

## ARTICLE 13: HOME OCCUPATIONS

**17-13-1. DEFINITION.** Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in Section 17-13-5 of the Zoning Ordinance of the City of Lakewood.

**17-13-2. PURPOSE AND INTENT.** It is the purpose and intent of this chapter to:

- (1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.
- (2) Provide residents of the City with an option to utilize their residences as a place to enhance or fulfill personal economic goals as long as the choice of home occupation does not infringe upon the residential rights of neighborhood inhabitants.
- (3) Establish criteria for operating home occupations in dwelling units within residential districts.
- (4) Minimize the impact a home occupation has on a neighborhood with respect to public and private services such as street, sewer, water, and electrical systems.

**17-13-3 PERFORMANCE STANDARDS FOR R1A, R-R, 1-R, 2-R, 3-R, 4-R, 5-R AND PLANNED DEVELOPMENT ZONE.** A home occupation operating from a single family detached or duplex residential dwelling unit in R1A, R-R, 1-R, 2-R, 3-R, 4-R, 5-R and Planned Development Zones, shall meet the following conditions

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space of the dwelling unit. Habitable space shall be as defined in the Lakewood Building Code.
- (2) Parking:
  - a) If the garage is used for a home occupation, parking required by Article 9 of the Lakewood Zoning Ordinance must be provided.
  - b) At all times during the day or night parking related to the home occupation shall be confined to the street frontage of the lot in question, the driveway, and the garage/carport.
- (3) Persons permitted to conduct home occupation: The home occupation shall be conducted by the residents of the dwelling with no more than one (1) additional employee.
- (4) Home occupations permitted:
  - a) Minor repair services: Such as for electronics, small appliances and upholstery.

- b) Craft work for sale off-site: Such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking which are produced or manufactured on the premises.
- c) Tutoring: Such as music lessons, dance lessons, swimming lessons, tennis lessons, or gymnastic lessons.
- d) Garment work: Such as tailoring, dressmaking, millinery work, ironing and garment repair.
- e) Office use: Such as office uses for door-to-door, home party and phone solicitation sales, investment counseling, typing, notary public, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via telephone modem for uses such as acquiring mailing lists or information libraries.
- f) Artistic endeavors: Such as art studios, portrait studios, photography studios, writing and lithography.
- g) Renting of rooms: The renting of rooms to not more than two (2) persons per dwelling unit only in conjunction with a Family living in and owning the dwelling unit. (O-2002-42)
- h) Garage sales: Not to exceed four (4) sales in a total of fourteen (14) days, which need not be consecutive, per calendar year.
- i) Hair care: Hair care services and/or manicuring services carried on by only one (1) inhabitant of the dwelling unit.
- j) Mail Order: Not to include retail sales from site.
- k) Child care: Providing primarily daytime care for compensation for children from birth to sixteen (16) years of age, for up to six (6) children, including in the total any of the provider's own children not attending full day school. In addition, providing primarily daytime care for two (2) additional children of school age before and/or after school hours, including in this total number any of the provider's own school age children under the age of twelve (12). The following chart is provided by way of illustration:

Provider's children not attending full day school	Maximum number of day care children permitted at one time
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6

Provider's school age children under 12 years of age	Additional school age day care children permitted during non-school times
0	2
1	1
2	0

1) Foster Care for dogs in the (R1A) One Acre Residential District: The keeping of four (4) dogs in addition to permitted household pets in the R1A Zone District under the following conditions:

1. Minimum lot size of one (1) acre;
2. Buildings or pens housing dogs must be located in rear yards and must be at least one hundred (100) feet from residential buildings on adjoining properties; and
3. Foster care of dogs shall not exceed a period of six (6) months.

**17-13-4. PERFORMANCE STANDARDS FOR MULTI-FAMILY BUILDINGS IN 4-R, 5-R, and PLANNED DEVELOPMENT ZONES.** A home occupation operating from a dwelling unit in a multi-family building in 4-R, 5-R, and Planned Development Zone shall meet the following conditions:

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space in the dwelling unit.
- (2) Persons permitted to conduct home occupation: The home occupation shall be conducted only by the residents of the dwelling unit with no additional employees.
- (3) Home occupations permitted:
  - (a) Office uses: Such as office uses for door-to-door, phone solicitation sales, investment counseling, typing, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via phone modem for such uses as acquiring mailing lists or information libraries. These office uses shall not generate customer or client traffic to or from the dwelling unit.
  - (b) Garage sales: Garage sales shall be sponsored or coordinated by the management or owners' association of a residential complex. No more than two (2) garage sales may be held, not to exceed six (6) days, per calendar year or three (3) days per event. The management or owners' association shall ensure access to all residential dwelling units is maintained free and clear of any obstruction generated by such garage sale. It shall be unlawful for a resident to conduct a garage sale which is not in conjunction with one of the residential complex's sponsored sales.

**17-13-5. SIGNAGE.** For single family detached dwellings and duplexes a maximum of one (1) non-illuminated sign, not to exceed one and one-half (1 and 1/2) square feet, to be attached to the dwelling shall be permitted. No signage will be permitted for home occupations in multi-family buildings.

**17-13-6. CHANGES TO EXTERIOR OF DWELLING UNITS.** The exterior appearance of a dwelling unit shall not be altered to draw attention to the structure as a commercial or business operation, such as alteration of building material, size, or color; lighting fixtures or the intensity of light; parking area; or other exterior changes which alter the residential character of the dwelling unit and detract from the residential character of the neighborhood.

**17-13-7. STORAGE OF STOCK, SUPPLIES AND PRODUCTS.** Storage of stock, supplies and products shall be permitted only inside the premises where a home occupation is being operated. No exterior storage of stock, supplies, and products shall be permitted.

**17-13-8. RETAIL SALES.** Sale of stocks of merchandise or products shall not be conducted on the premises, except as follows:

- (1) One engaged in hair care and/or manicuring services may sell products directly related to such services;
- (2) One conducting a garage sale may sell merchandise displayed for sale during the garage sale and items for sale shall belong to the person conducting the garage sale, or in the case of a residential complex, to the tenants of the complex;
- (3) One engaged in garment work may sell custom work to specific clients, but may not develop stocks of garments for sale to the general public on site;
- (4) One engaged in home party and phone solicitation sales may display sample products and take orders for the products on the premises, but delivery and payment for the products shall occur off-site; and
- (5) One engaged in artistic endeavors may sell custom work to specific clients, but may not develop stocks of products for sale to the general public on site.

**17-13-9. NUISANCE UNLAWFUL.** It shall be unlawful for a resident operating a home occupation to:

- (1) Produce, dump, or store combustible or toxic substances in or around a residential dwelling unit.
- (2) Create interference or fluctuations of radio or television transmission received by other residents of the neighborhood.

**17-13-10. SPECIFIC EXCLUSIONS.** In no event shall any of the home occupations permitted herein be interpreted to allow any of the following business or commercial activities:

- (1) Body or mechanical repair or modification of any motor vehicle for compensation or of any motor vehicle not owned by an occupant, or family member of an occupant, of the dwelling unit where the repair or modification occurs. However an occupant may repair or modify motor vehicles of any family member whether or not the family member lives on the premises. (As amended by 0-93-43.)
- (2) Animal hospital, or kennel.
- (3) Residential health care facility.
- (4) Restaurant.

**17-13-11. ADDITIONAL LIMITATIONS.** In no event shall more than one home occupation be operated within any single dwelling unit, except that a garage sale may be operated in addition to any other home occupation. No home occupation shall be operated within any dwelling unit which also contains a use approved by a Special Use Permit.