

INTRODUCTION

Many Georgia cities have adopted a home occupation provision in their code of ordinances to provide guidelines for artists who have businesses or studios in their homes. The limitations generally address the number of employees, automobile traffic, parking and signage allowed and typically prohibit large gatherings. Artists who envision holding individual or collective sales may find these restrictions problematic and so should be well versed in the specific regulations that apply. Working directly with local officials is the best way to prevent conflicts and confrontations with neighbors or other government officials.

Home occupation ordinances are frequently amended and may contain internal references to other restrictions and provisions. Moreover, these ordinances are typically specific to different zoning districts within a municipality. Whenever possible, we have included the appropriate section numbers where cross-referenced information can be found. It is vitally important that you contact your local government in order to insure that you have the most recent and most applicable version of the home occupation law in your area.

GEORGIA HOME OCCUPATION ORDINANCES

ATHENS

Sec. 9-2-1. Home occupations: an occupation commonly carried on within a residential dwelling by members of the family occupying the dwelling, secondary to the residential use, and subject to the requirements of this title.

Sec. 9-15-16. Home occupations:

The following provisions apply to home occupations:

A. Dwelling. The occupation carried on within the dwelling unit shall be restricted to the heated floor space and shall not occupy an excess of 25 percent of the heated floor space within the structure. The occupation shall be conducted entirely within the dwelling.

B. Restriction on sales. The occupation shall involve the sale of only those articles or services produced on the premises, except in the case of mail order or home marketing services.

C. Employees. The occupation shall be conducted by members of the family who are living in the residence and a maximum of one additional employee.

D. External display of products. There shall be no external display of products or storage of equipment or any other externally visible evidence whatsoever of the occupation, business or profession.

E. Signage. There shall be no signs on the property advertising the home occupation.

F. Nuisance. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the lot line or beyond.

G. Prohibited equipment and materials. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence. Chemical equipment shall also include any chemicals which are not normally found in a purely domestic residence.

H. Parking and business-related vehicles (vehicles either marked or equipped commercially). No on-street parking of business-related vehicles shall be permitted at any time. No business vehicles larger than a van, panel truck, or pickup truck shall be

permitted to park overnight on the premises. The number of business-related vehicles shall be limited to one.

I. Sale of garden produce. OMITTED

J. Definition of "on the premises." "On the premises," as it pertains to home occupations, shall be defined as the actual dwelling structure plus the lot on which such structure is located.

K. Allowable home occupations. The following uses are examples of allowable home occupations:

- 1) In-home childcare, but not more than six children at a time, including the caregiver's own preschool-aged children.
- 2) Tutoring of all types, but limited to four pupils at one time.
- 3) Arts and crafts.
- 4) Small appliance repair.
- 5) Contractor offices (i.e., painting, cleaning, yard maintenance, building) but not including outside storage of equipment, materials, or vehicles.
- 6) Attorneys.
- 7) Accountants.
- 8) Real estate agents.
- 9) Insurance agents.
- 10) Counselors, psychological therapists, etc.
- 11) Upholstery repair.
- 12) Alterations.
- 13) Chimney cleaning.
- 14) Home marketing (e.g., Amway, Mary Kay, Tupperware, etc.) and mail order marketing of items.
- 15) Musician's and artist's studio.
- 16) Laundering services.
- 17) Massage therapists.
- 18) Other similar uses as approved by the planning director.
- 19) Barber and beauty shops: OMITTED.

L. Occupations which are not allowed. The following uses are examples of home occupations which are not allowed:

- 1) Antique sales.
- 2) Medical doctors, or any practice of physical and/or medical application, including chiropractors.
- 3) Dentists.
- 4) Reserved.
- 5) Reserved.
- 6) Catering establishments (i.e., businesses providing contract services consisting of food and banquet preparations prepared internally and delivered to customers off the premises).
- 7) Vehicle repair/mechanic's garages and automobile detailing.
- 8) Commercial greenhouses or nurseries.
- 9) Animal grooming.

ATLANTA

Sec. 16-29.001. Application: For the purposes of this part, certain terms, words or phrases used herein shall be defined, and requirements, restriction or limitations applied as follows:

- 1) General: Except as clearly indicated by context or stated intent:
 - The present tense includes the future tense.
 - The singular number includes the plural and the plural the singular.
 - The word shall is mandatory, the word may permissive.
 - The word lot includes the word plat or parcel.
 - The word land includes the word water or marsh.
 - The words used or occupied include the words intended, designed, or arranged to be used or occupied.
 - The word building includes the words intended, designed, or arranged to be used or occupied.
 - The word person includes the words firm, association, authority, organization, partnership, trust, company or corporation, owner, or authorized agent, as well as individual.
 - The masculine gender includes the feminine gender.
- 2) Accessory use or structure: A use or structure of a nature customarily and subordinate to the principal use or structure and, unless otherwise specifically provided or authorized, on the same premises. "On the same premises" means on the same lot or on a contiguous lot in the same ownership. Where a building is attached to a principal building, it shall be considered a part thereof, and not an accessory building.
 - (a) Accessory outdoor dining area: OMITTED
- 3) Adult businesses: OMITTED.
- 4) Automobile: OMITTED.
- 5) Repealed.
- 6) Building: OMITTED.
- 7) Child Care Nursery: OMITTED.
- 8) Church, synagogue, temple: OMITTED.
- 9) Clubs, lodges, fraternities, sororities, student centers: OMITTED.
- 10) Dwellings, lodgings, and related terms: General terms:
 - a) Dwelling unit (apartment): a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on weekly or longer terms, physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen and sleeping facilities. When in multifamily dwellings, dwelling units may be referred to as apartments.
 - b) Family: One (1) or more persons occupying a single dwelling or lodging unit, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over six (6) persons, with the following exceptions. Domestic servants employed on the premises may be housed on the premises without being counted as family. In a dwelling unit, not more than two (2) rooms not containing independent kitchen facilities may be occupied by a total of four (4) or less roomers who may also board with the family. Four (4) or less boarders, including but not necessarily restricted to roomers on the premises, may be accommodated for compensation for any period, including daily, weekly, or monthly periods. The term "family" shall not be construed to

mean fraternity, sorority, club, student center, group care homes, foster homes and similar uses.

- c) Guest house: OMITTED.
- d) Living quarters; quarters: OMITTED.
- e) Lodging unit: OMITTED.
- f) Servants' quarters: OMITTED.
- 11) Hotel: OMITTED.
- 12) Dwellings and lodgings: OMITTED.
- 13) Floor area:
 - a) Residential: For definition and method of measurement of residential floor area, as affecting dwellings and lodgings, see section 16-28.010(3), "Residential floor area,"
 - b) Floor area, commercial, business and industrial. OMITTED.
- 14) Garages, service stations: OMITTED.
- 15) Gross leasable area: OMITTED.
- 16) Personal Care Homes and Rehabilitation Centers: OMITTED.
- 17) Home occupation: An occupation conducted in a dwelling unit. "Home occupation" shall include any activity for which the City of Atlanta would normally require a business license and shall specifically include the use of the subject premises by professional persons engaged in the practice of law, business, or personal services. Further, "home occupation" shall include the use of the premises by a manufacturer's representative providing that no merchandise shall be stored on the premises other than samples which may be transported by hand and which are usually carried by such salesman, agent, or representative to prospects' office or place of business.

Home occupations may be approved by the director, bureau of buildings upon the application of the proposed principal in such form as the director, bureau of buildings, may hereinafter direct. However, approval shall be granted only in compliance with the following criteria:

- 1) No more than two (2) persons shall be engaged in such home occupation, one of whom shall be a member of the family residing on the premises.
- 2) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and no more than 25 percent of the floor area of the dwelling unit, or 500 square feet, whichever amount is less, shall be used for the conduct of the home occupation. Such space may be contained in a lawful accessory structure.
- 3) There shall be no assembly or group instructions in connection with the home occupation. Individual instruction on a one-on-one basis are permitted.
- 4) No product shall be sold on the premises. This provision shall not be construed as prohibiting sales by telephone when delivery of the merchandise is to take place elsewhere.
- 5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard.
- 6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of

electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

- 7) Any person who obtains authorization permitting the conduct of a home occupation shall be a member of the family residing on the premises, shall take substantially all of his overnight lodging at the dwelling, shall store substantially all of his personal belongings which are used in normal daily life in the dwelling, and shall use the address of the subject dwelling as his address for legal purposes such as registration to vote and payment of personal property taxes.
- 18) Marquee: OMITTED.
- 19) Shopping center: OMITTED.
- 20) Security storage center: OMITTED.
- 21) Street, alley: OMITTED.
- 22) Structure: OMITTED.
- 23) Structural alteration: OMITTED.
- 24) Use, mixed: OMITTED.
- 25) Walls and fences: OMITTED.
- 26) Basement: OMITTED.
- 27) Building, height of: OMITTED.
- 28) Grade: OMITTED..
- 29) Story: OMITTED.
- 30) a) Antenna: OMITTED.
 - b) Roof antenna: OMITTED.
 - c) Lattice antenna: OMITTED.
 - d) Amateur radio service antenna structure: OMITTED.
- (31) Home art studio and gallery:
 - (i) Definition: The creation, presentation and sale of works of art when conducted in a dwelling unit. Within the meaning of this section, "works of art" shall be defined as including, but not limited to, the following categories: Two- or three-dimensional objects, including paintings, sculptures, collages, constructions, and handmade books; photographs; prints; including silk-screens, etchings, lithographs, intaglios, woodcuts, and monotypes; drawings; jewelry; ceramics; textile designs; and weavings. In addition, all of the above categories must be: (1) handmade by the applicant; (2) of the applicant's own design; and (3) not solely intended for utilitarian use. This definition specifically excludes T-shirts, objects produced by numbers, or objects created by mass-production. For purposes of this definition, "mass-production" means the creation of more than five (5) completed objects per day by wholly mechanical means, but specifically excludes objects created through the process of photography and printmaking.
 - (ii) Procedures and criteria: Notwithstanding the regulations found in subsection (17) (Home Occupation) of this section, a home art studio and gallery may be permitted upon approval of the director, bureau of buildings upon application in such form as the director, bureau of buildings may hereinafter direct. Approval shall be granted only in compliance with the following procedures and criteria:
 1. Prior to filing an application with bureau of buildings, the applicant must secure a "home art studio and gallery certificate from the bureau of cultural affairs stating: (1) That the proposed home art studio and gallery meets the definitional requirements for

- works of art specified in subsection (i) above; and (2) The specific category or categories of work(s) of art that are to be created for sale at the proposed location. Said certificate must then be presented by the applicant to the bureau of buildings as a part of the home art studio and gallery application. If a permit is subsequently granted by the bureau of buildings, no work of art outside the scope of said certificate shall be presented or sold at the authorized location unless said certificate has been amended by the bureau of cultural affairs. All amended certificates must be presented to the bureau of buildings so that the existing permit may be appropriately amended by said bureau prior to any sales conducted pursuant thereto.
2. The use of the dwelling for the home art studio and gallery shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than 50 percent of the floor area of the dwelling or 500 square feet, whichever amount is less, shall be used for the conduct of the home art studio and gallery. Such space may be contained in a lawful accessory structure.
 3. There shall be no more than six (6) public sales presentations per year of works of art for sale at a home art studio and gallery. Each sales presentation shall consist of no more than 12 consecutive hours scheduled between the hours of 9:00 a.m. and 9:00 p.m. The applicant shall inform the director of the bureau of buildings, in writing of each planned sales presentation at least 10 days in advance of each presentation. The director, bureau of buildings shall cause a record to be maintained of all sales presentations at locations permitted herein so as to ensure compliance with this section. All works of art presented for sale at a home art studio and gallery shall have been created on the permitted premises.
 4. The only persons permitted to present and offer for sale works of art at a home art studio and gallery sale shall be persons who reside on the premises. Any person who obtains authorization permitting the conduct of a home art studio and gallery shall be a member of the family residing on the premises, shall keep substantially all of his or her personal belongings which are used in normal daily life at the dwelling, and shall use the address of the subject dwelling as his or her address for legal purposes such as registration to vote and payment of personal property taxes.
 5. There shall be no assembly or group instruction in connection with home art studio and gallery; except that this prohibition against assembly shall not apply during the sales presentation periods authorized in paragraph (ii)(3) above. Individual instruction on a one-to-one basis is permitted.
 6. No traffic shall be generated by such home art studio and gallery in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home art studio and gallery shall be met off-street and other than in a required front or side yard; except that these provisions shall not apply during the sales presentation periods authorized in paragraph (ii)(3) above.
 7. No equipment or process shall be used in such home art studio and gallery which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home art studio and gallery is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

- (33) Parking structure: OMITTED.
- (34) Surface parking lot: OMITTED.
- (35) Parking facilities: OMITTED.
- (36) Park-for-hire facility: OMITTED.
- (37) Floor-area ratio: OMITTED.
- (38) Lot coverage: OMITTED.
- (39) Truck stop: OMITTED.
- (40) Truck terminal: OMITTED.
- (41) Single room occupancy residence: OMITTED.
- (42) Motel: OMITTED.
- (43) Zero-lot-line subdivision: OMITTED.
- (44) Package Store: OMITTED.

Ordinance Z-02-66: An ordinance to amend section 16-29.001(17) of the City of Atlanta Zoning Code so as to add a new numbered sub-section 16-29.001(17)8. Whereas, section 16.29.001(17) of the City of Atlanta Zoning Code defines home occupation; Whereas, home occupation is a permitted accessory use subject to the limitations of Section 16-29.001(17) in R-1 through R-5 zoning districts by the City of Atlanta Zoning Code; Whereas, some home occupations in these residential districts are using lighted signs to notify the public of their location in these residential districts; Whereas, these lighted signs adversely affect the aesthetics of these residential districts and are detrimental to the otherwise residential uses in these districts because of the light and glare they cause. Whereas, it is in the best interest of the health and welfare of the citizens of the City of Atlanta to eliminate the lighted signs from residential districts; Now therefore be and it is hereby ordained by the Council of the City of Atlanta as follow: Section 1. That Section 16-29.001 (17) of the City of Atlanta Zoning Code is amended by a new Section 16-29.001(17)8. to read as follows: 8. No sign advertising a home occupation, including those mounted inside windows and doors that are visible from a public right-of-way of a neighboring property line, shall be internally or externally illuminated. Section 2. That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

AUGUSTA

Sec. 2. Definitions: "HOME OCCUPATION" shall mean an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

Sec. 8-3. Home Occupations:

a) Intent: The conduct of businesses in residential units may be permitted under the provisions of this section. It is the intent of this section to:

- 1) ensure the compatibility of home occupations with other uses permitted in residential districts;
- 2) maintain and preserve the character of residential neighborhoods; and
- 3) permit certain limited home occupations which are useful to both the general community as well as the resident-proprietor.

b) Required Conditions. A home occupation is an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit subject to the following conditions:

- 1) Home occupations shall be limited to personal services such as are furnished by a music teacher, artist, beautician, seamstress, and in-house offices;
- 2) Home occupations shall not include retail businesses, manufacturing businesses nor repair businesses;

- 3) Home occupations shall be situated in the same dwelling unit as the home of the occupant, and the individual responsible for the home occupation shall live in the dwelling unit;
 - 4) The home occupation shall not occupy nor affect more than twenty-five percent (25%) of the heated floor area of the dwelling unit. It shall be carried on wholly within the principal building constituting the dwelling unit. No home occupation nor any storage of goods, materials, or products conducted with a home occupation shall be allowed in an accessory building, garage, carport, or porch, attached or detached.
 - 5) There shall be no exterior indication of the home occupation; no exterior signs nor other on-site advertising visible from the exterior; no audible noise, detectable vibration, inordinate illumination, no odor; no entrance or exit way specifically provided for the conduct of business; and vehicular or pedestrian traffic shall not be generated in volumes greater than would normally be expected by a single family residence.
 - 6) For home occupations established after November 15, 1983 there shall be no assistants employed. Home occupations established prior to that date may have two assistants.
 - 7) Where special equipment is used the Building Code of Augusta-Richmond County shall govern the size of electrical wiring, plumbing, etc., which must be installed before such home occupation may begin.
 - 8) When a home occupation is to be conducted on property not owned by the applicant or operator, written permission from the owner is required.
- c) Special Use Permits. All home occupations shall have Special Use Permits. Special Use Permits shall be granted upon payment of a fee and a finding that a proposed home occupation would conform to the conditions at 8-3(b) and that no detrimental impact upon the surrounding residential area would be expected.
- 1) Special Use Permits may be granted administratively by the Executive Director of the Augusta-Richmond County Planning Commission for certain home occupations such as computer, telephone, or mail based businesses or offices, or other similar businesses where, in the opinion of the Executive Director, there is no potential for customers to visit the residence, or for excessive mail, truck or other material deliveries to the residence.
 - 2) For all other home occupations, Special Use Permits shall be granted by the Board of Zoning Appeals.
 - 3) Applications for all Special Use Permits for home occupations shall be made with the Augusta-Richmond County Planning Commission.
 - 4) Special Use Permits shall be granted to a designated person who resides at a residential address, and they shall not be transferable from person to person, address to address, or use to use.
 - 5) Special Use Permits, once granted, may be revoked by the Augusta-Richmond County Planning Commission upon advisement by the Augusta-Richmond County Planning Commission for cause after a hearing before the former commission.
 - 6) An individual granted a Special Use Permit for a home occupation has a period of one year from the date of approval to begin operation of the home occupation. Prior to beginning operation of the home occupation a business license must be obtained. Anyone that fails to begin operation of the home occupation within one year time period forfeits the home occupation right previously granted.

- 7) A Special Use Permit may be denied if a home occupation could be hazardous or injurious to the welfare of the community or if compliance with the requirements of this section has not been met.

BRUNSWICK

Ordinance 926, Sec. 3-16. Home Occupations: A home occupation, as defined in Section 1-4, shall be permitted in any residential district provided that such occupation:

- a) Is conducted by no other persons than members of the family residing on the premises; provided, however, that this condition shall not prohibit the employment of one non-resident person who owns no proprietary interest in the business or premises;
- b) Is conducted entirely within the principal building;
- c) Utilizes not more than twenty-five percent of the total floor area of the principal building;
- d) Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- e) Involves no sale or offering for sale of any article not produced or assembled, or any service not entirely performed, by persons working on the premises;
- f) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- g) Is not visibly evident from outside the dwelling except for one nonilluminated sign two square feet or smaller in size mounted against a wall of the principal building;
- h) Meets the requirements for off-street parking set forth in Section 3-19.

Section 3-19. Off-street Parking Requirements. Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the GCCore area, at the time of initial construction of any principal building or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity or when a conversion in use occurs. Such off-street parking areas shall have a direct access to a street or alley and shall be provided and maintained in accordance with the following requirements:

- (a) Number of spaces required:
 - (1) One-family dwellings or one-family mobile homes on individual zoning lots: Two spaces.
 - (2) Multi-family dwellings: Two spaces for each separate dwelling unit.
- (b) Amount of area required for each parking space. Including aisles, entrances and exits, each required off-street parking area, lot or other facility shall contain a minimum of three hundred square feet of adequate maneuverable space for each automobile to be accommodated.
- (c) Combination of uses on one lot: OMITTED
- (d) Location of off-street parking areas. Required off-street parking areas for one and two-family residences shall be located on the same lot as the principal building to be served. Under unusual circumstance and hardship, parking areas for all other permitted uses may be located off-site, provided that the parking area is not more than four hundred feet from the premises of the principal building or use to be served by such areas and provided that the owner of the off-site parking areas relinquishes all development rights over his property until such time that the parking space is provided elsewhere.
- (e) Common off-street parking areas: OMITTED
- (f) Use of public rights-of-way for maneuvering incidental to off-street parking: OMITTED

COBB COUNTY

Sec. 134-36. Temporary land use permit for home occupations.

(a) The board of commissioners may permit temporary land use permits for limited periods of time for the operation of home occupations or professions in areas and districts where the zoning regulations would otherwise prohibit such operations. For purposes of this section, the term "home occupation" means those temporary occupations which can ordinarily be carried on out of a residence or other structure without having any significant effect on the neighborhood or area from which such home occupation is carried on, for example, beauty shops where a single operator is involved, income tax preparation, accounting services and other occupations of a limited nature which are carried on by those who regularly occupy the household.

(b) In addition thereto, the board of commissioners may grant temporary land use permits for limited periods of time for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in state law or other significant adverse effect would result to the area or district zoned.

(c) All applications for temporary land use permits shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as hearings on applications for rezoning are conducted.

(d) The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit for a period of time in excess of 24 months except on reapplication, readvertisement and public hearing. Land use permits that have been in existence for ten years or more from the adoption date of this amendment will continue to be considered upon each renewal, until the use ceases to operate or is relocated. Land use permits that have been in existence less than ten years from the adoption date of this amendment will be allowed to apply for one more renewal, which if granted may be granted for up to 24 months. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate. All new applications that have been approved for a temporary land use permit after the adoption date of this amendment may only be considered for one renewal up to 24 months from the date the temporary land use permit was granted. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate.

If the property where a land use permit has been granted is sold or otherwise conveyed, or the business for which the land use permit was granted is sold or otherwise conveyed, requiring a change in the business license, the approved land use permit shall no longer be valid. In order for the use to resume operation, a new land use permit must be applied for and approved by the board of commissioners.

(e) The applicant or operator must reside full-time at the residence where the temporary home occupation or temporary business is performed if the property is located in a platted subdivision.

(f) The board of commissioners shall consider, at a minimum, the following in its determination of whether or not to grant a temporary land use permit:

- (1) Safety, health, welfare and moral concerns involving the surrounding neighborhood;
- (2) Parking and traffic considerations;
- (3) Number of nonrelated employees;
- (4) Number of commercial and business deliveries;
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses;

- (6) Compatibility of the business use to the neighborhood;
- (7) Hours of operation;
- (8) Existing business uses in the vicinity;
- (9) Effect on property values of surrounding property;
- (10) Circumstances surrounding neighborhood complaints;
- (11) Intensity of the proposed business use; and
- (12) Location of the use within the neighborhood.

COLUMBUS

Sec. 22-3. Definitions. Home Occupation. Any occupation or activity carried on within a dwelling by a member of the family residing on the premises in connection with which there is no group instruction, assembly or activity, and no display of merchandise or other articles of any kind that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Such home occupation shall not include the use of chemicals, matter or energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare of the community. No home occupation shall display any commodity for advertising purposes or for sale upon the premises. No person shall be employed other than a member of the immediate family residing on the premises.

Sec. 22-34. (D) Home Occupations:

- (1) Home occupations may be permitted in a dwelling unit only upon approval of the board of zoning appeals and if they comply with all of the following conditions:
 - (a) Where permitted: Within a single dwelling unit and only by the person or persons maintaining a dwelling within. No person shall be employed other than a member of the immediate family residing on the premises.
 - (b) Extent of use: Does not utilize more than one room of the dwelling unit, the area of which shall consist of no more than 500 square feet of floor space. Not permitted in an accessory structure.
 - (c) No internal or external alterations shall be made which are not customary to dwellings.
 - (d) No group instruction, assembly, or activity and no display of merchandise or other articles of any kind that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
 - (e) No home occupation shall display any commodity for advertising purposes or for sale upon the premises.
 - (f) No use of chemicals, matter, or energy that may create or cause to be created noises, noxious odors, or hazards that will endanger the health, safety, or welfare of the community.
 - (g) Telephone service: Home occupation for telephone service only is permitted but shall be restricted to that use only.
 - (h) For additional requirements, see the definition of "home occupations" under "Definitions."
- (2) Public notice: The inspections and code enforcement division shall notify by letter all property owners within 200 feet of the affected property as to the date, time and place of the public hearing before the board of zoning appeals. Such notice shall be mailed to each of such owners not less than seven days prior to the hearing. Should any party residing or owning property within 200 feet of the property affected fail to receive such notice, such failure shall not affect the validity of the proceedings.

- (2) Fee required: A fee of \$25.00, payable to Columbus, Georgia, shall be paid at the time a petition is filed with the board of zoning appeals. The fee shall not be refundable after the petition has been submitted.

GAINESVILLE

Sec. 9-2-1. Home occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

(1) Home office: A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

(2) Residential business: A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Sec. 9-2-6. (d) Residential business.

(1) Permitted activities. Any of the following group of activities may be engaged in by persons who reside on the premises of the residential business and who are appropriately qualified and licensed, including business licenses where required:

(a) OMITTED.

(b) Artistic. This group shall include activities such as teaching, creation and production by professional artists, sculptors, craftspeople (craftmakers), musicians, writers, and others who produce work on the premises for individual purchases, as differentiated from mass production or manufacturing.

(2) Limitations on size and location.

(a) Not more than thirty (30) percent of the gross floor area of the dwelling unit, or eight hundred (800) square feet (whichever is less), shall be used for all of the activities devoted to the residential business.

(b) Accessory buildings and structures may be used for the residential business, but in no case shall the total area of the accessory structure devoted to such use be greater than five hundred (500) square feet.

(c) If parts of the dwelling unit and an accessory structure are devoted to a residential business, no more than one thousand (1000) square feet of combined gross floor area shall be used for such activity, including no more than thirty (30) percent of the gross floor area of the dwelling unit or eight hundred (800) square feet (whichever is less).

(d) There shall be no activity or display associated with the residential business outside of any building or structure that is not normally associated with a residential environment.

(3) Activity controls.

(a) Sales. There shall be no exchange of merchandise of any kind on the premises except for those products produced on the premises as a direct result of the residential business.

(b) Transfer of goods. There shall be no reshipment of any goods, products, or commodities received on the premises.

(c) Personal services. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities, unless specifically permitted as part of the special use approval.

(d) Employees. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

- (e) Outsiders and nonresidents on the premises. There shall not be more than two (2) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, patients, or customers.
- (f) Parking. There shall be no parking spaces provided or designated specifically for the residential business.
- (g) Signs. No more than one (1) sign may be located on the premises indicating the residential business, which shall not be larger than one (1) square foot in area.
- (h) Lights. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
- (i) Hours of operation. The residential business shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. each day except Sunday. On Sunday, the residential business shall not be open before 11:00 a.m. or after 10:00 p.m.

MACON

Section 23.01. Home occupations: Home occupations are accessory uses in residential districts, and shall be governed by the standards set out in this section. These standards are intended to ensure compatibility with the residential character of the neighborhood and to emphasize the clearly secondary or incidental status of the home occupation in relation to the residential use of the main building.

(1) Standards. The following standards must be met for all home occupations:

- (a) Such occupation shall be located and conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence.
- (b) Such occupation shall be conducted solely by occupants at the residence.
- (c) No alteration of the residence, accessory buildings, or the property shall be made, and no more than twenty-five (25) percent of the gross floor area shall be utilized.
- (d) The applicant must be the owner of the property on which the home occupation is to be located; or, if applicant is a tenant, he must have written approval of the owner of the property.
- (e) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
- (f) No outside storage related to the home occupation shall be permitted.
- (g) The use may increase vehicular flow and parking by no more than one (1) additional at a time.
- (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
- (i) No signs advertising the home occupation shall be permitted.
- (j) One (1) commercial vehicle is permitted in connection with the home occupation, provided the provisions of Section 26.08 are met.

(2) Home occupations, allowed: Home occupations include but are not limited to the following:

- (a) Telephone and office use:
 - (i) Applicant's business activities at the residence shall be confined to telephone and office use;
 - (ii) No employees or jobbers shall meet or congregate at the applicant's residence;
- (b) Artists, sculptors, authors, or composers;
- (c) Dressmakers, seamstresses, or tailors;

- (d) Home crafts, such as model making, rug weaving, and lapidary work;
 - (e) Office facility for a minister, rabbi, or priest;
 - (f) Office facility for a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises;
 - (g) Tutors and musical instructors; and
 - (h) Professional offices. (Added January 13, 1986, ZA86-01-03)
 - (i) Barber and beauty shops. (Added November 27, 1995, ZA95-11-01)
- (3) Home occupations not allowed. Home occupations allowed shall not, in any event, be deemed to include the following:
- (a) Reserved. (Amended August 12, 1985, ZA85-08-01; Deleted November 27, 1995, ZA95-11-01)
 - (b) Funeral chapels or funeral homes;
 - (c) Antique shops;
 - (d) Gift shops;
 - (e) Nursery schools, kindergartens, day care homes or centers;
 - (f) Private clubs;
 - (g) Restaurants;
 - (h) Tourist homes;
 - (i) Stables or kennels;
 - (j) Auto repair or similar establishments;
 - (k) Printing establishments;
 - (l) Reserved; or (Deleted January 13, 1986, ZA86-01-03)
 - (m) Any other occupation that the Commission finds incompatible with the purposes and intent of this section.
- (4) Expiration. A zoning permit for home occupations shall expire:
- (a) Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until proper application has been made, and a new permit issued.
 - (b) Whenever the holder of such permit fails to carry on the occupation for which the permit was issued for any period of six (6) consecutive months. (Amended October 28, 1985, ZA85-10-02)
- (5) Violation of permit: If the Commission finds that a home occupation is being conducted in violation of this or any other provisions of these regulations, then such permit may be suspended or rendered void, provided that a regular hearing shall be conducted prior to any such suspension or voiding.
(Amended October 28, 1985, ZA85-10-02)

ROME

Article 8: Definitions: Home Occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

Accessory Use or Structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

Dwelling: A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long term basis.

Sec. 4.2.3. Customary accessory uses to a dwelling. Each of the following uses is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use to which it serves as an accessory. Customary home occupations and associated uses, including hobbies and retirement avocations, require a Special Use Permit only if within a residence or an additional structure is required on the property. Any customary accessory residential use is allowed that does not conflict with the general appearance of a residential community, with specific restrictions as follows:

- a) Private garage not to exceed the following storage capacities; one or two-family dwelling, four automobiles; multi-family dwelling, two automobiles per dwelling unit; group dwelling, 1 1/2 automobiles per sleeping room.
- b) Outdoor parking area for motor vehicles, provided that such space does not exceed the maximum respective storage capacities listed in (1)[a.] above; and provided that such space shall not be used for more than one commercial vehicle per family residing on the premises.
- c) Detached Home Office and/or Studio for exclusive use by the residence owner or immediate family members as occupants of the residence, provided such space is incorporated within a detached garage, guest quarters, or storage facility and can meet all rear and side setback requirements.
- d) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- e) Children's playhouse and play equipment.
- f) Non-commercial greenhouse.
- g) Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties.
- h) Private recreational facility, such as a swimming pool and bathhouse or cabana, tennis court, deck or patio. These uses shall conform to the minimum setback requirements for principal buildings in each zoning district. Swimming pools shall be permitted only upon written approval of the health department to indicate compliance with applicable health department regulations. Pools must be enclosed by a six-foot fence or wall with a locking gate.
- i) Accessory uses in an apartment development may include laundry facilities for the convenience of residents which are housed in a primary use structure.
- j) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- k) Guest Houses. Where otherwise permitted, a guesthouse must comply with the following:
 - (1) The guesthouse must be an accessory use to a single-family detached dwelling already existing on the lot.
 - (2) The guesthouse must meet or exceed the Standards of this Code for class A Single-Family Dwellings.
 - (3) A guesthouse shall be permitted only on a lot having at least 20,000 square feet in area.
 - (4) The guesthouse must be placed to the rear of the main house at least 20 feet away.
 - (5) No more than one guesthouse may be located on any lot.
 - (6) The building floor area of the guesthouse may not exceed 50 percent of the floor area of the main house.
- a) Residential Home Office:
 - (1) Permitted Activities. A residential home office shall be limited to the personal conduct of a business within one's place of residence. There shall be no exterior indication that the business activity is taking place, including signage. This provision is intended to allow work to be conducted at home by individuals employed by an offsite

employer. These provisions do not apply to dwellings that are located on properties where agricultural activities are the principal use.

(2) Limitations on Size and Location.

(a) Not more than 25 percent, not to exceed 300 square feet of the gross floor area of the dwelling unit shall be used for all of the activities devoted to the home office.

(b) The use shall be carried on wholly within the principal building. The attachment of an accessory building by a breezeway, roof, or similar structure shall not be deemed as sufficient for the accessory building to be considered as a portion of the primary building.

(c) There shall be no activity or display associated with the home office outside of any building or structure.

(d) There shall be no alteration of the residential character of the building or premises.

(3) Activity Controls:

(a) Sales. There shall be no exchange of merchandise of any kind on the premises.

(b) Transfer of goods. There shall be no goods, products or commodities received on the premises.

(c) Personal services. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.

(d) Employees. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

(e) Outsiders and nonresidents on the premises. There shall be no non-resident persons on the premises in conjunction with the home office.

(4) Parking:

(a) There shall be no parking spaces provided or designated specifically for the home office other than as is required for the residence.

(b) No equipment or business vehicles may be stored or parked on the premises except that one business vehicle (the carrying capacity of which shall not exceed 1 1/2 tons) used exclusively by the resident may be parked in a carport, garage, or rear or side yard.

(5) Signs. Signage shall comply with the sign standards for residential districts contained in Article 5--"Sign Regulations."

m) Residential Business. Residential businesses shall meet the requirements of "home office" above with the following additional exceptions:

(1) Permitted Activities.

(a) Approved activities may be engaged in by persons who reside on the premises of the residential business and who are appropriately qualified and licensed, including business licenses where required:

1) Artistic. This group shall include activities such as teaching, creation and production by professional artists, sculptors, craftspeople (craft-makers), musicians, writers and others who produce work on the premises for individual purchases, as differentiated from mass production or manufacturing.

2) Business. This includes commercial trade activities such as those conducted by a manufacturer's representative or telephone salesperson, but

not involving the delivery of goods or services directly to customers on the premises.

(2) Limitations on Size and Location.

(a) Not more than 25 percent of the gross floor area of the dwelling unit shall be used for all of the activities devoted to the residential business.

(b) Accessory buildings and structures may be used for the residential business, but in no case shall the total area of the accessory structure devoted to such use be greater than 500 square feet.

(c) If parts of the dwelling unit and an accessory structure are devoted to a residential business, no more than 1,000 square feet of combined gross floor area shall be used for such activity, including no more than 30 percent of the gross floor area of the dwelling unit.

(3) Activity Controls. There shall be no exchange of merchandise of any kind on the premises except for those products produced on the premises as a direct result of the residential business.

(4) Personal Services. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities unless specifically permitted as part of the Special Use approval.

(5) Outsiders and nonresidents on the premises. There shall not be more than two (2) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, or customers.

(6) Hours of Operation. The Residential Business shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. each day except Sunday. On Sunday, the Residential Business shall not be open before 1:00 p.m. or after 7:00 p.m.

(7) Parking.

(a) One off-street paved parking space for each 150 square feet of floor area devoted to the home occupation shall be provided in addition to the required parking for the residential use of the building.

SAVANNAH

Sec. 8-3002: Definitions: Home Occupation: An occupation carried on within a home or from a home only by family members residing in the home, using only such equipment as is customarily found in the home, involving no display of articles or products, and, except as otherwise provided, having no on-premise signage identifying the occupation and having no on-site storage of equipment, or materials used to deliver products or provide services off-site and having no on-site assembly or storage of vehicles other than the customary household vehicles. Home occupations shall be limited to:

(1) selling only those articles, products, or services produced in the home, or

(2) arranging to provide or deliver products or services off-site which are produced off-site and involve no on-site employees other than those living in the home, and involve no assembling or storage of materials or equipment on the premises. Provided, however, that this definition shall also include the following activities:

(a) boarding not more than two (2) non-transient guests,

(b) a family day care home, or

(c) a beauty parlor operating in a room separate from but attached to a dwelling unit and using equipment other than customarily found in a home, occupying not more than 500

square feet of floor area, and employing no more than two people, both of whom shall reside in the dwelling to which the beauty parlor is attached.

Dwelling: A building or portion thereof arranged or designed to provide living facilities for one (1) or more families.

(1) Detached: OMITTED

(2) Semiattached, semidetached, or end-row: OMITTED

(3) Attached or row: OMITTED

Dwelling Unit: One (1) or more rooms designed as a unit, including a kitchen, bathroom and sleeping, to provide complete housekeeping facilities for one (1) or more persons living as a single housekeeping unit or family.

Sec. 8-3021. OMITTED.

Sec. 8-3022: Zoning Map: OMITTED.

Sec. 8-3025(a) Use 52: Home Occupation: Limited to zoning districts C-A, R20, R10, R-6, R6A, R6B, R6C, R-4, R-M, RIP, RIP-A. Provided that:

(1) The appearance of the dwelling shall not be altered in any manner which would indicate that a business is being conducted within the house.

(2) The home occupation shall not generate pedestrian or vehicular traffic, or demand for parking, beyond that which is normal to the particular neighborhood.

(3) No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof.

Sec. 8-3025(a) Use 60: Cultural Facilities, Art galleries, museums, legitimate theatres, little theatres, libraries and other facilities of a similar nature: limited to zoning districts C-R, RIP, and RIP-A.

Sec. 8-3025(a) Use 60a: Teaching of music, voice and dance: limited to zoning districts RIP and RIP-A. Provided that no more than 3 instructors shall be permitted in conjunction therewith and no more than 30 persons shall be instructed on the premises at any one time.

Sec. 8-3025(a) Use 60c: Artist studio and/or gallery: Provided that within the RIP-A1 district:

(a) Such use shall not exceed 900 square feet or shall not occupy more than 25 percent of the floor area within a residential structure last occupied by a dwelling unit, whichever is the most restrictive. In addition, such use shall only be established in the basement or ground floor area of a residential structure.

(b) Such use shall front onto a street classified as a collector or arterial on the City Street Classification Map.

(b) Such use shall not be used by more than two artists nor utilize processes that produce noise, odor, chemical/fire hazards or require exterior venting of smoke, fumes or heat.

Sec. 8-3025(a) Use 62: Photography studio: limited to zoning districts RIP and RIP-A.

Sec. 8-3025(a) Use 64: Ceramic studio and shop: limited to zoning districts RIP and RIP-A; Provided that:

(a) There are not more than 2 employees other than the operator.

(b) No kiln shall be larger than thirty-one and one-half inches deep.

(c) No operations are conducted outdoors and that there is no outdoor storage or display.
Sec. 8-3025(b) Use 89: Home occupation: limited to zoning districts R-B, R-B1, B-C1, BG, BB, IL, RBC, RBC1.