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## HOME OCCUPATION REQUIREMENTS

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**535.440. Purpose.** Home occupation regulations are established to ensure that home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood.

**535.450. Home occupation standards.** Home occupations shall be subject to the following standards, except that licensed family day care and licensed group family day care shall be exempt from the provisions of sections (2), (6), (11), (12), (13) and (15):

- (1) The home occupation shall be an activity which is customarily associated with the use of a dwelling.
- (2) Only the residents of the dwelling unit, and not more than one (1) nonresident employee, shall be employed by or engaged in the conduct of the home occupation on the premises. For the purpose of this section, "nonresident employee" shall include an employee, business partner, independent contractor or other person affiliated with the home occupation who is not a resident of the dwelling unit, but who visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit or two-family dwelling, regardless of the number of home occupations.
- (3) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be prohibited.
- (4) Interior alterations or modifications that eliminate the kitchen, living room, all of the bathrooms, or all of the bedrooms of the dwelling shall be prohibited.
- (5) The home occupation shall be conducted only within an enclosed area of the dwelling, except that the growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision. However, beginning in the R4 zoning district, in multiple-family dwellings of five (5) or more units the home occupation may be allowed within a specific area of the principal building designated for such home occupation by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the planning commission shall consider, but not be limited to, the following factors:
  - a. Nature of the home occupation and its impacts of noise, light, odor, vibration and traffic.
  - b. Conformance with applicable zoning requirements, including but not limited to, yards, gross floor area, and specific development standards.
  - c. History of complaints related to the property.
- (6) Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of a home occupation shall be prohibited, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Any materials associated with the growing of food or ornamental crops shall be located entirely to the rear of the principal structure and shall not be located in a required yard unless stored within a permitted accessory structure.
- (7) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home occupation.

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- (8) Signage shall be restricted to one non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one facing each street, shall be allowed.
- (9) No equipment, machinery or materials other than of a type normally found in or compatible with a dwelling shall be allowed.
- (10) No retail sale and delivery of products or merchandise to the customer or client shall occur on the premises except where accessory to any services provided (such as hair care products sold accessory to hair cutting or computer disks accessory to accounting services).
- (11) No home occupation shall be visible from any public right of way, except for allowed signage, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Plantings visible from any public right-of-way that do not change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be permitted.
- (12) The hours open to the public shall be limited to between 8:00 a.m. and 8:00 p.m.
- (13) The home occupation shall not generate excessive customer or client traffic that is detrimental to the residential character of surrounding properties or the neighborhood. For purposes of this provision, more than five (5) customers or clients per day may be determined to be an excessive and detrimental level of traffic. This number shall apply per dwelling unit, regardless of the number of home occupations, except that in the case of two (2) family dwellings, the number shall apply to the two (2) family dwelling. The factors to be used for such a determination shall include but not be limited to:
  - a. The characteristics of the neighborhood, including land uses, lot sizes and lot widths.
  - b. Street type, width and traffic volumes.
  - c. The availability and location of off-street parking and the extent to which the home occupation contributes to on-street parking congestion.
- (14) Shipment and delivery of products, merchandise or supplies shall be limited to between 9:00 a.m. and 6:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.
- (15) No sound or noise created by the operation of the home occupation shall be audible beyond the boundaries of the zoning lot.
- (16) Hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use shall be prohibited.

**535.460. Prohibited home occupations.** Recognizing that there are some uses which have serious objectionable operational characteristics and thereby adversely affect the surrounding neighborhood, the following shall be prohibited as home occupations:

- (1) Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).
- (2) A barber shop or beauty salon that is designed to serve more than one (1) client at a time.
- (3) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures.
- (4) Sexually oriented uses, as defined in Chapter 549, Downtown Districts.
- (5) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- (6) Uses first allowed in the C4 General Commercial District or any industrial district.