

## Chapter 22 - HOME OCCUPATIONS<sup>11</sup>

### Footnotes:

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**State Law reference**— Authority of municipality to impose regulatory fees on businesses or practitioners of profession or occupation, O.C.G.A. § 48-13-9.

## ARTICLE I. - IN GENERAL

### Sec. 22-1. - Definitions.

- (a) *Home occupation.* Any activity carried out for gain by a resident and conducted as an incidental and accessory use in the resident's dwelling unit. To meet the definition of home occupation, one (1) of these conditions must be satisfied:
  - (1) Product or service is generated or provided to customers/clients in the home.
  - (2) Coordination of products or services to be delivered off-site is conducted in the home.
  - (3) The residence is the primary business address.
  - (4) The home occupation is regulated by a state or federal agency or board.
- (b) *Passenger automobile.* A motor vehicle with no more than two (2) axles and/or six (6) wheels, not more than six thousand (6,000) pounds in gross weight, and designed primarily for the transport of persons.
- (c) *Accessory structure.* A structure detached from a principal building located on the same lot and customarily and subordinate to the principal building or use.
- (d) *Employee.* An individual who receives a wage, salary, or percentage of profits directly related to the home occupation.
- (e) *Dwelling resident.* An individual who lives on the premises in which the home occupation is located, as evidenced by Georgia driver's license, identification card, or other proper legal identification.

(Ord. No. 06-14, 5-25-06)

### Sec. 22-2. - Purpose and intent.

The City of Port Wentworth recognizes the need for some citizens to use their place of residence for limited nonresidential activities. The city also recognizes the need to maintain the character and integrity of residential areas and to establish specific standards and procedures by which home occupations can be conducted in residential areas without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.

(Ord. No. 06-14, 5-25-06)

## ARTICLE II. - RESTRICTIONS

Sec. 22-3. - General restrictions.

- (a) The home occupation shall be conducted entirely within the dwelling unit and accessory structure.
- (b) Home occupations shall be allowed in all residential zones including R-1, R-2, R-A, R-M, R-M-H, R-M-H-1, MPO, PUD and RIP.
- (c) Accessory structures, attached or detached garages and carports may be used in connection with the home occupation so long as the lot coverage requirements of the zoning ordinance are met.
- (d) The home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not exceed twenty-five (25) per cent of the total gross square feet of the dwelling unit.
- (e) No outside storage of merchandise, materials, or supplies is permitted. There shall be no storage of equipment in the front yard. Storage of equipment will be permitted if contained in driveway or carport.
- (f) No work, assembly, or manufacture of merchandise shall be conducted outside the dwelling unit or accessory unit.
- (g) Customer visits shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday.
- (h) No goods, materials, supplies or items of any kind can be delivered either to or from the premises in connection with the home occupation except in a passenger automobile or by a residential express mail company (UPS, FedEx, etc.). No deliveries to or from the premises shall be made by tractor trailer or semi-truck.
- (i) A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt, odors, or heat in excess of those normally found in residential areas.
- (j) The home occupation, all structures, and property improvements shall comply with the restrictions within the property's zoning classification.
- (k) The person engaged in the home occupation must live at the residence.

(Ord. No. 06-14, 5-25-06)

Sec. 22-4. - Parking.

- (a) No additional parking to accommodate customers or delivery shall be constructed or allowed. Customer vehicles or vehicles associated with the home occupation shall be parked on the existing residential driveway or on the street only within the lot frontage.
- (b) Vehicles used by the permit holder, whether owned or leased, in conjunction with the home occupation shall not be parked on any parcel, driveway, parking lot (private or public) not located on the premises in which the home occupation is located.
- (c) Vehicles and trailers to be used by the permit holder in conjunction with the home occupation shall be registered with the City of Port Wentworth. A description of the vehicle and tag number shall be provided.
- (d) There shall be no use, parking or storage of tractor trailers, semi-trucks, heavy equipment, or pull-type trailers greater than eighteen (18) feet in length in connection with the home occupation.

(Ord. No. 06-14, 5-25-06)

Sec. 22-5. - Employees.

- (a) Dwelling residents may engage in or conduct the home occupation in the home with no more than one (1) nonresident employee.
- (b) A copy of the driver's license, or state picture ID of the proprietor and for the nonresident employee shall be provided to the City of Port Wentworth.

(Ord. No. 06-14, 5-25-06)

Sec. 22-6. - Accessory use and accessory buildings.

Accessory structures, attached and detached garages and carports may be used in connection with the home occupation so long as the lot coverage requirements of the zoning ordinance are met.

(Ord. No. 06-14, 5-25-06)

Sec. 22-7. - Sanitation.

- (a) The home occupation shall have one (1), and only one (1), commercial trash receptacle in addition to any residential trash receptacle. The commercial trash receptacle shall be provided by the City of Port Wentworth and shall not exceed ninety (90) gallons. Larger trash receptacles are prohibited.
- (b) The prevailing residential rate for an additional receptacle (one-half (½) of residential rate) and deposit shall apply. Resident must pay deposit but does not have to utilize additional trash receptacle unless it is needed.

(Ord. No. 06-14, 5-25-06)

Sec. 22-8. - Appearance.

No structural change to the dwelling or residential driveway shall be permitted which are inconsistent with the residential use and appearance of the property.

(Ord. No. 06-14, 5-25-06)

Sec. 22-9. - Signage.

Signs will be allowed no larger than twelve (12) feet x sixteen (16) feet and shall be affixed to the house facing the street or on a post in the yard. Illuminated signs are prohibited.

(Ord. No. 06-14, 5-25-06)

Sec. 22-10. - Decals.

A decal/sticker displaying the year will be provided to the resident and will act as the permit/receipt for payment of that year's occupational tax. Decals to be placed on the window nearest the front entrance of the residence.

(Ord. No. 06-14, 5-25-06)

ARTICLE III. - PROCEDURE

Sec. 22-11. - Filing procedure.

- (a) Application for a home occupation permit shall be made at City Hall on a form provided. A reasonable inspection by the city administrator, or his designee, to determine compliance with this section shall be undertaken.
- (b) The city administrator will make a decision and notify the applicant in writing. In cases where the Administrator considers the application not within the scope of home occupation criteria, the application shall be denied.
- (c) A decision of the city administrator concerning approval or renewal shall be final unless a written appeal is filed with the zoning board of appeals within ten (10) calendar days of the decision. An appeal may only be filed by the applicant.

(Ord. No. 06-14, 5-25-06)

Sec. 22-12. - Permit and fees.

- (a) The home occupation shall pay the annual City of Port Wentworth occupation tax (otherwise known as a "business license"). Occupation tax schedule can be found in Chapter 11, section 11-35 in the Code of Ordinances of the City of Port Wentworth.
- (b) All occupational taxes shall be valid from January 1 until December 31. Requests for renewal shall be submitted on forms provided at City Hall.

(Ord. No. 06-14, 5-25-06)

Sec. 22-13. - Existing nonconforming home occupations.

- (a) Any person conducting a home business which has been legally permitted with a business license prior to adoption of this chapter shall be required to conform to the criteria of this chapter within two (2) years from the date of issuing a business license.
- (b) Prior to nonconforming home occupations shall be subject to renewal every year and shall not be expanded or the use, as stated in the permit, changed.
- (c) A change in the use or type of home occupation will conform to all the criteria in this chapter.

(Ord. No. 06-14, 5-25-06)

Sec. 22-14. - Exceptions.

- (a) This chapter shall not apply to residential "garage sales" or "yard sales" not related to the home occupation.
- (b) This chapter shall not apply to in-home purchasing clubs or organizations (e.g., Amway, Watkins, Tupperware, etc.).
- (c) This chapter shall not apply to the occasional sale of personal property.
- (d) This chapter shall not apply to individuals who perform occasional work at home related to an off-site business.
- (e) This chapter shall not apply to individuals who engage in agriculture activities in a R-A zone.
- (f) This chapter shall not apply to individuals engaged in internet sales where the product is not produced and/or shipped to/from the home.

(Ord. No. 06-14, 5-25-06)

Sec. 22-15. - Enforcement.

- (a) The mayor and council of the City of Port Wentworth authorize the city administrator, or his designee, to enforce this chapter adopted herein.
- (b) The city administrator shall be authorized to revoke a permit if any provision of this chapter, or the purpose and intent of this chapter, has been violated.

(Ord. No. 06-14, 5-25-06)