Chapter 5.12

HOME OCCUPATIONS

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5.12.010 Definition. Home Occupation means a lawful occupation carried on by a resident as an accessory use of land zoned residential, conducted for gain, and subordinate to the residential use of the land, shall be designated a Home Occupation.

5.12.020 Purpose and intent. This section applies to all proposed Home Occupations as defined in Section 5.12.010 of this Code. The purpose of this section is to regulate home occupations consistent with the following goals:

1. To maintain the residential character of neighborhoods in both appearance and characteristics.

2. To allow businesses compatible with residential uses without infringing upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.

3. To preserve and to protect adequate public utility services and transportation facilities.

4. To ensure that home occupations are subject to standard development review criteria, regardless of the zone district.

5.12.030 Exemptions. A. The following occupational uses are not required to apply for home occupation permits.

1. Building contractors, home builders, building tradespeople, landscaping services, janitorial services and truck drivers, where the work is conducted entirely off-site;

2. Other businesses where the office in the home serves only as a secondary office.

B. Occupational uses exempted shall comply with all of the following restrictions:

1. The occupational use shall be consistent with the home occupation purpose goals, as stated in 5.12.020; and

2. The occupational use shall comply with all sections of Chapter 5.04 Business License Taxes.

5.12.040 Permit Required. A permit for a Minor Home Occupation and a Development Permit for a Major Home Occupation shall be obtained prior to any said use. Before the appropriate permit can be issued for a Home Occupation, the appropriate criteria shall be met.

5.12.050 Criteria. Home Occupations shall comply with the following requirements:

1. The occupation will not require more area than that equal to one-third of the ground floor of the building. Space used in calculating floor area shall include the dwelling unit and garage, if garage is attached, or the dwelling unit without an attached garage, plus the area of one additional detached, on-site building. Total area for the Home Occupation shall not exceed 30% of the floor area or 500 square feet, whichever is less.

2. The occupation will be conducted entirely within the dwelling unit, garage or detached building.

3. Outward Appearance:
   a. The home occupation shall not give the outward appearance of a business except as allowed herein;
   b. The home occupation shall not generate any noise, vibration, sights, odors, pollution, electrical or radio interference, or any other phenomenon which shall be discernible from beyond the boundaries of the property, except such as shall be normal and commensurate with activities in which homeowners frequently engage, and at reasonable hours, and times;

4. Only one business related vehicle, not parked in a garage, is permitted on the property. No other equipment, materials or business related vehicles, including trailers, other than automobiles and light duty trucks, shall be stored or parked outside on-site. Light duty trucks shall mean vehicles three-quarter ton or less in size.

5. The home occupation does not involve on-site retail sales unless the items are incidental to the occupational use, such as the sale of lesson books or sheet music for music teachers, or computer software for computer consultants, etc.

6. If applicable, name, address and written authorization from the property owner to permit the home occupation on the premises.
7. The home occupation does not create any nuisance as set forth in Section 8.08. Nuisances.

5.12.060. Additional Criteria for Minor Home Occupations. Minor Home Occupations shall comply with the following additional requirements:

1. There shall be no clients or customers on site.

2. The home occupation shall not utilize any signs except as designated under residential sign requirements in Title 17 of this code.

3. Only members of the family residing in the dwelling shall be employees working at that site.

4. Limits on deliveries:
   a. Size of delivery vehicles shall not exceed 2.5 tons gross weight;
   b. Frequency of such deliveries shall not exceed once per week;
   c. U.P.S., U.S. Post Office, and other carriers or vehicle types as are regularly to be encountered in a residential setting are exempt;

5.12.070. Additional Criteria for Major Home Occupations. Major Home Occupations shall comply with the following additional requirements:

1. The property complies with all applicable code standards including, but not limited to: access, parking, paving, trash disposal and utility services.

2. The number of non-resident employees is limited to two;

3. In the case of bed and breakfast establishments:
   a. The number of guest bedrooms is limited to two;
   b. In addition to required parking for the residents, one off-street parking space for each bed and breakfast bedroom is provided;

4. Potential land use conflicts have been mitigated through specific conditions of development as required by this code.

5.12.080. Conditions of Approval for Minor and Major Home Occupations. Conditions of approval may include, but are not limited to:

1. Limiting the hours of operation, and/or deliveries;
2. Buffering;
3. Controlling the number of clients on site at any one given time and the total number of customers per day;
4. Controlling the number of on-site parking spaces;
5. Restricting the type of equipment, supplies, and chemicals which may be stored on-site and limiting the type and amount of signage.
5.12.090 Application Provisions and License Fees. A. Licenses for Minor Home Occupations shall be available over-the-counter at City Hall. The Minor Home Occupation application shall include the following information:

1) Name of home occupation for which the permit is being granted;
2) Mailing Address;
3) Location Address, including Assessor's map and tax lot number;
4) Current zoning district designation;
5) Applicant's name, home and business telephone number.
6) Property Owner's name, address, telephone and letter of consent.
7) A short description of the home occupation, include type of merchandise/product/services, etc);
8) Number of Resident Employees.

B. A Major Home Occupation Permit requires an application, site plan and land use hearing, as provided in Section 17.44 Administrative Provisions and Procedures. If approved, the first calendar year license shall be included in the hearing fee.

C. The Minor and Major Home Occupation Fee term shall be the twelve-month period beginning July 1st of each year and ending June 30th of the next calendar year.

D. If any Minor Home Occupation subject to the provisions of this chapter commences its operation within the city at any time after December 31st of any license period, the fee shall be computed for a six-month period, the minimum license fee period.

E. All home occupation fees provided shall be paid to the city recorder, who shall issue a receipt and license for the home occupation. If a question arises between the applicant and the recorder as to fee or other matters pertaining to this chapter, it shall be referred to the city council for determination.

F. When any license fee required by this chapter is not paid when due, an amount equal to ten percent of the fee will be assessed each month and accumulated amounts that remain unpaid shall be added.

5.12.010 Display of License. Every person or persons licensed under this chapter who is conducting a home occupation at a fixed place shall, at all times when such license is in force, display the license in a conspicuous place on the premises.

5.12.011 Enforcement. A. A public hearing before the City Council shall be required if two residents or property owners from the affected neighborhood submit a written complaint during the course of any calendar year.

B. If a home occupation is found to be in non-compliance with city ordinances, its license may be revoked.
C. Upon a determination that a licensed activity, establishment or device is in violation of this chapter or state or federal law, the recorder shall notify the licensee in writing that their license is to be revoked. The notice shall be mailed not less than thirty days prior to the revocation date, as determined by the city council. A notice of revocation shall state the reason for revocation and inform the licensee of the provisions of this section providing for his right to appeal to the council.

D. If the violation is terminated within thirty days, the recorder will inform the city council who may then discontinue the revocation proceedings.

E. Upon a determination that a licensed activity or device presents an immediate danger to life, limb or property, the Mayor may direct the license be suspended immediately. In addition to any other form of notice written, a notice shall be mailed to the licensee stating the reason for suspension and the right of appeal to the council.

F. An applicant whose application has been denied, revoked, terminated or suspended shall have thirty days from the date of notice to appeal to the council. The recorder shall notify the applicant of the time and place at which the council will meet. If the nature of revocation has been appealed, the revocation shall not take effect until final determination of the appeal is made by the council. (Ord. 313 §6, 1992)