

CHAPTER 29 - HOME OCCUPATIONS

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29.01: PURPOSE.

Home Occupation regulations are established to ensure that Home Occupations will not adversely affect the character and livability of the surrounding neighborhood and that a Home Occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of Home Occupations can be conducted with little or no effect on the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between Type I Home Occupations and Type II or Extended Home Occupations, so that Extended Home Occupations may be reviewed through a permitting process.

29.02: CONDITIONS.

Home Occupations are allowed as accessory uses if they satisfy the following conditions:

- A. Maintain the integrity of the neighborhood and preserve the residential character of neighborhoods by encouraging compatible land uses;
- B. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of Home Occupations does not infringe on the residential rights of neighbors; and,
- C. Assure that public and private services such as street, sewer, water or electrical systems are not burdened by Home Occupations to the extent that usage exceeds that which is normally associated with the residence.

29.03: GENERAL PROVISIONS.

All Home Occupations whether Type I or Type II shall comply with the following general provisions:

- A. Machine shops, body shops, repair of internal combustion engines (other than small engine repair), welding, manufacturing, or any other objectionable use as determined by the City Council shall not be permitted as a Home Occupation.
- B. No manufacturing business shall be allowed.
- C. The Home Occupation shall be clearly incidental and subordinate to the residential use of the dwelling.
- D. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.

- E. The Home Occupation shall meet all applicable Fire and Building Codes.
- F. Exterior display or storage of equipment or materials is prohibited.
- G. Signage is permitted as allowed in Chapter 31, (Signs), for the zoning district in which the Home Occupation is located.
- H. No Home Occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- I. No equipment shall be used in the Home Occupation which will create electrical interference to surrounding properties.
- J. Shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 a.m. and 6:00 p.m. and shall occur only in single rear axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
- K. No Home Occupation shall be conducted between the hours of nine o'clock (9:00) PM and seven o'clock (7:00) AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities. The City Council shall have the authority to further restrict the hours of operation as necessary to meet the purpose of this section.
- L. On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the Home Occupation, except for the occasional sale of items that are primarily sold mail order or sold over the Internet or incidental to the products or goods produced or fabricated on the premises.

29.04: PROCEDURES AND PERMITS.

- A. Type I Home Occupation: Any Type I Home Occupation may operation without a specific permit so long as they meet the conditions and minimum requirements of the Ordinance.
- B. Type II Home Occupation: Any Type II Home Occupation, as described in this Ordinance, shall be required to obtain a Home Occupation certificate from the Zoning Administrator, subject to payment of a filing fee as established by the City Council. Issued Home Occupation certificates are not transferable. The certificate shall be renewed biannually. The certificate shall also be renewed if the Home Occupation is transferred to a new owner or operator, if the character or intensity, or if the location of the Home Occupation changes. All Home Occupation owners shall be required to complete a questionnaire describing its operations, to be kept on file with the City.

29.05: REQUIREMENTS, TYPE I HOME OCCUPATION.

- A. Description: Type I Home Occupations include and but are not limited to: art studio, dressmaking, secretarial services, day care for up to twelve (12) children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than two (2) pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, and similar uses, none of which shall involve regularly scheduled client visits. Home Occupations shall be limited to the performance of services only. In person retail sales from the premises are prohibited.
- B. Provisions:
 - 1. Only persons residing on the premises may be engaged in the conduct of the Home Occupation.
 - 2. All Type I Home Occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings or attached garage.

3. Type I Home Occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface.
4. There shall be no separate business entrance.
5. Infrequent client visits shall be permitted by appointment only.

29.06: REQUIREMENTS, TYPE II HOME OCCUPATION.

- A. Description: Examples of Type II Home Occupations may include but are not limited to: barber and beauty services, day care-group nursery, dog-grooming, photography studio, group lessons, saw sharpening, small appliances and small engine repair, stock-in-trade and the like.
- B. Provisions:
 1. No person other than a resident shall conduct the Home Occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Chapter.
 2. On premises retail sales shall be prohibited except for the retail sales of products or goods used, produced or fabricated on the premises as a result of the Home Occupation.
 3. A separate accessory building may be devoted solely to the Type II Home Occupation activities.

29.07: NON-CONFORMING USE.

Existing Home Occupations lawfully existing on the effective date hereof, may continue as nonconforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing Home Occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this Chapter.

29.08: INSPECTION.

The City hereby reserves the right to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions imposed.

29.09: VIOLATIONS.

Any Home Occupation found to be in violation of this Chapter shall be served with a notice from the Zoning Administrator. If the violation is not corrected within ten (10) days, the license for the Home Occupation shall be revoked. Revocation of a home license may be appealed to the Board of Adjustments & Appeals.

