

#### 10-12-17: HOME OCCUPATIONS:

A. Intent: The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within residential zones.

B. Application And Approval Required: Home occupations may be permitted by the zoning administrator, or such other person or board (hereafter referred to as "designated approval authority"), as may be delegated by the city council, following receipt of an application and subject to the following conditions:

1. Home occupations are listed as a permitted use in the zone.
2. The home occupation is conducted entirely within a dwelling.
3. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
4. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
5. No commercial vehicles are used except one delivery truck which does not exceed three-fourths ( $\frac{3}{4}$ ) ton rated capacity.
6. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
7. Signs shall be limited to one identification nameplate, constructed and installed in accordance with the provisions of subsection 10-12-23B1c of this chapter.
8. Not more than the equivalent of twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.
9. The home occupation shall obtain a business license from the city.
10. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the state health department or other public agency.
11. The physical appearance, traffic, parking space and other activities in connection with the home occupation are not contrary to the intent of the zone in which the home occupation is located and do not depreciate surrounding values as determined by the zoning administrator.
12. Business activity may be conducted by the residing family and not more than three (3) persons not residing in the dwelling where the home occupation takes place, subject to the following:
  - a. The individual holding the business license must make a statement on the business renewal application regarding the number of employees working in the home and if the nature of the business has changed in any manner. All business licenses are subject to this provision upon renewal.
  - b. The holder of a home occupation business license is responsible to comply with all county, state and federal regulations, such as, but not limited to, fire codes, building codes, OSHA safety requirements, EPA, FICA, the Americans with disabilities act (ADA), etc., which are applicable to their business.

C. Conditions May Be Attached: In order to achieve the objectives of this development code and to protect the health, safety and quality of life in the community, the designated approval authority may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.

#### D. Review; Appeal:

1. Any person aggrieved by a determination of the designated approval authority may request a review before the city council who shall have the authority to reverse, affirm or modify any decision of the approval authority. Any such request for review shall be filed with the city recorder within ten (10) days of the determination of the designated approval authority. (2003 Code)
2. Any person aggrieved by a determination of the city council may request a hearing before the appeal authority who shall have the authority to reverse, affirm or modify any decision of the city council. Any such appeal shall be filed with the city recorder within ten (10) days of the determination of the city council.

#### E. Continuing Obligation; Business License Required:

1. All home occupations shall be operated in compliance with the conditions hereinabove set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation, the applicant shall be eligible to acquire a business license to operate. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.
2. The approval shall be valid two (2) years from the date of issuance. Thereafter, the approval will be extended for successive two (2) year periods, upon renewal; provided, that: a) the home occupation remains substantially the same as initially approved; and b) the home occupation has remained active as evidenced by the acquisition of a valid business

license for the previous two-year period.

F. Termination Of Approval Permitted; Procedure: The city may revoke the approval of the home occupation or refuse renewal of the business license upon a determination made by the city council, following notice and hearing on the matter, that the home occupation is not in compliance with the provisions of this section or the conditions attached at the time of approval. The zoning administrator shall have a reasonable right of entry for the purpose of inspection of the premises to determine compliance with the provisions of this section.

(Ord. 98-12-8-13, 12-8-1998; amd. Ord. 07-7, 4-24-2007; Ord. 20-05, - -2020)