

SUBCHAPTER 1X HOME OCCUPATIONS

5-1X-1 DEFINITION

5-1X-5 PERMIT REQUIRED

5-1X-2 HOME OCCUPATIONS INSPECTOR

5-1X-6 EXISTING HOME OCCUPATIONS

5-1X-3 PERMITTED OCCUPATIONS

5-1X-7 MUNICIPAL INFRACTION

5-1X-4 CRITERIA FOR ALL HOME
OCCUPATIONS

5-1X-1 DEFINITION. "Home Occupation" means any business, profession, occupation or trade conducted for gain or support within a residential building or an accessory structure thereto which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the essential residential character of such building.

5-1X-2 HOME OCCUPATIONS INSPECTOR. There is hereby created the position of Home Occupations Inspector, which shall be filled by the Property Maintenance Official or another employee designated by the City Manager. The Home Occupations Inspector shall be authorized to exercise those powers of the City necessary to administer and enforce this Subchapter, including but not limited to the following:

1. The authority to issue a municipal infraction citation or a notice to abate nuisance for a violation of this Subchapter.
2. The authority to inspect residential real estate for the enforcement of this Subchapter.
3. The authority to grant and revoke home occupation permits pursuant to the provisions of this Subchapter.

5-1X-3 PERMITTED OCCUPATIONS. Subject to the requirements of sections 5-1W-4 and 5-1W-5 of this Subchapter, the following home occupations are permitted in any district that allows residential uses:

1. Telephone, internet, or mail order businesses where products are shipped directly from an off-site supplier to the customer.
2. Telephone or internet-based customer service, administrative, clerical, or other work performed by an employee of an off-premises business pursuant to a remote work arrangement.
3. Sewing and alterations.
4. Small scale production for the purpose of selling products off-premises.
5. Art studios.

6. Cooking, preserving, or baking for the purpose of selling products off-premises.
7. Other uses and activities which are incidental to the residential use of the premises and which are not observable (except for allowed signage) from neighboring properties.
8. Commercial uses involving firearms or fireworks, repair, or maintenance of vehicles, renting of rooms (except as otherwise permitted under this Code), offices with client visits, or breeding or caring for animals are not permissible home occupations.

5-1X-4 CRITERIA FOR ALL HOME OCCUPATIONS. All permitted home occupations must comply with the following requirements:

1. The home occupation should not alter the normal residential characteristic of the premises, and there should be no exterior indication of the home occupation.
2. When located in the principal structure, the home occupations shall not occupy more than 25 percent of the floor area of the home.
3. When located in an accessory structure, the home occupation shall not occupy more than six hundred (600) square feet.
4. No materials or machinery used in furtherance of the home occupation may be stored outside the principal or accessory structure, and no repairs shall be made to equipment outside the principal or accessory structures.
5. No noise, vibration, smoke, dust, odors, heat, or glare shall be produced which is detrimental to the character of the neighborhood in which the home occupation is located.
6. The home occupation must not generate vehicular or pedestrian traffic in excess of that traffic customarily associated with the zone in which it is located.
7. Employment for home occupations shall be limited to persons residing in the principal structure.
8. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.
9. Spaces for off-street parking and loading shall be provided in compliance with provisions set forth in Subchapter 1M, Off-Street Parking Requirements, for any type of home occupation or commercial activity that would require more than two off-street parking spaces.
10. Any sign or display shall be limited to one (1) only and shall not exceed two (2) 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 two (2) feet thereof.
11. Occasional garage sales are exempt from the requirements of this Subchapter. However, garage sales held for more than three (3) consecutive days or on more than three (3) occasions at the same property in any twelve (12) month period are considered to be Home Occupations subject to all requirements under this Subchapter

5-1X-5 PERMIT REQUIRED.

1. It shall be unlawful for any person to carry on a home occupation in the City unless the person has applied for and received a home occupation permit. Application for a permit may be made in writing on forms furnished by the Home Occupations Inspector, and shall include the full name of the applicant, the residential address of the home occupation, the name of any business entity for which the home occupation is performed, and the nature of the home occupation. The Home Occupations Inspector shall issue a permit for any application meeting the requirements of sections 5-1W-3 and 5-1W-4 of this Subchapter. Such permit shall be valid for one year and is not transferable between persons or properties.
2. Existing Home Occupation permits will be considered for renewed approval annually in September. The City will maintain a registry of all home occupations, which shall be published annually on the City's website.
3. A home occupation permit may be denied or revoked if the Home Occupations Inspector finds the home occupation in violation of section 5-1W-4. Upon the denial or revocation of a home occupation permit, the applicant or permit holder may request a prompt reconsideration hearing before the Home Occupations Inspector. Such request must be postmarked or delivered within five (5) days of the date of denial or revocation. The applicant or permit-holder shall be notified in writing of the time and place of the hearing and shall have the opportunity to present relevant evidence and argument to the Home Occupations Inspector. Within ten (10) days following the hearing, the Home Occupations Inspector shall issue a written decision either affirming or reversing the denial and stating the grounds for his/her decision.
4. The applicant or permit-holder may appeal an adverse reconsideration decision to the City of Maquoketa Board of Adjustment pursuant to Title II, Chapter 13 of this Code of Ordinances and the rules adopted by the Board of Adjustment. The applicant must file a notice of appeal to the Board of Adjustment with the City Clerk within five (5) days of the Home Occupations Inspector's reconsideration decision.

5-1X-6 EXISTING HOME OCCUPATIONS. Existing home occupations shall be required to apply for a home occupation permit within six months of the date this ordinance is adopted. For purposes of this section, "existing home occupations" include home occupations in operation and conforming to all applicable regulations prior to the adoption of this ordinance.

5-1X-7 MUNICIPAL INFRACTION. Each violation of this Subchapter shall create a municipal infraction, and each day that this Subchapter is violated may be counted as a separate infraction. It shall also be a violation of this Subchapter for a title holder to real estate to knowingly allow a person to use the real estate for a home occupation in violation of the provisions of this Subchapter.

TITLE V LAND USE REGULATIONS

