

SECTION 82 HOME OCCUPATION

82.01 Regulations:

1. A Certificate of Zoning Compliance is required.
2. Home occupations shall not be carried out in more than ten (10) percent of the total dwelling building area, not to exceed five hundred (500) square feet.
3. There shall be no external evidence of the use. No signs are allowed. See Sign Regulations, Section 95.07.
4. Certificate of Zoning Compliance may be terminated by the Hattiesburg Planning Commission after due notice and public hearing thereon.
5. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
6. Standards for Home Occupations: Must meet standards. Home Occupations are permitted as accessory uses and structures provided that the following standards are met:
 - a. Address of convenience. A home occupation that is solely used for the purpose of receiving phone calls, mail, and keeping business records in connection with any profession or occupation, shall be known as an "address of convenience."
 - b. Hobbies, such as boat building or repair, furniture making or repair, automobile repair, and rebuilding, and other activities not normally carried on extensively in a residential district, shall not be permitted to the extent that they are annoying or harmful to nearby residential occupants. Such uses which involve the use of power tools or the creation of noise not usual to a residential district shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
 - c. Permitted activities. Primary sale of goods in connection with such home occupation shall be that which is prepared, produced or grown on the premises.
 - d. Prohibited activities. There shall be no retail, wholesale or warehousing activity other than that which is clearly incidental to the direct provision of service.
 - e. Employees. No person shall be employed on the premises other than members of the immediate family residing on the premises. Volunteers are not allowed.

- f. On-Premises Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic. Barber shops and beauty shops shall be limited to one chair for clients.
- g. Deliveries. Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or United Parcel Service trucks.
- h. Traffic: A home occupation located on a local street, or privately maintained road servicing three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips.
- i. Off Street Parking for customers shall not exceed two (2) spaces. Vehicles used in connection with a home occupation shall not be parked overnight on a public ROW. The conduct of any home occupation shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars intended to be parked in a garage from doing so.
- j. Commercial vehicles. Not more than one home occupation related vehicle is permitted, which must be twenty (20) feet or less in overall length and not more than seven (7) feet in overall height and which must be parked off any public ROW behind the residence. All exterior storage of cargo, equipment or other material shall be shielded from view at all times when such vehicle is located on a residential lot. Excludes pickup trucks.
- k. Storage and use of yard areas: (for rural areas). Storage of materials, parts, tools, or other equipment, and all other activities associated with a home occupation, except as provided above for parking and large vehicle storage, shall occur within an enclosed structure or be screened from federal, state, county, and public roads and from adjoining property. Home occupations which involve the care of people by a baby-sitter may use yard areas.
- l. Noise: A home occupation shall not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60dbA between the hours of 7:00 a.m. and 8:00 p.m. No noise shall be created by the home occupation between the hours of 8:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation.
- m. Mechanical equipment: No mechanical equipment shall be used or stored on the premises except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be

used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.

- n. Uses per dwelling unit: There shall not be more than one use constituting a designated home occupation per dwelling unit.

(Sec, 82.01 some added, some amended by Ord. 2515, Sec. 1, 3/21/95 – mark accordingly)

82.02 Permits and Procedures:

1. The application fee for a Home Occupation Permit is \$25.00. The applicant need apply only once for a Home Occupation Permit provided that the location remain the same. If the applicant moves to a different location, the existing Home Occupation Permit shall become null and void and a new Home Occupation Permit will be required. In addition, a Business License is required. No license for a home occupation shall be issued unless a Home Occupation Permit is first granted. *(Amended by Ord. 2977, Sec. 5, 2/22/08; Amended by Ord. 2767, Sec. 1, 11/6/01; Amended by Ord. 2515, Sec. 1, 3/21/95)*
2. A Home Occupation Permit is granted to an individual and is not transferable.
3. After investigation and report of the Building Official of any home occupation that results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home occupation may be terminated, and the business license thereof revoked by the City Council, after a hearing before the Hattiesburg Planning Commission. A copy of the transcript of the hearing shall be submitted to the City Council for its deliberation before it votes on termination. The act of termination is not exclusive, and the City retains the right to pursue municipal court action and other court proceedings to enforce this section.
4. Structural Alterations. No use shall require structural alterations to the interior or exterior of the building, which changes the residential character thereof.
5. Exterior Displays. There shall be no exterior display, no exterior alteration of the property including expansion of parking, no exterior storage of materials and no other exterior indication of a home occupation or variation from the residential character of the premises.
(All of Sec. 82.02 amended by Ord. 2515, Sec. 1, 3/21/95)