

Hurstbourne, KY Code of Ordinances

CHAPTER 117: HOME OCCUPATIONS

Section

- 117.01 Definition
- 117.02 Regulations
- 117.03 License fees
- 117.04 Abatement procedure
- 117.99 Penalty

§ 117.01 DEFINITION.

“Home Occupation” shall be defined as a regular accessory use of a dwelling unit for gainful employment involving the provision or sales of goods and/or services, conducted entirely within the dwelling unit, carried on by a resident who lives in the dwelling. The use must clearly be incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district in which it is a part. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of its existence. This includes no advertising or any other display which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling, there shall be no retail sales on the premises, no more than 10% of the floor area (basement and second floor included, not including the garage or yard) is used, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

The foregoing definition shall supersede the definition contained in the Louisville Metro Land Development Code with respect to its application to the City of Hurstbourne.

(Ord. 07-05, passed 12-11-07)

§ 117.02 REGULATIONS.

Note: The following regulations shall supersede those contained in the Louisville Metro Land Development Code 4.4.5 A. through 4.4.5 K, which are hereby repealed.

(A) Intent. The intent of this section provides for the protection of public health, safety, and welfare by establishing limits on occupations that operate within a dwelling unit. This section allows for the establishment of certain occupations to be carried out from a dwelling unit, which is located on residentially zoned property. The home occupation can be established provided it is clearly incidental and secondary in nature to the use and does not change the character or adversely affect adjacent or nearby residents or the neighborhood as a whole.

(B) Employees. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that two nonresident employees shall be permitted to be at the site at any one time.

(C) Exterior Appearance. There shall be no change to the exterior appearance of the dwelling unit where a home occupation is or will be operating, and there shall be no evidence of a home occupation from the public-right-of-way and adjacent properties.

(D) Number of Customers, Clients and Pupils Permitted. No more than two customers (non-resident, clients, pupils, children, and/or babies) shall be permitted on the site at any one time.

(E) Signage. No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site.

(F) Parking. All parking needed to accommodate all employees and customers shall be confined to the dwelling driveway only.

(G) Permitted Locations and Maximum Size/Area.

(1) The operation of home occupations shall be limited to ten percent of the floor area of the dwelling unit, including the second floor and basement, but not including the garage or yard.

(2) Activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure.

(H) Home Occupation License. A home occupation license shall be required prior to the establishment of any home occupation.

(1) License Procedure.

(a) The license shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant.

(b) The license application shall be available through the city and will be on file in the office of the City Clerk during normal business hours.

(c) Only one home occupation will be granted per dwelling unit.

(2) License Applications.

(a) Existing home occupations shall have a period of six months from the adoption of this chapter to submit a completed application.

(b) Existing home occupations shall be permitted to remain open for business until their application is reviewed by the Commission.

(c) License fees will be waived for applications submitted in the six-month period.

(Ord. 07-05, passed 12-11-07)

§ 117.03 LICENSE FEES.

(A) A \$100.00 license fee shall be paid with the initial application. (After the six months grace period).

(B) A license renewal fee of \$25.00 shall be paid annually on before January 1st of each subsequent year.

(Ord. 07-05, passed 12-11-07)

§ 117.04 ABATEMENT PROCEDURE.

(A) It shall be unlawful for the owner, occupant, or person having control or management of any property within the city to permit an unlicensed home occupation to be operated thereon.

(B) Whenever a violation is discovered, the authorized city official shall give five days written notice to remedy the situation. The notice shall be mailed to the last known address of the owner of property, as it appears on the tax assessment rolls and or the business operator, person or persons in control of the premises at the location where the business exists.

(Ord. 07-05, passed 12-11-07)

§ 117.99 PENALTY.

(A) Criminal Penalty.

(1) Violation of the provisions of this chapter or failure to comply with any of the requirements thereof shall constitute a misdemeanor. Any person who violates the provisions of this chapter or fails to comply with any of the requirements thereof shall, upon conviction, be fined not less than \$25.00 nor more than \$100.00. Each day during which such violation continues shall be deemed a separate offense for which a separate fine may be imposed.

(2) The owner or tenant of any building or structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, or maintains such, shall be in violation of this chapter and suffer the penalties herein provided.

(3) No residence shall be issued a home occupation license if delinquent taxes exist on the property.

(B) Civil Penalty. Any violation of this chapter shall subject the offender to a civil penalty in an amount equal to the minimum fine prescribed by division (A) above of this section. Such civil penalty may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the violations. The civil penalty may be used as an alternative to or in conjunction with the criminal penalties authorized in division (A) of this section. The city is authorized to withhold the issuance of a home occupation license where the owner or applicant has failed to pay or appeal any civil penalty assessed.

(Ord. 07-05, passed 12-11-07)