



HOME OCCUPATION APPLICATION

General Information

Name of Business:

Street Address:

Mailing Address: _____ Telephone # _____

Name of Resident:

Has the City issued a business license before?

If yes, was business license in effect in 1995?

Please attach pages if additional space is need for requested information.

Nature of Business

1. Describe nature of business on residential premises:

2. List all Equipment or machinery to be used in conducting business:

3. Describe any mechanical, electrical or plumbing equipment or systems installed or to be installed for the operation of the business:

4. Hours of business operation: from _____ to _____ on _____
(specify days)

5. Motor vehicles used in business: Number _____; Description (Make, Model, Model Year, Color and License Tag Number of each vehicle) _____

6. Describe any special parking or traffic situations:

Residential Information

7. Business Conducted in: (a) Residence _____
(b) Accessory structure _____

8. If in Residence:
[a] Total square footage of livable area of home: _____
[b] Square footage used by business: _____

[c] Provide a dimensioned or to scale floor plan sketch showing the entire house and the portion devoted to business use.

9. If in Accessory Structure:
[a] Number of square feet in structure _____

[b] Was it built prior to Dec. 2, 1995: Yes _____ No _____

[c] Provide a dimensioned or to scale sketch of lot and location of Accessory Structure relative to house and any other outbuildings.

Business Information

10. Business Employees: List all employees working full or part-time.

a) Resident Employees (names)

Hours Worked
Per Week

b) Non-Resident Employees:

Names and Home Addresses

Hours Worked
Per Week

11. Gross annual revenues of business:

20__ _____

20__ _____

20__ _____

20__ _____ estimate

12. Describe any inventory kept on premises, indicating the usual quantity of each category of inventory.

13. Describe any retail sales (transfer of goods) to be conducted on premises.

The undersigned applicant certifies that, to the best of his knowledge, information and belief, the foregoing information is true and correct.

Signature of Applicant

Date

Approved:

By: _____

City Planner

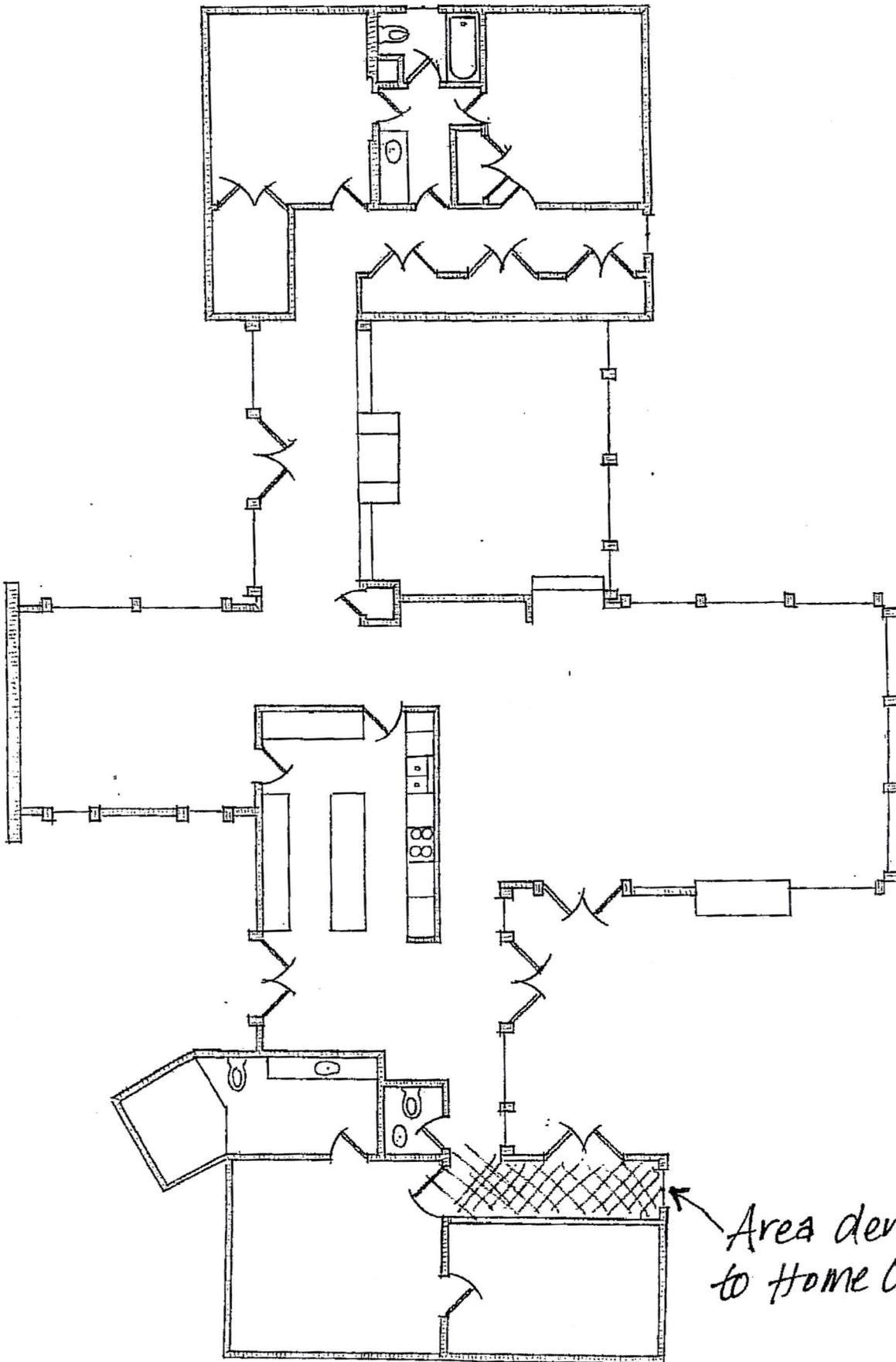
Date

Received by the City of Mountain Brook on

_____, 20__

APPLICATION FEE IS \$100.00

Sample Floor Plan



Area devoted to Home Occupation

CITY OF MOUNTAIN BROOK, ALABAMA BUSINESS APPLICATION
The city does not impose a business license tax in its police jurisdiction

(CONFIDENTIAL)

Complete and Mail/Fax to:
City of Mountain Brook
P.O. Box 130009
Mountain Brook AL 35213
Phone (205)802-2400
Fax (205)870-3590

Estimated Gross receipts
through Dec 31st:
\$ _____
(for gross receipts based licenses)

RV ACCOUNT # _____

NAICS _____

Form of Ownership (Check One)	
<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Partnership
<input type="checkbox"/> Corporation	<input type="checkbox"/> Professional Assoc.
<input type="checkbox"/> LLC	<input type="checkbox"/> Other _____

APPLICATION TYPE: New ___ Location Change ___ Mail Change ___ Name Change ___ Update ___

Legal Business Name: _____

Trade Name: (If different from above) _____

Federal ID number or Social Security Number (if sole-prop with no employees) : _____

If leasing property for business location please list landlord/mgmt co: _____

Business Activities (Brief desc. - ex. retail clothing sales, wholesale food sales, rental of industrial equip., computer consulting, etc): _____

Physical Address: _____
(Street) (City) (State) (Zip)

Mailing Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Business) (Fax) (Home Phone – In Case Of Emergency)

Email: _____ Website: _____

Name/Phone # for Contact Person: _____ () _____

Email Address for Contact Person: _____

List Names of Owner(s), Partners, or Officers (Attach separate sheet if necessary)

<u>Name</u>	<u>Residence Address</u>	<u>SSN</u> (if not publicly traded company)	<u>Title</u>
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Date Business Activity Initiated or Proposed in Mountain Brook: _____ # of Employees in Mtn Brook _____

This application has been examined by me and is, to the best of my knowledge, a true and complete representation of the above named entity, and person(s) listed.

Date _____ Signature _____ Title _____

THIS AREA FOR MUNICIPAL USE ONLY

ACCOUNT ID # _____	SETUP BY: _____	REVIEWED BY: _____
PHYSICAL LOCATION: <input type="checkbox"/> CITY	<input type="checkbox"/> OUTSIDE CORP LIMITS & PJ	GEO CODE: _____
ZONING CLASSIFICATION: _____	BUILDING APPROVAL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	<input type="checkbox"/> FIRE CODE
TAX TYPES: <input type="checkbox"/> SALES/SELLER'S USE	<input type="checkbox"/> CONSUMER USE	<input type="checkbox"/> RENTAL
<input type="checkbox"/> GAS/MOTOR FUEL	<input type="checkbox"/> BUSINESS LICENSE	<input type="checkbox"/> LODGINGS
<input type="checkbox"/> ALCOHOL		
TAX FILING FREQUENCY: <input type="checkbox"/> MONTHLY	<input type="checkbox"/> QUARTERLY	<input type="checkbox"/> ANNUAL
<input type="checkbox"/> OTHER _____		
BUSINESS TYPE: <input type="checkbox"/> RETAIL	<input type="checkbox"/> WHOLESALE	<input type="checkbox"/> BUILDING CONTRACTOR
<input type="checkbox"/> MANUFACTURER	<input type="checkbox"/> RENTAL	<input type="checkbox"/> SERVICE
<input type="checkbox"/> OTHER _____		<input type="checkbox"/> PROFESSIONAL

PLEASE READ THE FOLLOWING INFORMATION CONCERNING THE COMPLETION OF THIS FORM

PLEASE COMPLETE ALL AREAS OF THE FORM EXCEPT FOR THE SHADED AREA AT THE BOTTOM.

FORM SHOULD BE TYPED OR PRINTED LEGIBLY

FORM SHOULD BE DATED AND SIGNED BY AN OWNER, PARTNER, OR OFFICER OF THE BUSINESS

FORM WILL INITIATE THE PROCESS FOR REGISTERING YOUR BUSINESS WITH THE MUNICIPALITY

==> IF YOUR BUSINESS WILL HAVE A PHYSICAL LOCATION WITHIN THE MUNICIPALITY, PLEASE USE THAT ADDRESS ON THE FRONT OF THIS FORM. (Complete separate forms for each physical location in the City.)

==> UPON RECEIPT OF THE COMPLETED FORM, THE MUNICIPALITY WILL PROVIDE ANY ADDITIONAL FORMS AND INFORMATION REGARDING OTHER SPECIFIC REQUIREMENTS TO YOU IN ORDER TO COMPLETE THE LICENSING PROCESS.

ALL LICENSE RENEWALS ARE DUE JANUARY 1 AND DELINQUENT AFTER JANUARY 31, WITH THE FOLLOWING EXCEPTION:

INSURANCE COMPANY LICENSE: DUE JANUARY 1, DELINQUENT AFTER MARCH 1

THIS FORM IS INTENDED AS A SIMPLIFIED, STANDARD MECHANISM FOR BUSINESSES TO INITIATE CONTACT WITH A MUNICIPALITY CONCERNING THEIR ACTIVITIES WITHIN THAT CITY. A BUSINESS LICENSE WILL BE REQUIRED PRIOR TO ENGAGING IN BUSINESS. IF A BUSINESS INTENDS TO MAINTAIN A PHYSICAL LOCATION WITHIN THE CITY, THERE ARE NORMALLY ZONING AND BUILDING CODE APPROVALS REQUIRED PRIOR TO THE ISSUANCE OF A LICENSE.

IN CERTAIN INSTANCES, A BUSINESS MAY SIMPLY BE REQUIRED TO REGISTER WITH THE CITY TO CREATE A MECHANISM FOR THE REPORTING AND PAYMENT OF ANY TAX LIABILITIES. IF THAT IS THE CASE, YOU WILL BE PROVIDED THE MATERIALS FOR THAT REGISTRATION PROCESS.

THE COMPLETION AND SUBMISSION OF THIS FORM DOES NOT GUARANTEE THE APPROVAL OR SUBSEQUENT ISSUANCE OF A LICENSE TO DO BUSINESS. ANY PREREQUISITES FOR A PARTICULAR TYPE AND LOCATION OF THE BUSINESS MUST BE SATISFIED PRIOR TO LICENSING.

SHOULD THERE BE ANY QUESTIONS CONCERNING THE COMPLETION OF THIS FORM OR THE LICENSING AND/OR REGISTRATION PROCESS, PLEASE CALL THE NUMBER ON THE FRONT OF THIS FORM TO OBTAIN A MORE DETAILED EXPLANATION.

ARTICLE XXIII. - HOME OCCUPATIONS

Sec. 129-391. - Purpose.

Sec. 129-392. - Uses permitted as home occupations.

Sec. 129-393. - Conditions for use of dwelling for a home occupation.

Sec. 129-394. - Home occupations in dwellings in Residence D Districts, Residence E Districts and Clustered Residential Districts.

Sec. 129-395. - Permitting procedures—Home occupations.

Sec. 129-396. - Monitoring and enforcement procedures.

Secs. 129-397—129-410. - Reserved.

Sec. 129-391. - Purpose.

The city believes that the need to protect the integrity of its residential areas is of paramount concern. It is the purpose of this section to permit single-family dwellings, including residences located in townhouses, and accessory structures used in connection with such single-family dwellings and townhouses, to be used for certain limited business purposes which are incidental to, and compatible with, the residential use of property in a manner which will protect residential areas from the adverse impact of activities associated with the conduct of businesses and to provide peace, quiet and domestic tranquility within all residential neighborhoods within the city and to protect the residents of the city from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial activities being conducted in residential areas, provided that the operators of such businesses comply with all applicable laws and ordinances, including, without limitation, the city's business license code.

(Ord. No. 1224, 2-26-96)

Sec. 129-392. - Uses permitted as home occupations.

As an accessory and subordinate use of a building which is used as a single-family dwelling ("dwelling"); or a structure or building which is: (i) Presently in existence; (ii) Either attached or unattached to a dwelling; (iii) Located on the same lot or parcel of land as the dwelling; and (iv) Used in conjunction with the dwelling ("accessory structure"); the following uses which are conducted for the purpose of producing income or revenue ("home occupations") are permitted, subject to the conditions set forth in section 129-393.

- (1) Offices occupied by agents and sales representatives and offices used for general business purposes;
- (2) Dressmaking, millinery, sewing, tailoring, knitting and crocheting;
- (3) Photography studio;
- (4) Artist's studio;
- (5) Arts and crafts;
- (6) Flower arranging;
- (7) The tutoring of students for educational courses which are generally taught in elementary and secondary schools, provided that not more than two students may be tutored at any one time;
- (8) The educational testing of students, provided that not more than two students may be tested at any one time;
- (9) The teaching of music, provided that not more than two students may be instructed at any one time;
- (10) The preparation of baked goods, food or other items which do not require the use of equipment not normally found in a residential dwelling;

- (11) Watch and clock repair;
- (12) Secretarial services, such as typing or word processing;
- (13) Consulting services;
- (14) Financial planning;
- (15) Accounting;
- (16) Computer programming;
- (17) Data processing;
- (18) Direct mail services;
- (19) Interior decorating services;
- (20) Day-care services in a dwelling for not more than six infants (as used herein, "infant" shall mean any child between birth and the time of his walking independently), provided that the use of a dwelling for such day-care services shall be approved by the planning commission; and
- (21) Other uses which are similar to any one or more of the above uses, and which are approved by the planning commission.

(Ord. No. 1224, 2-26-96)

Sec. 129-393. - Conditions for use of dwelling for a home occupation.

- (a) The principal use of the dwelling must be as a dwelling, and the home occupation shall be clearly incidental to said residential use of the dwelling. The home occupation shall not change or adversely affect the essential residential character of the dwelling or the accessory structure, or of any part of the neighborhood or area in which it is located. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian or vehicular traffic, or any other conditions which would constitute an objectionable use of residentially zoned property.
- (b) No home occupation will be permitted if it causes noise which is excessive, either in degree or length of time, for a residential neighborhood, or which creates glare, obnoxious odors, fumes or vibrations or produces electrical interference detectable to normal sensory perception outside the dwelling or accessory structure.
- (c) No home occupation may be conducted which involves the use or storage of hazardous, dangerous or flammable substances or materials.
- (d) Either a dwelling or an accessory structure (built prior to November 27, 1990) located on the same parcel as the dwelling may be used for a home occupation, but in no event may both the dwelling and the accessory structure be used for a home occupation. No more than one accessory structure located on any parcel may be used for a home occupation.
- (e) No accessory structure built after November 26, 1990 may be used in connection with a home occupation.
- (f) No home occupation conducted in a dwelling may occupy more than 20 percent of the total square footage of the livable area contained in the dwelling, regardless of whether such use operates on a permanent, occasional or temporary basis.
- (g) No delivery of goods or other items may be made at a dwelling or an accessory structure, except the delivery of goods sold incidentally in connection with a service which is a permitted home occupation, such as the sale of sheet music by a music teacher to his students. No inventory may be maintained in connection with a home occupation, except inventory which may be required for such incidental sales.
- (h) No equipment, goods, materials, or other property used in a home occupation may be stored in the yard of a dwelling. No equipment, goods, materials or other property used in a home occupation may be stored in any accessory structure unless the accessory structure is the situs of the home occupation. No equipment, goods, materials or other property used in a home occupation may be stored in any dwelling unless the dwelling is the situs of the home occupation.
- (i) There shall be no entrance or exit way in a dwelling specifically provided for use in connection with the conduct of the home occupation.
- (j) No home occupation shall be permitted in a dwelling or an accessory structure if such home occupation generates traffic or parking materially in excess of what would be normal for the exclusively residential use

of such dwelling.

- (k) No equipment of any type related to a home occupation may be stored on any part of the premises of a dwelling or an accessory structure.
- (l) No more than two motor vehicles related to a home occupation may be parked on the premises of any dwelling or accessory structure. Such vehicles may be trucks not exceeding three-quarters ton in load capacity, vans or automobiles, provided that such vehicles must be parked on a portion of the premises which was paved or otherwise designed as a parking area or driveway prior to the commencement of the home occupation.
- (m) No goods, materials, equipment or other property which are related to a home occupation and which would be visible from any public street or land which is adjacent to the premises upon which the home occupation is conducted, may be stored or left in any motor vehicle. No equipment or motor vehicle of any type related to a home occupation may be parked or left on any public street or on any private street which was constructed in lieu of a public street.
- (n) Deliveries from suppliers to any dwelling or accessory structure in which a home occupation is operated shall not interfere with normal traffic circulation in the area in which such dwelling or accessory structure is located. Such deliveries may be made only on Mondays through Saturdays, and only during the day between the hours of 8:00 a.m. and 6:00 p.m.
- (o) The person who is primarily responsible for the conduct of a home occupation must be a full-time resident of the dwelling in which the home occupation is conducted; or, if the home occupation is operated in an accessory structure, said person must be a full-time resident of the dwelling located on the land on which accessory structure is located.
- (p) In addition to the person who is primarily responsible for the conduct of a home occupation, the following may be engaged in such home occupation:
 - (1) Any other person who is a full-time resident of the dwelling; and
 - (2) Subject to the conditions set forth in this subsection, a person or persons who are not full-time residents of the dwelling:
 - a. The name of each such nonresident employee is submitted to the zoning officer with the application for the permit for the home occupation or submitted subsequently if such person or persons are hired after the application is filed (as used in this subsection, "employee" shall include any person who assists or takes part in the operation of a home occupation, regardless of whether such person does so as an employee, a partner, a shareholder or in any other capacity, and regardless of whether or not the person is compensated for his services);
 - b. The aggregate number of hours worked, at the dwelling or accessory structure, by any such person or persons as an employee of the home occupation may not exceed 40 hours during any calendar week; and,
 - c. Not more than one such person may serve as an employee at such dwelling or accessory structure at any one time.
- (q) No sign or other item advertising, giving notice of, or in any way relating to, a home occupation may be placed in the yard of a dwelling or accessory structure, on the outside of a dwelling or accessory structure, or within a dwelling or accessory structure so as to be visible from outside such dwelling or accessory structure.
- (r) There shall be no visible evidence from the outside of any dwelling or accessory structure in which a home occupation is operated of the conduct or presence of such home occupation.
- (s) Any accessory structure in which a home occupation is conducted must be completely enclosed.
- (t) No outside lighting, in addition to that which is normally used for residential purposes at a dwelling or accessory structure, may be used in connection with a home occupation.
- (u) The home occupation may not be operated prior to 8:00 a.m. or after 6:00 p.m., nor may it be operated on Sundays or generally recognized holidays.

(Ord. No. 1224, 2-26-96)

Sec. 129-394. - Home occupations in dwellings in Residence D Districts, Residence E Districts

and Clustered Residential Districts.

- (a) *Uses permitted as home occupations in Residence D, Residence E and Clustered Residential Districts.* Dwellings in Residence D, Residence E and Clustered Residential Districts may be used only for the following limited business purposes:
- (1) Offices of agents and sales representatives and offices used for general business purposes;
 - (2) Interior decorating services; or
 - (3) Dressmaking, millinery, sewing, tailoring, knitting and crocheting.
- (b) *Additional conditions applicable to home occupations in dwellings in Residence D, Residence E and Clustered Residential Districts.* Home occupations operated in dwellings in Residence D, Residence E and Clustered Residential Districts, in addition to the other provisions of this article, shall be subject to the following additional conditions:
- (1) No customer, client or business invitee may come to or enter the dwelling;
 - (2) No accessory structure may be used for any such business purpose; and
 - (3) Only a person who is a full-time resident of the dwelling may be employed or otherwise participate in a home occupation at such dwelling.

(Ord. No. 1224, 2-26-96)

Sec. 129-395. - Permitting procedures—Home occupations.

- (a) *Permit required.* Prior to the use of a dwelling or an accessory structure for a home occupation, and occupant of the dwelling who will be engaged in the home occupation, or his representative, must obtain from the zoning officer a permit for the operation of the home occupation.
- (b) *Application requirements.* To obtain the permit, such occupant or his representative must complete and submit to the zoning officer an application which must contain the following information.
- (1) The name of the primary occupant of the dwelling;
 - (2) The street address of the dwelling, whether the home occupation will be conducted in the dwelling or in an accessory structure;
 - (3) The type of home occupation which will be conducted;
 - (4) The number of employees who will be employed or take part in the home occupation and whether any of the employees are not, or will not be, residents of the dwelling;
 - (5) The names and resident addresses of all employees;
 - (6) The type of equipment, if any, which will be used in the home occupation;
 - (7) The days and hours during which the home occupation will be conducted;
 - (8) A description of any motor vehicles which will be used in connection with the home occupation; and,
 - (9) Such additional information as the zoning officer, or the planning commission with respect to home occupations subject to section 129-392(21), may, from time to time, consider necessary for the administration and enforcement of this section; and
 - (10) An application fee in accordance with article XXVII of this chapter.
 - (11) If the home occupation is to be conducted in a townhouse or an accessory structure thereto, the application for a permit must be accompanied by a statement from the homeowner's association for the townhouse, if any, that the association has no objection to, or restriction against, the intended business use of the dwelling or accessory structure.
- (c) *Additional requirements for home occupations conducted in dwellings.* If the home occupation is to be conducted in a dwelling, the application for a permit must be accompanied by a plan or drawing of the dwelling which shows, clearly and in reasonable detail, the following:
- (1) The portion of the dwelling which is to be used for the home occupation;
 - (2) The number of square feet of livable area contained in the dwelling; and
 - (3) The number of square feet to be used for the home occupation. If a particular part of a dwelling is to be used for residential purposes as well as for a home occupation, such part of the dwelling shall be considered as being used for the home occupation.

- (d) Changes in home occupations conducted in dwellings. If a different portion of a dwelling is to be used for the home occupation, at least 30 days prior to any such change, the primary occupant of the dwelling, or his representative, must submit to the zoning officer a revised plan or drawing of the dwelling which shows, clearly and in reasonable detail, the portion of the dwelling which shall be used for the home occupation. Each such revised plan or drawing must be accompanied by a review fee in accordance with section 129-471(7)(b) of article XXVII of this chapter. If, after the commencement of a home occupation in a dwelling, the square footage of the livable area of the dwelling is increased, such additional square footage shall not be taken into account in computing the portion of the dwelling which may be used for the home occupation.

(Ord. No. 1224, 2-26-96; Ord. No. 1770, 10(19-23-5), 5-12-2008)

Sec. 129-396. - Monitoring and enforcement procedures.

- (a) *Inspections.* The zoning officer and/or his designated representatives are hereby authorized to make inspections, from time to time, of any dwelling or accessory structure in which a home occupation is conducted to determine whether such home occupation is being conducted in compliance with this section. Such inspections may be made between the hours of 9:00 a.m. and 5:00 p.m. on Mondays through Fridays, except for days which are generally recognized holidays. The zoning officer or his representative may, but shall not be required to, give an occupant of the dwelling advance notice of the inspection.
- (b) *Violations or refusal to permit entry for inspection.* Any person or corporation who is found to be in violation of this article, or of the requirements and restrictions set forth in article XVIII of this chapter regarding yard sales and trunk sales; or who, without good cause, refuses to permit access to a dwelling or accessory structure by the zoning officer or his representative for the purpose of making the inspections referred to in subsection 129-396(a) shall, upon conviction, be punished by a fine of not less than one dollar and not more than \$500.00, at the discretion of the court trying the case. Each day any such violation continues shall constitute a separate offense.

(Ord. No. 1224, 2-26-96)

Secs. 129-397—129-410. - Reserved.