

*Division 2. Restrictions and Limitations
to Particular Uses*

**Sec. 16A-3-200. Zone district dimensional
limitations.**

(a) Schedule of Dimensional Limitations. Table 3-2, Schedule of Dimensional Limitations, specifies the dimensional limitations applicable to the Town's zone districts. All development shall comply with these limitations, unless more restrictive standards or limitations are specified by this Development Code, in the form of:

(1) Standards for a particular use. Standards specified for a particular use in Sections 16A-3-230 through 16A-3-250;

(2) Standards of a zone district overlay. Standards specified by an applicable zone district overlay, or by an approved planned unit development (PUD) or specially planned area (SPA) plan; or

(3) Other standards. Other standards specified by this Development Code, such as any applicable stream setback, ridgeline setback or similar limitation.

(b) Construction in Required Setbacks.

(1) Accessory or principal buildings. An accessory or principal building or a related above-grade structure shall not project into a required setback unless approved pursuant to Section 16A-5-250, Administrative Modifications.

(2) Structures on or below finished grade. A structure on or below finished grade that is not more than four (4) feet in height above existing grade may project into that portion of a required setback that is not more than one-half ($\frac{1}{2}$) the distance from the building envelope to the property line and is no closer than ten (10) feet to the property line, whichever is the more restrictive. An on-grade or below-grade structure may project beyond this area or may be more than four (4) feet above existing grade, if approved pursuant to Section 16A-5-250, Administrative Modifications.

(3) Above-grade parking. Above-grade parking may project into that portion of a required setback that is not more than one-half ($\frac{1}{2}$) the distance from the building envelope to the property line and is no closer than ten (10) feet to the property line, whichever is the more restrictive. The parking and any required retaining walls or guardrails shall not exceed four (4) feet in height from existing grade.

(4) Other minor structures. A driveway, entry walkway, associated retaining structures, hand rails and one (1) minor street address identification sign not exceeding four feet by four feet by four feet (4' x 4' x 4') shall be allowed in required setbacks without limitation.

TABLE 3-2
SCHEDULE OF DIMENSIONAL LIMITATIONS¹

	SF-4	SF-6	SF-15	SF-30	SF-150	EST	DU	MF/ MF- PUD	MU/ MU-1/ MU-2	MU PUD	CC	CC PUD	PUB, CON and REC
Minimum Lot Area (sq. ft.)	4,000 ²	6,000	15,000	30,000 ³	150,000	100 acres	30,000	3,000 ⁴	3,000 ⁴	Set by adopted PUD plan			As determined by a PUD plan or special review
Minimum Lot Width	Set by adopted subdivision plat or PUD plan												
Minimum Building Setback	Set by adopted subdivision plat or PUD plan												
Maximum Height of Principal Building	25'	25'	28'	28'	28'	28'	28'	38'	38'	38'	38'	38'	As determined by a PUD plan or special review
Maximum Height of Accessory Building	16'	16'	18'	18'	18'	18'	18'	18'	18'	18'	18'	18'	As determined by a PUD plan or special review
Minimum Percent Open Space	No Req.	No Req.	No Req.	No Req.	No Req.	No Req.	No Req.	25%	25%	25%	25%	25%	As determined by a PUD plan or special review
Maximum Floor Area or FAR	0.3:1 ⁵	0.3:1 ⁶	See Note 7	See Note 7	0.04 ⁸	12,000 sq. ft.	4,500 sq. ft.	0.75:1	1:1	1:1	1:1	1:1	As determined by a PUD plan or special review

Notes:
 1. Dimensional limitations in the PUD and SPA zone districts are set by the adoption of a plan pursuant to Section 16A-5-230, Planned Unit Development. In the SPA-2 zone district, maximum floor area ratio shall be set by an adopted plan, except for previously subdivided lots, the following maximum floor area per lot shall apply: 2,400 sq. ft. for a single-family detached dwelling; 3,400 sq. ft. for a two-family dwelling and 5,200 sq. ft. for a multi-family dwelling.
 2. In addition, maximum lot area is 10,000 sq. ft., unless a larger size is approved by special review.
 3. Except for existing lots platted prior to January 1, 1988.
 4. In addition, minimum lot area per dwelling unit is 1,500 sq. ft. per bedroom, plus 500 sq. ft. for each additional bedroom.
 5. Except no lot shall contain a dwelling in excess of 2,000 sq. ft., unless a larger size is approved by special review.
 6. Except no lot platted prior to January 1, 1988, may contain a dwelling in excess of 3,000 sq. ft.
 7. For lots of 15,000 to 20,000 sq. ft.: FAR = 0.16, to a maximum of 3,000 sq. ft.
 For lots of 20,001 to 30,000 sq. ft.: FAR = 0.15, to a maximum of 3,900 sq. ft.
 For lots of 30,001 to 45,000 sq. ft.: FAR = 0.13, to a maximum of 4,500 sq. ft.
 For lots greater than 45,000 sq. ft.: FAR = 0.10, to a maximum of 5,500 sq. ft.
 8. To a maximum of 6,400 sq. ft.

(Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 32-2004 §A-4)

Sec. 16A-3-210. Measurement of dimensional limitations.

(a) **Measuring Height.** The height of a building shall be the maximum distance possible measured vertically from existing grade at any point within the interior of the building; and from existing or finished grade (whichever is the most restrictive) at any point around the perimeter of the building, to the top of a flat or pitched roof or other portion of a structure. Antennas, chimneys, flues, vents, elevator overrides or similar structures that cannot comply due to requirements of Chapter 18 of the Municipal Code shall not extend more than ten (10) feet above the maximum height limit. A chimney flue cap may extend an additional two (2) feet above the maximum height limit. Water towers and mechanical equipment may not extend more than five (5) feet above the maximum height limit unless otherwise approved by the Town Council.

(b) **Measuring Floor Area.**

(1) **Areas included in calculations.** The total square footage of all levels of a building, as measured at the outside face of the primary structure exterior walls. All exterior above grade decks and covered decks on and below grade, except where specifically excluded [see Subsection (2) Exclusions], shall be included in all calculations. In the case of adjoining units, measurements shall be taken from the center line of walls separating adjoining units of a building.

(2) **Exclusions.**

a. **General exclusions.**

1. **Areas covered by decks.** Areas covered by an above grade deck shall be excluded from floor area calculations, provided said areas: (a) are not located above finished grade; and (b) are not enclosed, in whole or in part, by railing, landscaping, screening or

other materials higher than three (3) feet above finished grade; except as described in Subsection (b)(2)d.2 below.

2. **Attic space.** Attic space that does not contain mechanical devices which use a combustible source or open flame and are less than five and one-half feet (5'6") in height, measured to the bottom of primary members, for ninety percent (90%) of the area of the attic space, shall be excluded from the calculation. If rational construction methods will not permit a maximum height of five and one-half feet (5'6"), such restriction may be waived pursuant to Section 16A-5-250, Administrative Modifications.

3. **Crawl space.** Crawl space that does not contain mechanical devices which use a combustible source or open flame and are less than five and one-half feet (5'6") in height, measured from finished grade to the bottom of primary members, for ninety percent (90%) of the area of the crawl and attic space, shall be excluded from the calculation. If rational construction methods will not permit a maximum height of five and one-half feet (5'6"), such restriction may be waived pursuant to Section 16A-5-250, Administrative Modifications.

4. **Decks.** Although exterior above grade decks and covered decks on or below grade are included in the calculation, up to twelve percent (12%) of the maximum allowable floor area shall be excluded from the floor area calculation.

5. **Elevator shafts.** Elevator shafts shall only be included in the calculation on the floor that the elevator shaft originates.

6. Horizontal projections. If the horizontal projection of a roof or floor above is four (4) feet or less, the square footage of the area below shall be excluded from the floor area calculation. If the horizontal projection of a roof or floor above is greater than four (4) feet, the square footage of the area below that beyond the four (4) feet shall be included in the calculation at a rate of fifty percent (50%). If the horizontal projection includes both the roof and floor above, the cumulative projection shall be measured at finished grade.

7. Mechanical space. A mechanical space devoted exclusively to housing mechanical, plumbing, electrical, telephone, security and related equipment shall be excluded from the calculations by an amount of up to, but not more than, three and one-half percent (3.5%) of the maximum allowable floor area. In the case of single-family and two-family dwelling units, mechanical space shall not exceed three and one-half percent (3.5%) of the maximum allowable floor area or not more than one hundred (100) square feet, whichever is greater. A mechanical space does not contain laundry facilities (washer and dryer).

8. Stairs. Stairs shall only be included in the calculation on the floor that the stairs originate.

9. Uncovered decks. Uncovered decks that are on or below finished grade and uncovered decks that are constructed on the roof of space below, including garages, shall be excluded from the floor area calculation.

10. Veneer facade. Any structural wall of up to but not exceeding twelve

(12) inches in thickness shall be excluded.

b. Exclusions specifically for single-family and two-family dwelling units.

1. Garage. Garage space that is intended for storage of motor vehicles and is completely enclosed shall be excluded from the floor area calculation, up to a maximum of three hundred fifty (350) square feet for a single car garage, and up to seven hundred (700) square feet for a two (2) or more car garage. The maximum garage exclusion for any lot is seven hundred (700) square feet.

2. Carport. One (1) carport, which shall be one hundred percent (100%) open on one (1) or more sides, with the exception of support members and is used to store a motor vehicle, shall be included in the calculation of floor area, regardless of the number of vehicles to be accommodated therein, at a rate of fifty percent (50%).

3. Accessory unit. The floor area for an accessory unit shall be included in floor area calculations to the extent required by Section 16A-3-230(2)e, Maximum Floor Area.

c. Exclusions specifically for hotel/lodge rooms/suites, dormitory and multi-family units.

1. Subgrade parking areas.

2. Storage. In multi-family unit and dormitory buildings only, areas designed and used as storage which do not have direct access to a dwelling unit, not to exceed five percent (5%) of the total proposed floor area of the unit for which the storage is intended.

d. Exclusions specifically for commercial and other nonresidential uses.

1. Service areas and other similar uses.

2. Exterior decks, walkways. All exterior decks, walkways and other such above-grade areas, whether covered or uncovered, shall be included in the calculation if said areas are more than six (6) feet in width. (Ord. 4-1998 §1; Ord. 11-1999 §3; Ord. 5-2001 §1; Ord. 10-2001 §1)

Sec. 16A-3-220. Nonconformities.

(a) Purpose.

(1) General. Within zone districts established in this Article III, Zone Districts, there may exist lots, structures and uses of land and structures that were lawfully established before this Development Code was adopted or amended that no longer conform to the standards of this Article. The purpose of this Section is to regulate and limit the continued existence of those uses, structures and lots that do not conform to the provisions of this Article, or any amendments thereto.

(2) Nonabatement provisions. Unless specifically stated, it is the intent of this Section that nonconforming structures, portions of structures or uses be permitted to continue unless abandoned, destroyed or removed. Nonconforming structures, portions of structures or uses shall not be extended, enlarged or expanded, nor be used as the grounds for adding other structures or uses prohibited elsewhere in the same zone district, all as more specifically provided herein.

(b) Nonconforming Uses and Structures.

(1) Nonconformity may continue. Nonconforming uses and nonconforming structures may continue, so long as they

remain otherwise lawful and comply with the provisions of this Section.

(2) Enlargement or extension. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on June 1, 1988. A nonconforming structure or nonconforming portion of a structure that otherwise meets the requirements of this Development Code shall not be enlarged or altered in any way that increases its nonconformity. A structure or nonconforming portion thereof may, however, be altered in a way that does not increase, or that decreases, its nonconformity.

(3) Relocation. A nonconforming use or nonconforming structure shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use or structure on June 1, 1988, unless such relocation brings the structure, portion thereof or use into compliance with the provisions of the zone district to which it is moved.

(4) Change of use. A nonconforming use shall not be changed to another use, unless the use to which it is changed conforms to the provisions of this Development Code for the zone district in which the use will be located.

(5) Cessation of nonconformity. If any such nonconforming use, structure or portion thereof is discontinued, abandoned or ceases for any reason for a period of six (6) consecutive months, then such nonconformity shall not be reestablished, and any subsequent use of such land, structure or portion thereof shall conform to the provisions of the zone district in which such land or structure is located.

(6) Damage or destruction. If any nonconforming structure or nonconforming portion of a structure is damaged or destroyed by any means, it shall be reconstructed in conformity with the provisions of this Development Code, unless a building permit for its repair or replacement is obtained within nine

(9) months after the date of loss, and said permit remains active and is diligently completed pursuant to the provisions of the Uniform Building Code.

(7) Additional structures. Any additional structures erected in connection with any non-conforming use of land or structure shall conform to the requirements of this Development Code.

(c) Nonconforming Lots.

(1) Nonconforming lot may be developed. Any lot or parcel that has an area or width that does not conform to the standards of the underlying zone district, but was a legal lot of record at the time it was created, may be developed with a single-family detached dwelling and those customary accessory structures and uses normally associated with a single-family detached dwelling. The development of the lot shall comply with all of the other applicable standards of this Development Code, or, prior to its development, the applicant shall obtain a variance, pursuant to Section 16A-5-240, Variances, or an administrative modification, pursuant to Section 16A-5-250, Administrative Modifications.

(2) Lot reduction. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired, either in whole or in part, so as to create a new nonconformity, to avoid, circumvent or subvert any provisions of this Development Code, or so as to leave any lot below the minimum requirements for lot width or lot area applicable to the underlying zone district; nor shall any lot or portion of a lot required for a legal building site under the provisions of this Development Code be used as a portion of a lot required as a site for another structure. No building permit shall be issued for any lot or parcel of land that has been transferred, conveyed, sold, subdivided or acquired in violation of this Section. (Ord. 4-1998 §1)

Sec. 16A-3-230. Accessory units.

One (1) accessory caretaker unit (ACU) or one (1) accessory employee unit (AEU) may be installed in a single-family detached dwelling, or one (1) accessory caretaker unit (ACU) may be: (1) constructed as part of a single-family detached dwelling; (2) located above or below a detached garage; or (3) permitted as a pre-existing dwelling unit within a single-family detached or two-family dwelling, subject to compliance with the provisions of this Section. An ACU or AEU located above or below a detached garage shall require special review approval pursuant to Section 16A-5-230, Special Review.

(1) Standards for an accessory caretaker unit. An ACU shall comply with the following standards:

a. Size. The size of the ACU shall be not less than three hundred fifty (350) square feet or greater than seven hundred fifty (750) square feet, and shall be built within the maximum allowable floor area for the lot unless the additional floor area was acquired under the Limited Excise Tax provisions as set forth in Article VI, Chapter 4 of the Municipal Code.

b. Variance. The only variance that may be granted to accommodate the ACU is a setback or height variance.

c. Exterior entrance. The ACU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the ACU.

d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the ACU in addition to those parking spaces required for the single-family detached dwelling.

e. No short-term rental. An ACU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

f. Pre-existing dwelling units. With Town Council approval, one (1) ACU created prior to April 16, 1985, in a single-family detached dwelling or one (1) ACU created prior to September 21, 1977, in a two-family dwelling within the DU zone district may be permitted to remain, provided that:

1. The lot owner has submitted architectural drawings reflecting the "As-Built" condition defining the ACU.

2. The lot owner has submitted a report from a private building inspection consultant, whose qualifications are acceptable to the Town, containing his or her findings with regard to consistency with Chapter 18 of this Code as found within the ACU and recommendations as to whether modifications should occur in order for the unit to be occupied in a safe manner.

3. Based upon the review of the inspector's report and recommendations of the Building Official, who may inspect said ACU prior to any approval being granted, the lot owner agrees to obtain the necessary permits and perform the recommended modifications that need to occur prior to any registration, rental or conveyance of the ACU.

4. The lot owner has successfully demonstrated that the subject unit existed within the principal structure

on or before the applicable date specified above and that no other ACUs exist on the lot.

5. The existing ACU unit is in conformity with Subsection (1) above, except that the subject ACU may be acceptable for registration if, at the sole discretion of the Town Council and following presentation of evidence thereon, it is satisfactorily demonstrated that such nonconformity may be determined to be minor in nature or that compliance would be impractical and would cause an unreasonable hardship upon the lot owner. In cases such as this, the Town Council may impose conditions reasonably necessary to mitigate impacts upon surrounding property owners or to specify a timeframe within which the ACU or nonconformity must be brought into compliance with Subsection (1) above.

(2) Standards for an accessory employee unit. An AEU shall comply with the following standards:

a. Size. The size of the AEU shall be not less than three hundred fifty (350) square feet or greater than one thousand (1,000) square feet. Special review approval pursuant to Section 16A-5-230, Special Review, shall be required for an AEU greater than seven hundred fifty (750) square feet in size.

b. Variance. The only variance that may be granted to accommodate the AEU is a setback or height variance.

c. Exterior entrance. The AEU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the AEU.

d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the AEU in addition to those parking spaces required for the single-family detached dwelling.

e. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot by an amount greater than ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review.

f. No short-term rental. An AEU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

g. Occupancy. Occupancy of an AEU shall be by a person or persons employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year.

(3) Accessory unit completion and registration.

a. Completion. A new accessory unit shall be completed within the period prescribed by the building permit issued for its construction. All modifications to a pre-existing ACU shall be completed within the period prescribed by Chapter 18 of this Code or other permits required by the Town Council for it to be registered.

b. ACU notice of registration. Upon issuance of a certificate of occupancy for a new ACU or certificate of completion for a pre-existing ACU and payment of the processing fee established by the

Planning Department's fee schedule, a notice of registration of the ACU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. Such registration shall be valid for the existence of the new ACU or, in the case of pre-existing units, may be subject to the terms and conditions imposed by the Town Council.

c. AEU notice of initial registration. Upon issuance of a certificate of occupancy or completion for an AEU and payment of the processing fee established by the Planning Department's fee schedule, a notice of registration of the AEU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. The initial registration shall be effective until December 31 of the year in which it is issued, unless the unit is initially registered after November 15, in which case the registration shall be effective until December 31 of the year after it is issued.

d. AEU registration renewal. On a yearly basis, the registration of an AEU shall be renewed by filing an application for renewal, accompanied by the applicable processing fee established by the Planning Department's fee schedule, with the Planning Department on or before November 15. To qualify for a registration renewal, the owner of the AEU must verify that the AEU complies with the conditions set forth in Subsection (2), Standards for an Accessory Employee Unit, and that the AEU has been occupied by an AEU employee for at least eight (8) months during the previous registration period. Thereupon, the Planning Director

shall renew the registration of the AEU until December 31 of the year following the expiration of the current registration.

e. AEU conditional registration renewal. In the event that the owner of an AEU cannot meet the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, then a conditional registration renewal may be issued, if the owner agrees to correct the noncomplying conditions prior to March 1 during the conditional registration renewal. The date for compliance may be extended to May 1 if the AEU was initially registered after May 1 of the previous year provided that the AEU can be occupied by an AEU employee for eight (8) of the twelve (12) months following initial registration. The conditional renewal registration of the AEU shall be automatically extended to December 31 upon timely correction of the noncomplying conditions.

f. Inspection. The Planning Department shall have a right to inspect the AEU prior to registration renewal or to verify compliance with this Section. At least forty-eight (48) hours' written or verbal notice will be provided to the owner or his or her authorized agent. The owner of the AEU shall also notify the department of any impending sale of the subject property and permit an inspection prior to closing.

g. Failure to register or correct non-complying conditions. If the owner:

1. Fails to timely complete the construction of an AEU in accordance with the provisions of Subsection (3)a, Completion;

2. Fails to timely comply with the provisions of Subsection (3)d, AEU Registration Renewal; or

3. Has not met the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, at the end of the AEU conditional registration renewal, within thirty (30) days of the existence of the event of noncompliance, or February 1 of the year following the lapse of the current registration, whichever shall first occur, the owner shall remove the kitchen from the AEU; and either:

4. Remove floor area. Remove from the single-family detached dwelling or detached garage structure all floor area being part of the AEU, unless the floor area legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions; or

5. Mitigation fee. Pay to the Town a mitigation fee for elimination of the AEU as an employee housing unit. The amount of the fee shall be calculated by the Planning Director by multiplying the square footage of the AEU, minus that portion of AEU floor area that legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions, by:

a) The actual value of the lot including the single-family detached dwelling unit, any accessory building and the land as calculated from the records of the County Assessor, divided by the floor area square footage of the single-family

detached dwelling and any accessory building, not including the AEU, as calculated in accordance with the provisions of Section 16A-3-210(b), Measuring Floor Area; or

b) In the event that the actual value of the lot including the single-family detached dwelling, any accessory building and land is not available from the records of the County Assessor, then one hundred twenty-five percent (125%) of the numeric average of the actual value of all lots including a single-family detached dwelling and land for the subdivision or PUD in which the lot exists as calculated from the records of the County Assessor shall be divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU; and

c) Multiplying the amount determined above by a factor of 1.5.

Provided, however, that if a change in the actual value of the lot including the principal dwelling unit, any accessory building and land according to the records of the County Assessor occurs within one (1) year from the date of payment of the mitigation fee, then the amount of the mitigation fee shall be recalculated by the Planning Director. The Planning Director shall notify the owner of the amount of the additional mitigation fee, which shall be paid by the owner within thirty (30) days. If the owner paid a mitigation fee in excess of the recalculated mitigation fee, then the Planning Director shall cause the overpayment to be refunded to the owner.

(4) Accessory unit special review standards. Any AEU requiring special review shall comply with the following standards:

a. Community need. The applicant has demonstrated that the proposed accessory unit helps to promote the public policy purpose and community need to create affordable employee housing.

b. Mass and scale. The accessory unit will not contain roof configurations, internal ceiling heights or areas open to the floor below which unnecessarily contribute to the mass and scale of the proposed addition.

c. Special circumstances exist. The applicant shall satisfactorily demonstrate that special circumstances exist or practical difficulties would occur such that a lesser sized caretaker unit should not be created within or utilize portions of the existing structure.

d. Location. The accessory unit shall be carefully situated within the lot so as to be appropriate at its proposed location and compatible with the character of surrounding residences in the area.

e. Visibility. The design of the accessory unit shall be sensitive to its visual impact on neighboring properties. The accessory unit design shall include, but not be limited to, sensitive choice in placement, screening with landscaping, sub-grade placement, architectural design, use of materials and colors or any other effective means that minimize or soften its appearance and visibility on the site. The proposed unit may be denied if it is determined that the visibility has not been sufficiently reduced.

f. Not adversely affect neighborhood. The approval of the accessory unit shall not, in a substantially adverse manner, change the neighborhood character. Nor should it create excessive traffic impacts. It should not have a substantially adverse impact on the land abutting upon or across the street from the property being approved for an AEU. It should not prevent an adequate supply of light or air from reaching adjacent properties, nor should the construction of the unit increase the fire danger or otherwise endanger the public safety. (Ord. 4-1998 §1; Ord. 5-1999 §3; Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. 16-2010 §1)

Sec. 16A-3-240. Home occupations.

A home occupation shall comply with the following standards:

(1) Employment. A home occupation shall be conducted solely by the inhabitants of the dwelling unit in which the home occupation is being conducted, and by no more than one (1) employee who resides elsewhere.

(2) Outside appearance. The outside appearance of a dwelling shall not be changed in any manner to accommodate a home occupation. No signs or exterior advertising of any type shall be allowed, nor shall there be any exterior storage of materials or equipment used as part of the home occupation.

(3) Occupancy limits. A home occupation shall not occupy a space larger than twenty percent (20%) of the total floor area or five hundred (500) square feet, whichever is less, of the dwelling unit being used for such purposes. A home occupation shall be

conducted entirely within the dwelling unit; no exterior activity shall be associated with such use.

(4) Merchandise. Merchandise shall not be sold, stored, exchanged or displayed on the premises as part of a home occupation.

(5) Nuisances prohibited. A home occupation shall not generate offensive noises, vibrations, smoke, dust, odors, heat, electrical interference, glare or traffic noticeable at or beyond the property line.

(6) Permitted uses. Home occupations include, but are not limited to, the following, provided that all of the standards of this Section are met: art or photo studio; dressmaking or drapery work; office for accountant, architect, bookkeeper, contractor, engineer, insurance, property management, real estate activities or other similar uses; tutor (limited to a maximum of two [2] students at any time); and in-home babysitting (limited to that allowed in a day care home as defined and regulated by the Pitkin County Department of Social Services).

(7) Prohibited uses. A home occupation shall not be interpreted to include the following or similar businesses: offices for dentists, physicians, surgeons, osteopaths, chiropractors or similar professional services, nursing home, lodge or hotel, day care home, day care center, animal hospital, kennel, restaurant, automotive repair, welding shop, barber shop or other similar uses.

(8) Licenses. A home occupation shall comply with all applicable business license and sales tax requirements.

(9) Violations. Any violation of these provisions shall be subject to the penalties set forth in Section 1-72 of the Municipal Code. (Ord. 4-1998 §1; Ord. 11-1999 §3)

Sec. 16A-3-250. Antenna reception or transmission devices.

A proposed antenna reception or transmission device shall comply with the following standards:

(1) Dimensional limitations. The installation of an antenna shall comply with the dimensional limitations of the underlying zone district.

(2) Not located in right-of-way. An antenna shall not be placed in a public or private right-of-way.

(3) Danger. An antenna shall not cause any increased danger to neighboring property in the event of a collapse or other failure. The proposed antenna installation may be denied if it is determined that any collapse or failure would cause damage to neighboring property.

(4) Visibility. The decision-making body shall determine whether the visibility of the antenna has been reduced to the highest degree possible, including, but not limited to, sensitive choice in placement, screening with fencing, landscaping, subgrade placement, use of earth tone colors and any other effective means that screens the antenna and does not appear to be unnatural on the site. The proposed antenna installation may be denied if it is determined that the visibility has not been sufficiently reduced. (Ord. 4-1998 §1)