

**CHAPTER 1021**  
**HOME OCCUPATIONS**

SECTION:

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**1021-1: PURPOSE:** The purpose of this Chapter is to maintain the character and integrity of residential areas, to prevent competition with business districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.

**1021-2: APPLICATION:** Subject to the non-conforming use provision of this Ordinance, all occupations conducted in the home shall comply with the provisions of this Chapter. This Chapter shall not be construed, however, to apply to home occupations accessory to farming, nor home offices as defined by this Ordinance.

**1021-3: PROCEDURES AND PERMITS:**

- A. **Home Occupation.** Any home occupation, as defined in this Ordinance, shall require an administrative permit. Such permits shall be issued subject to the conditions of this Chapter, Chapter 1008 of this Ordinance and applicable City ordinances and State law.
- B. **Special Home Occupation.** Any home occupation which does not meet the specific requirements for a home occupation, as defined in Sections 1021-4.A and 1021-4.B of this Ordinance shall require an interim use permit which shall be applied for, reviewed and terminated in accordance with the provisions of Chapter 1006 of this Ordinance and the following:
  - 1. **Declaration of Conditions.** The Planning Commission and City Council may impose such conditions on the granting of an interim use permit as may be necessary to carry out the purpose and provisions of this Section.

2. **Effect of Permit.** An interim use permit may be issued for a period of one (1) year, after which the permit may be reissued for periods of up to three (3) years each. Each application for permit renewal shall, however, be processed in accordance with the provisions of Chapter 1006-2 of this Ordinance regarding interim use permits, except that no public hearing is required on the permit renewal, unless deemed necessary by the Planning Commission or City Council. However, notice of the permit renewal application shall be provided to all property owners of land within five hundred feet (500') of the boundary of the property in question. The notice shall provide the date of consideration before the Planning Commission and indicate that parties may be heard to consider the application. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
3. **Renewal of Permits.** An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered new without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

C. **Transferability.** Administrative or interim use permits shall not run with the land and shall not be transferable.

**1021-4: GENERAL PROVISIONS:** All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions:

A. **All Uses.**

1. No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
3. All home occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall not result in incompatibility or disturbance to the surrounding residential uses.

4. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.
5. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
6. The home occupation shall meet all applicable fire and building codes.
7. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one (1) directional or identification/business sign not to exceed two (2) square feet in area.
8. No home occupation shall be conducted between the hours of ten o'clock (10:00) PM and seven o'clock (7:00) AM, unless said occupation will not require any on-street or off-street parking facilities.

**B. Home Occupations.**

1. No person other than those who customarily reside on the premises shall be employed.
2. Home occupations include and are limited to: art studio, tailoring, secretarial services, consulting services, professional offices, and teaching with musical, dancing and other instructions which consist of no more than one (1) pupil at a time and similar uses.
3. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a dwelling; teaching or services which consists of more than one (1) pupil, client, or customer at a time; over-the-counter sale of merchandise produced off the premises.
4. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple family dwellings, where no vehicle is parked closer than fifteen feet (15') from the curb line or edge of paved surface.

**C. Special Home Occupations.**

1. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Chapter.

2. Examples of special home occupations include: barber and beauty services, massage therapy, photography studio, group lessons, small appliances repair, the marketing of non-over-the-counter brand name products, and the like.
3. The special home occupation may involve any of the following: stock-in-trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one (1) pupil at a time.
4. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease that maximum number when and where changing conditions require additional review.

**1021-5: NON-CONFORMING USE:** Existing home occupations lawfully existing on the effective date of this Ordinance, may continue as non-conforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this Chapter.

**1021-6: INSPECTION:** The City hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed.