

ORDINANCE 2021-05

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, APPENDIX A, ZONING, TO AMEND SECTIONS 402 AND 505.

Sections 402 and 505 of the Zoning Ordinance shall be amended to remove subsection 505.12 and update the following language related to Home Occupations.

ARTICLE II. – DEFINITIONS

Sec. 402. – Defined words and terms.

(402.30) Home occupation: An occupation or activity customarily conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and is conducted in accordance with the applicable provisions of section 505. Home occupation shall include the use of premises by salesmen, manufacturer's agents, insurance agents or representatives and contractors, when said salesmen, agents, representatives or contractors do not carry any inventory of goods or commodities for sale or warehousing upon the premises, other than samples which might be transported by hand and which are usually carried by such salesmen, agents, representatives or contractors into a prospect's office or place of business, also that the residence of said salesmen, agents, representatives or contractors is not used as a place where prospective clients would call in the normal course of business carried on by such salesmen, agents, representatives or contractors.

ARTICLE V. – GENERAL PROVISIONS

Sec. 505.- Home occupation.

Home occupations, as defined in subsection (402.30), may be established in a dwelling unit in any residential district subject to the following conditions and requirements:

(505.1) There shall be no exterior evidence of the home occupation.

(505.2) No accessory buildings or outside storage of materials and equipment shall be used in connection with the home occupation.

(505.3) No internal or external alterations inconsistent with the residential use of the building shall be permitted.

(505.4) No more than 25 percent of the total floor area of the dwelling unit shall be used for such home occupation.

(505.5) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation and no parking of customer vehicles shall be permitted.

(505.6) No use shall involve general public contact on the property other than by telephone. Or internet.

(505.7) No chemical, electrical or mechanical equipment shall be installed or used, except that which is normally used for household or hobby purposes.

(505.8) No equipment that interferes with radio and/or television reception shall be allowed.

(505.9) No commodity shall be stocked or sold on the premises.

(505.10) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.

(505.11) There shall be no group instruction, assembly or activity.

(505.12) Reserved.

(505.13) A home occupation certificate is merely a privilege to be granted only under circumstances meeting the requirements herein stated in section 505 and there is no vested right to such certificate.

(505.14) Home occupation certificates shall be granted on a calendar year basis for one year.

(505.15) The following events shall be cause for revocation of a home occupation tax certificate, in the manner of other privileged certificates:

- (a) Conducting such activity as creates a nuisance or is illegal.
- (b) Violation of any law or ordinance (except for minor traffic offenses) of the city, county, State of Georgia or United States of America.
- (c) Making a false statement in connection with the application or any document or hearing in connection with such certificate.
- (d) Failure to pay the certificate fee or any tax or other fee to the city, Cobb County, or State of Georgia.

(505.16) The amount of the fee for a home occupation tax certificate shall be approved by the mayor and council and kept on file in the office of the city clerk.

(505.17) Upon conviction of any violation of any section or subsection of section 505 et seq., Home occupation, the violator shall be fined.

(505.18) Home occupation certificate may be issued from the occupation tax certificate office without requiring the applicant to appear before the mayor and council, restricted to the following classes: computer work, internet sales, typing, bookkeeping, small arts and crafts, and telephone use. Before the issuance of a home occupation certificate, the following conditions will have to be met by the applicant:

- (1) To operate a business from an apartment, the city will need a letter of approval from the owner, not the management.
- (2) If rental property, a letter of approval will also be required from the property owner allowing the business.
- (3) Certification that there will not be any on-site retail sales of any kind at this location.
- (4) Certificate holder will be the only person to work from this location.
- (5) There shall not be any inventory maintained on the premises.
- (6) Certification that there will not be any outside storage of business related items of any kind at this location.
- (7) Certification that there will not be any traffic generated by the business of any kind (e.g., vehicles or people).
- (8) Certification that there will not be any signs or advertisement of any kind at this location.
- (9) Occupation tax certificate will be granted on a calendar year basis for one year only, subject to renewal by the occupation tax certificate office, providing there has not been any violation of the home occupation ordinances of any kind.
- (10) Applicant agrees that any violation of the conditions stated above will render the certificate null and void.

(Mo. of 11-1-76; Ord. of 7-15-85 (85-14), § 1; Ord. of 1-19-87 (87-1), § 1; Ord. of 1-19-87 (87-2); Ord. of 12-2-91 (91-44); Ord. No. 94-18, § 3, 12-5-94; Ord. No. 2004-6, 2-2-04)

This ordinance shall take effect on June 1, 2021 and is passed and duly adopted this 3rd day of May 2021.

CITY SEAL:

The Honorable Derek Norton
Mayor, City of Smyrna, Georgia

ATTEST:

Heather K. Peacon-Corn
City Clerk, City of Smyrna, Georgia

Approved as to form:

Scott A. Cochran, City Attorney