

Section 4.130 HOME OCCUPATION

The home occupation provision is included in recognition of the needs of many people who are engaged in small scale business ventures which could not be sustained if it were necessary to lease commercial quarters for them, or which, in the nature of the home occupation, cannot be expanded to full scale enterprise. (Example: supplemental retirement income, juvenile self-employment, mothers who must support and remain at home with pre-school children, etc.)

It is the intent of this Ordinance that full scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such district and not at home.

Section 4.131 Standards. A home occupation shall mean any occupation or profession carried on by a member of the family residing on the premises, provided the following conditions are satisfied:

1. No sign is used other than a nameplate not more than one square foot in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. There is a restriction of no more than thirteen children, plus family, for day nurseries. (Day nurseries with more than thirteen children shall be permitted as outlined elsewhere in this Ordinance.)
5. There are no outside paid employees.
6. The building retains the characteristics of a residence.
7. The use does not destroy the residential character of the neighborhood.
8. Will be operated in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.
9. Will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.

Section 4.132 Complaint Procedures: Complaints on conditions (1) through (5) of Section 4.131 will be handled routinely by the Code Enforcement Officer. Complaints on conditions (6) and (7) will be dealt with as follows: The Planning Commission shall review home occupations upon receipt of three written complaints from three separate households located within 200 feet of the boundary of the affected property, or a complaint from the Code Enforcement Officer. Said complaints shall set forth the nature of the objection. Such complaints shall be investigated by the Code Enforcement Officer, and results of the investigation shall be reported to the Commission at a public hearing. The public hearing procedure shall be the same as outlined in Section 10.060.

Standards for judging objections shall include:

1. Generation of excessive traffic.
2. Monopoly of on-street parking spaces.
3. Frequent deliveries and pickups by motor freight.
4. Noise in excess of that created by normal residential use.
5. Smoke, fumes or odors in excess of those created by normal residential use.
6. Other offensive activities not in harmony with a residential neighborhood.

Section 4.133 Action by the Commission. The Commission, upon hearing the evidence may:

1. Approve the use as it exists.
2. Require the use to be terminated.
3. Impose appropriate restrictions, such as limiting hours of operation, establishing a phase-out period, or other measures insuring compatibility with the neighborhood.

The determination of the Commission becomes final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 4.134.

Section 4.134 Appeals. During the period of ten (10) days referred to in Section 4.133, appeals from action of the Commission may be taken to the Council by the applicant or other interested party. Such appeal shall be filed with the City Manager and shall state the grounds thereof and wherein the Commission failed to conform to the requirements of these sections. The City Manager shall forthwith transmit one copy of appeal to the Code Enforcement Officer. The home occupation may continue until the termination of any appeal pending against it.