

DIVISION 2. RESIDENTIAL ZONING DISTRICTS

Sec. 30-58. Home occupation permits.

(a) **Findings.** The city recognizes that there are benefits to be gained from allowing residents to earn income from occupations conducted within their homes. These benefits include but are not limited to:

- (1) A reduction in work-related and other automobile trips.
- (2) Permitting more citizens, including the handicapped, aged and mothers of small children, to participate in the workplace.
- (3) Allowing many of these citizens to have jobs while meeting various family obligations.
- (4) Providing individuals and families income necessary to own and properly maintain homes in the city's neighborhoods.

(b) **Purpose.** At the same time the city recognizes that its residents should expect their neighborhoods to be quiet and safe places to live and that home occupations should not be allowed to alter the primarily residential character of these neighborhoods or to endanger the health, safety or morals of residents of the neighborhood. For these reasons, it is the purpose of this section to:

- (1) Protect residential areas from the adverse impacts of activities associated with home occupations.
- (2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- (3) Establish criteria, development standards and performance standards for home occupations conducted in dwelling units.

It is not the intent of this section to regulate the teaching of fine arts, family day care homes and community residential homes, as defined in article II.

(c) **Permits.**

- (1) A person desiring a permit for a home occupation shall make an application in the departments designated by the city manager. A person may only apply for a home occupation permit to be used at his/her primary place of residence. An initial filing fee to cover the cost of an inspection issuing a permit shall be paid at the time of submitting the application, an annual permit processing fee shall be paid for each and every year, and an additional fee shall be paid every three years to cover the cost of re-inspection. All fees shall be in accordance with Appendix A. Any person exempt from the payment of a license tax under the provisions of subsection

25-50(a) shall also be exempt from the payment of the above-mentioned fees. Such application for a permit shall include the following:

- a. Name of applicant;
 - b. Location of dwelling unit where the home occupation will be conducted;
 - c. Total floor area of the dwelling unit;
 - d. Area of room or rooms to be utilized in the conduct of the home occupation;
 - e. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be utilized in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials; and
 - f. The exact nature of the home occupation.
- (2) If the proposed home occupation complies with all of the requirements of subsection (d) of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it cannot be transferred to another person through the sale, leasing or rental of the premises on which the home occupation is located or in any other manner; except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the enforcing officer and the permit may be transferred. Such home occupation permit cannot be used by the applicant for any premises other than that for which it was granted.
- (3) All persons possessing a home occupation permit at the effective date of this section shall be phased into the annual process upon expiration of their current permit. Any home occupation permit issued after the effective date of this section shall expire on September 30, 1989, and be renewable for October 1 through September 30 for all successive years. The city shall not automatically renew each home occupation permit previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.
- (4) Any person may seek revocation of a home occupation permit by making application therefore to the enforcing officer, who shall cause an investigation to be made to determine whether the permit holder is conducting such home occupation in a lawful manner as prescribed in this section. In the event that the enforcing officer determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked by the enforcing officer. The decision of the enforcing officer shall be subject to appeal to the board of adjustment as prescribed in section 30-354. During such an appeal, the action of the enforcing officer is stayed. If the enforcing officer determines that the public safety is at risk,

appropriate regulating agencies and authorities shall be immediately notified.

- (5) The following shall be considered as grounds for the revocation of a home occupation permit:
 - a. Any change in use or any change in extent or nature of use, or area of the dwelling unit being used, that is different from that specified in the granted home occupation permit form, that is not first approved by the enforcing officer shall be grounds for the revocation of a home occupation permit. The operator of a home occupation must apply for a new home occupation permit prior to any such changes.
 - b. Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of the required conditions of subsection 30-58(d) shall result in immediate revocation of the home occupation permit.
 - c. Failure to pay the annual permit processing fee or the re-inspection fee required every three years shall result in the loss of the home occupation permit.
- (6) The following conditions shall apply for home occupation permits which have been revoked:
 - a. Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been abated.
 - b. Second revocation: Reapplication may only occur after one year and when the condition(s) causing the revocation has been abated.
 - c. Third violation: The home occupation permit shall not be reissued.

(d) *Required conditions.* All permitted home occupations shall comply with the following standards and criteria:

- (1) The home occupation shall be conducted only within the principal building, except for any related activities conducted off the premises.**
- (2) No more than one additional person other than the residents residing on the premises shall be employed or engaged in the home occupation at the premises.**
- (3) There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the conduct of such home occupation. There shall be no display of products visible in any manner from the outside of the dwelling.**
- (4) No home occupation shall occupy more space than 20 percent of the total floor area of a dwelling unit, exclusive of any open porch, attached**

garage or similar space not suited for or intended to be occupied as living quarters, provided that in no event shall such home occupation occupy more than 500 square feet. Rooms which have been constructed as additions to the dwelling unit and any attached garage or open porch which has been converted into living quarters shall not be utilized for such home occupation, nor shall they be considered as floor area, until two years after the date of completion thereof, as shown on the city's records.

- (5) No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere, with the following exceptions:
 - a. The sale and display of items produced or fabricated on the premises as part of the home occupation, such as art and handicrafts, is permitted.**
 - b. Orders made by phone, mail or sales party may be filled on the premises.**
 - c. If sales parties for the purpose of selling merchandise or taking orders take place at the location of the home occupation, such parties shall not take place more than four times in any one calendar year, and each party is limited to one 24-hour period.****
- (6) No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or, in the case of attached dwelling units or multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit; nor shall there be any combustible materials located anywhere on the premises which are in violation of the city's fire code. In the case of electrical interference, no equipment shall be used which creates any visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.**
- (7) No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.**
- (8) No more than one automobile or truck, which shall not be larger than a stock three-quarter-ton panel or pickup truck, used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Such vehicle may only have two signs, not exceeding two square feet in area, each mounted flat against or painted on the sides.**

- (9) No home occupation shall be permitted which involves the visitation of clients, customers, salesmen, suppliers or any other persons to the premises which would generate vehicular traffic in excess of two vehicles concurrently or more than ten vehicles per day.**
- (10) Deliveries from commercial suppliers shall not be made more than twice a week to the dwelling unit in question, and the deliveries shall not restrict traffic circulation.**
- (11) In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.**
- (12) The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling shall not exceed the limits of one home occupation as established in subsection 30-58(d).**
- (13) There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.**
- (14) Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and shall not be construed as an exemption from such regulations.**

(Ord. No. 3777, § 1, 6-10-92)

Cross references: Miscellaneous business regulations, Ch.14.5