

## ARTICLE XXIII. - HOME OCCUPATIONS

### Sec. 129-391. - Purpose.

It is the city's intent to protect the integrity of its residential areas. It is the purpose of this section to permit residences (dwellings and accessory structures used in connection with such dwellings), to be used for certain limited business purposes which are incidental to, and compatible with, the residential use of property in a manner which will protect residential areas from the adverse impact of activities associated with the conduct of businesses and to provide peace, quiet and domestic tranquility within all residential neighborhoods within the city and to protect the residents of the city from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial activities being conducted in residential areas, provided that the operators of such businesses comply with all applicable laws and ordinances, including, without limitation, the city's business license code.

(Ord. No. 1224, 2-26-96; Ord. No. [1974](#), § 1, 3-27-2017)

### Sec. 129-392. - Applications.

Applications for home occupations may be approved by the zoning official providing that all of the following regulations and requirements are satisfied. Should the zoning official determine that the proposed application does not satisfy the intent or requirements of this article, then the application may be appealed to the planning commission for review at the next regularly scheduled meeting.

(Ord. No. [1974](#), § 1, 3-27-2017)

**Editor's note**— Ord. No. [1974](#), § 1, adopted March 27, 2017, repealed the former § 129-392, and enacted a new § 129-392 as set out herein. The former § 129-392 pertained to uses permitted as home occupations and derived from Ord. No. 1224, adopted February 26, 1996.

### Sec. 129-393. - Conditions for use of dwelling or accessory structure for a home occupation.

- (a) The principal use of the dwelling must be as a residence, and the home occupation shall be clearly incidental to said residential use of the dwelling. The home occupation shall not change or adversely affect the essential residential character of the dwelling or the accessory structure, or of any part of the neighborhood or area in which it is located. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian or vehicular traffic, or any other conditions which would constitute an objectionable use of residentially zoned property.
- (b) No home occupation will be permitted if it causes noise which is excessive, either in degree or length of time, for a residential neighborhood, or which creates glare, obnoxious odors, fumes or vibrations or produces electrical interference detectable to normal sensory perception outside the dwelling or accessory structure.
- (c) No home occupation may be conducted which involves the use or storage of hazardous, dangerous or flammable substances or materials.
- (d) Either a dwelling or an accessory structure located on the same parcel as the dwelling may be used for a home occupation. No more than one accessory structure located on any parcel may be used for a home occupation.
- (e) Reserved.

- (f) No home occupation conducted in a dwelling may occupy more than 20 percent of the total square footage of the livable area contained in the dwelling.
- (g) Reserved.
- (h) No equipment, goods, materials, or other property used in a home occupation may be stored in the yard of a residence.
- (i) There shall be no entrance or exit way in a dwelling exclusively provided for use in connection with the conduct of the home occupation.
- (j) No home occupation shall be permitted in a dwelling or an accessory structure if such home occupation generates traffic or parking materially in excess of what would be normal for the exclusively residential use of such dwelling.
- (k) Reserved.
- (l) No more than two motor vehicles related to a home occupation shall be parked on the premises of any residence. Such vehicles may not exceed three-quarters ton in load capacity, provided that such vehicles must be parked on a portion of the premises which was paved or otherwise designed as a parking area.
- (m) No goods, materials, equipment or other property which are related to a home occupation and which would be visible from any public street or land which is adjacent to the premises upon which the home occupation is conducted, may be stored or left in any motor vehicle. No equipment or motor vehicle of any type related to a home occupation may be parked or left on any public street or on any private street which was constructed in lieu of a public street.
- (n) Deliveries from suppliers to any residence in which a home occupation is operated shall not interfere with normal traffic circulation in the area in which such residence is located. Such deliveries may be made only on Mondays through Saturdays, and only during the day between the hours of 8:00 a.m. and 6:00 p.m.
- (o) The person who is primarily responsible for the conduct of a home occupation must be a full-time resident of the dwelling in which the home occupation is conducted; or, if the home occupation is operated in an accessory structure, said person must be a full-time resident of the dwelling located on the land on which accessory structure is located.
- (p) In addition to the person who is primarily responsible for the conduct of a home occupation, the following may be engaged in such home occupation:
  - (1) Any other person who is a full-time resident of the dwelling; and
  - (2) No more than one person who is not a full-time resident of the dwelling; and
  - (3) Subject to the conditions set forth in this subsection, a person who is not a full-time resident of the dwelling:
    - a. The name of such nonresident employee is submitted to the zoning officer with the application for the permit for the home occupation or submitted subsequently if such person is hired after the application is filed (as used in this subsection, "employee" shall include any person who assists or takes part in the operation of a home occupation, regardless of whether such person does so as an employee, a partner, a shareholder or in any other capacity, and regardless of whether or not the person is compensated for his services);
    - b. The aggregate number of hours worked at the residence by any such person as an employee of the home occupation may not exceed 40 hours during any calendar week; and,
    - c. Reserved.
- (q) No sign or other item advertising, giving notice of, or in any way relating to, a home occupation may be placed in the yard of a residence, on the outside of a dwelling or accessory structure, or within a dwelling or accessory structure so as to be visible from outside such dwelling or accessory structure.

- (r) There shall be no visible evidence from the outside of any dwelling or accessory structure in which a home occupation is operated of the conduct or presence of such home occupation.
- (s) Any accessory structure in which a home occupation is conducted must be completely enclosed.
- (t) No outside lighting, in addition to that which is normally used for residential purposes at a dwelling or accessory structure, may be used in connection with a home occupation.
- (u) The home occupation may not be operated prior to 8:00 a.m. or after 6:00 p.m.

(Ord. No. 1224, 2-26-96; Ord. No. [1974](#), § 1, 3-27-2017)

Sec. 129-394. - Home occupations in dwellings in the districts Residence D, Residence E, Clustered Residential, Legacy Res F, Mixed Use, Residential Infill, Residence F and Residence G.

- (a) Home occupations operated in dwellings and permitted accessory structures in the districts noted in this section, in addition to the other provisions of this article, shall be subject to the following additional condition:
  - (1) No customer, client or business invitee may come to or enter the dwelling.

(Ord. No. 1224, 2-26-96; Ord. No. [1974](#), § 1, 3-27-2017)

Sec. 129-395. - Permitting procedures—Home occupations.

- (a) *Permit required.* Prior to the use of a dwelling or an accessory structure for a home occupation, and occupant of the dwelling who will be engaged in the home occupation, or his representative, must obtain from the zoning officer a permit for the operation of the home occupation.
- (b) *Application requirements.* To obtain the permit, such occupant or his representative must complete and submit to the zoning officer an application which must contain the following information:
  - (1) The name of the primary occupant of the dwelling;
  - (2) The street address of the dwelling, whether the home occupation will be conducted in the dwelling or in an accessory structure;
  - (3) The type of home occupation which will be conducted;
  - (4) The number of employees who will be employed or take part in the home occupation and whether any of the employees are not, or will not be, residents of the dwelling;
  - (5) The names and resident addresses of all employees;
  - (6) The type of equipment, if any, which will be used in the home occupation;
  - (7) The hours during which the home occupation will be conducted;
  - (8) A description of any motor vehicles which will be used in connection with the home occupation; and,
  - (9) Such additional information as the zoning officer, or the planning commission with respect to home occupations subject to section 129-392, may, from time to time, consider necessary for the administration and enforcement of this section; and
  - (10) An application fee in accordance with article XXVII of this chapter.
  - (11) If the home occupation is to be conducted in a townhouse or an accessory structure thereto, the application for a permit must be accompanied by a statement from the homeowner's association for the townhouse, if any, that the association has no objection to, or restriction against, the intended business use of the dwelling or accessory structure.

- (c) *Additional requirements for home occupations conducted in dwellings.* If the home occupation is to be conducted in a dwelling, the application for a permit must be accompanied by a plan or drawing of the dwelling which shows, clearly and in reasonable detail, the following:
- (1) The portion of the dwelling which is to be used for the home occupation;
  - (2) The number of square feet of livable area contained in the dwelling; and
  - (3) The number of square feet to be used for the home occupation. If a particular part of a dwelling is to be used for residential purposes as well as for a home occupation, such part of the dwelling shall be considered as being used for the home occupation.
- (d) Changes in home occupations conducted in dwellings. If a different portion of a dwelling is to be used for the home occupation, at least 30 days prior to any such change, the primary occupant of the dwelling, or his representative, must submit to the zoning officer a revised plan or drawing of the dwelling which shows, clearly and in reasonable detail, the portion of the dwelling which shall be used for the home occupation. Each such revised plan or drawing must be accompanied by a review fee in accordance with section 129-471(7)(b) of article XXVII of this chapter. If, after the commencement of a home occupation in a dwelling, the square footage of the livable area of the dwelling is increased, such additional square footage shall not be taken into account in computing the portion of the dwelling which may be used for the home occupation.

(Ord. No. 1224, 2-26-96; Ord. No. 1770, 10(19-23-5), 5-12-2008; Ord. No. [1974](#), § 1, 3-27-2017)

Sec. 129-396. - Monitoring and enforcement procedures.

- (a) *Inspections.* The zoning officer and/or his designated representatives are hereby authorized to make inspections, from time to time, of any dwelling or accessory structure in which a home occupation is conducted to determine whether such home occupation is being conducted in compliance with this section. Such inspections may be made between the hours of 9:00 a.m. and 5:00 p.m. on Mondays through Fridays, except for days which are generally recognized holidays. The zoning officer or his representative may, but shall not be required to, give an occupant of the dwelling advance notice of the inspection.
- (b) *Violations or refusal to permit entry for inspection.* Any person or corporation who is found to be in violation of this article, or of the requirements and restrictions set forth in article XVIII of this chapter regarding yard sales and trunk sales; or who, without good cause, refuses to permit access to a dwelling or accessory structure by the zoning officer or his representative for the purpose of making the inspections referred to in subsection 129-396(a) shall, upon conviction, be punished by a fine of not less than one dollar and not more than \$500.00, at the discretion of the court trying the case. Each day any such violation continues shall constitute a separate offense.

(Ord. No. 1224, 2-26-96)

Secs. 129-397—129-410. - Reserved.