



Home Occupation (Use Unit 28)

City of Springdale, Arkansas procedure for conditional use, home occupation, permissible on appeal to the Planning Commission as outlined in Article 4 and Article 5, Section 31, Chapter 130, Zoning Ordinance, Springdale Code of Ordinances

Permitted accessory use of a dwelling or gainful employment customarily carried on entirely within the residential dwelling, which is clearly incidental and secondary to the principal use of the structure for residential dwelling purposes by the occupants of the residence. Additional requirements are stipulated in Article 6, Section 2.8.

Staff advice does not constitute a recommendation of approval of the application. Staff recommendations are based on field inspections, plans for the area, report of other departments and other information.

Submission Requirements

The following information must be submitted to the Planning Office for review.

Application

1. The name, address and phone number of the applicant/record titleholder along with a copy of the warranty deed.
2. The property location and zoning classification.
3. Legal description and street address of the property involved.
4. Certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days of adjacent property owners.
5. The existing and proposed use of the property.
6. Evidence in the form of a signed affidavit, that notice has been given to all adjacent property owners subject to the tandem lot. The applicant shall be responsible for providing such notice by certified mail, return receipt requested, to the last known address of such record owner(s).
7. The required affidavit and supporting exhibits (mailing receipts, adjacent property owners list and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting.
8. The owner should be present at the meeting in order to answer questions the Commission members or interested parties may have. If the applicant is unable to attend, written authorization from the applicant authorizing representation must be presented to the Commission for the matter to be considered. Any decisions made by the designated.

Sec. 31. Unit 28: Home Occupation

Home occupations, as allowed by this section, are intended to be clean, quiet, non-obtrusive activities operated on a limited basis and would be incidental to the residential character of those areas. Legally established businesses, occupations or professions which have been granted a conditional use at the time of the effective date of these regulations in a residential structure may be continued until it is abandoned for a period of twelve (12) months.

Provided that this shall not be construed to approve continuation of any activity constituting a common law nuisance, or activity prohibited by the statutes or ordinance applicable to the area. No activity, which requires a home occupation conditional use, shall be conducted prior to issuance of the conditional use.

1. Permitted home occupations. The following are permitted home occupations:
 - a) Dressmaking, sewing and tailoring;
 - b) Painting, sculpturing or writing (artistic endeavors);
 - c) Telephone answering service or radio monitoring services;
 - d) Home crafts such as model making, rug weaving and lapidary work;
 - e) Tutoring limited to two (2) students at a time;
 - f) Music instruction limited to two (2) students at a time;
 - g) Catering, no food preparation on premises;
 - h) Computer programming;
 - i) Personal or home care products marketing.
 - j) Day care family home:
 - i. This use may be located in a single-family home, occupied by the caregiver;
 - ii. Must be operated within licensing procedures established by the state;
 - iii. The use is limited to ten (10) children including the caregivers;
 - iv. The minimum to qualify for home occupation permit is six (6) children from households other than the caregivers.
2. Criteria for approval by planning commission. Home occupation shall be permitted only if it complies with all of the following:
 - a) No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure;
 - b) No outside storage of materials required for the operation of the business;
 - c) Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises;
 - d) Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure;
 - e) Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood;
 - f) Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity;
 - g) Will not involve accessory buildings;
 - h) Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use;
 - i) Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen;
 - j) Will not require or cause the consumption on the premises of any food product produced thereon;
 - k) Will not provide medical treatment, therapeutic massage or similar activities.

3. License. All home occupations are required to obtain a home occupation license in accordance with the licensing requirements of the city. Such license shall not be issued until the conditional use has been approved in writing by the planning commission according to the requirements of this article and Article 1, Section 4. Licenses shall expire on March 31, annually.

A home occupation license as approved and issued is non-transferable, it shall only be valid for the applicant, occupation and residence for which it is issued. Said license shall expire immediately if the conditional use is revoked.

Notice and hearing procedures of this article are not required annually for renewal of said license, so long as there have been no changes in the home occupation or violations of this chapter.

4. Revocation of license. A home occupation license shall be subject to cancellation in the event of any noncompliance with or violation of any provisions of this ordinance according to procedures set out in Article 1, Section 4 of this chapter.

Violations should be reported to the City Clerk Office in writing in accordance with Article 9 of this chapter.

Exemptions from the requirement of this section:

- a) Child-care and babysitting uses not required to be licensed by the state;
- b) Foster-family child care as accessory use;
- c) Room and board as accessory use.

PLEASE NOTE:

Noncompliance with the above may cause your application to be withheld and not considered at the meeting and may require the payment of an additional filing fee and/or re-notification of property owners.