

Troy, Alabama **HOME OCCUPATION** **REGULATIONS**

The purpose of the Section in our Zoning Ordinance concerning Home Occupations is designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities which are traditionally carried out in a home. This section allows for the gainful employment of the occupant of a dwelling in a limited commercial activity, with such employment activity being incidental and subordinate to the residential use of the property. Furthermore, this Section is to ensure that Home Occupations are compatible with, and do not change the character of the surrounding residential area by generating more traffic, noise, odors, visual impacts, or storage of materials than would normally be expected in a residential zoning district.

Below is 6.24 of Article Six of the Zoning Ordinance of the City of Troy, Alabama, as amended. For a complete copy of the Zoning Ordinance of the City of Troy, Alabama, as amended, or for more information, please go to www.troyal.gov or call (334) 566-0177.

“6.24 **Home Occupations:** A home occupation is intended to be a use conducted in a residential property, with operations occurring entirely within a dwelling and carried on solely by the inhabitant thereof and which is clearly incidental and secondary to the use of the building and/or structure for dwelling purposes. Because the City recognizes that certain home occupations have greater land use impacts than others, this article is designed to establish three (3) tiers of home occupations. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper regulations are administered.

May be permitted on appeal in the RR, R-1, R-2, R-3, A-1, MHR, and the MH Districts only when approved as regulated in this Section.

The City Clerk, zoning administrator, building official, revenue officer, and/or a person designated by the City council, shall have the right to enter and inspect the dwelling for compliance purposes following advance notice to the property owner.

No article or service shall be sold, offered, or performed which must be performed on the property outside of structures complying with the provisions of this Ordinance.

There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation; nor shall there be any sign advertising the home occupation. No advertising display signs shall be permitted. No commercial telephone directory listing, newspaper, or local or city directory, radio, television, website, social media, billboard, or any other electronic or written advertising shall be used to advertise the location of a home occupation to the general public.

The operation of a home occupation shall not involve any potentially dangerous or deadly weapons of any kind, including but not limited to knives, firearms, or air guns.

The appearance of the dwelling unit shall not be altered, nor shall the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.

No more than one home occupation shall be approved in any residential dwelling unit.

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The operation of a home occupation shall not create any nuisance, including, but not limited to excessive traffic, on-street parking, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, and shall have no effect or impact upon the physical and natural amenities of the neighborhood or affect the residents' ability to maintain the quiet enjoyment of their homes, property, streets, and neighborhood.

Any grant of approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations and conditions applied to the approval.

A home occupation shall not include a furniture upholstery, retail store, repair shop, health clinic, hospital, barbershop, beauty parlor, tearoom, animal daycare and/or hospital, chiropractic clinics, fortune telling establishments, automobile washing or detailing, or other similar activity as determined by the Board of Adjustment. The on-site repair of vehicles shall be prohibited as a home occupation.

6.241 Tiers of Home Occupations:

1. **Tier 1 Home Occupations:** Qualifying tier 1 home occupations are home based businesses that have no outward appearance of business activity, including business identification signage. Examples of qualifying home occupations include (but are not limited to) the following: business office for an otherwise licensed business activity, internet based business, electronic or mail commerce, telephone sales or marketing, artistic, consulting, design, professional service (not including medical, health, or animal related professional services), or manufacturer's representative, etc. No public hearing is required for qualifying tier 1 home occupation applications, and the zoning administrative official has authority to approve qualifying tier 1 home occupation applications. Applicants for qualifying tier 1 home occupations must sign an "affidavit of compliance." The affidavit outlines the minimum requirements listed below. These minimum requirements shall be conditions of approval and must be observed by the applicant. The affidavit shall be signed in the presence of the zoning administrative official (or appointee). Any applicant who refuses to sign the affidavit or is unable to comply with the minimum requirements will be required to apply for a qualifying Tier 2 home application. The applicant shall not be eligible for the issuance of a business license until the affidavit has been approved by the zoning administrative official. Prior to the operation of a qualifying tier 1 home occupation, the applicant must obtain a valid business license from the City.
 - a. The business license shall be valid only for this home occupation, this operator at this location;
 - b. This home occupation approval shall be void if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
 - c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);

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- d. Any work conducted in the home (i.e. bookkeeping, etc.) shall be confined to the principal building and/or structure;
- e. No advertising material shall indicate the business hours, address and/or physical location of the business;
- f. Tier 1 home occupations shall be restricted such that there shall not, at any time, be more than two clients (who are not members of the resident family) on the premises for any reason related to such home occupation. Instruction of music, art, dancing and similar activities shall be limited to a maximum of two students at a time, and any noise created by the activity shall not be detectable outside the premises;
- g. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- h. Accessory buildings and/or structures shall not be used for home occupations;
- i. Any business-related equipment or materials must be kept inside the home;
- j. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
- k. No business-related vehicles shall be parked at the home;
- l. Only residents of the home shall engage in business activity at the home;
- m. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
- n. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- o. The approval of a qualifying tier 1 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, tools, vehicles, or construction equipment at the home;
- p. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week and the delivery vehicle shall have no more than a single axle with six wheels;
- q. There shall be no signs or advertisements on the property, including on the mailbox;
- r. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;
- s. The business operator shall be responsible for observing any private covenants which may impact the home occupation;

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- t. The business operator shall fully comply with any other restriction as may be considered appropriate by the zoning administrative official, City Clerk, or the Board of Adjustment; and
 - u. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 1 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.
2. **Tier 2 Home Occupations:** Qualifying tier 2 home occupations are home based businesses that may exhibit outward (visible) signs of business activity, including (but not limited to) the following: lawn care business, contractors (not to include heavy construction, excavation, dirt moving, etc.), landscaping, tree surgery, home maintenance business, or, if approved by the Board, any business application for a tier 1 home occupation that the City Clerk or Zoning Administrator denies, etc. Tier 2 home occupations shall be considered special exceptions and shall be subject to Board of Adjustment approval as outlined in this article. Unless expressly omitted by the Board of Adjustment, the restrictions listed below shall be considered conditions of approval. However, the Board of Adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the Board of Adjustment. The applicant shall not be eligible for the issuance of a business license until the special exception is approved by the board of adjustment. Prior to the operation of a qualifying tier 2 home occupation, the applicant must obtain a valid business license from the City.
- a. The special exception and ultimately the business license shall be valid only for the applicant, this home occupation, this operator at this location;
 - b. The special exception shall be void if a privilege license, issued by the City, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
 - c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
 - d. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - e. There shall be no noise, odors or vibrations associated with the business;
 - f. Only residents of the home shall be authorized to engage in business activity at the home;
 - g. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
 - h. Tier 2 home occupations shall be restricted such that there shall not, at any time, be more than two clients (who are not members of the resident family) on the premises for any reason related to such home occupation;

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- i. All work-related activities must be conducted inside the home;
- j. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
- k. No accessory building shall be used in conjunction with the business;
- l. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a ¾ ton pickup truck or 12-passenger van and shall not be parked in the required front yard;
- m. There shall be no business-related vehicle parked in the street;
- n. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- o. Lawn care equipment and/or any trailer used to transport the equipment shall be shielded from the view of the street and adjacent properties;
- p. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
- q. Used and/or left over materials shall not be taken to or stored on the property;
- r. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
- s. The approval of a qualifying tier 2 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, multiple business-related vehicles, or any construction equipment at the home;
- t. There shall be no signs or advertisements at the home, including on the mailbox;
- u. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;
- v. The business operator shall be responsible for observing any private covenants which may impact the home occupation;
- w. Any other restriction as may be considered appropriate by the zoning administrative official or the Board of Adjustment; and
- x. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 2 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.

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3. **Tier 3 Home Occupations:** Tier 3 home occupations are home based businesses that exhibit outward (visible) signs of business activity and due to potential increased traffic, noise, and nuisances need to be reevaluated every two (2) years, including (but not limited to) the following: home-based businesses having clientele traffic, home day cares not to exceed six children, seamstresses, instruction of more than two students at a time, or, if approved by the Board, any business application for a tier 2 home occupation that the Board decides warrants the need to be reevaluated every two (2) years, etc. Tier 3 home occupations shall be considered special exceptions and shall be subject to Board of Adjustment approval every two (2) years as outlined in this article. Unless expressly omitted by the Board of Adjustment, the restrictions listed below shall be considered conditions of approval. However, the Board of Adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the Board of Adjustment. The applicant shall not be eligible for the issuance of a business license until the special exception is approved by the board of adjustment. Prior to the operation of a qualifying tier 3 home occupation, the applicant must obtain a valid business license from the City.
- a. The special exception and ultimately the business license shall be valid for two (2) years only for the applicant, this home occupation, this operator at this location;
 - b. The special exception is void if a privilege license, issued by the City, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
 - c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
 - d. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - e. There shall be no noise, odors, vibrations, or excessive noise associated with the business;
 - f. Only residents of the home shall be authorized to engage in business activity at the home;
 - g. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
 - h. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
 - i. The applicant is allowed to have no more than two business-related vehicles parked on the property, but they shall be no larger than a ¾ ton pickup truck or 12-passenger van, and shall be located off the street and shall not be located in the required front yard;

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- j. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- k. Any equipment and/or any trailers used to transport the equipment shall be shielded from the view of the street and adjacent properties;
- l. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the vehicle or inside the home;
- m. Used and/or left over materials shall not be taken to or stored on the property;
- n. If business-related materials or equipment are delivered to the home, there shall be no more than four deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
- o. The approval of a qualifying tier 3 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, more than two business-related vehicles, or any construction equipment at the home;
- p. There shall be no signs or advertisements at the home, including on the mailbox;
- q. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
- r. The business operator shall be responsible for observing any private covenants which may impact the proposed home occupation.
- s. Any other restriction as may be considered appropriate by the zoning administrative official or the Board of Adjustment; and
- t. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 3 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.
- u. Additional Regulations for Home Day Cares:**
 - 1) The home day care shall provide day care for six or less children, elderly, handicapped, or infirm persons, and must comply with all applicable federal, state, county, and city laws, regulations, ordinances, and licensing requirements;
 - 2) Home day cares shall be limited to a single-family, detached dwelling;
 - 3) Home shall not be located within 1,000 feet of another family care home as measured between lot lines;
 - 4) Home day cares shall not be conducted in any accessory building located on the same lot as the principal dwelling;

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- 5) Current licensure through the Department of Human Resources and/or other appropriate federal, state or county regulatory agency shall be required;
- 6) Street parking or other places to load and unload children, elderly, handicapped, or infirm persons shall be adequately provided for so as to provide protection to such persons so that they can safely enter and exit vehicles;
- 7) Architectural drawings or other drawing, photographs or diagrams shall be submitted with application to show existing fences or other structures to be placed upon the property or already in place providing safety to children for traveling to and from the premises being used;
- 8) No person, other than the owner of the home and their immediate family, shall be employed or called on to aid or help in the care of children within such residential home;
- 9) No display of home care service shall be visible from the street or exhibited upon the property in any way;
- 10) Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard;
- 11) Fencing shall be provided to physically contain the children within the outdoor play area, and to restrict children from hazardous areas, such as open drainage ditches, wells, holes, swimming pools, and streets or highways;
- 12) Play equipment shall be located at least ten feet from an abutting lot line;
- 13) Home day care utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Pike County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure;
- 14) It shall be understood that this right of use shall be limited only to the home occupant making application for a day care home, and such right is not transferable, assignable or otherwise allowed to be given to any other future lessee, tenant, purchaser or owner of the home without the filing and approval of a new application as provided in this section; and
- 15) The right to use the home for a day care home shall be terminated upon notification to the city that the state department of human resources or such other state entity regulating home day care notifies the city or the city otherwise becomes aware that such regulatory agency has revoked, suspended, or discontinued any license privilege or right of the home of the applicant to continue operation of a day care home. Any subsequent use shall require the filing and approval of a new application as set forth in this section.”