



HOME OCCUPATION APPLICATION

- I. The filing deadline will be the 1st Tuesday of the Month before 4:00 p.m. Please submit this application to the City of Tontitown Planning Department, 155 Fantinel Drive Suite D.
- II. There will be a TAC Review of the Planning Commission on the 2nd Tuesday of the Month, at 1:30 p.m. at the City Planning Office. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be on the 4th Tuesday of the Month at 7:00 p.m. at Tontitown City Hall. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of as set forth under City Code Section 155.01G shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW , AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.

NOTICE
HOME OCCUPATION HEARING
FOR THIS PROPERTY
MEETING WILL BE HELD ON THE DATE AND AT THE LOCATION LISTED BELOW

DATE:

LOCATION: Tontitown Planning Department, 155
Fantinel Drive Suite D

USE:
For Information Contact City of Tontitown Planning
Department (479) 361-2996

Any person removing or tampering with this sign shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in Section 10.99 of the Tontitown Code of Ordinances.

APPLICANT'S CHECKLIST FOR HOME OCCUPATIONS

Please use this checklist to verify that your application is complete.

- Legal Description of Subject Property
- Street Address
- Existing Zoning Classification
- Type of Business Requested
- Signature of Applicant
- Phone Number & Address of Applicant
- Letter of Permission From Property Owner/Landlord When Applicable
- Answer Questions 1 Through 23
- Provide Additional Information on #24
- List of Adjacent & Contiguous Property Owners
- Indicate Whether Restrictive Covenants Apply
- Reviewed Home Occupation Section of Zoning Ordinance
- Vicinity, Zoning & Land Use Maps of Subject Property
(*Staff will assist applicant in preparing these maps*)
- Processing Fee as outlined in city code section 155.01
- Neighborhood Meeting is Optional

153.601.12 HOME OCCUPATIONS.

Home occupations as defined herein, are divided into two classes, Type A and Type B, and may be permitted in accordance with the following provisions.

A. Type A. Type A home occupations are only those occupations that meet all of the requirements listed below. Type A home occupations are approved administratively by city staff.

1. The home occupation is located completely within the principal dwelling unit.
2. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No nonresident persons are employed.
3. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)
4. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
5. The home occupation does not display merchandise or have outside storage of equipment or materials.
6. The home occupation does not alter the external appearance of the principal dwelling unit.
7. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
8. The home occupation has no more than one non-illuminated business identification sign mounted flush to the dwelling unit and not more than two square feet in area. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
9. The home occupation will not cause more than one customer vehicle to be parking in the vicinity of the principal dwelling unit at a time.
10. The home occupation does not involve the external or visible manufacturing of goods on site.

B. Type B. Type B home occupations are those occupations that do not meet one or more of the requirements of a Type A home occupation and/or by their nature, have characteristics that may not be suitable for a residential structure or area. Type B home occupations must be approved by the Planning Commission through the conditional use procedure. However, Type B home occupations must meet the following requirements to be considered for a conditional use permit.

1. Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood.
2. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside a structure.
3. The home occupation is not primarily a retail sales operation (Incidental sales, i.e. shampoo, cosmetics, are permitted).
4. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
5. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No nonresident persons are employed.

C. Examples of Home Occupations.

1. Activities conducted principally by telephone, computer, facsimile or mail.
2. Studios where handicrafts or objects of art are produced.
3. Dressmaking or apparel alterations.
4. Independent consultant such as Mary Kay, Pampered Chef, Arbonne, Southern Living at Home, etc.
5. Residential child care:
one (1) to four (4) children – Type A
Five (5) to eight (8) children – Type B

D. Prohibited Home Occupations.

1. Bed and breakfast.
2. Eating and drinking establishments.
3. Kennels.
4. Barber or Beauty shops
5. Commercial sales or leasing of vehicles.
6. Rest home.
7. Clinic, doctor or dentist office.
8. Any use that requires a building code upgrade (i.e. from residential standards to commercial standards) to accommodate the home occupation.
9. Any use that required employees who are not the sole owner(s) or occupant(s) of the dwelling.
10. Residential child care which cares for more than eight (8) children at any given time, including those under the age of then that reside in the home.

- E. Hobbies.** Hobbies conducted solely within the confines of a structure with no external impacts whatsoever, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

Additional Information-Restrictive Covenants

What's the Purpose of Restrictive Covenants?

Restrictions give a development a more standard appearance, and control some of the activities that take place within its boundaries. When enforced, covenants protect property values.

What You'll Always See in Covenants

Restrictive covenants nearly always stipulate the minimum size residence allowed, how many homes may be built on one lot, and what type of construction the homes must (or must not) be.

More Topics You'll See in Restrictive Covenants

- § Set backs (how far homes must be from streets and interior lot lines).
- § Easements (such as a pathway for power lines or roads).
- § Fees for road maintenance or amenities.
- § Rules regarding changing or voiding the covenants.
- § Rules about pets and other animals (for instance: no breeding for profit, no livestock, no unchained pets).
- § Regulations dealing with in-home businesses and home rentals.
- § Rules that limit tree-cutting.
- § Clauses that dictate what type of fencing can be used, or that forbid all types of fencing.
- § Clauses to reduce clutter on lots, such as prohibiting owners from storing a vehicle that doesn't run within view of others, or parking a recreational vehicle on the property.

Some restrictions limit the paint colors that can be used on a home's exterior. Some might require that all homes have a certain type of siding.

INSTRUCTIONS FOR FILING HOME OCCUPATION REQUEST

A. APPLICATION FOR HOME OCCUPATION

1. Provide the legal description of the property included in the home occupation request.
2. Provide the street address of the property.
3. Provide the existing zone classification of the property. Staff can assist you with this.
4. Indicate what type of business you are requesting in the application.
5. The notice must be signed by the resident of the property.
6. Provide the telephone number and address of the applicant.
7. If you are not the owner of the property, a letter of permission from the owner shall be required.

B. HOME OCCUPATION INFORMATION FORM

1. Answer all questions 1 through 23 on this form. Where required to explain, be specific.
2. Provide any other information you feel would be helpful in reviewing this application in the space provided in question 24.

C. LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET

1. Give the names and addresses of the owners of all property, any part of which is within 300 feet of any part of the petitioned property. This information may be obtained from Tontitown Planning office @ 155 Fantinel Drive. Please call the office at 479-361-2996 to schedule an appointment. You are responsible to mail notices by certified mail and provide delivery receipts to the Tontitown Planning office.

D. LETTER REGARDING RESTRICTIVE COVENANTS

1. Enter any part of a restrictive covenant applicable to the property that appears to prohibit this request.
2. If there is no statement in the restrictive covenants that appears to prohibit this request, enter the word NONE.

E. COPY OF THE HOME OCCUPATION SECTION OF THE ZONING CODE

Read through this information before filing out this form.

F. OPTIONAL NEIGHBORHOOD MEETING

It is recommended that the applicant do this but is not mandatory.

G. FILING FEE

A processing fee of as outline in city code section 155.01 must be paid to the City of Tontitown, at Tontitown Planning office @ 155 Fantinel Drive at the time of filing the application. **This fee is Non-Refundable.** If the home occupation is approved, you must then obtain your occupation/business license at Recorder/Treasurer office @ 235 E. Henri De Tonti Blvd. .

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: _____

Legal Description or parcel number of property included in the home occupation request:

Street Address of Property: _____

Zone Classification: _____

Type of Business Requested: _____

Signed:

Applicant's Name (*please print*)

Applicant

Phone Number of Applicant

Date

Applicant Mailing Address

Property Owner

Date

(if rental property)

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. _____

2. Will this business be completely contained in the residential structure? Yes ___ No ___
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?

4. Will operation of the business utilize any persons other than members of the immediate household? Yes ___ No ___
5. At what hours and days of the week do you plan to operate the business? _____
6. Will there be any noise _____, odor _____, or other outdoor activity _____ associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes ___ No ___
8. How much storage will be needed? _____
9. Will merchandise be sold at this location? Yes ___ No ___ If yes, explain. _____

10. Will you have any business vehicles? Yes ___ No ___ If yes, describe below.
Type of Vehicle:
Make _____ Model _____
Color _____ Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ___ No ___ What type? _____
12. Can you operate this business by appointment only? Yes ___ No ___
Explain: _____

13. Will customers come to this location? Yes ____ No ____

14. How many customers do you expect to have coming to your home at any one time?

15. Do you expect any drop-in customers? Yes ____ No ____

16. How do you plan to provide parking for customers? _____

17. Do you plan to advertise this business? Yes ____ No _____
If yes, by what methods? _____

18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes _____ No _____

19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes _____ No _____

20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ____ No _____

21. Do you own or rent this property? _____

22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.

23. Do you live at this location? Yes _____ No _____

24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes ____ No ____

25. Provide any other information that you feel helpful.

LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET

(Please Type or Print)

Give the names and addresses of the owners of all property, any part of which is within 300 feet of any part of the petitioned property. This information may be obtained from Tontitown Planning office @ 155 Fantinel Drive. Please call the office at 479-361-2996 to schedule an appointment. You are responsible to mail notices by certified mail and provide delivery receipts to the Tontitown Planning office.

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location _____

Meeting Time & Date _____

Meeting Purpose _____

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Tontitown's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows: