

Section 25 - Home Occupations

Subdivision

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25.01 PURPOSE

The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing land use harmony and compatibility, and the health, safety, and general welfare of the surrounding neighborhood. In addition, this Section is intended to provide a mechanism enabling the distinction between permitted home occupations and interim or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

25.02 APPLICATION

Subject to the Non-Conforming Use Section and other applicable provisions of this Ordinance, all occupations conducted in the home shall comply with the provisions of this Ordinance. This Section shall not be construed, however, to apply to home occupations related to farming.

25.03 PROCEDURES AND PERMITS

A. Permitted Home Occupations:

1. "Permitted home occupations," as defined in this Ordinance, shall be considered permitted accessory uses in the City's agricultural and residential zoning districts and shall comply with the provisions of Section 25.04.A and 25.04.B of this Ordinance.

B. Interim Home Occupations:

1. Qualification: Any home occupation which does not meet the specific requirements for a "permitted home occupation" as defined in this Section shall require an "interim home occupation permit" which shall be applied for, reviewed, and disposed of in accordance with the procedural provisions of Section 5 of this Ordinance.
2. Declaration of Conditions: The City Council may impose such conditions on the granting of an "interim home occupation permit" as may be necessary to ensure compatibility and to carry out the purpose and provisions of this Section.
3. Effect of Permit: An "interim home occupation permit" may be issued for one (1) year after which the permit may be reissued for up to three (3) years each. Each application for permit renewal shall be processed and subject to the approval of the Zoning Administrator, except in cases where written complaints have been received concerning the operation or where there has been a change in conditions or violation, a renewal shall be processed in accordance with the procedural requirements of the initial interim home occupation permit.

4. Transferability: Home occupation permits shall not run with the land and shall not be transferable.
5. Renewal of Permit: An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that the monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for a permit renewal will be reviewed without considering a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

25.04 REQUIREMENT; GENERAL PROVISIONS

All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

A. General Provisions:

1. No home occupation shall produce light, glare, noise, fumes, odor, or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.
3. Except in the case of State licensed day care facilities, any home occupation shall be clearly incidental and secondary to the residential use of the premises, not more than ten (10) percent of the floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home occupation. The home occupation shall not change the residential character of the premises nor result in incompatibility or disturbance to the surrounding residential uses.
4. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
5. There shall be no exterior storage of equipment or materials used in the home occupation, except personal vehicles used in the home occupation which comply with applicable provisions of this Ordinance may be parked on the site.
6. The home occupation shall meet all applicable fire and building codes.
7. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling except for directional and identification/business signs to the extent authorized by the provisions of Section 31 of this Ordinance.
8. All home occupations shall comply with all City regulations related to nuisances.
9. No home occupation shall be conducted between 10:00 PM and 7:00 AM unless approved by the City Council.
10. 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.

11. No home occupation (permitted or interim) shall involve any of the following: body shops, welding, ammunition manufacturing, flea markets, motor vehicle sales or repairs, massage or escort business or other sexually oriented businesses as defined by this ordinance, or other objectionable uses as determined by the City Council.
12. Excepting incidental materials, no commodities shall be sold on the premises.

B. Requirements, Permitted Home Occupation:

1. No person other than those who customarily reside on the premises shall be employed.
2. On-street parking facilities shall not be utilized to accommodate parking demand.
3. Examples of permitted home occupations include art studio, dressmaking, secretarial services, family day care, foster care, offices, teaching with musical, dancing, and other instructions which consist of no more than two (2) pupils at a time, and similar uses.
4. The permitted home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than customarily found in a home; teaching which customarily consists of more than two (2) pupils at a time; over the counter sale of non-residential merchandise produced off the premises.

C. Requirements, Interim Home Occupation:

1. A maximum of one (1) full-time employee or equivalent, other than those people who customarily reside on the premises, shall be employed. This provision shall not apply where the interim home occupation is a meeting place for employees and the work is done off-premises.
2. Examples of interim home occupations include massage therapy, barber and beauty services, day care, group nursery, photography studio, lessons, saw sharpening, small appliances, and small engine repair and the like.
3. The interim home occupation may involve any of the following: stock-in trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing, and other instruction of more than two (2) pupils at a time.
4. Interim home occupations may be allowed to accommodate their parking demand through on-street parking. In such cases where on street parking facilities are necessary, however, the Zoning Administrator shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease that maximum number when and where changing conditions require additional review.

25.05 NON-CONFORMING USES

Existing home occupations lawfully existing on June 2, 1998, may continue as non-conforming uses. Any existing home occupation that is discontinued for a period of more than one hundred eighty (180) days or is in violation of the provisions of the Ordinance under which it was initially established, shall be brought into conformity with the provisions of this Section.

25.06 INSPECTION

With reasonable cause and documentation, the City hereby reserves the right to inspect any home occupation during reasonable hours, with reasonable notice, the premises in which the occupation is

being conducted to ensure compliance with and provisions of this Section or any conditions additionally imposed.

25.07 REVOCATIONS

- A. Permitted and interim home occupations may continue to exist until:
1. Such time as the business is not in compliance with any portion of this ordinance, any other applicable City ordinance, or any applicable state or federal statute, rule, or regulation.
 2. Such time as there is any violation of the terms and conditions of permit approval.
 3. Such time as there is any change in the conditions of operation of the business as it was originally approved; including any change in the nature of the business, any substantial change in the extent of business, any substantial change in the extent of business operations, any significant expansion of business facilities, or any other circumstances related to the business which have the potential to significantly effect surrounding properties, or which may pose a threat to the health, welfare or safety of the general public.
 4. Such time as License Expires: At such time that the City has cause to believe that any of the events listed in 1, 2 or 3 above have taken place, the City shall immediately notify the permit holder of the allegations of violation and the necessary corrections required to bring the license into compliance.