SECTION 32HOME OCCUPATION REGULATIONS

32.1 PURPOSE:

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

32.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:

A. Home occupations shall be permitted as accessory use in single-family residential zoning districts (i.e., A, SF-12, SF-8, SF-5.5, SF-PH, 2F and MH) provided that they comply with all restrictions herein;

B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;

C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);

D. The occupation shall not employ persons who are not a member of the household in which the home occupation occurs;

E. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;

F. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;

G. One commercial vehicle, capacity of two ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;

H. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

I. There shall be no outside storage, including trailers, or outside display related to the home occupation use;

J. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

K. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;

L. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;

M. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;

N. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and

O. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

32.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

32.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 33.2 above, home occupations may include the following uses:

A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

B. Author, artist or sculptor;

C. Dressmaker, seamstress or tailor;

D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;

E. Individual tutoring and home schooling;

F. Millinery;

G. Office facility of a minister, rabbi, priest or other clergyman;

H. Home crafts, such as rug weaving, model making, etc.;

I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

L. Registered Family Homes (see definition in Appendix A-1), in compliance with applicable State laws, which are incorporated herein by reference, with no more than four (4) children;

M. Barber shop/beauty salon or manicure studio, provided that no more than one customer is served at a time;

N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and

O. Bed and Breakfast Facility (see definition in Appendix A-1), provided that no more than five (5) guests are accommodated/served at a time.

32.5 USES PROHIBITED AS HOME OCCUPATIONS:

Home occupations shall not, in any event, be deemed to include the following uses:

A. Animal hospitals or clinics, commercial stables, or kennels;

B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;

C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;

D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;

G. Commercial clothing laundering or cleaning;

H. Mortuaries or funeral homes;

I. Trailer, vehicle, tool or equipment rentals;

J. Repair shops or services, except as specifically provided in Section 33.4 above;

K. Drapery or furniture upholstery shops;

L. Antique, gift or specialty shops;

M. Repair shops for any items having internal combustion engines; and

N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

32.6 HOME OCCUPATION USES NOT CLASSIFIED:

A. Any use that is not either expressly allowed nor expressly prohibited by Sections 33.4 and 33.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the White Oak City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

32.7 EFFECT OF SECTION 32 UPON EXISTING HOME OCCUPATIONS:

A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his/her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Subsection A above.