

10-1-10: HOME OCCUPATIONS:

The home occupation ordinance presupposes that many small scale business ventures (e.g., at home offices, crafts making, at home daycares, small scale vehicles repair, etc.) might not be sustained if it were necessary to lease commercial quarters for them. The intent of the home occupation ordinance is to only allow for home based businesses that are, or will expectedly be, compatible with the residential neighborhoods in which they are located in order to provide supplement retirement income, juvenile self-employment, mothers who must remain at home with preschool children, etc.

In other words, it is the intent of the home occupation ordinance that full scale commercial or professional type operations that would change the appearance or condition of a residence and/or be detrimental to neighborhood character, and would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such district and not at, or from, residential property/dwelling unit.

Thus, home occupations shall be conducted on (howbeit inside a structure) property whereat the owner/operator(s) lives. That means the owner/operator(s) shall, on a daily basis, eat, sleep, and otherwise live there. Further evidence that a location is lawfully functioning as a suitable location for a home occupation to be conducted shall be considered if an owner/operator (if a renter) has their rental agreement identifying that location as their residence, and/or (if a renter or homeowner) receives their mail at that property, has their trash picked up from that property, accumulates the majority of their domestic utility bills on/from that property, sends any of their children off to school from that property, has their homeowner's exemption assigned to that property, even has their personal vehicles registration describing that property at their current residential address, etc.

A. Home Occupations Subject To Conditional Use Permits In Any District: Certain types of home occupations require special consideration and approval because of the nature of the use and its potential incompatibility with residential living. The following businesses, if proposed to be conducted on residential property as home occupations, shall require conditional use approval prior to their being permitted in any residential zoning district: repair garages including truck, auto, motorcycle, boat, etc.; major appliance repair; paint shops; welding; woodworking and cabinet shops; daycare home occupations in certain zones with seven (7) or more children (including the caregiver's if they are under 6 years of age); and any other use determined by the planning director to be similar to the aforementioned activities.

B. Home Occupation Standards: "Home occupation" shall mean any occupation or profession carried on by a member of the family residing on the premises (in or from the dwelling unit or structures accessory thereto), provided the following conditions are satisfied:

1. Signs: No sign is used other than a nameplate not over two (2) square feet in area and nonilluminated.
2. Space: The amount of floor area used solely for the home occupation (either in the dwelling unit or in an accessory building beside or behind the dwelling unit) shall not exceed twenty five percent (25%) of the gross floor area of the dwelling unit involved.

3. Storage And Display: There is no outdoor display of goods or outside storage of equipment or materials used in the home occupation that would indicate from the exterior that the building is being used in whole or in part for any purpose other than residential use. (Ord. 3878, 8-17-2009)
 4. Commercial Vehicles: Not more than one commercial vehicle, not to exceed fifteen thousand (15,000) GVWR, may/shall be kept by the operator of the home occupation on their residentially zoned property. (Ord. 3960, 4-4-2011)
 5. Employment: There are not outside paid employees (except in short term instances when the resident operator must be temporarily away from home).
 6. Traffic: It is intended that vehicular or pedestrian traffic to or from a residential property operating a home occupation not be generated in volumes beyond that normal to the residential zoning district in which the home occupation is located. If additional parking for the home business is needed, then that parking shall be provided upon the property whereupon the home occupation is to be/is being operated. The parking area (including driveway access to the same) shall be paved, any right of way permit needed for it obtained, shall be for no more than two (2) vehicles, where possible shall not be located in front of the house relative to a street, and shall comply with any required parking area setbacks.
 7. Residential Appearance: The building retains the appearance of residential use in terms of operating characteristics and does not destroy the residential character of the neighborhood.
 8. Nuisances: No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. Home occupations involving storage of flammable or combustible materials shall conform with the city fire code for residential occupancy.
 9. Sales: Infrequent residential or out of home sales (i.e., garage sales, estate auctions/sales, moving sales, block sales, patio sales) may occur in residential areas, provided sales are conducted not more than three (3) days at a time and no more frequently than once per calendar quarter. The seller shall not be in the business of regularly selling the same or similar property as that which is offered for sale at the yard. No temporary use permit is required for this kind of activity.
- C. Statement Of Compliance; Registration: The person(s) desiring to operate the home occupation shall sign a statement that they are aware of all standards and conditions under which the occupation is allowed and that if any of the standards are violated they shall be guilty of a misdemeanor. The filing of the statement/registration shall be accompanied by a nonrefundable filing fee in an amount established by resolution of the city council.
- D. Complaint Procedures: Complaints on conditions of subsections B1 through B4 of this section will be handled routinely by the planning department. Complaints on conditions of subsections B5 through B9 of this section will be dealt with as follows: The commission shall review home occupations upon receipt of two (2) written complaints from two (2) separate households located within three hundred feet (300') of the boundary of the affected property. Said complaints shall

set forth the nature of objection(s).

Such complaints shall be investigated by the city and the results reported to the commission at a public hearing. The public hearing procedure and notification process shall be the same as outlined for conditional use permits in chapter 25 of this title.

Standards for judging objections shall include, but not be limited to:

1. Generation of excessive traffic.
2. Monopoly of on street parking spaces.
3. Frequent deliveries and pick ups by motor freight trucks.
4. Noise in excess of that created by normal residential use (either interims of volume or hours of operation).
5. Smoke, fumes or odors in excess of those created by normal residential use.
6. Other offensive activities not in harmony with a residential neighborhood.

E. Action By Commission: The commission, upon hearing the evidence may:

1. Approve the use as it exists.
2. Require the use to be terminated.
3. Impose appropriate restrictions, such as limiting hours of operation, establishing a phase out period, or other measures ensuring compatibility with the neighborhood.

The determination of the commission becomes final fifteen (15) days after the date of the decision unless appealed to the council.

F. Appeals: During the fifteen (15) day period written appeals from action of the commission may be taken to the council by the applicant or other interested party in accordance with the appeal provisions of chapter 25 of this title. The home occupation shall not become effective until the conclusion of any appeal pending against it. (Ord. 3878, 8-17-2009)