

First Reading: August 26, 2019
Second Reading: September 3, 2019
Final Adoption: September 9, 2019
Published: September 12, 2019
Effective Date: October 2, 2019

ORDINANCE NO. 19-08-01

**AN ORDINANCE AMENDING THE ZONING REGULATIONS
OF THE ABERDEEN CITY CODE
REGARDING BUSINESS USE OF HOMES**

WHEREAS, the City Council of the City of Aberdeen is charged with providing for the health, safety, and property of its citizens, and does so through the comprehensive zoning ordinances adopted at Chapter 60 of the Aberdeen City Code; and

WHEREAS, Section 60-286 provides that no amendment, supplement, or change to Chapter 60 shall become effective unless it shall have been proposed by, or shall first have been submitted to, the planning and zoning commission for review and recommendation; and

WHEREAS, the Planning and Zoning Department was directed to propose an amendment to Sec. 60-194 of Chapter 60 regarding business use of homes; and

WHEREAS, the Planning and Zoning Department supported such amendment; and

WHEREAS, pursuant to Aberdeen City Code, Sec. 60-286, the City of Aberdeen planning commission held a public hearing on August 20, 2019, upon notice properly given, to study and report on the proposed amendment to the zoning ordinance, and the planning commission thereafter recommended approval of the amendment by the City Council; and

WHEREAS, the City Council has determined that the following amendment will benefit the health, safety, and property of its citizens.

**BE IT ORDAINED BY THE CITY OF ABERDEEN THAT THE FOLLOWING
CHANGES AND ADDITIONS SHALL BE MADE TO THE ABERDEEN CITY
CODE:**

1. Sec. 60-194 of Chapter 60 – *Zoning* is hereby amended as follows:

Sec. 60-194. - Home occupation.

(a) *Characteristics.* The purpose of this section is to provide for business uses in association with dwellings where such uses will clearly not alter the character or appearance of the residential environment. A home occupation will be permitted in all residential and agriculture zoned districts.

(b) *Criteria.* Home occupations shall be authorized only if they meet the following criteria:

- (1) There shall be no change in the outside appearance of the dwelling or premises and the use of the dwelling unit for the home occupation shall be clearly incidental and clearly subordinate to its use as a residence.
- (2) In no case shall more than two home occupations be conducted on a single site.
- (3) Home occupations shall be conducted primarily between the hours of 7:00 a.m. and 10:00 p.m.
- (4) No home occupation shall be conducted in any accessory building or structure; i.e., garage, carport, shed, storage building. Horticulture activities may be conducted outdoors but within the rear one-third of the lot.
- (5) On-premises advertising shall be limited to one nonilluminated wall sign not more than eight square feet and projecting 12 or fewer inches. The sign must be affixed to an exterior wall of the dwelling and shall be neutral in color, with the legend showing only the name of the occupant and type of home occupation. A sign permit must be obtained from the city planning and zoning department for a home occupation sign. The name, telephone number and purpose of the home occupation may be advertised on not more than one vehicle which is operated by the resident of the dwelling in conjunction with the business. The home address may appear on business cards, letterhead and invoices when the home address is also the business address.
- (6) ~~No more than one employee may reside off the dwelling premises. All employees shall be members of the resident family and shall reside on the premises.~~
- (7) The home occupation may involve the use of one commercial vehicle, not to exceed 8,000 pounds gross weight or a single vehicle limousine service.
- (8) One off-street parking space shall be provided for any vehicle used in the home occupation.

- (9) Materials or equipment which are used or will be used in the home occupation shall not be stored outdoors or in any other accessory structure on the premises.
- (10) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted material shall be stored on site.
- (11) Delivery and/or pickup of products at the home for business purposes shall not occur more frequently than once per day. Delivery by trucks or vehicles not ordinarily utilized for residential deliveries shall be prohibited.
- (12) No equipment or process associated with the home occupation shall be used which creates noise, smoke, dust, vibration, glare, odors, electrical interference, or radio and television transmission interference detectable outside of the dwelling unit.
- (13) No mechanical equipment other than that ordinarily utilized within a dwelling unit for household or hobby use shall be permitted.
- (14) The operation of the home occupation shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the residential area in which the home occupation is conducted, except under the following conditions: Occasional parties, meetings or classes associated with the home occupation are permissible. The parties, meetings or classes shall in no case be held more than four times monthly and vehicles shall in no way impede the safety and flow of traffic within the neighborhood.
- (15) If the home occupation is the type in which classes are held or instructions given, there shall be no more than four students on the premises at one time. Parking restrictions as indicated in subsection (b)(14) of this section shall apply.
- (16) Merchandise or services offered for sale shall be clearly incidental to the home occupation and produced or rendered by the occupants.
- (17) If the home occupation is to be conducted in a rental property, the property owner's written authorization for the proposed use shall be obtained and kept on file by the proprietor of the home occupation.
- (18) The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.
- (19) The area set aside for a home occupation shall not exceed 20 percent of the total floor area of the residence. The permissible floor area includes that space necessary for storage of goods or products associated with the home occupation.

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Travis Schaunaman, Mayor

ATTEST:

Karl Alberts, Finance Officer