

*Ord.*  
**2006-0261**

**INTRODUCED BY: APRIL BLACK, COUNCILMAN, DISTRICT V**

**ORDINANCE NO. 06-12-6**

An ordinance to amend the St. Charles Parish, Zoning Ordinance, Appendix A Section XXII to modify the approval process and operational regulations for Home Occupations.

**WHEREAS,** St. Charles Parish has been inundated with requests for home occupation permits since Hurricane Katrina; and,

**WHEREAS,** under current regulations there are different permit processes for home occupations in different zoning districts; and,

**WHEREAS,** under current regulations, many permit processes for home occupations take as long as eight weeks; and,

**WHEREAS,** such a long procedure may discourage citizens from securing proper permits to operate their businesses; and,

**WHEREAS,** the St. Charles Parish Council wishes to make an efficient process for home occupation permits.

**NOW, THEREFORE, THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Section XXII of the St. Charles Parish Zoning Ordinance is amended as follows (**bold text to be added; strikethrough text to be deleted; subsection B. replaced; subsections C. and D. unchanged**):

A. *General:* It is the intent of this section to regulate home occupations in residential zones. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

B. *Permit Process:*

1. **Pre-Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.

2. **Application:** A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.

3. **Departmental Review:** The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.

4. **Public Notice and Comment:**

a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.

b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.

5. **Determination:** The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:

- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
- b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning & Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
- c. Deny the application.

C. *Operational Regulations:*

- 1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
- 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
- 3. There shall be no signs posted which indicate the existence of the home occupation.
- 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § 1, 8-18-03)
- 5. Only the residents of the premises shall be engaged in the home occupation.
- 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
- 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
- 8. The home occupation shall not eliminate required off-street parking.
- 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
- 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.

11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

**SECTION II. That under Section XXII of The St. Charles Zoning Ordinance, Home Occupations may be permitted in a residence regardless of zoning district. Therefore, to clarify, "home occupation" is deleted from the following four items in Section VI. Zoning District Criteria and Regulations, B. Residential Districts: of the Zoning Ordinance:**

1. [I] 1. b. (3) (R1A; Special Exception)
2. [II] 1. b. (4) (R1A(M); Special Exception)
3. [III] 1. c (6) (R1B; Special Permit)
4. [VII]. 1. c. (4) (R2; Special Permit)

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, WALLS, BLACK, MINNICH  
 NAYS: RAMCHANDRAN, DUHE  
 ABSENT: NONE

And the ordinance was declared adopted this 4<sup>th</sup> day of December, 2006, to become effective five (5) days after publication in the Official Journal.

Home Occupation Ord Revised Final

CHAIRMAN: Brian C. Far

SECRETARY: Barbara Joseph Tucker

DLVD/PARISH PRESIDENT: December 5, 2006

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: Albert L. Ly

RETD/SECRETARY: December 5, 2006

AT: 2:21pm RECD BY: BGT