

Proposed City of Dasher Zoning Ordinance Text Amendments Home Occupations, Home Businesses, and Rural Home Occupations

** Proposed additions are shown as underline, deletions are shown as ~~strikeout~~.

Approved
11/5/01

SECTION 2

Definitions

- 2-19 **Home Business.** ~~A business that utilizes the owner's residence for administrative purposes only. All work performed by the business is away from the owner's residence. (See Section 6-1)~~ Any business occupation or profession customarily conducted on residential property and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the property for residential purposes. This includes, but is not limited to, uses such as home beauty shops with more than one operator, pet grooming, and other similar uses, including Home Occupation uses that do not meet the Home Occupation restrictions. Such uses are operated out of the proprietor's residence. Any use that would, otherwise, be allowed by right under the existing zoning shall not be deemed to be a Home Business.

- 2-19A **Home Occupation.** Any business occupation or profession customarily conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. This includes, but is not limited to, uses such as accountant, architect, art instructor, beauty shop (with no more than one operator), day cares (with no more than six (6) children and on a lot no smaller than 6,000 square feet), drafting, dressmaking, insurance agent, manufacturing agent (provided that no items are stored or delivered from the premises), music teacher, notary public, photography, real estate agent, or consultant. (See Section 6-1)

- 2-33A **Rural Home Occupation.** Any business occupation or profession customarily related to farm services or a rural environment, that is conducted on residential property and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the property for residential purposes. This includes, but is not limited to, uses such as taxidermist, tree service, woodworking, farm equipment service, and other small scale rural business activities that are secondary to the primary use of the property.

SECTION 6

Special Provisions For Certain Uses

- ~~6-1 Home Business. This provision is designed to provide for reasonable development of Home Business as an accessory use in the following zoning classifications: AU, SA, R-1, R-15, R-10, M-H, RP, CN, CR, and CH.~~
- ~~6-1.1 Home business shall be a business that uses the owner's residence for administrative purposes only. All work performed by the business is away from the owner's residence.~~
- ~~6-1.2 Property shall be owner-occupied and readily accessible to a publicly maintained artery.~~
- ~~6-1.3 The use of an accessory building shall be limited to internal storage or business office purposes only.~~
- ~~6-1.4 If an accessory structure is used for the business, the size of the accessory structure is limited to 50% of the square footage of the residential building. It shall be located behind the residential building with setback requirements of no less than 20 feet from the property line and 30 feet from the side yard.~~
- ~~6-1.5 The display of products in the front and side yard is prohibited.~~
- ~~6-1.6 Signs are allowed at a maximum of 10 square feet.~~
- ~~6-1.7 A home business shall be operated in such a manner as not to be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic and unsightly outside storage, where applicable.~~
- ~~6-1.8 No exterior storage of materials, supplies or equipment is allowed, except within an A-U zoning classification on a tract of land consisting of five acres or more, provided that a buffer consisting of no less than 20 feet of natural vegetation be maintained. All other conditions remain the same.~~
- 6-1 Home Occupation.** A home occupation as defined by this ordinance shall be governed by the following requirements:
- 6-1.1 Home occupations shall be conducted entirely within the principle dwelling, unless the occupation requires off-site work, in which case, only administrative functions may be conducted at the premises.**
- 6-1.2 Only residents of the dwelling may be engaged in the home occupation.**
- 6-1.3 The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.**
- 6-1.4 Except as otherwise stated by this section, there shall be no exterior evidence of the home occupation, including, but not limited to, outside storage of materials or equipment, nor shall such items be displayed in a manner to be viewed from the outside of the dwelling.**
- 6-1.5 No internal or external alterations inconsistent with the residential use of the building shall be permitted.**
- 6-1.6 No machinery or equipment causing noises, smoke, odor, vibration, electrical interference, or other objectionable condition may be used, nor may the occupation, otherwise, constitute a nuisance in the neighborhood.**

- 6-1.7 Instruction in music and similar subjects shall be limited to two (2) students at a time.
- 6-1.8 No more than two (2) vehicles used in conjunction with the home occupation shall be allowed, provided that any vehicles with 7500 pounds, or greater, gross vehicle weight capacity (g.v.w.c.) shall be parked in the rear yard.
- 6-1.9 Unless otherwise specified, there shall be no more than one client or customer on the premises at any one time.
- 6-1.10 No variances shall be considered to the above criteria and any occupation that does not meet the above criteria shall be considered a Home Business, if it meets the Home Business restrictions.
- 6-2 **Home Business.** A home business as defined by this ordinance shall be allowed by special exception only and be governed by the following requirements:
- 6-2.1 Home businesses shall conform to the restrictions of the Home Occupation regulations Sections 6-1.3, 6-1.5, and 6-1.8 as it pertains to the property.
- 6-2.2 Accessory buildings used for home businesses shall be subject to all applicable accessory structure standards.
- 6-3 **Rural Home Occupations.** This provision is designed to provide for the reasonable development of rural home occupations as an accessory use to rural residential uses in the A-U and S-A zoning districts. A rural home occupation as defined by this ordinance shall be governed by the following regulations:
- 6-3.1 Property for which an RHO is proposed shall be owner occupied and located in either the A-U or S-A district.
- 6-3.2 Any accessory structure shall meet the principle building setback lines of the A-U district. In addition, the RHO shall be setback at least one hundred (100) feet and buffered so that the use is not visible from any residential uses on adjacent properties. If said RHO is at least five hundred (500) feet from neighboring residential uses, then buffering shall not be required.
- 6-3.3 Any RHO shall be operated in such a manner as to not be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic and unsightly outside storage.
- 6-3.4 No display of products shall be allowed in the front yard.
- 6-3.5 Only one sign advertising the accessory use, not exceeding eight (8) square feet in size, motionless, and not lighted, shall be permitted in the conduct of the proposed RHO use.
- 6-3.6 There shall be no on-street parking connected with the RHO.
- 6-3.7 Items sold on the premises shall be limited to those manufactured, grown, or processed on the premises by the RHO.

SECTION 5

Schedule of Permitted Uses and Development Standards

LAND USE	ZONING DISTRICT															
	S-A	A-U	E-R	F-H	R-1	R-15	R-10	M-H	MHP	R-P	C-N	C-R	C-H	C-A	M-1	M-2
RESIDENTIAL AND RELATED USES																
11. HOME BUSINESS (See Section 6-2)	* SE	* SE	SE	* SE	* SE	* SE	* SE	* SE	SE	* SE*	X	X	X		X	X
11A. HOME OCCUPATION (See Section 6-1)	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
11B. RURAL HOME OCCUPATION (See Section 6-3.)	SE	SE	SE													
66. NURSERY SCHOOLS AND DAY CARE CENTERS (more than six children) AND KINDERGARTENS: a) off-street loading and unloading spaces are supplied; and b) at least one-hundred (100) feet of outdoor play area is supplied for each child accommodated; and c) the entire play area is enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured; and d) point of business signs and identification signs shall be allowed only as followed for home occupation point of business sign	SE	SE	SE	SE	SE	SE	SE	SE	SE	X						