

Sec. 117-1. – Definitions.

*Home occupation* means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal structure or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

*Home occupation, arts* means artists, crafts people, writers, professional consultants personal care and grooming services, piano teachers, beauticians, and similar occupations.

*Zoning administrator* means the applicable community development ~~department~~ staff, fire marshal, chief of police, or a designee tasked with preserving city code.

City Code Section 117-351 shall be replaced in its entirety as follows:

1. Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts.
2. Home Occupation Permits (HOP) shall be processed in accordance with the processing procedure established for conditional use permits in section 117-51, with the exception of recording the HOP, should it be approved by City Council.
3. HOPs may be suspended or revoked pursuant to the procedure established in Section 117-51.
4. There shall be two levels of home occupations, Level I and Level II, as laid out in the table below:

	Level I	Level II
Permit	No HOP Required	HOP Required
Intent	Clearly incidental and secondary to the residential use of the premises.	Regulation of HOPs non-typical in most residential settings, but may be approved with conditions based on neighborhood characteristics, all occupations that do not meet all criteria to be considered a level I occupation, and all occupations that have received a verified code enforcement complaint.  The City Council has the sole discretion on granting HOPs based on each application and its compatibility with the adjacent community and intent of the residential zoning district.
Zoning Districts Allowed	R-1, R-2, and R-3	R-1 only
Occupations	Arts occupations; telecommuters with an office indoors; fully online sales operations	Any occupation deemed non-standard for a Level I occupation by the Zoning Administrator. Examples include but are not limited to: contractors, landscaping, lawn care, snow removal.
Customers	No customers may come to the site unless considered an arts occupation.	Any customers onsite, unless considered an arts occupation.
Employees	One non-resident employee, or zero non-resident employees for art occupation.	Any additional employees beyond what's allowed in Level I

		Lots less than 5 acres: A maximum of two non-resident employees may be approved with HOP	Lots greater than 5 acres: A maximum of three non-resident employees may be approved with HOP
Traffic	8 trips per day, or 12 trips if an art occupation	Any additional traffic beyond what is allowed in Level I.	
Commercial Vehicles	Vehicles affiliated with the home occupation are allowed to be stored/parked on the site of the home occupation in accordance with section 117-355.	Any additional vehicles beyond those allowed in Level I.	
Retail Sales Onsite	None allowed, unless arts occupation.	Any retail sales onsite.	
For the purposes of these regulations, if the home occupation meets any one (1) criteria in the Level II column, it shall automatically be processed as a Level II Home Occupation Permit.			

5. For all Home Occupations (both Level I and Level II):

- a. *Ownership.* Home occupation operations are restricted to the property where the owner of the home occupation resides and has title or holds rental lease. When the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
- b. *Accessory buildings.* The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
- c. *Parking space reserved.* At least 200 square feet of indoor garage/parking space reserved for personal vehicles/equipment.
- d. *Signage.* A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
- e. *Exterior.* There shall be no other exterior evidence of the existence of said home occupation, unless otherwise permitted in this section, nor shall the home occupation require exterior alterations that change the residential character to a commercial nature.
- f. *Parking onsite.* The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway(s) and/or parking pads on the site of the home occupation.
- g. *Incompatible uses.* No home occupation shall include operations relating to internal combustion engines, ammunition manufacturing, or motor vehicle sales.
- h. *Dispatch centers.* No home occupation shall serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations. This includes transporting of materials, stored equipment, and/or employees from the premises to a job site or any business-related location.
- i. *Retail sales.* If retail sales are conducted on the site, sales shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.

- j. *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
- k. *Inspections.* The Zoning administrator or their designee, shall have the right, upon reasonable request, to enter and inspect the premises covered by said permit for safety and compliance purposes, or code enforcement complaints.
- l. *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Home Occupation permits shall run with the applicant, not the property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (6) of this section.

6. *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*

- a) Should a home occupation permit holder move to a new location, the existing permit shall be automatically terminated. If the home occupation permit holder should desire to continue the home occupation in a new location, written notice to that effect shall be given to the zoning administrator, and the council may authorize continuation of that permit with a public hearing for the neighboring properties of the proposed new location.
- b) In the case of a death of the home occupation permit holder, should a surviving spouse or child, residing at the same address or receiving title to the property, desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator. The permit shall be automatically renewed subject to the same terms.
- c) A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
- d) Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.