

**CHAPTER 1119
HOME BASED BUSINESSES**

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1119.01 PURPOSE

The purpose of this Chapter is to both define and set forth the regulations for business operations being run from a home. Limited Home Businesses and the more intensive Home Occupation are both intended to be clearly incidental as a second use since the primary use of the structure is to be residential. The intent of these regulations is to allow reasonable utilization of the home for business purposes while at the same time protecting the inhabitants of the structure and the surrounding neighborhood from potentially negative impacts which adversely affect the health, safety and welfare of all concerned.

1119.02 DEFINITIONS

Two separate forms (levels) of home business are permitted in accordance with the provisions of this zoning code and are defined below:

a) Limited Home Business: A Limited Home Business is the less intensive form of home-based business where the operation is conducted entirely by the residents of the home and there is no advertising contained on the interior or exterior of the structure or property. The business does not generate traffic or other persons visiting the home. The specific requirements for a Limited Home Business are contained in Section 1119.04 of this Chapter.

b) Home Occupation: A Home Occupation is the more intensive form of home based business where there may be involvement by residents of the home and one or more persons living outside the home (as may be approved by the Planning Commission). In addition, the operation may generate advertising on the property, as permitted in Chapter 1165 of this Zoning Code, and may generate some additional traffic in the neighborhood. The specific requirements for a Home Occupation are contained in Section 1119.05 of this Chapter.

1119.03 DISTRICTS WHERE PERMITTED

a) Limited Home Business: Limited Home Businesses are a permitted use in any residential structure containing a legal residential use, regardless of zoning district. Persons or other entities operating a Limited Home Business should obtain written approval from the City of Kent Community Development Department noting that the proposed use has been reviewed and approved as a Limited Home Business.

b) Home Occupation: Home Occupations are permitted or conditionally permitted uses as identified in specific zoning districts. Where such uses are conditionally permitted, the proposed use shall be reviewed and approved by the Planning Commission in accordance with Chapter 1107 and the provisions and conditions contained in Chapter 1119 herein.

1119.04 LIMITED HOME BUSINESSES

The following requirements apply to Limited Home Businesses:

a) No one other than those persons residing on the premises shall be engaged in the business activity.

b) Where such uses are proposed for rental properties, the operator of the proposed business shall provide the City with written evidence showing that the property owner has given permission for the proposed use to be operated. It is suggested that the operator and owner both consult with their insurers to determine if such operations require additional insurance coverage.

c) There shall be no change in the outside appearance of the building or premises indicating that a business activity is taking place at the property. There shall be no signage placed on the building or anywhere on the property indicating the business activity.

d) The operation of the business must be conducted entirely within the main residential structure and may not be conducted outside the structure in the lawn, driveway or in any accessory building or structure. There may be no storage of equipment or vehicles at the property which are related to the business, except that (1) licensed motor vehicle per household occupant using the vehicle may be parked in the driveway. Such vehicles shall not be parked in the front, side or rear yards, nor shall they be parked on an adjacent public street.

e) The operation shall not generate customers, clients or other individuals coming to the home and shall not generate an unreasonable quantity of traffic compared to what would normally be seen on the street.

f) Persons or other entities operating a Limited Home Business should obtain written approval from the City of Kent Community Development Department noting that the proposed use has been reviewed and approved as a Limited Home Business. In order to gain this approval, the operator of the proposed Limited Home Business shall provide the City with a written letter addressing subsections a) through e) above as well as any supporting documentation required. The proposed use shall be fully described including anticipated hours of operation and the extent to which the operation will utilize space within the home. Upon a finding that the proposed use is consistent with the provisions for a Limited Home Business, the Community Development Department will issue a letter of approval. The Community Development Department may request additional information as needed to make a final determination of approval, if necessary. The Community Development Department may deny any request which it believes to be noncompliant with the provisions for a Limited Home Business and state the reasons for denial.

1119.05 HOME OCCUPATIONS

The following requirements apply to Home Occupations:

- a) The types of uses permitted as home occupations shall be controlled by the following factors:
- 1) Such uses should be generally related to the provision of services to persons or other entities which can be controlled through appointments or other scheduling.
 - 2) Any retail operation to be conducted on the premises should be restricted to those type of operations where customers can be scheduled for appointments rather than just being open generally to the public as walk-in traffic.
 - 3) The repair of equipment, vehicles or other machinery is generally prohibited except that small items such as personal computers and small appliances may be repaired as long as such operations can be conducted entirely within the space approved for the home occupation.
- b) Not more than one (1) person other than residents of the home in which the operation will be conducted shall be engaged in the operation. The Planning Commission, may at its sole discretion allow more than one person outside the home to be engaged in the business if it can be shown that the engagement of the additional individuals in the operation will not adversely affect the surrounding neighborhood and can be adequately accommodated in regard to on-site parking.
- c) The total floor area of the home to be utilized for a home occupation should

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not exceed more than 20% of the entire floor area of the structure. For the purpose of calculating the total floor area, only the main living area of the home shall be counted. Garages as well as unfinished basements or attic areas shall not be counted towards the total floor area. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.

d) Where such uses are proposed for rental properties, the operator of the proposed business shall provide the City with written evidence showing that the property owner has given permission for the proposed use to be operated. It is suggested that the operator and owner both consult with their insurers to determine if such operations require additional insurance coverage.

e) There shall be no change in the outside appearance of the building or premises indicating that a business activity is taking place at the property. Signage is permitted and limited to the provisions set forth for home occupations in Chapter 1165 of the Kent Zoning Code.

f) The use of accessory buildings, including attached and detached garages is generally prohibited. The Planning Commission, at its sole discretion, may allow the use of these types of structures upon request by the applicant in such cases where the applicant can demonstrate to the Planning Commission that such use is not detrimental to the inhabitants of the subject property or the surrounding neighborhood, and where the applicant can demonstrate as part of their application, that the use of such structures can be undertaken in compliance with all applicable City, State or Federal codes.

g) The Home Occupation shall not generate an unreasonable amount of traffic for the neighborhood in which it is located, in a significantly greater volume than what is normally experienced. The Planning Commission will carefully evaluate this component based on substantive evidence presented to it during its review of any such application.

h) Parking for the Home Occupation should be adequate and contained on the site of the proposed use. On-street parking generally should not be counted toward meeting the parking need, unless the on-street parking is located within a commercially zoned or utilized area and the City permits such parking. Where rental properties are involved, the parking to be utilized for the home occupation must be in addition to the on-site parking required by the zoning code for the use of the tenants, including the occupants of the dwelling unit being used by the home occupation.

i) Any operations to be undertaken as part of a Home Occupation shall be safe to the occupants of the subject dwelling unit, any attached or detached dwelling units on the subject property and adjacent homes or other legal uses. There shall be no electrical interference, noise, fumes, odors or other noxious omissions generated by the home occupation.

j) Persons or other entities operating a Home Occupation shall obtain all

necessary approvals and permits required by law prior to starting the operation. Where the Home Occupation is a conditionally permitted use, Planning Commission approval of a Conditional Zoning Permit is required and shall be issued in accordance with Chapter 1107 of this Zoning Code. In order to gain this approval, the operator of the proposed Home Occupation shall provide the City with a written letter addressing subsections a) through i) above as well as any supporting documentation required. The proposed use shall be fully described including anticipated hours of operation and the extent to which the operation will utilize space within the home. Upon a finding that the proposed use is consistent with the provisions for a Home Occupation, the Planning Commission may issue a Conditional Zoning Permit and attach any additional conditions to the approval deemed appropriate. The Planning Commission may request additional information as needed to make a final determination of approval, if necessary. The Planning Commission may deny any request which it believes to be noncompliant with the provisions for a Conditional Zoning Permit and state the reasons for denial.

In cases where the Home Occupation is a permitted use, the Community Development Department may review and approve the proposed Home Occupation using the same submission requirements and criteria as stipulated herein. The Community Development Department will issue a Zoning Permit to the applicant when such uses are approved.

1119.06 COMPLIANCE / REVOCATION

In the event that there is evidence that a previously approved Limited Home Business or Home Occupation is not being operated in compliance with the provisions contained herein or with any other applicable codes, the City may consider the revocation of the Conditional Zoning Permit or the Zoning Permit. The revocation will be considered by the Planning Commission in all cases upon the request of the Community Development Department. Where such action is to be undertaken, the Planning Commission will hold a public hearing in accordance with the requirements set forth in Chapter 1107 of the Zoning Code.

The Planning Commission will consider all evidence presented to it as part of the public hearing and proceedings related to the revocation. The Commission may revoke the approval of the Conditional Zoning Permit or Zoning Permit upon a finding that the operation is not in compliance with the requirements set forth herein, as well as noncompliance with any other applicable law. The Commission may also sustain the previous approval as granted or sustain the previous approval with additional conditions.