

CHAPTER 21

HOME OCCUPATIONS

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10-21-1: PURPOSE. The purpose of this Ordinance is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between those home occupations having minimal or no secondary impact (“Permitted Home Occupations”) and those which have potential for adverse effects upon surrounding areas (“Interim Home Occupations” or “Home Extended Businesses”). (Ord 148, SS, 11-21-2010)

10-21-2: APPLICATION. Subject to the non-conforming use provision of this Ordinance, all home occupations shall be further defined to distinguish permitted home occupations from interim home occupations and home extended businesses. Accordingly, all home occupations which satisfy the permitted home occupation criteria shall be considered a permitted accessory use in all residential zoning districts. Home occupations which are not specifically prohibited and fail to satisfy the permitted home occupation criteria shall require an interim use permit, as provided for in this Chapter. (Ord 148, SS, 11-21-2010)

10-21-3: PROHIBITED HOME OCCUPATION USES. The following uses have a tendency to be too intense for or potentially disruptive for home occupations and thereby adversely affect residential areas. The following uses are specifically prohibited as home occupations:

- A. Repair services which produce objectionable light, glare, noise or vibration including, but not limited to, auto repair, appliance repair and small engine repair, except as provided for in Section 10-21-7-I. (Ord 148, SS, 11-21-2010)

- B. Teaching or instruction which customarily consists of more than two (2) non-family pupils at a time.
- C. Manufacturing.

10-21-4: GENERAL HOME OCCUPATION REQUIREMENTS. The following requirements shall apply to all home occupations (both permitted and interim):

- A. 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.
- B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C. The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall not result in an incompatibility or disturbance to surrounding residential uses.
- D. 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.
- E. There shall be no exterior storage of equipment or materials used in the home occupation, except that personal automobiles used in the home occupation may be parked on the site, provided the parking is in conformance with all outdoor storage and parking requirements found in Sections 10-16-15 and 10-19. (Ord 148, SS, 11-21-2010)
- F. The home occupation shall meet all applicable building and fire codes.
- G. No home occupation shall be conducted between the hours of ten o'clock in the evening (10:00 PM) and seven o'clock in the morning (7:00 AM) in a manner where business activity is detectable outside of the residence. (Ord 148, SS, 11-21-2010)
- H. All home occupations shall comply with the provisions of City Nuisance Ordinances, including noise, outdoor storage, parking, and other such standards. (Ord 148, SS, 11-21-2010)

10-21-5: PERMITTED HOME OCCUPATION REQUIREMENTS. In addition to the requirements of Section 10-21-4 of this Ordinance, the following additional requirements shall apply to all permitted home occupations:

- A. There shall be no exterior display or signs which are visible from outside the building.
- B. No person other than those who customarily reside on the premises shall be employed.
- C. The operation of any wholesale or retail business shall not be permitted unless:
 - 1. It is conducted entirely by telephone, mail or electronic medium;
 - 2. The merchandise is stored elsewhere than on premises;
 - 3. The business operation does not include the sale of equipment or delivery of merchandise to the premises;
 - 4. Customers do not come to the home for any part of the transaction.
- D. The home occupation shall be conducted entirely within the principal dwelling and shall not be conducted in attached garages or accessory buildings. No more than twenty-five (25) percent of the gross floor area of the principal dwelling shall be used for the home occupation.
- E. The home occupation shall not create a parking demand of more than two (2) vehicles at one time.
- F. The home occupation shall not create a demand for on-street parking. All parking associated with the home occupation shall be off-street and shall be accommodated within the garage and the existing driveway area.
- G. In no case shall the home occupation create a need for an additional driveway access to the property.

10-21-6: INTERIM USE HOME OCCUPATIONS REQUIREMENTS. Home occupations which are not specifically prohibited by Section 10-21-3 of this Ordinance and fail to satisfy the permitted home occupation criteria of Section 10-21-4 of this Ordinance shall require an interim use permit and shall comply with the following requirements:

- A. The conditions of Section 4 of this Ordinance shall be satisfied.
- B. No more than one (1) person other than those who customarily reside on the premises shall be employed.
- C. Teaching or instruction activities shall not consist of more than two (2) non-family pupils at a time.

- D. All activity on the premises associated with the home occupation shall not cause any adverse changes to the residential character of the neighborhood.
- E. Any exterior changes necessary to conduct the home occupation are sufficiently screened, properly designed, or separated by distance so as to be consistent with the existing adjacent residential uses and compatible with the residential occupancy.
- F. Any interior changes necessary to conduct the home occupation shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
- G. Traffic generated by the home occupation shall involve vehicles types and volumes that typically associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
- H. Signs associated with the interim home occupation shall be in accordance with Chapter 42 of this Ordinance.
- I. No more than twenty-five (25) percent of the gross floor area of the principal dwelling shall be used for the home occupation.
- J. An attached accessory structure may be used for the home occupation provided the use does not occupy required parking. In all cases there shall be space sufficient for the parking of a minimum of two vehicles in the attached accessory structure. (Ord 148, SS, 11-21-2010)
- K. Any wholesale or retail sales must be incidental to the home occupation or low volume sales restricted by appointment. (Ord 148, SS, 11-21-2010)

10-21-7: HOME EXTENDED BUSINESSES. (Ord 148, SS, 11-21-2010) Home extended businesses are home occupations that may be conducted within a detached accessory building. Home extended businesses are allowed as an interim use in the A-1, A-2, A-3, RR, and ML-PUD Districts provided:

- A. The conditions of Section 10-21-4 of this ordinance shall be satisfied.
- B. No more than two (2) persons other than those who customarily reside on the premises shall be employed.
- C. All activity on the premises associated with the home extended business shall not cause any adverse changes to the residential character of the neighborhood.
- D. Any exterior changes necessary to conduct the home extended business are sufficiently screened, properly designed, or separated by distance so as to be

consistent with the existing adjacent residential uses and compatible with the residential occupancy.

- E. Any interior changes necessary to conduct the home extended business shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
- F. Traffic generated by the home extended business shall involve vehicles types and volumes that typically associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
- G. Signs associated with the interim home occupation shall be in accordance with Chapter 42 of this Ordinance.
- H. On parcels greater than 5 (five) acres in size, small engine and appliance repair may be conducted, provided the applicant can sufficiently limit noise and other potential disturbances, and the detached accessory building is in a location that will not allow for likely disturbances to neighboring residences.
- I. Any wholesale or retail sales must be incidental to the home occupation or low volume sales restricted by appointment.

10-21-8: NON-CONFORMING USES: Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. 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 Ordinance.

10-21-9: INSPECTION. The City hereby reserves the right to inspect the premises in which the home occupation is being conducted to ensure compliance with the provisions of this Ordinance or any conditions additionally imposed.