

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING ORDINANCE, CITY OF WINDER, GEORGIA TO PROVIDE FOR HOME OCCUPATIONS, TO REGULATE THE SAME, TO PROVIDE DEFINITIONS, STANDARDS, PROHIBITED OCCUPATIONS, PERMITS AND PENALTIES AND FOR OTHER PURPOSES

It is hereby ordained by the City Council of the City of Winder, Georgia that the Comprehensive Zoning Ordinance, City of Winder, Georgia is hereby amended by deleting Section 62 in its entirety and adding a new Article V, Section 58 to read as follows:

ARTICLE V. SECTION 58. HOME OCCUPATIONS

Sec. 58.1 Overview.

- (a) The standards of this Article dealing with Home Occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities may be carried out in a home.
- (b) It shall be unlawful for any person to carry on a Home Occupation at a residence in an area of the City zoned **R-1, R-1A, R-1B, R-2, R-3, MH, TNPD, A-1 and A-2**, unless the person has applied for and received a license to do so in compliance with this Article. Application for a Home Occupation permit shall be made in writing on forms provided by the City. Applications shall be reviewed and approved by the Planning and Permit Department.
- (c) It shall be unlawful for the property owner to knowingly allow a person to use the real estate for a Home Occupation in violation of this Article.
- (d) All local and state licenses/permits as well as any necessary licenses/permits from any other agency required for the Home Occupation must be obtained prior to the business being opened.
- (e) A fifty dollar (\$50) permit application fee for new Home Occupation permit shall be required and is non-refundable. The permit would remain in effect until either it is revoked, the holder ceases the business or the holder fails to pay any required occupational tax due the City.

Sec. 58.2 Definition.

Home Occupation is defined as any business, profession, occupation, trade or activity conducted within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. This definition applies to all zoning districts.

Sec. 58.3. Evaluation Standards.

- (a) The structure or appearance of the exterior of the dwelling shall not be altered or remodeled for Home Occupational purposes either by color, materials, construction, lighting, or in any other way.
- (b) The entrance to the Home Occupation portion of the dwelling shall be from either within the dwelling or through an existing entrance; not through a new outside entrance.
- (c) No activities shall be allowed and no equipment or material shall be used that would change the fire safety or occupancy classifications of the premises.
- (d) Not more than twenty-five (25) percent of the floor area in the residential unit may be used for a Home Occupation. This is a maximum amount regardless of the number of occupations at any one residence. Additionally, a Home Occupation may occupy a maximum of 200 square feet of floor area of any accessory building.
- (e) Hours of Operation. Customer visits shall be limited to the hours of 6:00 a.m. to 8:00 p.m.
- (f) Any sign or display shall be limited to only one (1) and shall not exceed four (4) square feet in size. It shall carry only the name and occupation of the occupant of the premises. The sign or display shall be non-lighted and non-reflective in nature and shall be attached to the dwelling or accessory building or located within ten (10) feet thereof.
- (g) The interior of the residence shall maintain an operational kitchen, bathroom, and sleeping area and shall have active utility accounts, including water and electricity.
- (h) The Home Occupation shall not generate pedestrian or vehicular traffic beyond what is normal to the neighborhood where it is located.
- (i) There shall be no outdoor display or storage of equipment or material used in the Home Occupation.
- (j) A Home Occupation Permit/ Occupational Tax Certificate for a Home Occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the Home Occupation permit shall become null and void.
- (k) If there are any changes proposed in the dwelling or in the plumbing or the electrical system, appropriate permits will be required.

Sec. 58.4 Restriction on sales.

The Home Occupation shall involve the sale of only those goods or services produced on the premises, except in the case of mail order or home marketing services.

Sec. 58.5 Mail Order or Home Marketing Services.

- (a) If the Home Occupation consists of either a mail order business or a home marketing business, the residence will be the mailing address and office only. The business will only take orders at the home and the orders will be filled by direct shipment from factory/warehouse to customer. No inventory beyond samples may be stored on the premises.

Sec. 58.6 Catering and Food Sales.

A Home Occupation providing food catering or food sales must meet all of the requirements of the Georgia Department of Agriculture Food Safety Division Chapter 40-7-19 Cottage Food Regulations.

Sec 58.7 Beauty shops and barber shops.

- (a) Beauty shops and barber shops are allowed provided customer visits are by appointment only. The business shall consist of no more than one (1) beauty/barber chair and no more than two (2) customers shall be permitted at one (1) time. Beauty shops and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.
- (b) All local and state licenses as well as any necessary permits from the Barrow County Health Department must be obtained prior to the business being opened.

Sec 58.8 In-home childcare.

- (a) In-home childcare is limited to six (6) children at a time, including the caregiver's own preschool-aged children.
- (b) No other Home Occupation Permit/ Occupational Tax Certificate can be combined with an in-home childcare Home Occupation permit.
- (c) Home childcare providers and their employees must also pass a fingerprint check and a preliminary records check to make sure that there is no history of criminal behavior. A background check conducted by the State within sixty days (60) will satisfy this requirement.
- (d) All local and state licenses as well as any necessary permits from the Barrow County Health Department must be obtained prior to the business being opened.

Sec 58.9 Impact-Related Standards

- (a) **Noise.** The maximum noise level for a Home Occupation is 50 dBA. Noise level measurements are taken at the property line. Home Occupations that propose to use power tools or music must document in advance that the Home Occupation will meet the 50 dBA standard.
- (b) **Deliveries.** Truck deliveries or pick-ups of supplies or products, associated with the Home Occupation, are allowed at the home only between 7:00 a.m. and 8:00 p.m.
- (c) **Vehicles.** No more than one marked vehicle may be used in association with the Home Occupation. No heavy equipment, semi-tractors, dump trucks, or track vehicles shall be permitted to park on the premises.
- (d) **Parking.** No on-street parking of business-related vehicles or customers shall be permitted at any time. The Home Occupation shall have necessary parking needed for both residents and customers without using public roads.
- (e) **Prohibited equipment and materials:** There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence. Chemical shall also include any chemicals which are not normally found in a purely domestic residence.
- (f) **Nuisance:** There shall be no emission of smoke, dust, odor, fumes, glare, vibration, electrical or electronic disturbance detectable at the property line or beyond.
- (g) **Employee:** The occupation shall be conducted by members of the family who are actively living in the primary residence and a maximum of one (1) additional employee.

Sec 58.10 Occupations which are not allowed:

- (a) Motor vehicle and accessory/parts sales, rental, repair and/or painting.
- (b) Vehicle detailing, cleaning or vehicle glass repairs.
- (c) Combustion engine repairs or cleaning.
- (d) Equipment rentals.
- (e) The assembly, repair, or reconstruction of major household appliances, including refrigerators, freezers, clothes washers, clothes dryers, dishwashers, stoves, heating equipment, and air conditioning equipment.
- (f) Consignment sales where items are stored on the property.
- (g) Medical doctors or any practice of physical and/or medical application, including chiropractors and massage therapists or any other uses which involve medical procedures.

W-3-13

- (h) Dentists.
- (i) Funeral home.
- (j) Uses that require the handling of any hazardous, biologically, or toxic materials.
- (k) No Home Occupation shall include the manufacture, repair, sale or storage of firearms, ammunition or other items which are regulated by the Bureau of Alcohol, Tobacco and Firearms, at the site of the Home Occupation.
- (l) Dismantling, junk, scrap, or recycling materials.
- (m) Outdoor recreational or sporting clinics or activities.
- (n) Commercial greenhouses or nurseries.
- (o) Commercial cabinet or furniture making, furniture refinishing/antique restoration and sales are not permitted.
- (p) Restaurant.
- (q) Occupation involving explosive materials.
- (r) Breeding of animals or selling of animals other than domestic animals typically weighing less than 150 lbs. at maturity. Breeding and selling of domestic animals are not permitted in R-1B, R-2, R-3, MH and TNPD zonings.
- (s) Animal hospitals, veterinary clinics; pet care services such as grooming, animal day cares or kennels of any size.
- (t) Garage sales/yard sales are not allowed as a Home Occupation provided however that garage sales are allowed if they meet the requirements of Chapter 13, Article IX and are permitted as required by said ordinance.

Sec 58.11 Consent to Inspection

- (a) The signature of the applicant upon the application shall grant the consent by the applicant to an inspection of the Home Occupation premises by the City of Winder.
- (b) The dwelling in which the Home Occupation is being conducted shall be open for inspection to City personnel during reasonable hours.
- (c) Failure by the applicant to allow for the inspection of the premises by the Code Enforcement Officer or position(s) designated by the City Administrator shall be grounds for refusal to grant the /permit or to revoke any current /permit.

Sec 58.12 Revocation of a Home Occupation Permit/ Occupational Tax Certificate

The City Administrator or designee has the authority to revoke a Home Occupation Permit/ Occupational Tax Certificate, or modify or amend the conditions of a Home Occupation Permit / Occupational Tax Certificate, upon determining that the use as operated or maintained creates one or more of the following conditions:

- (a) A nuisance or other undesirable condition interfering with the public health, safety, or general welfare.
- (b) A violation of the provisions of this Article or any other applicable law or ordinance, or a violation of the conditions imposed upon the Home Occupation Permit.
- (c) Failure to allow the City to inspect the property during hours of operation.
- (d) Before revoking a Home Occupation permit, the City shall give a ten day written notice to the permit holder addressed or delivered to the premises. The permit holder may appeal the revocation to the City Council by filing a written notice of appeal with the City Clerk within said ten day period. The revocation shall be stayed pending the Council's decision on the appeal.

Sec. 58.13. - Penalties.

Any person violating this Article and/or operating without an occupational tax certificate shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation, by imprisonment for a term not to exceed thirty (30) days or a combination of such fine and imprisonment.

This ordinance shall become effective upon its adoption. It is so ordained this 8th day of January, 2013.

City of Winder, Georgia



By: *Del May*
Mayor

Attest: *Gloria Andrews*
City Clerk