

5.2.29. Home Occupations

There are two categories of home occupations: residential home occupations and rural home occupations. Separate standards and criteria apply to each category. This Section is not meant to regulate a small home lawn mowing service, lemonade stand, magazine sales, cookie sales, or other traditional small-scale businesses or business-like activities operated by a child residing in the dwelling, which are considered exempt from the provisions of this Code; however in no instance may a medical marijuana land use qualify as a home occupation. The PCD Director shall determine whether a site plan and a home occupation permit are necessary to verify compliance with the home occupation standards.

(A) Residential Home Occupation.

- (1) **Intent.** It is the intent of this Section to provide clear standards for home occupations in zones that allow residential use which will ensure compatibility with the residential purposes of those zones and that there are no adverse effects on the residential character of those zones, and which will not allow in residential zones those uses allowed in commercial and industrial zones except as specifically authorized by this Section.
- (2) **Allowed Residential Home Occupations.** The following home occupations shall be allowed in a zoning district where residential uses are allowed, subject to the standards and requirements of this Section:
 - Any principal or sideline occupation or trade or any hobby which results in the sale or trade of any products manufactured by the resident on the premises or the preparation or provision of any service by the resident on the premises;
 - Any professional or business office, whether the resident's principal or occasional work place;
 - Any educational or training service requiring pupils, students or trainees to come to the premises for instruction by resident (e.g., music or art studios);
 - Any non-profit, civic, or religious organization or association for which the resident is employed, works, serves, or represents, whether or not the resident is remunerated for the services; and
 - Any bed and breakfast home which operates in conformance with specific-use and all other applicable development standards of this Code.
- (3) **Excluded Uses.** A residential home occupation shall not include the following uses:
 - Auto repair garages, auto re-conditioning (detailing), or auto body/ paint shops;
 - Any form of food service (restaurants, catering, etc.);
 - Any form of vehicle/trailer sales or rental storage;
 - Contractor's equipment yard or equipment rental or sales;
 - Funeral parlor;
 - Any form of hospital (other than doctor's office);
 - Any form of pet boarding or veterinary hospital;
 - Any form of rental warehousing;
 - Commercial stables;
 - Any trucking, hauling, bussing, taxi, or limousine dispatch service which would require the parking of vehicles on site between jobs or service calls; or
 - Any industrial or heavy commercial use.

(4) **General Standards for Residential Home Occupations.**

- (a) **Accessory in Character.** The residential home occupation shall be clearly subordinate to the use of the lot as a residence, and the use of the dwelling or detached accessory structure for the home occupation shall not result in any visual or other essential change in the residential character of the property.
- (b) **Person Conducting Occupation Resides on Lot.** The residential home occupation shall be conducted only by a person or persons residing on the lot or parcel and only so long as contained entirely within the dwelling or a detached accessory structure. No more than two (2) vehicles, excluding customer parking, associated with a home occupation, may be parked or stored outdoors on any property and shall meet the use specific standards for Parking, Storage and Repair of Vehicles and Machines, Personal found in Chapter 5 of this Code.
- (c) **Limit on Area.** The total area used for the home occupation shall not exceed 25% of the existing dwelling and/or more than 500 square feet of any accessory structure. The operation of a home occupation shall not result in the elimination of the dwelling's kitchen or all of its bedrooms.
- (d) **Signage and Advertising.** There shall be no advertising of the home occupation visible outside the dwelling except in accordance with the signage provisions in Chapter 6. Except by customary exterior residential lighting, no sign illumination is allowed.
- (e) **Outside Storage Prohibited.** There shall be no outside storage or display on the premises of material, tools or equipment used as part of the home occupation or any products manufactured as part of the home occupation.
- (f) **Sales Limited.** No sale of goods, supplies, or other inventory shall be allowed unless the sales are clearly incidental and related to providing a service (e.g., sale of hair care products at a beauty shop; occasional sale of a firearm by a gunsmith; incidental retail sales where the home occupation is a mail order, internet, or delivery business, brokers of firearms where inventory is not maintained on site except for specific transactions) or unless the items are produced, constructed or assembled on the premises or are clearly incidental and related to the sale of the homemade items. Nothing in this Section shall limit the ability of the home occupation to sell products mail order via the internet or by telephone.

The home occupations operator shall be required to obtain and maintain all applicable licenses and pay applicable sales tax.

- (g) **Limit on Visitation by Clients.** The occupation will ordinarily not bring more than 3 clients or customers to the lot or parcel at any one time.
- (h) **Customer Parking Required.** If the home occupation will result in any clients or customers coming to the property, no less than 2 parking spaces shall be available. All required parking spaces must be located onsite and shall comply with the Parking, Loading, and Maneuvering Standards found in Chapter 6 of this Code.
- (i) **Nuisances and Hazards Avoided.** Any mechanical, electrical or electronic equipment or machinery used in the home occupation shall be operated in a fashion so that no noise, vibration, glare, fumes, odors, heat, or electrical interference are detectable to the normal senses beyond the boundary line of the lot or parcel. In no case shall any equipment be allowed which involves the use of hazardous, explosive or highly flammable (other than fuel needed to power the equipment) substances or which produces hazardous, explosive or highly flammable wastes or products.
- (j) **Conducted In Accordance with Laws.** The occupation is conducted in compliance with all applicable building, fire, health, and environmental laws, codes, and regulations.
- (k) **No Visual Impacts.** No activity associated with a home occupation shall be allowed which results in detrimental visual impacts to the surrounding neighborhood.
- (l) **More than One Home Occupation Allowed.** More than one home occupation may be conducted on any property provided that aggregate impacts are limited to those allowed by this Code.

(m) **Deliveries Limited.** Deliveries other than standard parcel services are prohibited when associated with a home occupation.

(B) **Rural Home Occupation.**

- (1) **Applicability.** The provisions of this Section shall only apply to parcels within the A-35 zoning district.
- (2) **Rural Home Occupation Defined.** A rural home occupation is an accessory use of property, a dwelling, or a detached accessory structure which otherwise meets the requirements of a residential home occupation except as specifically modified and expanded by this Section.
- (3) **Intent.** The intent of the more broadly defined rural home occupation is to recognize the unique land use characteristics in A-35 (Agricultural) zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.
- (4) **Minimum Lot Size Required.** A rural home occupation is allowed on any parcel that is 35 acres or more in area. Lots or parcels less than 35 acres shall only be approved by the rural home occupation as a special use provisions of this Code.
- (5) **Allowed Home Occupations.** The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:
 - Contractor's equipment yards, construction businesses, welding shops;
 - Vehicle storage or repair businesses;
 - Other small businesses which are rural or agricultural in nature; or
 - Other small businesses which the PCD Director determines meet the intent of this Section of the Code.
- (6) **Excluded Uses.** The following types of businesses, among others do not qualify as a rural home occupation:
 - Any heavy industrial, solid waste disposal, solid waste transfer, scrap tire recycling or mineral extraction use;
 - Any use involving significant public occupancy or overnight accommodations other than those uses specifically allowed in the zoning district;
 - Any commercial tower or utility use, not otherwise allowed; and
 - Any outdoor concert, shooting range, race track or comparable use.
- (7) **General Standards for Rural Home Occupation.** Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances.
 - (a) **Outside Storage and Work Areas Allowed.** Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.
 - (b) **Employees.** A maximum of 2 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel.
 - (c) **Trips Generated by Home Occupation Limited.** The total number of one-way vehicle trips generated by the rural home occupation shall not exceed an average of 20 per day.
 - (d) **Inoperable Vehicles.** A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation.
 - (e) **Environmental Impacts.** The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners.

- (f) **More than One Home Occupation Allowed.** More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

(C) **Rural Home Occupations as a Special Use.**

- (1) **Applicability.** This Section is applicable to a rural home occupation in the A-35 zoning district not meeting the requirements for a Rural Home Occupation in the A-35 Zoning District or in those zoning districts where a Rural Home Occupation has been identified as a Special Use in Table 5-2.
- (2) **Intent.** The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts.
- (3) **Minimum Lot Size Required.** A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (including a legally-created 4.75-acre parcel or lot along a section line road) or more in area.
- (4) **General Requirements.** A rural home occupation by special use shall conform to all standards for locating and operating a rural home occupation except as otherwise modified by these standards and the special use approval.
- (5) **Special Provisions and Allowances.**
 - (a) **Limit of Administrative Approval.** A rural home occupation which receives administrative special use approval shall expire 5 years from the date of approval. The special use may be renewed following the same procedure as the original application.
 - (b) **Employees and Traffic.** A maximum of 10 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel. The rural home occupation shall not generate more than a maximum of 50 daily trips.