

Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Updating Ordinance Definition 11.03 – Home Occupation

Date: September 10, 2013

The updated “Home Occupation” ordinance is attached. We have re-written the definition of “Home Occupation” and enhanced the ordinance by addressing some of the questions brought up during the last meeting and proceeding with a more regulation style of ordinance for “Home Occupation” rather than a simple definition.

Village Board may want to take a look at removing the current definition and allowing for a more detailed explanation of what is and what is not allowed for a “Home Occupation”.

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.

1) Regulations for Home Occupation:

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 residence 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.

1. There shall be no display of products visible in any manner from the outside of the dwelling.
2. No advertising display signs shall be permitted.
3. 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.

C. No 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. The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.

E. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located and there shall be no deliveries to or from a home occupation with a vehicle larger than a 20,000 GVW truck.

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

G. 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.

H. Direct sales of products on display shelves or racks are not allowed, but a person may pick up an order placed earlier, although, delivery of that item to the buyer should occur off the premises whenever possible.

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

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

K. The following non-exhaustive uses are not appropriate as home occupations and are not permitted:

(1) Service, repair, painting, or onsite selling of any motorized vehicle, including but not necessarily limited to motorized or non-motorized vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles. This provision does not prohibit an individual from working or selling his or her personal motorized or non-motorized vehicle, subject, however, to all other applicable laws, rules, ordinances and regulations.

(2) Construction equipment or materials storage.

(3) Equipment or vehicle rental.

(4) Furniture sales.

(5) Funeral director, mortuary or undertaker.

(6) Glazier's or painter's shop.

(7) Heating, plumbing or air-conditioning services.

(8) Laboratory or taxidermy shop.

(9) Medical or dental clinic.

(10) Private club.

(11) Restaurant.

(12) Art, handicraft, music, writing, photography or similar studios.

(13) Dressmaker, seamstress, tailor.

(14) Hair cutting and styling.

(15) Non-principal offices of any professional service which typically serves several clients on a daily basis.

(16) Repair of small appliances, small engines and limited machining of small parts, office machines, cameras and similar small items.

(17) Sale of produce, seasonal trees, flowers etc. (roadside stands subject to different provisions).

- (18) Commercial kennels or veterinarian clinics.
- (19) Ammunition manufacturing or the sale of ammunition;
- (20) Sales or rentals of videos, magazines or books;
- (21) Dispatch centers where persons come to the dwelling unit and are dispatched to other locations;
- (22) Any personal property rental business.
- (23) Any welding or machine shops.
- (24) Any home occupation that jeopardizes the health and safety of village residents.

L. The following is a non-exhaustive list of uses which may be conducted as home occupations within the limits established in this section:

- (1) Direct sale product distribution (Amway, Avon, Tupperware, etc.).
- (2) Mail-order sales.
- (3) Telephone sales and order-taking.
- (4) Tutor to include music.

2) Garage Sales:

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