

# Home Occupation Application



Application Date \_\_\_\_\_

Business Name \_\_\_\_\_

Have you received a copy of Athens Zoning Ordinance § 12.1 Home Occupation Regulations  
(Note: it should be attached to the application) ?     YES     NO

Home Occupations are regulated by § 12.1 of the Athens Zoning Ordinance. **Future changes to the Zoning Ordinance may change rules regulating home occupations.** A complete electronic copy of the Zoning Ordinance may be found online at [www.athensal.us](http://www.athensal.us)

## APPLICANT INFORMATION

Name \_\_\_\_\_

Home's Physical Street Address \_\_\_\_\_  
(PLEASE NOTE: You must notify our office of any address changes.)

Phone Numbers (primary) \_\_\_\_\_ (secondary) \_\_\_\_\_

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

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### 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.

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**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 \_\_\_\_\_

of locating the sign. For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant, or fixture.

Greenway. An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

Grocery store. A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose floor space is at least 10,000 sf.

Gross floor area (GFA). The sum of the horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six (6) ft and not including stairwells or elevators.

Ground cover. Plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc. Ground cover includes flowers, woody vines, evergreen plants or other organic living plants (including sod), generally characterized by vertical growth of less than eighteen (18) inches in height.

Hardship. A circumstance existing when the conditions imposed by the Zoning Ordinance would deprive a property owner of certain development rights that are enjoyed by other property owners within the same zoning district. The standards for determining if a hardship justifies a variance is contained in §16.4, which excludes self-created and economic hardships.

Hazardous uses. All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

Hobby farm. The production, keeping, or maintenance of horse or cattle and/or the growing of flowers, produce, or plants, as an accessory use to the principal dwelling and where any income derived from such use is incidental to the income of the residents thereof.

Home occupation. An occupation for gain or support conducted frequently or continuously in the primary residential dwelling of the person/family conducting the business, in a residential district. Home occupations shall be categorized as either major or minor home occupations in accordance with [§12.1](#) and the following definitions:

Home occupation, Major. A home occupation which: (1) has no exterior evidence of the home occupation with the exception of signs permitted by [§13.5.1](#); (2) is conducted within a single-family detached, zero-lot-line, or attached dwelling; (3) accommodates the off-street parking needs of the dwelling and up to one (1) additional parking space for the home occupation; and (4) is operated by and employs only family members residing on the premises.

Home occupation, Minor. A home occupation which: (1) has no exterior evidence of the home occupation; (2) does not generate traffic in excess of ten (10) round trips or twenty (20) one way trips in one (1) day in addition to trips generated by the residence; (3) does not create a need for off-street parking beyond normal dwelling needs; and (4) is operated by and employs only family members residing on the premises.

Home occupation sign. A sign advertising an activity conducted entirely within a residence for which a home occupation has been approved.

Hospital. A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including nursing homes.

Hotel. A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guest. A hotel shall maintain a central, internal lobby, and all rooms shall be accessible only from the interior of the building.

## ARTICLE 12. SUPPLEMENTAL USE REGULATIONS

All uses identified as subject to Supplemental Use Regulations shall comply with all applicable standards for the uses as specified within this Article in addition to other requirements of this Ordinance.

### §12.1. Home Occupations.

**12.1.1. 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.

**12.1.2. Classifications of Home Occupations.** All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article 2 of this Ordinance.

A. 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:

- 1) Artists, craftsmen and sculptors;
- 2) Cake baking and decorating;
- 3) Computer programming and word processing;
- 4) Dress making, sewing, tailoring, contract sewing, laundry and ironing services, and millinery;
- 5) Grooming of dogs and cats;
- 6) Home instruction;
- 7) Mail order or phone order;
- 8) Music composing;
- 9) Photography;
- 10) Professional office uses including realtors and insurance sales;
- 11) Saw, scissors, and blade sharpening;
- 12) Telephone related services; and
- 13) Television, radio, electronics, and small appliance repair.

B. 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.

C. Uses not permitted as home occupations. The following uses shall not be permitted as home occupations in residential districts:

- 1) Ambulance, helicopter; limousine, hearse, cab, and towing services;
- 2) Animal boarding/kennels or veterinary services;

- 3) Appliance repair (major appliances);
- 4) Commercial food processing or professional catering
- 5) Day care centers or kindergartens (see [§12.2](#) for regulations applying to Family and Group Day Care Homes)
- 6) Gift or antique shop;
- 7) Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
- 8) Medical or dental offices
- 9) Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
- 10) Mortician or funeral home;
- 11) Tattoo shops, palm reading/fortune telling;
- 12) Material/metal fabrication, machine, and welding shops; production woodworking and cabinet making;
- 13) Photo development;
- 14) Private clubs, private schools with organized classes;
- 15) Rental services, businesses, or sales from site (except direct distribution);
- 16) Restaurants, tea rooms or taverns;
- 17) Well drilling; and
- 18) Other similar uses, which may, in the opinion of the Zoning Official, result in an adverse impact on a residential neighborhood.

**12.1.3. *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.

**12.1.4. Application and Permitting Procedure.** Home occupations shall be subject to the following application and approval process:

- A. **Home occupation permits and business license.** All home occupations require filing of an application, demonstrating compliance with the requirements of this Section, together with an application and fee for a business license.
- B. **Major home occupations.** In addition to applying for a home occupation permit, an applicant for a major home occupation shall also apply for a Special Exception Use in accordance with [§16.5](#). 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.
- C. **Expiration of permit.** Minor home occupations shall not expire unless revoked by the City due to violations of the requirements of this Section. Major home occupation permits shall be annual, beginning on January 1 of each year and ending on December 31 of each year; and each permit, whether issued on or after January 1 of the year for which it is issued, shall expire on December 31 of that year. Once granted, permits may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.
- D. Home occupation permit fees shall be established by the Council.

**§12.2. Day Care Facilities.** Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

- 12.2.1. Application of Regulations.** The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24) hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.