for more than seventy-two (72) hours in a thirty-day (30) period.

(H) Roadside Stands and Seasonal Sales.

- (1) In the R1, R2 and OB zoning *districts*, there shall be no more than one (1) stand per *lot*, and it shall be erected and used solely for the purpose of displaying and selling agricultural products produced on the premises. The roadside stand shall be dismantled and removed at the end of the growing season.
- (2) In the C and I zoning *districts*, seasonal sales displays shall not exceed sixty (60) consecutive days per occurrence, nor a total of one-hundred and twenty (120) days during any calendar year.
- (3) Roadside stands and seasonal sales displays shall not encroach into the public right-of-way, the clear sight area requirements per Section 1.20, or interfere with any other *development standards* required by this ordinance, such as but not limited to, parking and landscaping requirements.

(I) Mobile Sales.

- (1) For purposes of this subsection, mobile sales shall apply to, but not be limited to food trucks, street vendors and transient merchants.
- (2) Mobile sales activities shall not encroach into the *public right-of-way*, the clear sight area requirements per Section 1.20, or interfere with any other *development standards* required by this ordinance such as but not limited to parking and landscaping requirements.
- (3) The time of operation for any mobile sales activities shall occur between the hours of sunset and sundown as determined by local time, for that particular day of the year in which the mobile sales activity is taking place.
- (4) An *improvement location permit* is required for all mobile sales activities.

(J) Tents.

- (1) An *improvement location permit* is required to erect or use a tent for a period in excess of seven (7) days.

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- (2) The tent's operations and activities shall be in conformance with all other *Town Ordinances and Codes*, and in conformance with all applicable *development standards* of the *district* in which it is located.
- (3) The *improvement location permit* shall be for an initial period not to exceed sixty (60) days. The *improvement location permit* may be extended for an additional sixty (60) day period. The total consecutive period shall not exceed One-Hundred Twenty (120) days.
- (4) Tents shall not be erected, used or maintained for permanent *dwelling*, lodging, storage of equipment, storage of vehicles, or as shelter for animals.