

**ARTICLE 16 BUILDINGS AND USES ACCESSORY TO NONRESIDENTIAL PRINCIPAL BUILDINGS AND USES**

**Sec. 16.1. Accessory Use or Structure.**

(a) Location. Buildings accessory to principal non-residential uses shall be located in a rear yard or side yard.

(b) Relationship to Principal Use. No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, the principal building is lawfully approved and use is established.

(c) Interpretation. When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.

**Sec. 16.2. Amateur Radio Antenna.**

Amateur radio antennas and antenna structures are a permitted accessory use to a nonresidential use in accordance with the following requirements:

(a) Height. No antenna or antenna structure, including any support upon which it may be constructed, shall exceed a height of seventy (70) feet, except by approval of a conditional use permit.

(b) Location. Amateur radio antennas and structures shall be setback a distance of at least one-half the height of the tower or structure from all property lines.

**Sec. 16.3. Caretaker Residence.**

A residence for a night watchman, accessory to a business, institutional, or industrial operation, may be established in a single-family detached dwelling or as a unit located within a commercial or industrial building. The Zoning Administrator may approve one residence or dwelling with a minimum gross floor area of 600 square feet, within a principal building or in an accessory housing unit, on the site of a business, institutional, or industrial operation as an accessory use, provided that the applicant supplies evidence to the Zoning Administrator of need for full-time security or 24-hour on-site management.

**Sec. 16.4. Construction Field Office.**

A manufactured home or other temporary buildings or structures shall not be occupied as a permanent office or for any other use in any district; provided, however that such manufactured homes or other temporary buildings or structures may be used for a temporary office on a site where a non-residential development is under construction, subject to the following:

(a) Approval and Permit. Approval by the Zoning Administrator and issuance of a building permit. Said permit shall be temporary but renewable once after a period of six (6) months. Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property.

(b) Water and Sewer. Adequate water and sewage disposal for the structure(s) is approved by the Monroe County Health Department.

(c) Additional Installation Provisions. The Zoning Administrator is authorized to require additional installation standards to ensure compatibility of appearance and functional safety of the construction field office and the site on which it is located.

(d) Removal Upon Occupancy. Said manufactured home(s) or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

**Sec. 16.5. Drive-through Facility.**

In districts where permitted, and when a drive-through operation is located adjacent to a residential zoning district or existing residential use and it involves an exterior loud speaker, volumes must be monitored and controlled so as to minimize audible sound from the loud speaker at the property line. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the Zoning Administrator may require noise attenuation to be installed on the site with the exterior loudspeaker, if volumes cannot be reduced to an acceptable level (not audible to an average person's hearing ability) at ten feet beyond the property line, or if buffers are inadequate to mitigate noise from the exterior loud speaker.

**Sec. 16.6. Fences and Walls.**

(a) Height. Fences or freestanding walls constructed in a front yard of a nonresidential lot shall not exceed six feet in height. Fences or freestanding walls with a height of greater than six feet shall require a permit issued by the Zoning Administrator.

(b) Setback and Location. No fence or freestanding wall shall be erected in a manner that obstructs visibility at street intersections or driveways.

(c) Composition and Materials. Fences shall not be constructed of materials that would be incompatible with the residential character of the lot and neighborhood. Walls or fences composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted. Walls and fences in the front yard shall present a finished and attractive surface to the frontage of the property. If chain-link fencing is utilized, it shall be coated with vinyl with a black color. Barbed-wire strands shall not be permitted except in M-I zoning districts.

**Sec. 16.7. Gasoline or Fuel Pumps.**

Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any street right-of-way line.

**Sec. 16.8. Junk Vehicle or Material.**

It shall be unlawful on any nonresidential or vacant lot to park or store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material that is visible from a public road or adjacent or abutting property.

**Sec. 16.9. Outdoor Storage.**

Except for open air business establishments, outdoor storage, where permitted, shall be screened from view by an opaque fence or freestanding wall no less than six (6) feet in height. The outside storage of products in conjunction with an enclosed retail trade establishment shall be limited to a maximum of ten (10) percent of the lot.

**Sec. 16.10. Project Identification Monument.**

No nonresidential subdivision or business or industrial park entrance monument shall be permitted to be erected unless the project entrance monument and the landscape surrounding the monument shall have been shown on plans submitted to and approved by the Zoning Administrator.

**Sec. 16.11. Retail and Restaurant Uses Accessory to Certain Uses.**

It is the intent of this Section to permit small-scale, accessory retail uses in office complexes, business and industrial parks, lodging facilities and institutional uses with gross floor areas of 10,000 square feet or more, including without limitation, barber shops, beauty shops, dry cleaning, drug stores, book stores, florists, gift shops, convenience food stores, newsstands, and cafeterias, sandwich shops, and restaurants, subject to the requirements of this Section. Retail sales and services accessory to the operation of such specified facilities with 10,000 or more gross square feet of floor area are permitted where otherwise not listed as a permitted use, subject to the requirements of this Section:

(a) Enclosure. The activity must be conducted wholly within the building in which the principal use is located and shall be limited to 15 percent of total gross floor area of the building. No merchandise shall be stored or displayed outside the structure in which the principal use is located.

(b) Entrance. The public entrance or entrances to the activity shall be from a lobby, hallway, or other interior portion of the building in which the principal use is located, except for restaurants located within an office building, business or industrial park or lodging which shall be permitted one exterior public entrance.

**Sec. 16.12. Special Temporary Outdoor Event.**

A special temporary outdoor event is an activity accessory to a business or organization that is not part of its normal daily activities, such as a grand opening or closeout sale, or any temporary event conducted by a civic, philanthropic, educational or religious institution, such as a fund-raising or membership drive. A special temporary outdoor event may be authorized subject to permit approved by the Zoning Administrator and in compliance with the following:

(a) Duration. The duration of the event shall not last longer than 15 consecutive days.

(b) Frequency. Special temporary outdoor events shall not take place more frequently than two (2) times in any calendar year on the same premise. Any two such events on the same premise must be separated by at least 30 consecutive days.

(c) Parking. Adequate parking and traffic maneuvering space must be located on the same property as the event.

(d) Application. A special temporary outdoor event shall be considered and approved only on the basis of a site plan and letter of intent reflecting conformance to the above requirements. The application shall address hours of operation, placement of bathroom and other public facilities, parking, and security. The application shall also address whether amplifying equipment will be used and if so Police Department review and approval shall be required.

**Sec. 16.13. Temporary Classroom.**

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be modular structures or manufactured homes, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit. The Zoning Administrator may attach reasonable conditions on the issuance of such permit to ensure compatibility and public safety. The duration of such temporary use and building permit shall not exceed one (1) year, unless an extension is granted by the Governing Body.