

Home Occupation Application

Application Fee: \$50.00 (As of July 1, 2021)



Date Paid: _____

Application Date _____

Method of Payment: _____

Business Name: _____

Have you received Athens Zoning Ordinance § 3.9.1.A Home Occupation Regulations? YES NO

Home Occupations are regulated by § 3.9.1.A of the Athens Zoning Ordinance. **Future changes to the Zoning Ordinance may change rules regulating home occupations.** The complete Zoning Ordinance may be found online at www.athensal.us

APPLICANT INFORMATION

Name _____

Home's Physical Street Address _____

(PLEASE NOTE: You must notify our office of any address changes.)

Primary Phone Number – Home Cell Business _____

2nd Phone Number – Home Cell Business _____

E-mail address _____

BUSINESS INFORMATION

What is the nature of the business? _____

What part of the business is conducted within the home? _____

Is the business owner a full-time resident of the dwelling? YES NO

Does the business employ people who are NOT members of the resident family? YES NO

Will the home occupation use more than 25% of the home's floor area? YES NO

Does the home occupation involve use or storage of explosive, highly combustible, or hazardous material? YES NO

Will the home occupation need any on-site outdoor storage for materials, products, or machinery? YES NO

Will the home occupation need any off-site outdoor storage for materials, products, or machinery? YES NO

If YES, Where will storage be located? _____

Will the home occupation operate at "night" (between the hours of 8 p.m. to 7 a.m.)? YES NO

Will this business have parties for the purpose of taking orders for selling merchandise more than one (1) time a week? YES NO

Does the home occupation have a commercial vehicle that exceeds twenty (20) feet in overall length OR seven (7) feet in height OR has a load capacity greater than one (1) ton? YES NO

Are there any more businesses (home occupations) operated from your home address? YES NO

If answered **YES**, please list the names of the businesses in the space provided below or on an attached sheet and identify if it is a minor home occupation or major home occupation.

AND ALSO, are any of these classified as major home occupations (a home occupation that had to be granted approved by the Zoning Board of Adjustment)? YES NO
 Unknown

MAJOR HOME OCCUPATION

Will a sign be erected for the business? YES NO

Will the home occupation generate traffic in more than ten (10) round trips OR twenty (20) one way trips in one (1) day in addition to trips generated by the residence? YES NO

Will additional parking be required for the home occupation? (Meaning: Will customers or employees EVER come to your residence?) YES NO

If **YES**, how many additional parking spaces will your business need? _____

OTHER

Are there any subdivision restrictions or deed restrictions concerning operating a business in your home? YES NO
 Unknown

If **YES** or **Unknown**, City of Athens Engineering Services and Community Development Department does not enforce restrictions. However, it strongly encourages owners to resolve any restriction issues.

I, (print name) _____, certify that all of the above-stated information and all exhibits transmitted herewith are true. I, also, certify that to the best of my knowledge that my business is in compliance with all local, state, and federal laws.

X _____
Applicant's Signature

Sworn to and subscribed before me this the _____ day of _____, 20_____.

(Seal)

Notary Public*
My Commission Expires: _____

* During office hours, City Hall usually has notary services available. Any public notary may notarize this form.

SUBMIT TO:

Engineering Services & Community Development Department
Athens City Hall, 200 Hobbs Street West, Athens, AL 35611
Phone: 256-233-2224

AFTER RULING

- Upon approval of a Minor Home Occupation, in order to complete the purchase of your Business License, you must present a copy of the approved application to the Athens' City Clerk's Office (256-233-8720) at City Hall.
- If your business is not permitted as a home occupation, you may file an Administrative Appeal to appear before Zoning Board of Adjustment. Fill out a Zoning Board of Adjustment application.

PORTION FOR ADMINISTRATIVE OFFICIAL TO FILL OUT

Zoning District _____ Permissible in AG district and all R districts
Not allowed in Non-Residential Districts
Major Home Occupations are not allowed in R-MH district.

Business Classification _____

Limits on the approval/Notes _____

- APPROVED as a Minor Home Occupation
- Ruled as a Major Home Occupation. This requires a Special Exception Use, which will go before the Zoning Board of Adjustment to review. Fill out a Zoning Board of Adjustment application.
- NOT Permitted as a Home Occupation

Official's Signature X _____ Date _____

Home Occupation Regulations

Excerpt from Athens Zoning Ordinance § 3.9.1.A

A. Home occupations

- 1) Background and Intent. The City recognizes the need to establish regulations pertaining to home-based occupations to afford opportunities for residents to work from home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. It is the intent of this Section to establish regulations, which will permit home occupations in a manner that will preserve the peace, quiet and tranquility of residential neighborhoods, and to ensure the compatibility of such uses with other uses permitted within the same district.
- 2) Classifications of Home Occupations. All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article 9 of this Ordinance.
- 3) Minor home occupations. To the extent that such uses are consistent with the definition of a "minor home occupation", minor home occupations shall include but are not limited to the following uses:
 - a) Artists, craftsmen and sculptors;
 - b) Cake baking and decorating;
 - c) Computer programming and word processing;
 - d) Dress making, sewing, tailoring, contract sewing, laundry and ironing services, and millinery;
 - e) Grooming of dogs and cats;
 - f) Home instruction;
 - g) Mail order or phone order;
 - h) Music composing;
 - i) Photography;
 - j) Professional office uses including realtors and insurance sales;
 - k) Saw, scissors, and blade sharpening;
 - l) Telephone related services; and
 - m) Television, radio, electronics, and small appliance repair.
- 4) Major home occupations. Major home occupations shall include any home occupation listed above that may involve parking needs beyond that required for the dwelling. However, such parking needs shall not require more than one (1) additional parking space, whether for a vehicle used as a part of the home occupation or for loading and unloading.
- 5) Uses not permitted as home occupations. The following uses shall not be permitted as home occupations in residential districts:
 - a) Ambulance, helicopter; limousine, hearse, cab, and towing services;
 - b) Animal boarding/kennels or veterinary services;
 - c) Appliance repair (major appliances);
 - d) Commercial food processing or professional catering
 - e) Day care centers or kindergartens (see §3.9.1.B for regulations applying to Family and Group Day Care Homes)
 - f) Gift or antique shop;
 - g) Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
 - h) Medical or dental offices
 - i) Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
 - j) Mortician or funeral home;
 - k) Tattoo shops, palm reading/fortune telling;

- l) Material/metal fabrication, machine, and welding shops; production woodworking and cabinet making;
 - m) Photo development;
 - n) Private clubs, private schools with organized classes;
 - o) Rental services, businesses, or sales from site (except direct distribution);
 - p) Restaurants, tea rooms or taverns;
 - q) Well drilling; and
 - r) Businesses involving or relating to weapons (including but not limited to knives, swords, spears, rifles, pistols, and other firearms), fireworks, explosives, medicines/drugs, alcoholic beverages, tobacco, and/or accessories/supplies related to any of the foregoing; and
 - s) Other similar uses, which may, in the opinion of the Zoning Official, result in an adverse impact on a residential neighborhood.
- 6) Requirements. All dwellings containing a home occupation shall comply with the following:
- a) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. There shall be no employment of help other than members of the resident family.
 - b) A maximum of twenty-five (25) percent of the GFA of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.
 - c) Not more than one (1) major home occupation shall be permitted within any one dwelling unit.
 - d) No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
 - e) The home occupation shall be conducted entirely within the dwelling or accessory building. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.
 - f) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 - g) Deliveries from commercial suppliers shall comply with all applicable State regulations and shall not restrict traffic circulation.
 - h) A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.
 - i) There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.
 - j) Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior sales meeting (such as cosmetics, Tupperware, etc.).
 - k) Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.
 - l) "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.
 - m) The size of commercial vehicles used for the home occupation shall not exceed twenty (20) ft in overall length or seven (7) ft in height and shall not have a load capacity in excess of one (1) ton. Commercial-type vehicles used for a home occupation shall not be parked on-street except during loading and unloading.

- 7) Application and Permitting Procedure. Home occupations shall be subject to the following application and approval process:
- a) Home Occupation Application. All home occupations require filing of an application and demonstrating compliance with the requirements of this Section.
 - b) Major home occupations. In addition to applying for a home occupation application, an applicant for a major home occupation shall also apply for a Special Exception Use in accordance with § 2.5.4. If a Special Exception Use is granted, and after confirming that the conditions of the Board have been satisfied, the Zoning Official shall issue the permit. Such review of the application may require the Zoning Official to visit the dwelling, if deemed necessary.

(Ord. No. 2019-2079, § 14 adopted 2019-04-22)