

Sec. 30-5.37. - Home occupations.

A. The following standards apply to home occupations other than the teaching of fine arts (see subsection B. below), family day care homes and community residential homes, as defined in article II. Standards for family child care homes and community residential homes are found in article V, division 1.

1. *Permits.*

- a. A person desiring a permit for a home occupation shall apply to the appropriate department as designated by the city manager. A person may only apply for a home occupation permit to be used at his or her primary place of residence. Permit fees shall be paid in accordance with appendix A, except any person exempt from the payment of a license tax under the provisions of section 25-50(a) of the Code of Ordinances shall also be exempt from this fee. Permit applications shall include the following:
 - i. Name of applicant;
 - ii. Location of dwelling unit where the home occupation will be conducted;
 - iii. Total floor area of the dwelling unit;
 - iv. Area of room or rooms to be used in the conduct of the home occupation;
 - v. A sketch with dimensions showing the floor plan and the area to be used for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be used 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
 - vi. The exact nature of the home occupation.
- b. If the proposed home occupation complies with all of the requirements of subsection A.2. of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it shall not 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 may not be used by the applicant for any premises other than that for which it was granted.

- c. Any home occupation permit issued shall be for the period of October 1 through September 30. 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.
2. *Required conditions.* All permitted home occupations shall comply with the following criteria:
- a. The home occupation shall be conducted only within the principal building, except for any related activities conducted off the premises.
 - b. 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.
 - c. 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.
 - d. 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 used 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.
 - e. 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:

- i. 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.
 - ii. Orders made by phone, mail or sales party may be filled on the premises.
 - iii. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.

- j. 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.
- k. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. or later than 10:00 p.m.
- l. 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 this section.
- m. 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.
- n. 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.
- o. *Permit revocation.* In the event that an enforcing officer determines that a permit holder is in violation of the provisions of this section, the permit shall be immediately revoked. If an enforcing officer determines that the public safety is at risk, appropriate regulating agencies and authorities shall immediately be notified.
 - i. The following shall be considered as grounds for the revocation of a home occupation permit:
 - 1) Any change in use or 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. The operator of a home occupation shall apply for a new home occupation permit prior to any such changes.
 - 2) Failure to pay the annual permit processing fee or the reinspection fee required every three years shall result in the loss of the home occupation permit.
 - ii. The following conditions shall apply to home occupation permits that have been revoked:
 - 1) Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been abated.

- 2) Second revocation: Reapplication may only occur after one year and when the condition(s) causing the revocation has been abated.
 - 3) Third violation: The home occupation permit shall not be reissued.
- B. *Teaching of the fine arts.* The teaching of the fine arts, limited to music, sculpture, painting and drawing, may be conducted within a single-family dwelling in any residential district and shall constitute a lawful accessory use of such single-family dwelling. The teaching of the fine arts does not include the sale of any product or item of value which may be produced as a byproduct of such teaching activity. The teaching of the fine arts shall comply with the following standards and criteria:
1. Such activity shall be conducted solely within the principal building only by a person or persons who reside therein.
 2. 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 teaching activity.
 3. Such activity shall not result in the production of any noise or vibration, light, odor, dust, smoke or other air pollution detectable outside the single-family dwelling by the senses of normal human beings.
 4. Such activity shall not result in the production of any prolonged sound or noise for a long, continuous period of time so as to disturb the public peace, quiet and comfort of the neighboring inhabitants.
 5. Such activity shall not involve the storage of goods and materials in excess of 120 cubic feet.
 6. Such activity shall not generate the concurrent parking of more than 10 motor vehicles in any consecutive two-hour period.