

## City Of Brier Home Occupation Process for a Business License

### **17.12.030 Home occupation license required.**

Existing home occupations shall apply to the city for license renewal no later than one year following issuance of the valid license and each year thereafter. New home occupations shall be issued a license following review and city council approval of the application and shall be required to apply for license renewal on an annual basis. Application procedure and license renewal information is further described in Section 17.12.050 of this division. (Ord. 20.W §5, 2001; Ord. 20.M §8.3, 1991)

### **17.12.040 Performance criteria.**

Home occupations shall be permitted in single family residential zoning districts provided they meet all of the following criteria.

**Please address the following questions that follow each criteria on a separate piece of paper referencing the letter (A,B,C Ect.)**

Giving complete information is in your best interest. If a question does not apply Mark as "N/A"

**Criteria A.** The floor area devoted to a new home occupation not exceed twenty-five percent of the living area of the dwelling unit or one thousand, two hundred fifty square feet, whichever is less. No new home occupation shall be allowed in any accessory building or detached garage. Home occupations may be permitted in an attached garage, but for purposes of computing the living area, the area of the garage shall be excluded.

What is the proposed size of the floor area dedicated to the new home occupation, and where will it be located within the dwelling?

**Criteria B.** Existing home occupations, including those currently operating from an accessory building or detached garage, shall be permitted to continue provided the home occupation meets the other performance criteria of this section. Transfer of the home occupation pursuant to a will and inheritance shall be permitted provided the other performance criteria of this section are met. Additions or expansions of existing home occupations may be permitted with city council approval, provided the total square footage devoted to the home occupation does not exceed one thousand, two hundred fifty square feet.

Is this an existing home occupation that is currently operating from an accessory building or detached garage? Are you requesting an addition or expansion of an existing home occupation? If so, how many square feet of the home will be dedicated to the new home occupation?

**Criteria C.** The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.

Will the home occupation be clearly incidental and secondary to the use of the property for residential purposes?

**Criteria D.** The home occupation must be carried on by resident(s) of the dwelling with not more than three nonresident persons being employed on a full-time basis or the equivalent of full-time hours. "Resident" shall mean a person who actually resides within the residence on a full-time basis and intends to remain permanently at the dwelling. Persons engaged in building trades or similar fields, using their dwelling units as an office for business activities carried out off the premises may have more employees if such employees do not work on the premises.

Will the home occupation be carried on by resident(s) of the dwelling? How many employees will work at the residence? How many of these employees are nonresidents of the dwelling?

**Criteria E.** There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, except that retail sales may be made in conjunction with other permitted home occupations. For example, a hair stylist would be allowed to sell combs, shampoo and other miscellaneous items to clients. However, a dressmaker, for example, would be required to do custom work for specific clients and would not be allowed to develop stocks of dresses on-site for sale to the general public.

Will any stocks of merchandise, supplies, or products be sold at the dwelling? If so, explain.

**Criteria F.** There shall be no exterior evidence of the home occupation, and the structure in which the home occupation is located shall be residential in character. Structural modifications or additions shall require city council approval.

Will there be any exterior evidence of the home occupation?

**Criteria G.** The home occupation and activities associated with such home occupation shall be visually buffered from adjacent land uses. Fencing and/or landscaping may be required by the city to mitigate the impacts of the home occupation on adjacent land uses.

Will home the home occupation activities be visually buffered from adjacent land uses? How?

**Criteria H.** There shall be no externally visible storage of business materials except nursery plants.

Will there be visible external storage of business materials other than nursery plants?

**Criteria I.** Electrical or mechanical equipment or processes that create visible or audible interference in radio or television receivers or fluctuations in line voltage outside the dwelling unit or which create a hazard or nuisance such as noise, vibration, dust, heat, odors, glare, fumes or fire hazards shall be prohibited.

Will there be any electrical or mechanical equipment or processes that create visible or audible interference in radio or television receivers or fluctuations in line voltage outside the dwelling unit or which create a hazard or nuisance such as noise, vibration, dust, heat, odors, glare, fumes or fire hazards?

**Criteria J.** The home occupation shall not generate significantly greater traffic volume than would normally be associated with residential use or that creates a nuisance to the neighborhood. Deliveries from commercial suppliers to the property shall not exceed an average of two trips per week over a one-month period.

Will the home occupation generate significantly greater traffic volume than would normally be associated with residential use or that creates a nuisance to the neighborhood? Will there be commercial deliveries associated with the home occupation, and if so, how often?

**Criteria K.** Off-street parking shall be provided for employees and clients.

Will there be adequate off-street parking for employees and clients? Where will the off-street parking be located?

**Criteria L.** No internal or external alterations involving a change in the fire rating of the structure shall be permitted.

Will there be any internal or external alterations that involve a change in the fire rating of the dwelling?

**Criteria M.** The hours of operation for any home occupation shall be within the following time periods: 7 a.m. to 8 p.m. Mondays through Fridays and 9 a.m. to 6 p.m. Saturdays. Daycare operations may commence as early as 6 a.m.; however, no outdoor play shall be permitted before 7 a.m. Adult education classes shall be required to terminate by 9:30 p.m. Home occupations that are not detectable, involving writing, for example, may be excepted from the foregoing hour limitations.

What will the hours of operation be?

**Criteria N.** Adult education classes shall be held no more frequently than fifteen times per month in order to be considered a home occupation. Classes that meet more frequently than three times in any seven-day period shall be subject to conditional use permit requirements as described in Section 17.36.050 of this division.

Will there be adult education classes held at the dwelling? If so, what is the schedule for the classes?

**Criteria O.** The home occupation shall not result in significant adverse impacts on the environment.

Will the home occupation result in a significant adverse impact on the environment?

**Criteria P.** One sign shall be allowed, not to exceed six square feet, non-illuminated, constructed of wood with routed lettering to be compatible with the city's semi-rural character, and subject to any other limitations then applicable by the current sign ordinance of the city. A sketch of the proposed sign shall accompany the home occupation license application.

Will you install a sign identifying the home occupation? If so, will it comply with Brier's current sign ordinance?

**Criteria Q.** All home occupations shall present a state business license or required state permits upon application for a home occupation license.

Do you have a current state business license and/or permits to operate your home occupation? Did you submit these with your application?

**Criteria R.** All home occupations shall be subject to inspection, upon reasonable request, of the city public works department, police department, or other department responsible for supervision and oversight.

Will you allow inspection, upon reasonable request, by the city public works department, police department, or other department responsible for supervision and oversight?

**Criteria S.** The home occupation shall comply with all the requirements of the city's nuisance and noise ordinances.

Will the home occupation comply with all requirements of the City's nuisance and noise ordinances?

**Criteria T.** Garage sales may be permitted up to three times per year per residence with administrative approval from the city.

Do you plan on holding garage sales on the property? If so, how many per year?

**Criteria U.** If two or more home occupations shall operate on one property, the combined home occupations shall comply with the foregoing performance standards. (Ord. 20.M §8.4, 1991)

Are there any existing home occupations at the dwelling? If so, will the existing and proposed home occupations jointly comply with the foregoing performance standards?

**17.12.050 Procedure.**

**A. Application.** All new home occupations and all existing home occupations shall be required to apply for a license or license renewal on an annual basis, which shall be issued only after conformance to the performance criteria and other requirements of this section, has been established. All new home occupations and applications for license renewal of existing home occupations shall be on forms prescribed by the city clerk which shall require the applicant to describe in sufficient detail the nature of the home occupation and associated impacts. Sufficient detail to determine whether or not performance standards can be met shall be provided by the applicant.

**B. City Council Review.** New home occupations shall be set for hearing before the city council. Notification of the time, place and purpose of the hearing shall be given as required for conditional use permits. Additionally, there shall be placed on the property a clearly visible notice stating that an application to operate a home occupation has been filed with the city and noting the date and time of the city council hearing. At the public hearing, the city council shall take the testimony from all parties and conduct a hearing which shall provide the applicant proponent, those opposed and any other persons with an interest in the proceedings full opportunity to be heard. The city council shall follow usual quasi-judicial rules of proceedings. Following the conclusion of the hearing, the city council shall make a final determination on the application. If a new home occupation can reasonably conform to the performance criteria, either through mitigation or amendment to the application provided by the proponent, the license or permit shall be issued. Any application for a new home occupation not previously licensed by the city that does not meet the performance criteria shall be denied.

**C. Time Limit.** All home occupation licenses issued hereunder shall be valid for a period of one year, whereafter a renewal shall be required, and an inspection to insure compliance with the

requirements of this section may be conducted by the city. Any change in ownership of a home occupation, whether by conveyance, under will or inheritance, by assignment or other transfer in whole or in part, shall require the subsequent owner or operator to apply for a new license.