

AMENDMENT(S):

AMD-2013-002

Ordinance Number: AMD-2013-002

**A RESOLUTION/ORDINANCE TO AMEND ARTICLE III. DEFINITIONS
AND SECTION 616. HOME OCCUPATIONS OF THE CITY OF
SUWANEE ZONING ORDINANCE; AND OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Suwanee have adopted and enacted the 1998 Zoning Ordinance of the City of Suwanee, Georgia in order to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Suwanee; and

WHEREAS, the City of Suwanee Zoning Ordinances provides rules, regulations, requirements and standards for various land uses within the City of Suwanee; and

WHEREAS, the Mayor and Council of the City of Suwanee find that the City of Suwanee Zoning Ordinance serves to promote the health, safety, morals, convenience, order, prosperity or the general welfare of the present and future inhabitants of the City of Suwanee; lessen congestion in the streets; secure safety from fire, panic and other danger; provide adequate light and air; prevent the overcrowding of land, avoid both undue concentration of population and urban sprawl; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protect property against blight and depreciation; encourage the most appropriate use of land, buildings and other structures throughout the City; secure economy in government expenditures; and other purposes; and

WHEREAS, the Mayor and Council find that the attached amendments further said purposes; and

WHEREAS, notice of said amendment has been duly advertised as required by local rules and State laws in the City's legal organ; and

WHEREAS, a duly advertised public hearing was held on May 28, 2013 by the Suwanee City Council; and

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 28th day of May, 2013, that the City of Suwanee Zoning Ordinance, specifically Article III Definitions and Section 616 Home Occupations is hereby amended as outlined on the attached Exhibit "A" which

is herein incorporated by reference with any minor renumbering and general editing of the Zoning Ordinance as needed.

SUWANEE CITY COUNCIL, A
GEORGIA MUNICIPAL
CORPORATION

By:

Jimmy Burnette, Mayor

By:

Richard I. Goodman, Mayor Pro Tem

By:

Beth S. Hilscher, Councilmember

By:

Kevin McOmber, Councilmember

By:

Doug Ireland, Councilmember

By:

Daniel F. Foster, Councilmember

ATTESTED TO BY:

Elvira Rogers, City Clerk

APPROVED AS TO FORM BY:

Gregory D. Jay, City Attorney
Chandler, Britt, Jay & Beck, LLC

Exhibit 'A'

ARTICLE III
DEFINITIONS

Except as specifically defined in this Article, all words used in this Ordinance shall be as defined in The new *Illustrated Book of Development Definitions* (1993, Rutgers). Words not defined in this Article or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur.

Home Occupation. An occupation **and/or such business-like activities** carried on in a dwelling and/or accessory building by members of the family occupying the dwelling. The residential character of the building is to be maintained and the occupation is to be conducted in such a manner as not to give an outward appearance of a business. The business **activities** cannot infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

SECTION 616. Home Occupations.

- A. Intent and Purpose. It is the intent and purpose of this article to provide for certain types of restricted occupational uses within residences. Only such uses will be allowed which:
1. Are incidental to the use of the premises as a residence;
 2. Display little or no outward signs of a business **or business-like activities** other than those which would commonly be found in a residential district.
 3. The business **or business-like activities** shall not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.
- B. Application Procedures. Home occupations that operate under the standards set forth in this section may not commence until receipt of a Home Occupation License as approved by the Finance Department and Planning and Inspections Department and shall be renewed on an annual basis.
- C. Home Occupation Standards. Home Occupations shall be permitted in all residential zoning districts, as well as residences in PMUD and OTCD districts. In addition to the limitations imposed on "Home Occupations" under "Article III. Definitions", the following requirements shall be met:
1. No more than 25 percent of the dwelling unit may be used for conducting the home occupation. If the home occupation is operated within an

accessory building, that building shall not occupy more than 800 square feet.

2. The home occupation shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m., excluding routine residential type carriers. The home occupation shall not generate objectionable traffic.
3. Home Occupations shall be limited to a maximum of 2 business related visitors at any time. Business related visitors include but are not limited to employees, business partners, contractors, subcontractors, clients, customers, students, etc.
4. It is the responsibility of home occupation applicants to be aware of their obligations to understand and comply with all applicable federal, state, and local laws, ordinances, regulations, and/or licensing requirements that may apply to their home occupation.
5. It is the obligation of home occupation applicants to be aware of any neighborhood covenants that may apply to their home occupation. Issuance of a home occupation license by the City does not constitute an endorsement that all other regulations and/or covenants have been met.
5. A home occupation shall produce no offensive noise, vibration, smoke, dust, odors, heat. No equipment or process shall be used in a home occupation which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in the line voltage off premises.
6. The home occupation shall be incidental and secondary to the use of the dwelling. No additions or alternations to the dwelling unit, accessory building or lot shall be permitted that change the residential appearance of the premises. No separate driveway shall be permitted for a home occupation.
7. The home occupation shall be constructed entirely from an enclosed structure. Neither home occupations nor any storage of goods, materials, or products connected with a home occupation shall be allowed outdoors or in carports. There shall be no visible evidence of the operation of the home occupation from neighboring properties. Window displays shall not be utilized. If materials are stored in an attached garage then the door shall not be left in the open position.
8. Business related parties/gatherings may be held no more than once per month. These parties shall not be advertised to the general public.

9. Multiple home occupations may be permitted within a single residence; however, the above limitations shall apply to the combined uses.
 10. Home occupations shall be limited to two visible business vehicles. No visible vehicle associated with a Home Occupation shall have more than 2 axles.
- D. **Business-like Activities. Unlicensed business-like activities that are undertaken out of the home shall be subject to the same standards as a licensed home occupation.**
- E. Garage Sales. Garage, yard, estate, etc. sales do not require a permit. However, they are required to meet the following standards:
1. Sales may not last longer than three (3) days.
 2. Sales are held no more than four (4) times yearly.
 3. Sales are conducted entirely on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Any signs advertising sales shall be erected in accordance with Article XVI.
- F. Family Day Cares. A customary home occupation which provides, for no more than 6 persons who are not residents of the premises, care and supervision by a State of Georgia registered resident adult for less than twenty-four hours per day on a regular basis for compensation. Family Day cares are exempt from Section 616.C paragraphs 1, 2 and 3.
- G. Special Use Permits. Some Special Uses may be allowed as home occupations. Such requests are reviewed on a case by case basis in order to ensure a minimal impact to surrounding residences. Special Uses authorized as a home occupation are subject to the requirements of Section 616 except as otherwise authorized by City Council
- H. Appeals of Administrative Decisions. Any appeal of Section 616 to the Zoning Board of Appeals shall be subject to the requirements of Section 2010.