

## ARTICLE XVIII

## HOME OCCUPATIONS &amp; BUSINESSES

SECTION 18.1 INTENT AND PURPOSE. It is the intent and purpose of this article to provide for certain types of restricted occupational uses within residential districts. Only such uses will be allowed which:

1. Are incidental to the use of the premises as a residence;
2. Are compatible with residential uses;
3. Are limited in extent; and
4. Do not detract from the residential character of the neighborhood.

SECTION 18.2 PERMIT PROCEDURES. Home occupations complying with the standards established in Section 18.3 shall be considered minor in character and permitted by right with no permit required other than an Occupational Tax License. Home businesses or those occupations that operate under the standards established in Section 18.4 may not commence until receipt of a Home Business Permit.

SECTION 18.3 HOME OCCUPATION STANDARDS. Home occupations shall be permitted in all residential zoning districts. The following regulations shall apply to all home occupations.

- A. The home occupation shall be clearly incidental and secondary to the use of the dwelling. No additions or alterations of the dwelling unit or lot shall be permitted that change the residential appearance of the premises. No separate entrance or driveway shall be permitted for the home occupation.
- B. The home occupation shall be conducted entirely within the principal dwelling unit. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed outdoors or in accessory buildings or carports, whether detached or attached to the principal dwelling unit. Window displays shall not be utilized.
- C. No person other than a resident of the dwelling shall work on-premise. The dwelling unit must be the primary and legal place of residence for the owner of the home occupation. Owner of the home occupation is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the home occupation. Renters shall provide written evidence of owner approval for a Home Occupation with their application.
- D. The home occupation shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m. Routine residential type carriers, such as the USPS, UPS, and/or FedEx, excepted.
- E. A home occupation shall produce no offensive noise, vibration, smoke, dust, odors, or heat. No equipment or process shall be used in a home occupation which

creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off premises.

- F. Toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials, if any, shall be used, stored and disposed of in accordance with the International Fire Code and the National Fire Protection Association Life Safety Code. Activities conducted and material/equipment used shall not be of a nature to require the installation of fire safety features not common to residential uses.
- G. One business vehicle may be used for the home occupation in addition to any personal vehicles used by members of the household employed in the home occupation. No vehicle used for the home occupation shall be larger than a non-commercial van or pickup truck.
- H. All parking associated with the home occupation must be in the driveway where the home occupation is located. No parking shall be permitted in the street or yard. No shared parking is permitted associated with any home occupation.
- I. No more than twelve (12) client vehicles shall visit the premises of the home occupation per day.
- J. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express) and must not restrict traffic circulation.
- K. No advertising shall identify the location of a home occupation to the general public. (Example: bulk or mass advertising and signage). Business cards, letterhead, business listings, etc are excluded.
- L. More than one home occupation may be permitted in a single residence. The above limitations shall apply to the combined uses.
- M. The following uses are permitted as home occupations:
  - 1. General office or business services
  - 2. Studios/work spaces for handicraft production, fine arts, cooking, etc.
  - 3. Direct sale product distribution (Avon, Tupperware, Pampered Chef, etc.)

**SECTION 18.4 HOME BUSINESS STANDARDS** Home businesses shall be allowed in all single-family residential zones. All home businesses must comply with the following regulations:

- A. The home business shall be clearly incidental and secondary to the use of the dwelling. No additions or alterations of the dwelling unit or lot shall be permitted that change the residential appearance of the premises. A separate entrance or driveway shall be permitted for the home business, provided it is on the side or rear of the unit.
- B. The home business shall be conducted entirely within the principal dwelling unit and/or in a properly permitted, approved, and fully enclosed accessory building. The accessory structure may not exceed 750 square feet and must be of similar

construction, architecture, and materials to the main dwelling unit.

- C. No exterior storage or display of any materials or equipment associated with the home business shall be permitted. Window displays shall not be utilized.
- D. The home business shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m. Routine residential type carriers, such as the USPS, UPS, and/or FedEx, excepted.
- E. A home business shall produce no offensive noise, vibration, smoke, dust, odors, or heat. No equipment or process shall be used in a home business which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off premises.
- F. Toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials, if any, shall be used, stored and disposed of in accordance with the International Fire Code and the National Fire Protection Association Life Safety Code. Activities conducted and material/equipment used shall not be of a nature to require the installation of fire safety features not common to residential uses.
- G. On-premise employees shall be limited to residents of the dwelling unit plus two additional employees. The dwelling unit must be the primary and legal place of residence for the owner of the home business. Owner of the home business is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the home business. Renters shall provide written evidence of owner approval for a Home Business with their application.
- H. Parties for the purpose of selling merchandise or placing orders may be held no more than two (2) times per month and must be limited to ten (10) customer vehicles. The parties shall not be advertised to the general public.
- I. All parking associated with the home business must be on a hard-surface, dust-free area, such as the driveway. An additional parking area may be created in the side or rear yard for up to three (3) additional parking spaces. The parking area must be constructed of concrete, asphalt, or pavers (approved by the Director of Planning and Development or his/her designee) and must not detract from the residential character or visual appearance of the property. The parking area must be approved by the Planning and Development Department prior to installation. On-street parking is permitted provided it does not create a traffic hazard.
- J. There shall be no more than three (3) client vehicles on the premises during any period of sixty (60) minutes. An exception shall be made during sales parties, recitals, etc. provided these events are held no more than two (2) times per month and for child care facilities.
- K. Deliveries to the home business shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express) and must not restrict traffic circulation.
- L. No advertising shall identify the location of a home business to the general public.

(Example: bulk or mass advertising and signage). Business cards, letterhead, business listings, etc are excluded.

- M. More than one home business may be permitted in a single residence. The above limitations shall apply to the combined uses.
- N. The following uses shall be permitted as home businesses:
  - 1. Any use permitted as a home occupation
  - 2. Barber/beauty shop
  - 3. Contractors, painters, masonry, or plumbing
  - 4. Landscape maintenance
  - 5. Hobby breeders
  - 6. Television or other small electrical repairs, excluding major appliances (i.e. washers, dryers, refrigerators, televisions larger than 36", etc.)
  - 7. Upholstering
  - 8. Woodworking and furniture restoration
  - 9. Child care for up to five children, excluding the children of the provider

SECTION 18.5 PROHIBITED USES. The following uses shall be prohibited as home occupations/businesses:

- 1. Any uses not in conformity with the standards set forth in Section 18.2
- 2. Ambulance service
- 3. Major appliance repair (except when working at customers' homes)
- 4. Automotive detailing, washing services (except when working at customers' homes)
- 5. Automotive repair, body work, painting, upholstery, etc.
- 6. Dance or aerobic exercise studios, martial art studios, etc.
- 7. Firewood sales
- 8. Kennels
- 9. Massage parlors
- 10. Medical or dental laboratory
- 11. Palm reading, fortune telling
- 12. Small engine repair
- 13. Tow truck services
- 14. Veterinary uses, including grooming or boarding (except when working at clients' homes)
- 15. Funeral Homes
- 16. Stocking firearms sales
- 17. Adult Uses

SECTION 18.6 OTHER USES. Any use not listed in Section 18.3 or Section 18.4 shall require a Classification of Use Request. Such request shall address a specific use in detail and how it conforms with the standards as set forth in this Ordinance. The Zoning Enforcement Officer shall decide Classification of Use Requests based upon the standards contained in this Ordinance. Anyone aggrieved by a decision of the Zoning Enforcement Officer on the Classification of Use Request may appeal to the Zoning Board of Appeals in accordance with

Article XIV.

**SECTION 18.7 GARAGE/YARD SALES** Garage, yard, estate, etc. sales do not require a permit. However, they are required to meet the following standards:

- A. Sales may not last longer than three (3) days.
- B. Sales are held no more than four (4) times yearly.
- C. Sales are conducted on the owner’s property. Multiple family sales are permitted if they are held on the property of one of the participants.
- D. No goods purchased for resale may be offered for sale.
- E. No consignment goods may be offered for sale.
- F. Signs advertising sales may be erected in accordance with Article XII.

**SECTION 18.8 GENERAL PROVISIONS**

- A. Home Business Permits shall be valid for one year and shall expire March 31<sup>st</sup> of each year. Failure to obtain the permit by this deadline shall be grounds for the City to revoke both the Home Business Permit and the Occupational Tax License.
- B. The Home Business Permit is a separate permit from the Occupational Tax License for those businesses/occupations that are operating under the provisions of Section 18.4 of this Ordinance. The Mayor and Council shall establish the annual fee for the Home Business Permit.
- C. The Home Business Permit shall be subject to initial issuance and renewal by the Zoning Enforcement Officer. All provisions of this Ordinance must be satisfied before the Permit can be issued and/or renewed.
- D. It is unlawful to violate the provisions and requirements of this ordinance. The Zoning Enforcement Officer, or his/her designee, shall have the right at any time, upon reasonable request, to enter and inspect the premises covered either by the Home Business Permit or Occupational Tax License for safety and compliance purposes. Any person and/or business who violates this ordinance or fails to comply with its requirements shall upon conviction be punished either by a fine not to exceed \$1000.00 per day, or by a sentence of imprisonment not to exceed sixty (60) days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be considered a separate offense. Additionally, the City shall have the right to revoke the Home Business Permit and/or Occupational Tax License for violation(s) of this ordinance.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
ARTICLE XVIII	DELETED AND REPLACED TO ADOPT AMENDMENTS	09/23/2002