

# Home Occupations Research

## Dunwoody Zoning Ordinance Update

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**COMPARISON OF KEY HOME OCCUPATION REGULATIONS****CUSTOMER/CLIENT VISITS ALLOWED?**

Sandy Springs	Yes, maximum 2 at a time; none in multi-family dwelling
Roswell	Yes, maximum 2 at any one time if students; otherwise maximum of 2 per week
Decatur	Yes, maximum of one music student for 4 hours per day or 3 other students (private tutor or nursery school). No express maximum for other home occupations
Marietta	Yes, maximum 2 at any one time if students; otherwise maximum of 2 per week
Dunwoody	Yes, maximum 3 at any one time if students; otherwise maximum 2 at any one time

**OUTSIDE EMPLOYEES ALLOWED?**

Sandy Springs	Yes, but only if "members of resident family"
Roswell	Yes, maximum one
Decatur	No
Marietta	Yes, maximum one
Dunwoody	Yes, maximum one nonresident employee, provided there are no customers/clients (outside employees <u>or</u> customer visits, not both)

**MAXIMUM FLOOR AREA ALLOWED FOR HOME OCCUPATION?**

Sandy Springs	25% of dwelling unit floor area or 750 sq. ft.
Roswell	25% of dwelling unit floor area or 750 sq. ft., whichever is less
Decatur	No stated maximum
Marietta	25% of dwelling unit floor area or 750 sq. ft., whichever is less
Dunwoody	25% of dwelling unit floor area or 500 sq. ft., whichever is less

# SANDY SPRINGS

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## HOME OCCUPATION REGULATIONS

### 4.12. HOME OCCUPATION.

A home occupation is permitted as an accessory use of a dwelling unit in any zoning district and its operation and employees are limited to members of the resident family only. The following are limitations on home occupations:

A. The smaller of twenty-five percent (25%) or seven hundred fifty (750) square feet of the gross floor area of a dwelling unit may be used for activities devoted to the home occupation.

B. Accessory buildings and structures may not be used for the home occupation.

C. There shall be no signs identifying the home occupation, nor shall there be any storage, display or activity associated with the home occupation visible outside the structure.

D. The following uses are excluded from home occupations: automobile repair or similar operations, restaurants, keeping of animals, funeral homes, retail or wholesale uses, hotel/motel type uses, taxi services, or any other occupation found incompatible with the intent of this Ordinance.

E. Resident participants in a home occupation must have the appropriate occupational licensing, including business licenses.

F. No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive.

G. No more than two (2) individual clients or patrons are allowed on the premises at the same time in conjunction with a home occupation (except for persons in care at a family day care home, where no more than six (6) clients are allowed); however, no home occupation within a multifamily dwelling unit shall involve client visits, as provided in subparagraph Q of this section.

H. Vehicles kept on site in association with the home occupation shall be used by residents only.

I. The transporting of goods for the home occupation by truck is prohibited.

Incoming vehicles related to the home occupation shall be parked off-street within the confines of the residential driveway or other on-site permitted parking.

J. Home occupations must exclude the use of instruments, machinery or equipment that emit sounds (i.e. musical instruments, sewing machines, saws, drills) that are detectable beyond the dwelling unit.

K. A family day care home is prohibited within a multifamily dwelling unit.

L. A family day care home shall provide outdoor play areas as required by Georgia law, but such areas shall be limited to side or rear yards outside the minimum yard area, and shall not occupy any yard adjoining a street.

M. A family day care home shall be located at least one thousand (1,000) feet in all directions from any other such use operated as a home occupation.

N. Hours of operation of a family day care home operated as a home occupation shall be limited to Monday through Saturday from 6:00 o'clock A.M. to 7:00 o'clock P.M.

O. A family day care home operator shall have a current, certified copy of the operator's State of Georgia family day care home registration which shall be filed with the business license application and renewals.

P. No home occupation shall be operated so as to create or cause a nuisance.

Q. The following are additional limitations on home occupations within multifamily dwelling units:

1. No home occupation within a multifamily dwelling unit shall involve customer or client visits, and no clients or customers shall be served on site.
2. If the property on which the home occupation is located is a rented multifamily dwelling unit, written approval from the owner or management of the property allowing the home occupation on the premises must be obtained, submitted to the City prior to the issuance of a business license/occupation tax certificate, and maintained on the premises

## ROSWELL

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### HOME OCCUPATION REGULATIONS

Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

#### Section 10.23.1 General Provisions

Home occupations may be established in a dwelling as more specifically provided in permitted uses requirements for zoning districts established by this ordinance. No more than two (2) home occupations may be established in a dwelling, provided that the standards of this chapter are met. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one (1) or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration (Home Occupation License).

#### Section 10.23.2 Physical Limitations

The gross floor area of a dwelling unit devoted to a home occupation shall not exceed seven hundred fifty (750) square feet, or twenty-five (25) percent of the gross floor area of the dwelling, whichever is less. No accessory buildings shall be used in connection with the home occupation.

#### Section 10.23.3 Alterations to the Dwelling

The exterior appearance of the dwelling must be that of a dwelling. No internal or external alterations inconsistent with the residential use of the building may be permitted.

#### Section 10.23.4 Vehicles and Parking

Vehicles kept on site in association with the home occupation shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation.

Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. The transporting of goods by truck is prohibited.

#### Section 10.23.5 Equipment, Off-Site Impacts, and Nuisances

No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that are detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

#### Section 10.23.6 Visitations Prohibited

Visitations by clients shall be limited to two (2) per week in conjunction with a home occupation; provided, however, that the following exceptions are made for purposes of meeting overriding public goals of education and the care of children

- a. Instruction in music, dance, arts and crafts, and similar subjects, limited to two (2) students in the home at one time.
- b. A “family day care home,” as defined by this ordinance.

Section 10.23.7 Signs Prohibited

There shall be no signs identifying the home occupation.

Section 10.23.8 Employees and Licenses

Only occupants of the dwelling, and one (1) additional employee or consultant or agent or subcontractor shall be authorized to work on the premises in connection with a home occupation (s). Any occupational licenses, including business registrations, required by state, county, or city regulations must be obtained. Proof of state issued license registration, if required for the home occupation, must be submitted to the City of Roswell prior to the issuance of a business registration.

Section 10.23.9 Display, Stock-in-trade, Sales, and Storage

There shall be no display and neither stock-in-trade nor commodity sold or stored on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling.

Section 10.23.10 Uses Specifically Prohibited

The following uses are specifically prohibited as Home Occupations (list not all inclusive)

auto sales or auto repair; restaurants; animal hospital, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; personal service establishments; special events facilities; or lodging services.

# DECATUR

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## HOME OCCUPATION REGULATIONS

(embedded in definition)

Any occupation or activity entirely incidental to residential use, when (1) carried on in the Main Building and is not used primarily or exclusively for the home occupation; (2) is carried on by a member of the immediate family, residing on the premises, (3) there is no commodity displayed or sold upon the premises; (4) no person is employed other than a member of the immediate family residing on the premises; and (5) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall also include private tutoring limited to three pupils at any one time; nursery schools limited to three pupils; musical instruction limited to a single pupil at a time and a maximum of four hours of instruction per day; day care home, small; architects, professional engineers, surveyors, and other professional persons, provided that no person is employed other than a member of the immediate family residing on the premises. However, a home occupation shall not be interpreted to include barber shops and beauty parlors, palm reading/tarot card reading or similar business in which spiritual advice or fortune telling is conducted for a fee; commercial stables, kennels, or any kind of automotive service and repair except cars that are registered to the subject address or incidental to the use of the property. (Amended, Ordinance No. 2005-105, December 19, 2005)

Home occupation may include the use of premises by a physician, surgeon or dentist for an office, consultation, or emergency treatment, but not as a clinic, hospital, or other medical practice. (Amended, Ordinance No. 2002-72, August 19, 2002)

## MARIETTA

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### HOME OCCUPATION REGULATIONS

Certain occupational uses termed "home occupations" are allowed in dwelling units on the basis that such uses are minor to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses are:

1. Minor to the use of the premises as a residence
2. Conducted within the bona fide residence of the principal practitioner
3. Compatible with residential uses
4. Limited in extent and do not detract from the residential character of the neighborhood

There are two types of home occupations, Type A and Type B. Permit requirements and uses allowed in each type vary and are allowed only if they comply with all of the requirements of this ordinance. Deviation from any standard requires a variance approval from City Council.

- **Type A - limited home occupation**

Residents are permitted to use their home as a place of work, home office or business mailing address. Employees or customers are prohibited from coming to the site. (e.g. artists, crafts people, writers and consultants.)

- **Type B - special land use permit home occupation**

Residents are permitted to use their homes for work which requires or results in either employees or customers coming to the site. Examples are counseling, tutoring and certain office uses. For this type of home occupation you must obtain a special land use permit from City Council because of their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property.

[Type B - Home Occupation Permit Application](#)

General provisions and prohibited uses for a home occupation

All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 750 square feet or 25 percent of the floor space, whichever is less, of the dwelling unit (including attached garages) may be used for the occupation.
2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license be obtained, subject to property compliance verification by the Department of Development Services. For Type B home occupations a new public hearing must be held for the rights associated with the special land use permit to be reestablished.
3. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.

4. Off-site employees of the resident shall not congregate on the premises for any purpose concerning the home occupation nor park their personal vehicles at the location.
5. No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.
6. No more than one vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to one and a half-ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface.
7. No use or activity may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.
8. All home occupations shall be subject to periodic inspections by the Department of Development Services.
9. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
10. Group instruction, assembly or activity shall be prohibited.
11. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
12. The Department of Development Services must approve all business licenses which shall be recertified annually.

#### **Specific Criteria for Type A Home Occupations**

In addition to the general criteria established above, home occupations are subject to the following restrictions:

1. No clients, non-resident employees or customers are allowed on the premises.
2. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than two axles and shall be restricted to no more than two pickups or deliveries per day between the hours of 8 a.m. and 6 p.m.
3. No signage regarding the home occupation is permitted on the property.
4. No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property.

#### **Specific Criteria for Type B Home Occupations**

In addition to the general criteria established above, Type B home occupations are subject to the following restrictions:

1. A special land use permit must be obtained from City Council following a public hearing, which shall follow the same procedures and fees set forth in Division 720. City Council shall consider the desires of the immediate neighborhood, the nature of the proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values.
2. No Type B home occupation may be established in districts zoned for multi-family residential purposes.
3. No more than one Type B home occupation per dwelling is permitted.
4. Uses that may be permitted as Type B Home Occupations include those in which only the occupants of the dwelling and one additional employee or consultant or agent or subcontractor shall be authorized to work on the premises. Visitation by clients in conjunction with a home occupation shall be limited to two per week; provided however, that the following exception is made for purposes of meeting overriding public goals of education:
  - o Tutoring or the instruction of music, dance, arts and crafts and similar subjects, limited to two students in home at one time.
5. The following uses are specifically prohibited as Type B home occupations (list not all-inclusive): auto sales or auto repair; restaurants or any preparation of food or drink; animal hospitals; veterinary clinics; kennels or the keeping of animals; funeral homes; retail or wholesale shops; personal service establishments; special events facilities; lodging services; or day care.
6. Customers may visit the site only between the hours of 8 a.m. and 8 p.m.
7. The applicant for any proposed Type B home occupation must provide city staff with a copy of the most recent recorded protective covenants applicable to the subject property. The applicant must submit a copy of the request to the homeowner's association, if any, and must provide a copy of the response, if any, to the

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city staff. The burden of proof shall be upon the applicant to show that the proposed use is allowed by the protective covenants

8. If the proposed use clearly violates the subdivision covenants, staff shall have the authority to deny the application. The applicant may appeal the denial to City Council at the next regularly scheduled meeting, but such an appeal shall not require a public hearing. If staff's decision is affirmed by City Council, the matter shall be concluded. If City Council reverses staff's decision, the matter would be placed on a subsequent City Council agenda for a full public hearing.

## DUNWOODY

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### PROPOSED HOME OCCUPATION REGULATIONS

#### 27-1.10 Home Occupations

##### 27-1.10-A. Purpose

The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

##### 27-1.10-B. Type A and Type B Home Occupations

Two types of home occupations are defined and regulated under this section: Type A and Type B.

##### 1. Type A Home Occupations

Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.

##### 2. Type B Home Occupations

Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.

##### 27-1.10-C. Exemptions

##### 1. Personal Care Homes

Personal care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Personal care homes are allowed as indicated in the use tables of Sec. 27-4.20 and Sec. 27-5.20. Supplemental regulations applicable to some personal care homes can be found in Sec. 27-9.150

##### 2. Day Care

Day care uses are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care uses are allowed as indicated in the use tables of Sec. 27-4.20 and Sec. 27-5.20. Supplemental regulations applicable to some day care uses can be found in Sec. 27-9.70.

##### 3. Bed and Breakfast



Bed and breakfasts are not regulated as home occupations and are exempt from the home occupation regulations of this section. Bed and breakfasts are allowed as indicated in the use tables of Sec. 27-4.20 and Sec. 27-5.20. Supplemental regulations applicable to bed and breakfasts can be found in Sec. 27-9.30.

#### 27-1.10-D. Prohibited Home Occupations

The following uses are expressly prohibited as home occupations:

1. any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. equipment or supply rental businesses;
4. taxi, limo, van or bus services;
5. tow truck services;
6. taxidermists;
7. restaurants;
8. funeral or interment services;
9. animal care, grooming or boarding businesses; and
10. any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

#### 27-1.10-E. Where Allowed

##### 1. Type A Home Occupations

Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of Sec. 27-10.30-F and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of Sec. 27-10.30-F apply to the combined home occupation uses.

##### 2. Type B Home Occupations

Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in Sec. 27-10.30-G. Type B home occupations are subject to the general regulations of Sec. 27-10.30-F, the supplemental regulations of Sec. 27-10.30-G and all other applicable regulations of this section. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.

#### 27-1.10-F. General Regulations

All Type A and Type B home occupations are subject to the following general regulations.

1. Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Dunwoody. Home occupations must be operated so as not to create or cause a nuisance.

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2. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
3. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
4. Signs that directly or indirectly, name, advertise, or call attention to a business, product, service or other commercial activity occurring on the subject property are prohibited.
5. Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.
6. The area devoted to the conduct of all home occupations present on the property is limited to 25% of the dwelling unit's floor area or 500 square feet, whichever is less.
7. No window display or other public display of any material or merchandise is allowed.
8. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
9. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises.
10. The provisions of paragraph 9 (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.

## 27-1.10-G. Supplemental Regulations for Type B Home Occupations

Type B home occupations are subject to the following regulations in addition to the general regulations of Sec. 27-10.30-F.

1. Customers or clients may visit the site only from 8 a.m. to 8 p.m. No more than 2 clients or customers may be present at any one time, except that up to 3 students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
2. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
3. No stock in trade may be displayed or kept for sale on the premises and no on-premise sales may be conducted.
4. Teaching-related home occupations are permitted as of right. All other Type B home occupations are subject to approval of an administrative permit in accordance with Article 23.