



712.04 Home Occupations

A. Intent and Purpose.

Certain occupational uses termed “home occupations” are allowed in dwelling units on the basis that such uses are incidental to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

1. Are incidental to the use of the premises as a residence;
2. Are conducted within the bona fide residence of the principal practitioner;
3. Are compatible with residential uses;
4. Are limited in extent and do not detract from the residential character of the neighborhood.

B. Definition of Accessory Home Occupations.

There are two types of home occupations, Type A and Type B. Permit requirements and uses allowed in each type vary and are allowed only if they comply with all of the requirements of this ordinance. Deviation from any standard requires a variance approval from City Council.

1. In Type A home occupations resident(s) use their home as a place of work, home office or business mailing address. Employees or customers are prohibited from coming to the site. Examples include artists, crafts people, writers and consultants.
2. In Type B home occupations resident(s) use their home for work, home office or business mailing address which requires or results in either an employees or consultant or agent or subcontractor or customers coming to the site. Examples are counseling, tutoring, and certain office uses. Type B home occupations must obtain a Special Land Use Permit from City Council due to their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property.

C. General Provisions and Prohibited Uses.

All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 750 square feet, 25% of the floor space of the dwelling unit, whichever is less (including attached garages) may be used for the occupation.
2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license



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be obtained, subject to property compliance verification by the Department of Development Services. For Type B home occupations a new public hearing must be held for the rights associated with the Special Land Use Permit to be reestablished.

3. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.
4. Off-site employees of the resident shall not congregate on the premises for any purpose concerning the home occupation nor park their personal vehicles at the location.
5. No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.
6. No more than one vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to 1½ ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface.
7. No use or activity may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.
8. All home occupations shall be subject to periodic inspections by the Department of Development Services.
9. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
10. Group instruction, assembly or activity shall be prohibited.
11. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
12. The Department of Development Services must approve all business licenses which shall be recertified annually.

D. Specific Criteria for Type A Home Occupations.

In addition to the general criteria established in Subsection C, Type A home occupations are subject to the following restrictions:

1. No clients, non-resident employees or customers are allowed on the premises.
2. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than two axles and shall be restricted to no more than two pickups or deliveries per day between the hours of 8 a.m. and 6 p.m.
3. No signage regarding the home occupation is permitted on the property.
4. No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property.

E. Specific Criteria for Type B Home Occupations.

In addition to the general criteria established in Subsection C, Type B home occupations are subject to the following restrictions:

1. A Special Land Use Permit must be obtained from City Council following a public hearing, which shall follow the same procedures and fees set forth in Division 720. City Council shall consider the desires of the immediate neighborhood, the nature of the

proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values.

2. No Type B home occupation may be established in districts zoned for multi-family residential purposes.
3. No more than one Type B home occupation per dwelling is permitted.
4. Uses that may be permitted as Type B Home Occupations include those in which only the occupants of the dwelling and one (1) additional employee or consultant or agent or subcontractor shall be authorized to work on the premises. Visitation by clients in conjunction with a home occupation shall be limited to two (2) per week; provided however, that the following exception is made for purposes of meeting overriding public goals of education:
 - Tutoring or the instruction of music, dance, arts and crafts and similar subjects, limited to two (2) students in home at one time.
5. The following uses are specifically prohibited as Type B Home Occupations (list not all-inclusive): auto sales or auto repair; restaurants or any preparation of food or drink; animal hospitals; veterinary clinics; kennels or the keeping of animals; funeral homes; retail or wholesale shops; personal service establishments; special events facilities; lodging services; or day care.
6. Customers may visit the site only between the hours of 8 a.m. and 8 p.m.
7. The applicant for any proposed Type B Home Occupation must provide city staff with a copy of the most recent recorded protective covenants applicable to the subject property. The applicant must submit a copy of the request to the Homeowner's Association, if any, and must provide a copy of the response, if any, to the city staff. The burden of proof shall be upon the applicant to show that the proposed use is allowed by the protective covenants; and
8. If the proposed use clearly violates the subdivision covenants, Staff shall have the authority to deny the application. The applicant may appeal the denial to City Council at the next regularly scheduled meeting, but such an appeal shall not require a public hearing. If Staff's decision is affirmed by City Council, the matter shall be concluded. If City Council reverses Staff's decision, the matter would be placed on a subsequent City Council agenda for a full public hearing.