

430-63 Home Occupation

A home occupation is a lawful activity operated within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C. does not apply to bed and breakfast facilities). Pursuant to Section 430-145.4 C., a bed and breakfast facility serving five or fewer persons, in association with and on the same tract as a cider business described under Section 430-28.1, a farm brewery described under Section 430-45.1, or a winery described under Section 430-145.1 or 430-145.2, is permitted as a Type II Home Occupation in the EFU and AF-20 Districts (Section 430-63.2 D.(2) does not apply). Bed and breakfast facilities serving more than five persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five persons).

There are four types of home occupations: exempt (see Section 201-2.18), Type I (Section 430-63.1), Type II (Section 430-63.2) and Type III (Section 430-63.3). The following summarizes the key differences:

Exempt

- Same as Type I, but no on-site customers

Type I

- Operated within the dwelling
- Limited to five on-site customers or fewer per day
- Allows no employees who do not reside at the home occupation site
- Does not allow any additional parking
- Allows one commuter vehicle with weight limits
- Allows weekly average of one business-related delivery per day

Type II

- Operated within the dwelling or an accessory building
- Limited to nine on-site customers or fewer per day
- Allows one employee who does not reside at the home occupation site
- Allows additional parking
- Allows one commuter vehicle with weight limits
- Allows weekly average of two business-related deliveries per day

Type III

- Same as Type II, but
- Limited outdoor storage allowed
- No weight limit on the allowed commuter vehicle
- Limited to the AF-5 and AF-10 Districts

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430-63.1 Home Occupation - Type I (Excluding Type I home occupations that do not require a Development Permit pursuant to Section 201-2.18)

A Type I Home Occupation shall:

- A. Require the applicant to obtain a permit that shall be renewed annually;
- B. Be operated entirely within the applicant's dwelling. Use of outdoor areas is not allowed;
- C. Including storage of materials and products, occupy:
 - (1) Not more than 600 square feet or 25% of the dwelling, whichever is greater; or
 - (2) An area exceeding the above maximums by up to 10%, when requested by an applicant with a disability.

For purposes of Section 430-63.1 B and C, a "dwelling" includes the basement and attached garage.

- D. In a residential, agricultural, or forest district, limit any external evidence of an occupation to one identification sign not to exceed 2 square feet in area. Business identification on a commuter vehicle is exempt from this requirement;
- E. In a commercial or industrial district, limit any external evidence of a home occupation to one identification sign not to exceed 20 square feet in area;
- F. Not involve the use or storage of vehicles used for the business, other than one commuter vehicle. In the urban area, the commuter vehicle shall not exceed a manufacturer's rating of one ton. In the rural area, the commuter vehicle shall not exceed a gross vehicle weight of 26,000 pounds. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- G. Not exceed a weekly average of one business-related delivery or pick-up per day, excluding regular residential deliveries by the U.S. Postal Service;
- H. Not have more than five customers daily entering the premises;
- I. Produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure;
- J. Not require any additional parking;
- K. Employ no persons who are not permanent residents of the dwelling. For the purposes of this Section, an "attendant" who is employed by an applicant with a disability for assistance with daily living activities shall not be considered an employee.

430-63.2 Home Occupation - Type II

A Type II Home Occupation shall:

- A. Require the applicant to obtain a permit which shall be renewed annually;
- B. Be operated entirely within the applicant's dwelling, garage, or lawful accessory structure. Use of outside areas is not allowed;
- C. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the residential character of the site;

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D. Including storage of materials and products, occupy:

(1) Inside the UGB

- (a) Not more than 600 square feet or 25% of a dwelling or lawful accessory structure, whichever is greater;
- (b) An area exceeding the above maximums by up to 10%, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D.(1), a "dwelling" includes the basement and attached garage.

(2) Outside the UGB

- (a) Not more than 1,000 square feet or 25% of a dwelling or lawful accessory structure, whichever is greater; or
- (b) An area exceeding the above maximums by up to 10%, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D.(2), a "dwelling" includes the basement and attached garage. Areas used only for storage of farm equipment or farm vehicles are not considered as part of the maximum allowed home occupation space.

- E. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
- F. In a residential, agricultural or forest district, limit any external evidence of an occupation to one identification sign not to exceed 2 square feet in area. Business identification on a commuter vehicle is exempt from this requirement;
- G. In a commercial or industrial district, limit any external evidence of a home occupation to one identification sign not to exceed 20 square feet in area;
- H. Not involve the use or storage of vehicles used for the business, other than one commuter vehicle. In the urban area, the commuter vehicle shall not exceed a manufacturer's rating of one ton. In the rural area, the commuter vehicle shall not exceed a gross vehicle weight of 26,000 pounds. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- I. Not exceed a weekly average of two business-related deliveries or pick-ups per day, excluding regular residential deliveries by the U.S. Postal Service;
- J. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- K. Not have more than nine customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- L. Employ no more than one person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant" who is employed by an applicant with a disability for assistance with daily living activities shall not be considered an employee;
- M. Provide a plan for any additional required parking, which shall be approved if:
 - (1) The residential character of the parcel is not changed; and

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- (2) The parking area does not detract from the visual appearance of the residence;

430-63.3 Home Occupation - Type III

A Type III Home Occupation shall:

- A. Be allowed only in the AF-5 and AF-10 Districts;
- B. Require the applicant to obtain a permit which shall be renewed annually through the Type II procedure. The Type II renewal permit shall be subject to any conditions imposed through the Type III procedure and the conditions shall only be modified via the Type III procedure;
- C. Including storage of materials and products, occupy:
 - (a) Not more than 1,000 square feet or 25% of a dwelling or lawful accessory structure, whichever is greater; or
 - (b) An area exceeding the above maximums by up to 10%, when requested by an applicant with a disability; and
 - (c) Not more than 600 square feet of outdoor area for storage of inventory, equipment, a vehicle, or other items associated with the home occupation;

For purposes of Section 430-63.3 C, a "dwelling" includes any basement and attached garage. Indoor and outdoor areas used only for storage of farm equipment or farm vehicles are not considered as part of maximum allowed home occupation spaces.

- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
- E. Limit any external evidence of an occupation to one identification sign not to exceed 2 square feet in area. Business identification on a commuter vehicle is exempt from this requirement;
- F. Not involve the use or storage of vehicles used for the business, other than one commuter vehicle;
- G. Not exceed a weekly average of two business-related deliveries or pick-ups per day, excluding regular residential deliveries by the U.S. Postal Service;
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- I. Have no more than nine customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- J. Employ no more than one person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant" who is employed by an applicant with a disability for assistance with daily living activities shall not be considered an employee;
- K. Provide a parking plan which shall be approved if:
 - (1) The residential character of the parcel is not changed;
 - (2) The parking area does not detract from the visual appearance of the residence; and

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- (3) The parking area for a commuter vehicle with a gross vehicle weight more than 26,000 pounds shall be located at least 100 feet from any property line and be screened with at least a 6-foot site-obscuring fence or be located within a permitted accessory structure;
 - L. Be located on a lot or parcel that is at least 5 acres in size and with direct access to a public road (use of an easement or shared driveway is prohibited);
 - M. Screen outdoor storage areas with a minimum 6-foot site-obscuring fence. These areas shall be located at least 100 feet from all property lines.
- (Ord. No. 815B, § 2.A.(Exh. A, § 9), 9-26-17 , eff. 11-24-17; Ord. No. 835 , § 2.A.(Exh. 1, § 4), 8-21-18, eff. 9-20-18; Ord. No. 859 , § 2.A.(Exh. 1, § 12), 9-17-19, eff. 11-28-19; Ord. No. 864 , § 2.A.(Exh. 1, § 4), 7-21-20, eff. 8-20-20; Ord. No. 866 , § 2.C.(Exh. 3, § 22), 9-1-20, eff. 10-1-20)