

## 10 Home Occupations

### 10.1 Intent

- 10.1.1 The Town Board of the Town of West Lakeland finds that there is a need in the Township for a process to allow certain limited business uses in Agricultural and "SFE" zoned property where such use is accessory to the primary residential use of the property. The town board finds that home occupation uses should be allowed by conditional use permit subject to annual review and renewal.
- 10.1.2 Home occupations are allowed in Agricultural and Single Family Estate Districts.
- 10.1.3 **Home Occupation Interim Use Permit.** Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Section shall require a home occupation interim use permit. The information required and the procedure to be followed for all home occupation interim use permit applications shall be the same as that required for a conditional use permit.

### 10.2 Definition and Restrictions

- 10.2.1 A home occupation use for purposes of this chapter shall mean a business or commercial use of a residential property where the residential use is the primary use and the following conditions are met:
  - 10.2.1.1 The home occupation use is operated by persons who reside full time on the property for which the home occupation permit is issued, except that the home occupation use may include one person who is not a resident of the property.
  - 10.2.1.2 The home occupation use shall be carried on wholly within the principal and accessory structure on the property except not more than a total of two vehicles, pieces of heavy equipment, or trailers may be stored outside.
  - 10.2.1.3 No stock in trade, business inventory, equipment or vehicles used primarily for business purposes shall be stored or kept outside.
  - 10.2.1.4 The home occupation use shall not include any retail or over the counter sales.
  - 10.2.1.5 The home occupation use shall not generate noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which creates a public nuisance or interferes with the reasonable use of surrounding properties.
  - 10.2.1.6 The home occupation use, including, but not limited to vehicles, equipment or trailers allowed under the sections above shall be screened from adjoining property. Adjoining property shall include property separated only by a public road. Screened shall mean that the stored property cannot be seen from adjoining lots. Screening materials shall include trees, shrubbery, or other vegetation which totally screens the use from adjoining property.
  - 10.2.1.7 Hours and intensity of the operations may be limited by the CUP so as not to unreasonably impact neighboring property and shall be set forth in the Conditional Use Permit.
  - 10.2.1.8 On-site storage of significant quantities of hazardous, bio-hazardous or flammable material for use by or as a by-product of the home occupation shall not be permitted.

- 10.2.1.9** No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants of the building. All parking spaces must be off-street. No parking associated with the use will be allowed on public roads or right-of-way. No street access shall be allowed for a home occupation use which would not be allowed for a purely residential use of the same property.
- 10.2.1.10** On-site signage will be prohibited except as follows: One sign per dwelling, exclusive of mail box identification; Maximum size of 18 x 24 inches (432 square inches); Professional in appearance and installation; Non-illuminated and adequately maintained.
- 10.2.1.11** The purpose of a sign shall be to identify the location of the business. Direct advertising is not a permitted purpose of the sign. Temporary signs, roof signs, non-conforming signs, banners, and pennants will not be allowed.

### **10.3 Home Occupation Use Permit**

- 10.3.1** A permit is needed for any home occupation. If the home occupation requires a license from any other civil authority, the conditions imposed in the permit shall become a part of such license. Violations of either the license or the permit shall be grounds for the revocation of the permit. The nature and conduct of the home occupation shall at all times be legal within the laws of the Federal, State or local government in order to maintain the CUP.
- 10.3.2** The home occupation must comply with all stipulations of an approved permit. Failure to do so will result in a revocation of the permit. Additionally, any change in the use may result in permit revocation. The Township must be notified of any changes in use.
- 10.3.3** **Procedure.** A home occupation permit is a permit granted by the West Lakeland Town Board allowing a home occupation use to occur on a specified parcel of land subject to compliance with certain enumerated conditions. The granting of the home occupation permit is the responsibility of the West Lakeland Town Board. At its discretion, a public hearing and/or testimony by experts may be required. Occupations with low demands on the community (i.e. one employee, no signage) may be permitted without public hearing. Fee schedules for the CUP shall be set by the town board. The home occupation permit shall be reviewed annually. Renewal letters will be sent out once a year to permit holders.

### **10.4 Certain Uses Excepted**

- 10.4.1** Traditional agricultural activities are excluded from the home occupation permit requirements in agricultural and residential zones. A rural farm (agricultural activity) is a commercial food producing use on twenty (20) or more contiguous acres. Real property shall be considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursing stock, and fruit of all kinds, vegetables, forage, grain, bees and apiary products. All agricultural production to be sold must be produced on the farm in question.

**10.4.2** Occasional business activity conducted by individuals at their homes or non-profit organizations (i.e. churches, schools) at their building sites within the Township are exempt from the provision of this ordinance so long as the business activity is conducted not more than 15 days per year and not more than 4 consecutive days. Examples of these activities include: garage or yard sales; craft sales; sale of individual vehicles or equipment; dinners; or pot-luck meals.

**10.4.3 Examples of Home Occupation uses.** Professional Office; Hair dressing; Teaching - limited to five students at any one time; Franchise sales of home and beauty products delivered to the customer; Limited day care; Pet care and grooming; Vehicle or motor repair; Lawn mower or small engine repair; Self-employed contractor; Snow-plowing; Lawn maintenance service; Woodworking business; Hobby and craft.

**10.4.4 Examples of activities not considered Home Occupation Uses.** Retail store front shops, Restaurants or similar uses, Bed and breakfast or public storage.

## **10.5 Home Occupation Interim Use Permit.**

**10.5.1** An application for a home occupation interim use permit may be granted only upon finding that all the following criteria have been met:

**10.5.1.1** The applicant resides at the principal residential address associated with the home occupation.

**10.5.1.2** The proposed home occupation is an allowed use in the SFE zoning district and conforms to this chapter.

**10.5.1.3** The proposed home occupation is in keeping with the spirit and intent of this chapter.

**10.5.1.4** The applicant can demonstrate unusual or unique conditions for the subject property which preclude obtaining a home occupation permit.

**10.5.1.5** The proposed home occupation is compatible with the present character of the surrounding area.

**10.5.1.6** The proposed home occupation shall have a set date in which the permit shall be reviewed and extended through the renewal process or terminated.

**10.5.1.7** The home occupation will not impose additional unreasonable costs on the public.

**10.5.1.8** The proposed home occupation shall be subject to any conditions that the town board deems appropriate for permission of the use.

**10.5.1.9** Limited retail sales will be allowed provided no more than 5 customer visits occur on any given day.

**10.5.2 Conditions of approval.** In permitting a new home occupation interim use permit or amending an existing home occupation interim use permit, the planning commission may recommend and the town board may impose, additional conditions and requirements to protect the health, safety, and welfare of the surrounding area and the community at whole, mitigate unfavorable consequences of activities resulting from issuing the permit, enforce laws and regulations, and ensure compliance with the conditions of the permit.

**10.5.3 Renewal of a home occupation interim use permit.** A home occupation interim use permit shall be reviewed and renewed annually. Notice of the permit renewal

application must be provided to the property owners of record for properties located within ¼ mile of the lot or parcel to which the home occupation interim use application applies and the property owners shall be allowed a period of 10 days in which to respond. Notice of the permit renewal application should also be provided to the planning commission and the town board. If no parties wish to be heard at a public meeting to consider the application within 15 days of the notice the application can be approved administratively. A public hearing shall also be required if deemed necessary by the town board. The town board shall renew an interim use permit if the following criteria are met:

- 10.5.3.1** The interim home occupation satisfies the performance standards for interim home occupations and the conditions of the home occupation interim use permit.
  - 10.5.3.2** The interim home occupation has been operating without violation of township ordinances or significant impact on surrounding neighbors.
  - 10.5.3.3** The interim home occupation is operating as the same type of business at the same scale and intensity as originally approved. If the home occupation has significantly changed, the applicant shall apply for a new home occupation interim use permit.
- 10.5.4** Interim use permit is nontransferable. Home occupation interim use permits do not run with the land and shall not be transferable.