

HOME OCCUPATION COMPLIANCE PERMIT

CITY OF LIVINGSTON

**CITY BUILDING/PLANNING OFFICE
BUILDING/UTILITY DEPARTMENT
330 North Bennett Street
Livingston, Montana
(406) 222-0083**

NOTICE TO THE PETITIONER

This is an application to the Livingston Board of Adjustments to grant a Home Occupation Compliance Permit. The purpose of the application is to allow home occupations that meet the criteria of Section 30.55 of the Livingston Municipal Code. The application will be heard by the City Board of Adjustments (when applicable) which shall have the power to require any mitigating measures it deems necessary to protect the public health, safety, and welfare. The City Zoning Official will process the application, make a recommendation based on the criteria below, and aid the applicant in completing the application.

INSTRUCTIONS

Applications shall be submitted in person to the City Building/Planning Director at the above address. The filing fee must accompany the application. Section 30.55 of the Livingston Municipal Code is the ordinance governing zone home occupations. A copy may be obtained at the Building/Planning Office or at the City Office. All applications must be accompanied by a dimensioned site plan* of the property which includes, but is not limited to the following:

1. The location and dimensions of all existing and proposed buildings, structures, and improvements, including those which will be removed.
2. North arrow, scale, property lines, setbacks between buildings and property lines, and distances between all structures.
3. The location and dimension of all vehicular points of entry and exit, drives, and off-street parking spaces.

* An example of a dimensioned site plan is attached as part of this application packet.

FEES: IN ADDITION TO CITY BUSINESS LICENSE

MINOR HOME OCCUPATION:
APPLICATION FEE: \$20.00
LICENSE FEE: + \$55.00
TOTAL \$75.00

MAJOR HOME OCCUPATION:
SPECIAL REVIEW FEE: \$65.00
LICENSE FEE: + \$55.00
TOTAL \$120.00

I. A MINOR HOME OCCUPATION is one which has no visible exterior evidence of the conduct of the occupation, which does not generate additional traffic, and which utilizes no equipment other than that normally used in household, domestic, or general office use. Minor Home Occupations must meet all of the following criteria:

1. No person shall be employed other than the residents of said dwelling.
2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
3. The floor area devoted to the occupation shall not exceed 15% of the total floor area of the dwelling plus accessory buildings on the property.
4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of operation, traffic, or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.
5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.
6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking.
8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
9. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.
10. Outdoor storage of materials for the home occupation is prohibited.
11. No toxic, flammable, hazardous, or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee. Said premises shall be subject to regular fire inspections.
12. No home occupation shall be permitted without the prior issuance of a Home Occupation Compliance Permit.

13. The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be non-transferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit.
14. The business shall be subject to regular inspection by the City Fire Marshall and/or the City Building Inspector.

II. A MAJOR HOME OCCUPATION is one which can be expected to have some impact on a residential neighborhood. It is one which has some visible evidence of the occupation and shall accommodate both the residential and business related parking needs on the property. A major home occupation must meet all of the above requirements with the following exceptions:

1. The business may have a sign.
2. The business may create some additional traffic for deliveries and customers.

An application for a Major Home Occupation Compliance Permit must be accompanied by a letter to the Board of Adjustments answering the following questions and/or providing the following information:

1. What reasons prevent you from locating your business in a zoning district in which that business is allowed?
2. What factors exist that make this a Major Home Occupation?
3. How will the public interest be served if this application is granted?
4. If new construction is contemplated, building or development plans must be included with this application.
5. Photographs may be submitted and are often helpful.
6. If there are covenants or deed restrictions on the property proposed for the Home Occupation, copies of those must accompany the application.

All new Major Home Occupations shall be required to be reviewed by the City Board of Adjustments for a Home Occupation Compliance Permit. The Zoning Administrator shall schedule a public hearing. You will be notified by mail as to the time, date, and place of the public hearing on your application. Attendance at the public hearing is not required, but is recommended.