

Home Occupation Application
BUILDING DIVISION



Please complete the following and return to the Building Department along with the \$50 fee. In some situations, approval of the Board of Zoning and Building Appeals may be required.

APPLICANT INFORMATION

Property address	Permanent parcel number
Property owner name	Property owner address
Property owner phone	Property owner email
Applicant name (if different from owner)	Applicant address (if different from owner)
Applicant phone (if different from owner)	Applicant email (if different from owner)
Name of business	Business type

1. Type of Home Occupation: _____
2. Home Occupation sign size: _____ (must be less than 144 square inches)
3. Will the Home Occupation occur on any portion of the property other than the main living area? ☐Yes ☐No
 - i. If yes, check accordingly: ☐Basement ☐Garage ☐Outbuilding
4. Is dwelling to be extended or modified for Home Occupation? ☐Yes ☐No
5. Does Home Occupation take up more than 25% of the square footage of the dwelling's living area? ☐Yes ☐No
6. Will the activities of the Home Occupation result in or create noise, vibration, pollution, electronic interference or other nuisance or safety hazard to any person or to adjacent or nearby property? ☐Yes ☐No
7. Will the Home Occupation involve the storage of any materials, other than normal household items, which are hazardous to persons or to adjacent or nearby property? ☐Yes ☐No
8. Will there be more than two (2) vehicles of patrons or customers at any one time? ☐Yes ☐No
9. Will there be an(y) outside employee(s) (non-family member) employed for the Home Occupation? ☐Yes ☐No
10. Will there be more than one vehicle used for the Home Occupation? ☐Yes ☐No
Gross vehicle weight: _____ (less than or equal to 8650 lb.)

Acknowledge Receipt of Ordinance: ☐

Applicant Signature	Date
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APPLICATION AUTHORIZATION

☐ Approved ☐ Rejected

Building Division Approval	Date
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Rejected applications may be appealed to the Board of Zoning and Building Appeals if Notice of Appeal is filed with the Clerk of Council within 15 days from date of denial.

CHAPTER 830 HOME OCCUPATIONS

830.01 DEFINITIONS.

As used in this chapter:

(a) "Home occupation" means any profession or business conducted in a residential dwelling and as an accessory to the principal residential use thereof. Home occupations shall comply in all respects with the regulations provided in Section 830.02. A home occupation shall not include and shall not be permitted on unimproved land in a Residence District or in any dwelling not currently occupied principally as a residence. The following activities are not permitted as home occupations:

- (1) The repair and/or storage of vehicles for commercial purposes, including vehicles purchased primarily for resale.
- (2) The repair and/or storage of heavy machinery and/or heavy equipment for commercial purposes.
- (3) External wood cutting, external wood splitting and/or external wood processing for commercial purposes.
- (4) Activities judged by the Chief Building Official and the Board of Zoning and Building Appeals to be similar in nature to the above listed activities.

(b) "Living area" means that area of the dwelling which would normally contain active (as opposed to stored) furniture and appliances for the use of the residents, but shall not include basements (unless finished), garages or porches.

830.02 USE REGULATIONS.

(a) A person may carry on a home occupation only in the dwelling house.

(b) A home occupation may be permitted and carried on only if it complies with all of the following:

- (1) The home occupation shall comply with all local, State and Federal laws, the City Charter and/or regulations pertinent to the activity pursued;
- (2) The person conducting such home occupation must, before commencement, receive a permit for such purpose, which permit shall be issued by the Chief Building Official;
- (3) Such use must not involve any external extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes;
- (4) Except for a nameplate sign of not more than 144 square inches attached to the dwelling, such use shall not include the posting of any sign upon the premises or involve any other display that will indicate from the exterior that the building or premises is being used, in part, for any purpose other than that of a residential dwelling;
- (5) Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes and in total shall not use space in excess of the equivalent of twenty-five percent of the floor area of the living area of the dwelling;
- (6) Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property;
- (7) Such use shall not involve the storage of any materials, other than those normally used in the maintenance and use of the property solely as a dwelling, which are hazardous to persons or to adjacent and nearby property in a quantity normally used;
- (8) (NOTE: Paragraph (b)(8) hereof was repealed by Ordinance 3627-00)
- (9) Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts;
- (10) Such use shall not result in an increase in frequency of, or a generation of vehicular or pedestrian traffic abnormal to, either the neighborhood or the City;
- (11) No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a home occupation at any one time. Such vehicles shall not, alternatively, be parked on a street, sidewalk or other adjacent public thoroughfare. Vehicles used solely for the personal use of the proprietor or owner of the home occupation shall not be included within the limitation of this paragraph;
- (12) Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable to the use of the property solely for residential purposes;
- (13) Such use shall not involve the storage of equipment, mobile or otherwise, finished materials and/or finished inventory related thereto, unless it is produced on the premises;
- (14) A person carrying on a home occupation may employ only members of the family in the dwelling and a maximum of one outside employee;
- (15) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if the gross vehicle weight of such vehicle (including cargo) is 8,650 pounds or less.

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830.03 PERMIT REQUIRED; FEE; RENEWALS.

(a) No home occupation shall be permitted to operate unless the person conducting it first obtains a permit to operate from the Chief Building Official as provided in Section 830.02(b)(2).

(b) A fee of fifty dollars (\$50.00) is hereby established for the original issuance or a permit.

830.04 CONDITIONS FOR ISSUANCE OF INITIAL PERMIT.

The Chief Building Official shall issue an initial permit when the following conditions have been met:

(a) All conditions set forth in Sections 830.02 and 830.03 have been satisfactorily complied with and completed and evidence of such compliance and completion is filed with the Chief Building Official; and

(b) The permittee has tendered the fee for the original issuance of a permit as provided in Section 830.03(b); and

(c) If the Chief Building Official denies the permit, the applicant may appeal that decision to the Board of Zoning and Building Appeals by filing notice of an appeal with the Clerk of Council no later than fifteen days from the date of the denial. A timely filed appeal shall be heard at the next regularly scheduled meeting of the Board of Zoning and Building Appeals. Notice requirements for posting of meetings shall not apply to this appeal.

830.05 PERMIT DURATION.

The permit required under this chapter shall be valid from the date of issuance providing the Chief Building Official does not become aware of any complaints or violations regarding the permit, in which case Section 830.06 applies.

830.06 RIGHT OF ENTRY OF CHIEF BUILDING OFFICIAL; INSPECTIONS; COMPLIANCE WITH PERMIT; FRAUD; REVOCATION OF PERMIT.

(a) The Chief Building Official and/or his or her representative are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.

(b) If the Chief Building Official or its authorized agent determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, it shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Chief Building Official within five days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be null and void and shall be immediately revoked by the Chief Building Official. Such action by the Chief Building Official shall be in addition to the penalty provided in Section 830.99.

(c) The Chief Building Official is further authorized and directed to revoke any permit issued under this Chapter upon notice for any fraud, misrepresentation or false statement contained in the application for the permit or for the renewal thereof. The revocation of a permit by the Chief Building Official may be appealed pursuant to the procedure provided in Section 830.04(c).

830.07 DECISIONS OF BOARD OF ZONING AND BUILDING APPEALS AND CHIEF BUILDING OFFICIAL FINAL; EXISTING HOME OCCUPATIONS; VIOLATIONS; INJUNCTIVE RELIEF.

(a) Decisions of the Board of Zoning and Building Appeals and the Chief Building Official relating to violations of this Chapter including appeals from the denial of issuance of or the revocation of permits shall be final.

(b) Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Chief Building Official and comply with the provisions of this chapter within six months of the passage of this chapter.

(c) No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the City, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

830.08 TRANSFERRING OF PERMITS.

No permit or renewal thereof issued under the provisions of this chapter may be sold within the premises or dwelling from or on which the home occupation is being conducted, nor may it otherwise be sold, conveyed or assigned to any party other than the permittee named therein.

830.99 PENALTY.

(a) Whoever maintains an office or carries on a home occupation in the dwelling house used by him or her as his or her private residence without first securing a home occupation permit as provided in Section 830.02(b) shall be fined twenty-five (\$25.00) per day for each day he or she carries on such unauthorized use.

(b) Whoever violates any of the other provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each such offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.