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(5) No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant.

(6) Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.

(i) Conditional Mitigation Measures for Co-location.

(1) The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

(2) No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

(j) Application Fees. Each applicant shall pay a nonrefundable processing fee of five hundred dollars (\$500.00) to reimburse the Town for the legal, engineering and land planning costs of reviewing the application. Legal publication costs are in addition to the five hundred dollars (\$500.00) and will be billed separately by the Town. No permit will be issued until all fees are paid.

(k) Abandonment. At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.

(l) Penalty. Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this Article or of the conditions and requirement of the conditional use permit, may be punished as provided in Article VI of this Chapter. Each day of unlawful operation constitutes a separate violation.

(m) Civil Action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this Article or the conditions and requirements of the commercial mobile radio service facility special use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use. (Ord. 480 §3.12, 2003)

Sec. 16-3-620. Home occupations.

(a) Home occupations must meet the following standards:

(1) Medical and dental offices are not permitted as home occupations.

(2) In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one (1) outside employee in the home occupation.

(3) The employee and clients may park in on-street curbside parking spaces.

(4) The home occupation shall not exceed one thousand (1,000) square feet or thirty (30) percent of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed seven hundred twenty (720) square feet.

(5) All aspects of the home occupation operation shall not disrupt the residential character of the neighborhood or create noise or environmental hazards.

(6) A maximum of ten (10) clients may visit the home occupation per day.

(7) Home occupations may include state-licensed family child care homes (residential day care facilities) that have received zoning approval from the Town.

(b) Home occupations that cannot meet the above standards are not permitted unless a special use permit is applied for and granted. (Ord. 480 §3.13, 2003)