

5.4 Home Occupation Permits

- a. **License Required.** It is unlawful for any person to engage in, or carry on, a Level_2 Home Occupation, as that term is defined, without first having obtained a license therefore from the City. Level 1 Home Occupations as defined in the Zoning Chapter are not required to be licensed as long as all conditions set forth in the Zoning Chapter are fully met.
- b. **Regulation.** Licenses will only be issued if the specific use is not prohibited, and the Planning Commission determines that the home occupation will be conducted with minimal or no effect on the surrounding neighborhood. The Planning Commission may impose reasonable conditions in the license to insure that the home occupation will be conducted with minimal or no effect on the surrounding neighborhood.
- c. **License Period.** All licenses for Level 2 Home occupations shall expire on September 30 of each year.
- d. **Public Notification and Hearing.** The Planning Commission shall hold a public hearing for all Home Occupations required to be licensed. The owners of all parcels within 350 feet of the property (or a larger area at the discretion of the City) shall be notified 10 days prior to the public hearing. The applicant or a representative of the applicant must be present at the public hearing.
- e. **Purpose.** Home occupation regulations are established to ensure that home occupations will not adversely affect the character and livability of the surrounding residential neighborhood. The home occupation shall function as an accessory and subordinate use to the principal use of the dwelling unit. In order to protect the public health, safety and welfare within residential neighborhoods, home occupations shall be divided into two regulatory levels:
 1. **Level 1. Home Occupations:** Home occupations that comply with all standards of Section 5.4g and which have no potential neighborhood impacts. Level 1 Home Occupations may be operated without a license or permit.
 2. **Level 2. Home Occupations:** Home occupations that comply with all standards of Section g but which could have potential neighborhood impacts; and home occupations that do not comply with all standards of Section g and which are not ‘prohibited home occupations’ under Section h. Level 2 Home Occupations are required to be licensed per the provisions of Section 5.4. Level 2 Home Occupations may include but are not strictly limited to:
 - a. Those with employed persons other than occupants of the dwelling.
 - b. Those involving the use or parking of a commercial or non-passenger vehicle, whether such use or parking is in a building or outside.

- c. Those which do not meet one or more of the specified performance standards in 5.4g.
- d. Those which generate excessive traffic per the standards of Section g.12.

In cases where it is unclear whether a Home Occupation should be classified as Level 1 or Level 2, the Zoning Officer shall make a determination subject to Planning Commission confirmation if requested by the operator of the home occupation.

- f. License Required for Level 2 Home Occupations. An annual license shall be obtained by any person operating a Level 2 Home Occupation.
- g. Home Occupation Regulations. The regulations recognize that many types of home occupations can be conducted with minimal or no effect on the surrounding neighborhood. Home occupations that comply with all of the following standards are Level I home occupations, and are not required to be licensed. Home occupations that do not comply with all of the following standards are Level II home occupations, and are required to be licensed:
 - 1. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
 - 2. Employed Persons. No one other than the occupant(s) of the dwelling shall be on the property at any given time in relation to the home occupation. The home occupation may employ additional non-resident employees only if their work activities are performed off the premises. Domestic employees shall not be considered employees of the home occupation.
 - 3. Exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory structure to that of a commercial nature shall be prohibited.
 - 4. Interior alterations or modifications that eliminate the kitchen, habitable areas for sleeping, and bathrooms, shall be prohibited.
 - 5. No home occupation shall produce noise, light and glare, odor, vibration or traffic that will in any way have a perceptible effect upon adjacent or nearby property.
 - 6. Outdoor Storage Prohibited. Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of the home occupation shall be prohibited, except that licensed passenger vehicles used in the home occupation may be parked outside provided they are in compliance with all other requirements of this section.

7. **Parking.** All vehicle parking required for conduct of the home occupation shall be off-street. The off-street parking area required for the principal residential use shall be retained exclusively for the principal residential use and shall not be made unusable by the home occupation.
 8. **Commercial or Non-passenger Vehicles.** Parking/storage of any commercial or non-passenger vehicles used in the home occupation shall be within a fully-enclosed building. Noise, odors, or vibration from the operation of vehicles shall not be discernible at the property line.
 9. **No equipment, machinery, or materials other than of a type normally found in or compatible with a dwelling unit shall be allowed.**
 10. **No home occupation activity of a non-residential character shall be discernible from any private or public street. There shall be no exterior signage or display, or interior signs or display which are visible from outside the dwelling.**
 11. **The hours of operation that a home occupation may be accessible to the public shall be limited to the hours between 8:00 a.m. and 7:00 p.m.**
 12. **The home occupation shall not generate excessive traffic that is detrimental to the residential character of the surrounding properties or the neighborhood. For the purposes of this provision, more than five (5) customers or clients per day, or more than two (2) customers at any given time, may be determined to be an excessive and detrimental level of traffic. The number shall apply to each dwelling unit, regardless of the number of home occupations conducted in the dwelling unit. The criteria used by the Zoning Officer to determine impact shall include, but not be limited to:**
 - a. **The characteristics of the neighborhood, including current land use, lot sizes, lot widths, parking availability, and screening.**
 - b. **Type of street, width, and traffic volumes.**
 - c. **The availability and location of off-street parking.**
 13. **Shipment and delivery of products, merchandise, or supplies shall be limited to the hours of 8:00 a.m. to 7:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles typically used to serve residential areas.**
- h. **Prohibited Home Occupations.** The following uses, by their nature of operation, have a pronounced tendency to increase beyond the limits permitted for home occupations. These uses have objectionable operational characteristics that adversely impact residential neighborhoods and shall be prohibited as home occupations:
1. **Service, repair, or painting of any motorized vehicle, including but not limited to motor vehicles, trailers, boats, personal watercraft, recreational vehicles and snowmobiles.**

2. Hair styling establishments.
 3. Dispatch centers where persons come to a site and are dispatched to other locations.
 4. Medical or dental clinic.
 5. Rental businesses.
 6. Contracting, excavating, welding or machine shops.
 7. Commercial kennels and veterinary clinics.
 8. Tow truck services.
 9. Ceramic studios with kilns of volume six (6) cubic feet or more.
 10. The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer, except when such dealer is Federally licensed to conduct such activity.
 11. Sale or use of hazardous materials in excess of consumer quantities which are packaged for consumption by individual households for personal care or household use.
- i. Reasonable Accommodation for Disabled Persons. Persons with physical or other legally recognized disabilities may request reasonable accommodation by requesting a waiver of one or more of the foregoing requirements. The Zoning Administrator may only grant waivers on the basis of the applicant's physical limitations to function within said requirements.

Section 3. This ordinance shall become effective upon its adoption and publication according to law.

(Amended by Ordinance 168.)