ADDENDUM “L”

TYPE 3 HOME OCCUPATION

PREAPPLICATION MEETING

In accordance with City Code Section 134-6.4.2, any property owner requesting a Conditional Use/Home Occupation for consideration by the Zoning Board of Adjustment must attend a pre-application meeting before filing an application for a conditional use.

I, the signed applicant, have attended a preapplication meeting, as required.  
Date of Preapplication Meeting  Signature

NEIGHBORHOOD MEETING REQUIREMENTS

In accordance with City Code Section 134-6.4.4, applicants requesting a Conditional Use/Home Occupation are responsible for conducting a neighborhood meeting and providing a summary of such meeting before required public hearing, pursuant to City Code Section 134-6.1.6. The purpose of this meeting is to educate applicants and neighbors about one another’s interests, and to attempt to resolve any concerns before the public hearing.

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<tr>
<th>Description</th>
<th>Initials</th>
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<tr>
<td>I have received a copy of the Neighborhood Meeting Requirements document, which is posted online at <a href="https://www.dsm.city/ZBOAApplication">https://www.dsm.city/ZBOAApplication</a></td>
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<td>I have received, from the City, a list of property owners and Recognized Neighborhood Association representatives that I must invite to the Neighborhood Meeting.</td>
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<td>I agree to conduct a Neighborhood Meeting, inclusive of property owners and Recognized Neighborhood Association representatives contained on the list provided by the City prior to the scheduled public hearing for this Conditional Use request.</td>
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<tr>
<td>I also agree to submit a summary of the Neighborhood Meeting to <a href="mailto:nhmeeting@dmgov.org">nhmeeting@dmgov.org</a> at least 3 days prior to the scheduled public hearing. This summary will include the following information: 1. Address of property requesting the conditional use. 2. Describe efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held; 3. List who was involved in the discussions; 4. Identify suggestions and concerns raised by neighbors; and 5. Identify what specific changes, if any, were considered or made as a result of the Neighborhood Meeting.</td>
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In accordance with City Code Section 134-3.9.4, the Zoning Board of Adjustment shall apply the following criteria when considering any application for a Type 3 Home Occupation:

F. Type 3 Home Occupations.

1. The board of adjustment is authorized to approve Type 3 home occupation uses for the following: **Circle One**
   - a. Uses allowed as Type 2 home occupations, subject to the supplemental regulations;
   - b. Day care as defined by section 134-3.5.7 of the City Code; and
   - c. Retail sales as defined by section 134-3.5.15 of the City Code.

2. In addition to the general regulations for all home occupations, Type 3 home occupations are subject to the following supplemental use regulations: **Please state how your business will address each requirement:**
   - a. Hours of operation must not infringe on the residential atmosphere of the neighborhood. All outside activity related to the home occupation must cease between the hours of 7:00 p.m. and 7:00 a.m.

   - b. No more clients or customers may be present at any one time on the site of a Type 3 home occupation than allowed by board of adjustment approval subject to consideration of the general regulations.

   - c. The board of adjustment shall determine the maximum number of nonresident employees allowed with a Type 3 home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

City Code Section 134-3.9.4.B: General Regulations for All Home Occupations.

All home occupations are subject to the following regulations. **Please state how your business will address each requirement:**

1. The proposed location, design, construction, and operation of the use adequately safeguards the health, safety, and general welfare of persons residing or working adjoining or surrounding property.

2. The use must not unduly increase congestion in the streets, or public danger of fire, safety or flooding.

3. The use must not diminish or impair established nearby property values.

4. The use shall be clearly incidental to or secondary to the residential use on the premises.
5. The use shall not cause or produce noise, vibration, smoke, dust, odor, or heat or any other impact of a type or quantity not in keeping with the residential character of the neighborhood.

6. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted material of a type or quantity not ordinarily used for household purposes shall be used or stored on the premises, and the applicant must identify the proper disposition of any hazardous waste. No activity will be allowed which is hazardous to the public health, safety or welfare.

7. No outside operation, storage or display of materials or products shall occur.

8. No more than 50% of the gross floor area of the building or accessory building shall be used for such business, including the storage of materials or products.

9. No alteration of the residential appearance of the premises shall occur unless allowed by applicable building type and design regulations. This includes external structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located. Examples of such prohibited alterations include the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.

10. The home occupation, including any business storage, shall not displace or impede use of parking spaces required by this code. The home occupation shall not displace, interfere with or impede access to public parking.

11. The home occupation shall not cause the congregation of business employees at the site or congestion in the availability of on-street parking.

12. At least one individual engaged in the home occupation must reside in the household unit in which the home occupation is located as their primary place of residence.

13. The home occupation shall be in effect only for so long as the premises are occupied by the person in business.

14. The home occupation shall comply with all applicable codes including local building codes.
15. The home occupation shall meet all general regulations and all applicable supplemental regulations.

City Code Section 134-3.9.4.C: Board of Adjustment Reconsideration.

Any approved home occupation may be subject to reconsideration by the board of adjustment if at any time the zoning enforcement officer determines that the conduct of the occupation does not comply with one or more general regulations for home occupations or applicable supplemental regulations, or has become detrimental to the neighborhood.