

Chapter 8.25
HOME OCCUPATION

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Section 8.25.01 Purpose.

The purpose of this chapter is to provide an opportunity for small businesses to conduct a small business within the operator's residence. Any home occupation shall not change the character of the home or neighborhood and will co-exist with residential uses without creating conflict with the neighboring residential uses.

Section 8.25.02 Approval Period.

A home occupation permit shall be issued by the planning staff for a one (1) year period, only after the home occupation has been determined to meet the requirements of this chapter. Conditions may be attached to any permit approval or renewal and are subject to annual review. Approvals in any year do not perpetuate the right to operate such uses in subsequent years. New permit applications and renewals shall comply with the requirements that are in effect at the time of application.

Section 8.25.03 Application.

Applications for a home occupation permit shall be made to the planning staff. The applicant shall provide the following information and satisfy the following conditions before the renewal or issuance of a permit. ~~If the application is for a renewal and no changes have occurred, the planning staff may waive all or part of the following requirements upon receipt of a written statement:~~

- (1) Home occupations shall not alter the residential character of the premise or unreasonably disturb the peace and quiet of the neighborhood. This includes radio and television reception of the neighboring property, nor detract from the residential character of the neighborhood. ~~by reason of color, design, materials, construction, lighting, sounds, and noises or vibrations traffic.~~
- (2) Home occupations shall be in complete conformity with this title, fire, building, plumbing, electrical, health and all other applicable state and municipal ordinances.
- (3) Home occupations shall not cause a demand for Town of Daniel or utility services or community facilities in excess of those usually and customarily provided for residential uses.



~~(4) The applicant shall provide a description of the property to be used for the home occupation. This shall include all information necessary to accurately portray the property.~~

(5) The applicant shall provide a description of the proposed use, including, but not limited to location of the use, type of business, and work performed at the location.

(6) A site plan shall be provided to the Planning Staff to determine the yard requirements, including sanitary facilities, and availability of parking space to service the proposed use, ingress and egress, ~~and landscaping.~~ ~~The site plan should also show the surrounding property within five hundred feet (500') with the names and addresses of all property owners abutting the property.~~

(7) The name, address and phone number of the responsible person or applicant shall be provided to the Town of Daniel for compliance.

(8) All applicants shall state the proposed time period of such use.

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(9) The applicant shall show in writing the proposed occupation will be located entirely within the residence and will not require the use of outside storage or accessory buildings.

(10) Any home occupation shall not restrict impact the residential traffic.

Section 8.25.04 Business License Required.

The applicant shall obtain and keep a current business license for a home occupation in addition to the permit granted by the planning staff. Such business license will not be approved by the planning staff unless and until a home occupation permit is granted.

Section 8.25.05 Annual Renewal and Review of Business License and Home Occupation Permit.

The home occupation may be inspected each year prior to renewal of the business license to determine if the business remains in compliance with this chapter. If complaints are received, the business license and home occupation permit is subject to further review and may be revoked.

Section 8.25.06 Home Occupation Standards.

The regulations of this section have been established to avoid conflict between the use of land for dwellings and the use of land for activities performed in connection with the occupation.

(1) General Requirements. Before a business license shall be issued for a home occupation, the following must be shown:

(a) A home occupation may be permitted in the RA-5, M and P-160 Zones;

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(b) The home occupation is conducted entirely within the residential dwelling and is carried on in the dwelling only by members of the residing family;

(c) The home occupation does not involve the use of any accessory buildings, ag buildings, or yard space for storage or activities outside of ~~the dwelling not normally associated with~~ reasonable residential use;

- (d) One (1) commercial vehicle, ~~not exceeding one (1) ton rated capacity,~~ may be allowed;
- (e) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
- (f) Signs are limited to one (1) non-flashing, non-illuminated sign not larger in area than ten (10) square feet; (amended 4-7-2008)
- (g) Not more than the equivalent of fifteen percent (15%) of the ground floor area of the dwelling is devoted to the home occupation;
- (h) When necessary, the home occupation shall be registered with the applicable state license division or department;
- (i) Entrance to the home occupation from outside shall be by the same entrances normally used by the residing family; and
- ~~(j) The existence of a home occupation is not discernable to neighboring residents except for the home occupation sign and the residential character of the neighborhood has not been compromised.~~