

## **Chapter 12.16**

### **Home Occupations**

- 12.16.1 Purpose and Intent
- 12.16.2 Permitted Home Occupations
- 12.16.3 Application and Approval Required
- 12.16.4 Continuing Obligation

#### **12.16.1 Purpose and Intent**

The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within residential zones.

#### **12.16.2 Permitted Home Occupations**

In order to minimize traffic and off street parking, and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental, and other health professional offices are specifically excluded as home occupations. Permitted home occupations include, but are not necessarily limited to the following:

1. Barber and beauty shops
2. Consulting services
3. Direct sales distribution
4. Data processing, computer programming, and service
5. Home crafts
6. Janitorial services
7. Insurance sales
8. Interior design
9. Mail order
10. Real Estate Sale, Broker, or Appraiser
11. Sales Representative
12. Contractors, provided there is no outside storage of equipment, and no more than one company vehicle stored on site.
13. Instructional Studios - Any dwelling unit in which instruction is offered for piano, gymnastics, voice, art, dance, or similar activities provided that instruction is offered for 4 -12 students, excluding the instructor's own participating family members. Instruction of 3 or fewer students excluding the provider's own children are exempt from these regulations.
14. Preschool and Homechild Care Centers - Any dwelling unit in which childcare is provided for, provided that the child care is offered for 4-12 children, excluding the provider's own pre-school age children, on the premises at the same time. Child care facilities with 3 or fewer children, excluding the provider's own pre-school aged children, are exempt from these regulations. This restriction shall not apply to those non-income producing child care activities, i.e., baby sitting co-operatives, baby sitting exchanges and informal instructional activities for preschool aged children). All child care and/or preschool facilities shall be permitted to provide outdoor play time as required by Federal, State, County and/or local laws governing such business activity.

#### **12.16.3 Application and Approval Required**

Home occupations may be permitted in the appropriate zones in accordance with Section 12.6 herein and the following receipt of an application for the home occupation and subject to the following conditions:

1. General Requirements
  - a. A home occupation must be permitted in the zone.
  - b. The applicant for a home occupation shall reside in the residence for which the permit is being sought.
  - c. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those customarily provided for residential uses.
  - d. The home occupation shall be registered with the City. No more than one home occupation shall be approved per residence unless the applicant can demonstrate that the additional home occupation(s) will not impact the residential nature of the area.
  - e. If the applicant for a home occupation is not the legal owner of the residence, the applicant shall present to

- the City, in writing, permission from the legal owner of the residence to conduct the activities proposed.
- f. Inspection during reasonable hours by City Officials may occur as necessary to assure compliance with these regulations.
  - g. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - h. The home occupation shall not require alterations to the exterior of the residence. The residence shall maintain the general character and appearance of a residential dwelling and shall not unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, or vibrations.
  - i. The home occupation shall be conducted entirely within a dwelling.
  - j. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either the kitchen, dining area, bathrooms, living room or all of the bedrooms.
  - k. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling shall be devoted to the home occupation.
  - l. Incidental storage related to the home occupation may be located in the dwelling unit, but shall not be located in any yard space, covered patios or carports. However, an attached or detached garage, provided the required covered parking spaces are maintained, or a detached, fully enclosed accessory building may be used for incidental storage, but such storage area shall not exceed 400 square feet.
  - m. The home occupation shall contain no facilities for the display of goods. The home occupation may include the sale of commodities, however it is the intent that it be limited to items produced on the premises, or items that are incidental to the service provided, (i.e. a beautician who also sells hair care products to his/her clientele).
  - n. Signs shall be limited to one non-flashing sign not larger in area than two (2) square feet.
  - o. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency.
  - p. The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located.
  - q. Garage, basement, yard or other similar sales do not constitute a home occupation and are exempt from these provisions.

## 2. Patrons

- a. Visitors, customers, or vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the average neighbor will not be significantly impacted by its existence.
- b. No visitors in conjunction with the home occupation (clients, patrons, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- c. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than once per month.

## 15. Employees

- a. Permanent residents of the dwelling for which a home occupation has been approved may be employed in such residence without constraint.
- b. Recognizing that for the purposes of some home occupation activities additional employees are necessary or practical, the City may allow one (1) employee not residing on the premises, during appropriate daytime business hours to work at the location of a home occupation. If an applicant desires more than one (1) additional on-premise employee, the home occupation will require review and approval by the Planning Commission. In such a case, the applicant must clearly demonstrate that the additional employee(s) will not cause conflict with the residential use of the dwelling or the residential nature of the surrounding area. Off-street parking will be required for all on-premise employees of an approved home occupation.

## 15. Vehicles

- a. Vehicles or equipment may not be used primarily for the purposes of advertising the home occupation at the site of the home occupation.
- b. Only one vehicle may be used in association with the home occupation. The vehicle used for the home

occupation shall be limited to a maximum size of one-ton gross vehicle weight. Nor shall a business be permitted that requires receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer truck are permitted. There shall be no storage or parking of tractor trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of a home occupation, except that not more than one truck of one-ton capacity or less may be parked during off hours.

**12.16.4 Continuing Obligation**

All home occupations shall be operated in compliance with the conditions herein. Upon approval of a home occupation, a license to operate shall be obtained from the City. It shall be unlawful to operate a home occupation without first obtaining a license from the City. The license shall be refused or revoked upon failure of the owner or operator to maintain the home occupation in accordance with the standards and requirements as herein set forth at the time of approval.