

Chapter 17.112**HOME-BASED BUSINESS/SPECIAL USE PERMITS****Sections:**

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17.112.010 Purpose and Intent.

It is the purpose and intent of this chapter to:

- A. Ensure the compatibility of home-based businesses with other uses permitted in the residential districts;
- B. Maintain and preserve the residential character of neighborhoods;
- C. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were intended rather than to commercial uses; and
- D. Allow a residence to be used as a location for a small developing business which, in time, may be relocated to a commercially zoned site. (Ord. 711 (11-05) Ord. 617 § 1.1 Exh. A (part), 1996)

17.112.020 Acceptable activities—no permit required.

- A. Composers;
- B. Writers;
- C. Artists;
- Daycare family facility for four or fewer children; and
- D. Any other activities that is substantially similar to the above categories, and does not require a business license. (Ord. 711 (11-05) Ord. 617 § 1.1 Exh. A (part), 1996)

117.112.030

17.112.030 Acceptable activities—permit required.

A home-based business/special use permit for the following types of businesses shall be issued by the planning director or authorized staff upon approval of the application and payment of the required fee, without public hearing, provided the business conforms to all the criteria and conditions of this chapter. The following types of business, all of which are characterized by an office only or occasional customer contact or customers limited to appointment only or being conducted mainly off-site, are acceptable:

- A. Mail order, Internet sales and/or services, or telephone order businesses;
- B. Small bookkeeping, secretarial, medical transcription and billing, telephone answering or typing service;
- C. Office for catering or cooking business using an off-site, approved kitchen;
- D. Telephone reception or answering service for a mobile business;
- E. Sale of personal goods and/or services;
- F. Dressmaking, alterations, sewing, quilting and tailoring ;
- G. Individual instrument instruction, provided that no instrument may be amplified;
- H. Tutoring, or personal trainers such as for fitness or /health maintenance;
- I. Home crafts for sale off-site, such as wood working, lapidary, ceramics and similar crafts;
- J. Housekeeping and/or janitorial services;
- K. Computer programming , repairs and network administration;
- L. Photography;
- M. Office for building, electrical, plumbing, and other building trades contractor;
- N. Office for surveyor, lawyer, architect, accountant or real estate broker;
- O. Dog groomer or trainer;
- P. Small appliance, computer, electronic and other equipment repair services;
- Q. Landscaping/lawn mowing services;
- R. Truckers, mobile repair vehicles and food vendors;
- S. Any acceptable type of business conducted by individuals who are working as equal partners, and using one's dwelling as their base of operation; and
- T. Any other business that is substantially similar in type or operation to one of the above categories as determined by the planning director or authorized staff, requiring a business license and which does not disrupt the residential nature of the neighborhood.(Ord. 711 11-05 – Ord. 617 § 1.1 Exh. A (part), 1996)

17.112.040 Prohibited activities.

The following types of home-based businesses are prohibited:

- A. A business that draws customers or client traffic beyond the normal traffic associated with the residential district;
- B. Businesses which require storage of large equipment or large amounts of equipment, or inventory which cannot be stored within a dwelling or in an accessory building on site. (Ord. 617 § 1.1 Exh. A (part), 1996)
- C. Any type of business that produces offensive noise, vibration, smoke, dust, odor, heat, glare, electrical disturbance or in any way interferes with the peace, contentment or general welfare of the residential area.

17.112.050 Application procedure.

Per Chapter 17.124

17.112.060 Permit conditions.

Any activity approved for a home-based business special use permit must comply with the following conditions:

- A. The site must be adequate in size and shape to accommodate the activity.
- B. The site must be accessible by streets adequate in width and pavement type to accommodate the activity.
- C. The activity must have no adverse effect upon abutting property or the permitted use of such property.
- D. The activity must be carried on by a person or persons residing at the address given on the application, but a limited number of employees shall be allowed to work on the premises and a partner or partners in the business is allowed.
- E. The dwelling must not be used to dispatch employees to job sites, nor shall it be used as a site from which payroll checks are distributed to employees.
- F. The activity must be secondary to the residential use and not change the residential character of the dwelling;
- G. No exterior display or exterior storage of material or indication of use of such material is allowed. Any storage of materials used for the activity must be out of sight or stored off-site.
- H. A vehicle with a logo or business sign affixed to the vehicle is allowed, however, if the vehicle is a truck or large type vehicle, such as a food vendor vehicle, pumper truck, mobile repair vehicle or any other similar vehicle, it must be parked off the street at the side or rear of the residence and not in the front driveway or at the front of the residence.
- I. No mechanical equipment or materials may be used except those normally used for domestic, hobby or household purposes.
- J. The activity must not produce any offensive noise, vibration, smoke, dust, odor, heat, glare, electrical disturbance or in any way interfere with the peace, contentment or general welfare of the residential area;
- K. The activity shall not create any illegal discharge of materials, fluids, or gases into the air or the sewer or drainage system.
- L. There shall be no entrance or exits in the dwelling used solely for the home occupation activity.
- M. There shall be no advertising of the address or location to promote customer traffic.
- N. The customer or client contact shall be limited to occasional contact at the business location or by appointment only or by conduct of the activity mainly off-site.
- O. Any condition deemed necessary to protect the public health, safety and general welfare may be imposed, including limiting the time of certain activities.
- P. Any other condition in conformity with the intent and purpose of this title may be imposed.

(Ord. 711 (11-05) Ord. 617 § 1.1 Exh. A (part), 1996)

17.112.70 Permit revocation.

A. A home-based business special use permit may be revoked by the planning director or authorized staff for any of the following reasons:

1. A business license has not been obtained within one year of the date of final approval, unless a longer period is specified in the approval.

2. A permittee applies for a business license for the same business at a new business address.

B. The planning commission, after giving the permittee written notice at least ten days prior to the hearing date, may revoke any home-based business special use permit at a public hearing upon determination there has been noncompliance with the conditions set forth in the permit.

17.112.080 Decision.

A. A decision shall be given not later than thirty (30) days after the application is accepted by the planning department.

B. Required conditions for the approval shall be either delivered in person or mailed first class, postage prepaid to the applicant at the address shown on the application.

C. The decision shall become effective upon return of the applicant signed and notarized Acceptance Form, or upon timely filing of an appeal of the decision.

D. The decision of the planning director or authorized staff is final unless appealed to the planning commission.

17.112.090 Appeal.

A. An appeal of the decision of the planning director or authorized staff may be filed by the applicant or any other person aggrieved by the decision within five (5) working days of the effective date of the decision.

B. The appeal must be in writing, filed with the planning department and must set forth the grounds of the appeal. If no grounds for the appeal are set forth, the appeal must not be considered by the planning commission.

C. The appeal must be placed on the next available planning commission meeting agenda. Notice of the hearing of the appeal must be given in writing by mailing first class, postage prepaid to the appellant and any other person that has made request in writing to receive notice of the hearing.

D. At the hearing the planning commission may:

1. Determine that no grounds for appeal have been set forth and deny the appeal;

2. Determine that the appellant, if a person other than the applicant, is not an aggrieved person and deny the appeal;

3. Reverse the decision of the planning director or authorized staff and add to or delete any of the conditions as determined by the planning commission;

4. Modify the decision of the planning director or authorized staff and add to or delete any of the conditions recommended or required by the planning director or authorized staff; or

5. Affirm the decision of the planning director or authorized staff.

E. A decision on the appeal must be made within thirty (30) days of the public hearing.

F. The decision of the planning commission must be delivered in person or mailed first class, postage prepaid to the appellant and any other person requesting notice of the hearing within five (5) working days of the decision.

G. The decision of the planning commission may be appealed in accordance with Winnemucca Municipal Code chapter 17.126.