

# Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Updating Ordinance Definition 11.03 – Home Occupation

Date: August 9, 2013

Over the last year I have had several residents ask me to explain our ordinance covering home occupation because they are unsure of what the definition means. I have also had an increase in requests to operate a business from a home this year.

Currently our ordinance for “Home Occupation” is a simple definition that does not directly address other items such as signs, delivery traffic, equipment, displaying of products, etc. The home occupation ordinance definition currently reads:

## **11.03 DEFINITIONS.**

**Home occupation:** An occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

Broken down this definition tells us that only family members living in the home may operate a business. They cannot use any special space for the business. They can only sell products they have made in the home.

The Village Board may want to take a look at making the definition easier for residents to understand and explain what can and cannot be allowed for home occupation.

I have attached a copy of the Town of Ledgeview ordinance for your review.

Village Board is asked to provide direction on a “Home Occupation” ordinance.

HOME OCCUPATION "permitted home occupation" is defined as any business or commercial activity that is conducted from property that is zoned for residential use , and meets the following requirements:

A. The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others.

B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds or vibrations that carry beyond the premises.

C. No home occupation nor any storage of goods, materials or products connected with a home occupation shall be allowed in accessory buildings, detached garages or outside of the dwelling.

D. There shall be no display of products visible in any manner from the outside of the dwelling.

E. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.

F. The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.

G. No advertising display signs shall be permitted.

H. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

I. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

J. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

K. There shall be no deliveries to or from a home occupation with a vehicle larger than a 15,000 GVW truck.

L. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products on display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

M. No motor power other than electrically operated motors shall be used in connection with a home occupation.

N. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.

O. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

P. No commercial telephone directory listing, newspaper, radio or television service shall be used to advertise the location of a home occupation to the general public.

Q. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than 72 consecutive hours.