

SUBCHAPTER 72

HOME OCCUPATIONS

72.005 Purpose

The purpose of this chapter is to set forth standards and requirements for conduct of home occupations. The intent of this chapter is to allow, within RS, RM, RH and MX residential zones, certain activities which are commercial in nature, but which are incidental, subordinate and secondary to the residential use and which are compatible with other residential activities within the neighborhood. Home occupations are also allowed in the MUPC commercial zone, but those uses are not subject to the provisions of this chapter. (Also: See definition of "Home Occupation", Subchapter 13.)

72.010 Home Occupation Standards

A home occupation may be any occupation or profession which can be carried on by a member of the family or person residing on the premises, provided that all of the following conditions are met:

- A. All signs shall comply with the requirements of the Independence Sign Code – Subchapter 58.
- B. There is no display that will indicate from the exterior that the building is being used for any purpose other than residential.
- C. There is no outside storage of materials.
- D. There are no outside non-resident employees paid or unpaid.
- E. A home occupation may be conducted in an accessory building. No more than 500 square feet of floor area within any one or combination of accessory buildings shall be devoted to a home occupation.
- F. No dwelling shall be modified to accommodate a home occupation in such a way as to alter the residential appearance of the dwelling or to render its appearance incompatible with the neighboring residential buildings.
- G. No home occupation shall be used as an assembly point for employees or assistants to be dispersed or assigned to other locations.
- H. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries between the hours of 8 p.m. to 8 a.m.

I. Except for bed and breakfast establishments, there shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.

J. One commercially-licensed vehicle associated with the home occupation is allowed is allowed at the home occupation site daily. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

K. The home occupation can be conducted in a safe and healthful manner and not create unusual fire or safety hazards, potential health problems or be in violation of any federal, state or local law or ordinance.

L. The home occupation does not create any nuisance conditions as defined by the City's nuisance ordinance.

72.012 Prohibited Home Occupation Uses:

A. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property lines is prohibited.

B. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by a music teacher or the sale of computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to all other provisions of this chapter.

C. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

1. Ambulance service;
2. Animal hospital, veterinary services, kennels, animal boarding;
3. Auto and other vehicle repair; and
4. Repair, conditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.

72.015 Home Occupation Complaint and Enforcement Procedures

A. A complaint by members of the public, city staff, elected or appointed officials regarding conditions A through L in Section 72.010 shall be investigated by the City Manager's designee. The designee shall notify the resident of the results of the investigation by certified letter. If a violation has been found, the

resident shall be given seven days to correct the violation. If not corrected, the designee shall bring the matter before the Planning Commission for review in accordance with the provisions of Subchapter 11 of the zoning code.

B. Two or more complaints received within 60 days shall be reviewed by the Planning Commission. Said complaints shall be in writing and shall set forth the nature of the objection. Such complaints shall be investigated by the City Manager's designee and the results of the investigation reported to the Commission. The Planning Commission shall hear the matter in accordance with the provisions of Subchapter 11 of the Zoning Code.

C. The City Manager or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours and with reasonable notice. Code violations shall be processed in accordance with Subchapter 100.