

**Sec. 21.8.4. Home Occupations.**

A. *Purpose and Intent.*

1. Protect residential areas from adverse impact of activities associated with home occupations.
2. Permit residents of the community a reasonable 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 and development standards for home occupations conducted in dwelling units.

B. *Home Occupations—Required Conditions.*

1. The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence.
2. No interior or exterior business sign shall be permitted.
3. No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
4. Retail sales shall be prohibited on the premises.
5. No more than one person other than the immediate family permanently residing on the premises shall be employed in the home occupation.
6. No more than one home occupation shall be permitted within any single dwelling unit.
7. A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.
8. There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
9. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
10. A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's Code Enforcement Officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the Planning and Zoning Commission within thirty (30) days after the Code Enforcement Officer's written determination.
11. All home occupations may be subject to periodic inspections by the City.

C. *Home Occupation Permit.*

1. *Purpose.* To establish a method to allow the City to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the City.
2. *Permit Required.* Each resident within the City who has, or desires to establish an authorized home occupation, is required to have a home occupation permit.
3. *Application for Home Occupation Permit.*
  - a. Applicant shall apply to the City Manager or his/her designee for a home occupation permit.
  - b. The City Manager or his/her designee may issue the permit if the home occupation meets all the requirements established in Paragraph B.

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- c. The decision of the City Manager or his/her designee may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14.
  - d. The Planning and Zoning Commission will be the final judgment on appeals which must be submitted to the Planning and Zoning Commission within thirty (30) days after disapproval by the City Manager or his/her designee.
  - e. Supporting Documents.
    - i. *Signed statement.* One type of supporting evidence that may be submitted to the Planning and Zoning Commission for their consideration of an appeal is a signed statement by each property owner up to 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:  
  
"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the City for a Home Occupation Permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.  
  
Signature of neighboring property owner and date"
    - ii. *Statement from property owner.* An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he/she has no objection to the home occupation on the property.
    - iii. *Persons with demonstrated physical handicaps.* Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.
    - iv. *Granting of exception.* It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in Paragraph B.
  - f. *Conditions Applicable to Home Occupation Permits.*
    - i. *Validation.* A home occupation permit expires every December 31.
    - ii. *Renewal.* Permits shall be renewed annually.
    - iii. *Inspection.* The City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.
    - iv. *Termination.* When a home occupation is found in noncompliance with the requirements outlined in Paragraph B, the permit will be terminated immediately.
    - v. *Renewal of terminated permits.* The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this section.

(Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)