

28-5-30 - Home Occupations.

- (a) *Purpose.* The purpose of establishing conditions and limitations on home occupations is to recognize the increasing role of electronics and telecommunications in enabling individuals to work from their homes, and the growing use of computer and related equipment in the home which may have both personal and business applications. These regulations recognize that certain types of home-based businesses may be carried on without an adverse impact on the residential property or the neighborhood, but that limitations are necessary to preclude uses of a scale or type which may be incompatible in a residential context. this Section provides supplemental standards for two (2) levels of business use within a dwelling unit, and which are permitted where authorized by Section 28-2-4(k), Table of Accessory Uses, of this ordinance. The two (2) levels of accessory use are classified as minor home occupation; and major home occupation.
- (b) *Minor Home Occupation.* Minor home occupations include small scale business uses of a dwelling unit which are subordinate to the principal residential use of the property and that are indistinguishable in appearance and level of traffic generation from other dwelling units in a neighborhood. No minor home occupation shall be permitted which would be incompatible with traditional residential uses in the surrounding neighborhood. To be considered compatible with a residential neighborhood, a minor home occupation must meet all of the following conditions:
- (1) No goods, stock in trade, or other commodities may be visible from outside the dwelling unit;
 - (2) There are no on-premises retail sales of goods or merchandise from inventory held on the premises, with the exception of sales made via mail order or via telecommunication;
 - (3) The home occupation shall not employ persons who are not residents of the dwelling unit;
 - (4) The use shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference;
 - (5) Uses related to teaching and instruction to pupils shall be limited to those which accommodate not more than one pupil at a time;
 - (6) Not more than twenty-five (25) percent, not to exceed two thousand five hundred (2,500) square feet, of the habitable floor area of the dwelling unit may be utilized by the home occupation, or not more than a comparable amount of floor space in an existing accessory building existing at the time of the adoption of this ordinance;
 - (7) There shall be no external evidence of the occupation which differentiates the residence in appearance from other residential properties similarly situated; and
 - (8) The total number of daily vehicle trips to and from the property shall not exceed twelve (12);
 - (9) The use is not one of the following, which are expressly prohibited as minor home occupations:

- a. Barber and beauty shops;
 - b. Real estate or insurance offices;
 - c. The boarding of animals or the operation of commercial kennels or stables and similar uses;
 - d. Uses involving the parking or storage of commercial vehicles; or
 - e. Automobile or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof.
- (c) *Major Home Occupation.* A major home occupation is a home-based business which may involve limited external evidence of business use such as the use of a portion of accessory buildings for business use, the employment of persons not residing on the property, or light shipping and delivery of manufactured, assembled or repaired products. A major home occupation shall not be permitted if it is determined that it may have a significant adverse impact on the surrounding neighborhood. In order to avoid adverse impacts on a neighborhood, a major home occupation shall not be authorized unless it meets all of the following standards and conditions:
- (1) The use is subordinate to a single-family detached dwelling, and is primarily a non-retail use;
 - (2) Not more than twenty-five (25) percent of the habitable floor area of the dwelling unit, plus not more than two hundred fifty (250) square feet of floor area within an accessory building or structure (except those portions required to provide adequate off-street parking), may be devoted to such use;
 - (3) The proprietor of the major home occupation is the owner-occupant of the property;
 - (4) Not more than four (4) persons may be employed in the business use, only one of whom may not be an occupant of the residence;
 - (5) The lot on which the major home occupation is established shall conform to the minimum dimensional standards established in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance;
 - (6) Retail sales shall be limited to incidental sales of goods which are manufactured, assembled, or grown on site, or products which are directly related to the goods or services rendered by the major home occupation;
 - (7) The use shall not create excessive traffic, noise, fumes, odor, dust, vibration, heat, glare, or electrical interference. To assure that such conditions are met, additional conditions limiting the hours of operation may be established as a further condition of the approval of a major home occupation;
 - (8) Parking shall be provided as specified in Article 28-7, Access, Circulation, Parking, and Loading Requirements, of this ordinance;
 - (9)

A single on-premises sign is allowed which identifies the business and which conforms to the sign area limits and design requirements of Article 28-6, Sign Regulations, of this ordinance;

(10) The use is not one of the following uses, which are expressly prohibited as major home occupations:

- a. The boarding of animals or the operation of commercial kennels or stables and similar uses;
- b. Uses involving the parking, dispatching, or storage of commercial vehicles, or the delivery and shipping of materials or goods by such vehicles on a more than once each day basis;
- c. Automobile or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof;
- d. Warehousing and distribution uses; and
- e. Uses which generate more than twenty (20) vehicle trips per day based upon criteria published in the latest edition of Trip Generation by the Institute of Transportation Engineers (ITE) [Appendix D of this ordinance].