

SECTION 13.0 - HOME OCCUPATIONS

13.1 Purpose.

The purpose of this Section is to guarantee that all residential areas are free from excessive noise, excessive traffic, nuisance, fire hazards, and other possible effects of commercial, office, and other non-residential uses. This Section also recognizes the need to allow residents of the community an opportunity to use their homes in a limited manner as a place to operate a business which is unobtrusive to the neighborhood.

13.2 Criteria and Development Standards for Home Occupations.

In order to ensure that the operations of home occupations do not adversely impact residential areas, criteria and development standards for home occupations have been developed. Home occupations are permitted in any dwelling unit under the following conditions:

- (1) The use is incidental to the principal residential use, the area used to conduct the home occupation does not exceed 25% of the gross floor area of such residence, and the home occupation is conducted within the principal building. Gross floor area includes the basement and any attached garage.
- (2) All business inventory and equipment is kept in the principal building.
- (3) The exterior of the home or yard does not display or indicate any evidence of the home occupation.
- (4) The use produces no noise, odor, vibration, or electrical interference.
- (5) The occupants transact no business on the premises which would generate additional traffic or parking problems for the neighborhood.
- (6) Only members of the immediate family residing in the dwelling unit shall be employed on the premises.
- (7) Provided that **all** conditions of this Section are satisfied, permitted home occupations include, but are not necessarily limited to, the following:
 - (A) Artists and sculptors;
 - (B) Authors and composers;
 - (C) Direct sale product distribution (Amway, Avon, Tupperware);
 - (D) Dressmaking, sewing, and tailoring;

- (E) Home crafts for sale off-site;
 - (F) Individual tutoring;
 - (G) Office facility of a salesman, sales representative, or manufacturer's representative, provided that no transactions are made in person on the premises;
 - (H) Preserving and home-cooking for sales off-site;
 - (I) Telephone answering and solicitation.
- (8) The following uses shall be prohibited as home occupations:
- (A) Ambulance services;
 - (B) Beauty salons and barbershops;
 - (C) Carpentry and cabinet-making;
 - (D) Lawn and landscaping services;
 - (E) Limousine or taxi services;
 - (F) Medical or dental offices;
 - (G) Photographic studios;
 - (H) Retail sales;
 - (I) Tow truck services;
 - (J) Tree services;
 - (K) Vehicle and motor repair;
 - (L) Vehicle parts sales, upholstery, or detailing.

13.3 Unspecified Uses.

Any use not listed in subsection 13.2(7) or (8) shall require an interpretation from the Planning & Zoning Committee upon consultation with the Zoning Officer. The Planning & Zoning Committee shall evaluate requests for home occupations and determine if they are similar in nature to listed permitted home occupations and are consistent with the purpose of the home occupation provisions. The determination shall be in writing. Anyone aggrieved by a decision of the Planning & Zoning Committee may appeal to the Board of Zoning Appeals.

13.4 Home Occupation Permit.

An application for a Home Occupation Permit shall be filed with the Zoning Officer, with a copy to the Town Clerk, on a form approved by the Town Board. No home occupation may be established without first obtaining a Home Occupation Permit and verifying compliance with the conditions specified in this Section.

13.5 Home Occupation Permit Fee.

The applicant, upon filing of an application, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.