

ORDINANCE 2012-23

AN ORDINANCE AMENDING PORTIONS OF THE ZONING CODE (ORDINANCE 683) RELATING TO HOME OCCUPATIONS; AND FOR OTHER PURPOSES

WHEREAS, the regulation of home occupations within the Zoning Code is vital to carrying out or protecting the provisions of the City's Comprehensive Plan; and

WHEREAS, new developments in the exercise of home occupations have rendered the current home occupation regulations within the Zoning Code obsolete; and

WHEREAS, the city staff and the city's Planning and Growth Committee has made a thorough study of the city's needs with regard to the regulation of home occupations and prepared a new set of regulations and presented those to the Planning Commission; and

WHEREAS, the Planning Commission, after holding a duly authorized public hearing has recommended the new home occupation regulations to the City Council.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEARCY, ARKANSAS:

Section 1: Chapter VIII of the Zoning Code be amended to reflect the following:

Policy: The City of Searcy encourages working from home to the extent that it does not diminish the value or use of neighboring residential properties. The reduction of both vehicle use and need for public service constitutes a public benefit and, to that end, the city recognizes home occupations as a permitted use in all residential districts subject to the provisions described in this section.

Objective: The objective for this section is to provide a simple and inexpensive process for owner occupants to engage in home occupations that do not disrupt or diminish the integrity of residential neighborhoods. This objective also includes the policy that the use of a private residence for a home occupation will not be readily apparent from outside the residence.

General: This Chapter does not apply to commercial or industrial zoning districts. Home occupations, as defined herein, are permitted in all residential districts and the UT (Urban Transitional) district in accordance with the following provisions:

A. Home occupations are only those occupations that meet all of the requirements listed below. Home occupations are approved administratively by city staff and require a city business license.

B. The home occupation is located completely within the principal dwelling unit.

- C. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.
- D. The home occupation is not primarily a retail sales operation. Incidental sales of hand-carried objects, such as sheet music, manuals, musical instrument parts, computer supplies, software, and art supplies, are permitted.
- E. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
- F. The home occupation does not display merchandise in a manner visible from the street or have outside storage of equipment or materials.
- G. The home occupation does not alter the external appearance of the principal dwelling unit.
- H. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
- I. The home occupation has no signage visible from the street.
- J. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
- K. The home occupation will not result in more than two customer vehicles parked at the principal dwelling unit at a time.
- L. The home occupation does not involve the external or visible manufacturing of goods on-site.
- M. The home occupation does not require outgoing delivery vehicles and no parked vehicle will serve as advertising for the home occupation.
- N. The home occupation does not require pickup of non-household solid waste. No dumpsters are permitted for home occupations.
- O. Examples of Home Occupations:
1. Activities conducted principally by telephone, computer, facsimile, or mail
 2. Studios where handicrafts or objects-of-art are produced
 3. Dressmaking or apparel alterations
 4. Bookkeeping services
 5. Music lessons
- P. Prohibited Home Occupations:

1. Bed and breakfast, unless approved as a Conditional Use in a residential district allowing such use.
2. Eating and drinking establishments
3. Kennels
4. Commercial sales or leasing of vehicles
5. Rest home
6. Clinic, Doctor or Dentist Office
7. Tourist Home
8. Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

Section 2: That appropriate sections of the Zoning Ordinance be amended to permit home occupations by right in all residential districts.

Section 3. All portions of the Zoning Code and its amendments thereto not specifically amended or revised by this Ordinance are hereby reaffirmed, remain unaltered and remain in full force and effect.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the Ordinance which can be given effect without the invalid provisions or portions.

Section 5. The regulation of home occupations and the ensuring of neighborhood stability in accordance with a comprehensive plan and the continued utilization of lands within the City of Searcy in accordance therewith being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage.

Passed and adopted this 10th day of July, 2012

/s/ David Morris
David Morris, Mayor

ATTEST:

/s/ Margaret Meads
Margaret Meads, Clerk/Treasurer