

## **Chapter 19.08. Home Occupations.**

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### **19.08.01. Purpose.**

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in dwellings only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

(Ord. 16-07, Ord. 11-9)

### **19.08.02. Categories.**

1. Class 1: A low impact Home Occupation that:
  - a. does not receive more than two patrons, customers, clients, deliveries, or students, on any given day and
  - b. does not increase odors or noise, and
  - c. does not have any on-premise employees that are not members of the resident family or household.
  
2. Class 2: A Home Occupation that:
  - a. receives between three and eight total patrons, customers, clients, deliveries, or students at any given time, up to a maximum of 16 total patrons, customers, clients, deliveries, or students in any given day, or
  - b. has up to two on-premise employees that are not members of the resident family or household, or
  - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
  
3. Class 3: All other Home Occupations.

(Ord. 16-07)

### **19.08.03. Performance Standards.**

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are

preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. **Dwelling Type.**
  - a. Class 1 Home Occupations are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
  - b. Class 2 and 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.
2. **Floor Area.** A Home Occupation shall not occupy or use more than 40% of the finished square footage of the dwelling at any given time.
3. **Prohibited Uses.** Restaurants, or any uses in Section 19.04. that are permitted or conditional uses solely in the Office Warehouse and/or Industrial Zones, are prohibited as Home Occupations.
4. **Building and Fire Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.
5. **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.
6. **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.
7. **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.
8. **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.
9. **Signs.** A Home Occupation may display a sign not exceeding the size permitted for permanent signage in Section 19.18. The design and placement of a proposed sign must receive approval per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

10. **Hours of Operation.** Class 2 and 3 Home Occupations shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..
11. **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.
12. **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.
13. **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.
14. **Capacity.**
  - a. Class 2 Home Occupations shall not exceed eight patrons, customers, clients, deliveries, or students at any one time, and shall not exceed 16 patrons, customers, clients, deliveries, or students in one day.
  - b. Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and shall not exceed 40 patrons, customers, clients, deliveries, or students in one day.
15. **Traffic and Utilities Use.**
  - a. Class 1 Home Occupations shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses.
  - b. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.
16. **Business License.** A business license is required for all Home Occupations as allowable per State Code.
17. **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

(Ord. 16.07, Ord. 13-16, Ord. 12-9, Ord. 11-9.)

#### **19.08.04. Approval Process.**

1. Class 1 applicants are not required to obtain a Home Occupation Permit.
2. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of

this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.

3. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
  - a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.
  
4. Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process.
  - a. The Planning Commission shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. After conducting a public meeting and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

(Ord. 16-07, Ord. 13-16, Ord. 12-9, Ord. 11-09)

**19.08.05. Noncompliance.**

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City Staff or the Planning Commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

(Ord. 16-07, Ord. 12-9, Ord. 11-09)