

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 "SFE" zoned property where such use is accessory to the primary residential use of the property. The type of permit required is based on the business classification.

10.1.2 Home occupations are allowed in the Single Family Estate District. 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.

10.1.3 The Town Board may call for a review of any Home Occupation Certificate of Compliance, Conditional Use Permit or Special Conditional Use Permit at any time. Reasons for review include, but are not limited to, complaints that have been received about the business and/or possible violations of the terms of the certificate or permit.

10.1.4 Certain Uses Exempt

10.1.4.1 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.

10.1.4.2 Occasional business activity conducted by individuals at their homes or non-profit organizations (e.g. churches, schools) at their building sites within the Township are exempt from the provision of this ordinance as 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.

10.1.5 Examples of activities not considered Home Occupation Uses. Retail store front shops, restaurants or similar uses, bed and breakfast inns, public storage, event centers and wedding venues.

10.1.6 The Home Occupation Permit is nontransferable. Home Occupation Permits do not run with the land and shall not be transferable.

10.1.7 Home Occupation permits approved prior to adoption of this amendment shall remain in effect as long as they conform to the conditions of the permit.

10.2 Type 1 Business

- 10.2.1** Businesses that meet the following conditions do not require a Certificate of Compliance, Conditional Use Permit or Special Conditional Use Permit.
- 10.2.1.1** The business is operated by persons who reside full time on the property.
 - 10.2.1.2** Any business activity occurring on the property shall be carried on wholly within the principal and accessory structure.
 - 10.2.1.3** No stock in trade, business inventory, vehicles, trailers, equipment or accessories used primarily for business purposes shall be stored or kept outside.
 - 10.2.1.4** The business shall not include any retail or over the counter sales.
 - 10.2.1.5** The business 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 business shall not generate any additional traffic.
 - 10.2.1.7** 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.
 - 10.2.1.8** No parking associated with the business will be allowed on the property, public roads or right-of-way. No street access shall be allowed for a business which would not be allowed for a purely residential use of the same property.
 - 10.2.1.9** There will be no on-site signage.
- 10.2.2** Type 1 Businesses may include home office, accounting, tax preparation, consulting, internet sales, land surveyor, designer/draftsman.

10.3 Type 2 Business

- 10.3.1** A Home Occupation Certificate of Compliance is needed for all Type 2 businesses. If the business requires a license from any other civil authority, the conditions imposed in the license shall become a part of the certificate. Violations of either the license or the certificate may be grounds for the revocation of the certificate. 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 Certificate of Compliance.
- 10.3.2** The home occupation must comply with all stipulations of an approved certificate. Failure to do so may result in a revocation of the certificate. Additionally, any change in the use may result in certificate revocation. The Township must be notified of any changes in use.
- 10.3.3** A Home Occupation Certificate of Compliance is a certificate granted by the West Lakeland Town Board allowing a business use to occur on a specific parcel of land subject to compliance with certain enumerated conditions. The granting of the home occupation certificate is the responsibility of the West Lakeland Town Board. Type 2 businesses that require Home Occupation Certificate of Compliances do not require public hearings. Fee schedules for the certificate of compliance shall be set by the town board and listed in the Township Fee Schedule. The home occupation certificate may be reviewed at any time by the Town Board.

10.3.4 Home occupations that meet the following conditions require a Certificate of Compliance.

10.3.4.1 The home occupation use is operated by persons who reside full time on the property for which the home occupation certificate is issued.

10.3.4.2 One additional person associated with the Home Occupation and not living on the property may enter and leave each day.

10.3.4.3 Any home occupation use activity occurring on the property shall be carried on wholly within the principal and accessory structure.

10.3.4.4 No stock in trade, business inventory, vehicles, trailers, equipment or accessories used for business purposes shall be stored or kept outside.

10.3.4.5 The home occupation use shall not include any retail or over the counter sales.

10.3.4.6 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.

10.3.4.7 A maximum of 3 business trips per day are allowed. This includes delivery vehicles. One trip includes entering and leaving the property.

10.3.4.8 Hours and intensity of the operations may be limited so as not to unreasonably impact neighboring property and shall be set forth in the Certificate of Compliance.

10.3.4.9 Days of operation shall be Monday through Friday.

10.3.4.10 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.

10.3.4.11 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.

10.3.4.12 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. 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.

10.3.5 Type 2 Businesses may include beauty salon, concession trailer, HVAC contractor, electrical contractor, small engine repair, snow plowing, pet care and grooming.

10.4 Type 3 Business

10.4.1 A Home Occupation Conditional Use Permit (CUP) is needed for any Type 3 business. If the business requires a license from any other civil authority, the

conditions imposed in the license shall become a part of the CUP. Violations of either the license or the CUP may 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 Conditional Use Permit.

- 10.4.2** The home occupation must comply with all stipulations of an approved CUP. Failure to do so may 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.
- 10.4.3** A Home Occupation Conditional Use Permit is a permit granted by the West Lakeland Town Board allowing a business use to occur on a specific 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. A public hearing is required before a Home Occupation Conditional Use Permit may be issued to a Type 3 business. Fees for the Conditional Use Permit shall be set by the town board and are listed in the Township Fee Schedule. The home occupation CUP shall be reviewed one year after issuance and thereafter at the discretion of the Town Board.
- 10.4.4** Home occupations that meet the following conditions require a Conditional Use Permit.
 - 10.4.4.1** The home occupation use is operated by persons who reside full time on the property for which the home occupation permit is issued.
 - 10.4.4.2** One additional person involved with the Home Occupation and not living on the property may enter and leave each day. A maximum of 5 students at a time will be allowed for a use that involves lessons.
 - 10.4.4.3** A total of two vehicles, trailers or pieces of equipment may be stored outside.
 - 10.4.4.4** The home occupation use shall not include any retail or over the counter sales.
 - 10.4.4.5** Use of heavy equipment on the property or moving equipment on and off the site.
 - 10.4.4.6** The home occupation use may generate some noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which is noticeably on surrounding properties.
 - 10.4.4.7** More than 3 business trips per day may occur. This includes delivery vehicles.
 - 10.4.4.8** Hours and intensity of the operations may be limited so as not to unreasonably impact neighboring property and shall be set forth in the Conditional Use Permit.
 - 10.4.4.9** Days of operation shall be Monday through Friday.
 - 10.4.4.10** 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.
 - 10.4.4.11** 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.

10.4.4.12 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. 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.

10.4.4.13 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. A screening plan shall be submitted to and approved by the Town Board and then attached to the permit.

10.4.5 Type 3 Businesses may include self-employed contractor, excavating service, landscaping and lawn maintenance services, tree service, lessons for a maximum of 5 students at a time.

10.5 Type 4 Business

10.5.1 A Home Occupation Special Conditional Use Permit (SCUP) is needed for any Type 4 business. If the business requires a license from any other civil authority, the conditions imposed in the license shall become a part of the SCUP. Violations of either the license or the SCUP may 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 Special Conditional Use Permit.

10.5.2 The home occupation must comply with all stipulations of an approved SCUP. Failure to do so may 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.

10.5.3 A Home Occupation Special Conditional Use Permit is a permit granted by the West Lakeland Town Board allowing a business use to occur on a specific 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. The information required and the procedure to be followed for home occupation Special Conditional Use Permit applications shall be the same as that required for a conditional use permit. A public hearing is required before a Home Occupation Special Conditional Use Permit may be issued for any Type 4 business. Fees for the Special Conditional Use Permit shall be the same as for a CUP and can be found in the Township Fee Schedule.

10.5.4 An application for a Home Occupation Special Conditional Use Permit may be granted upon finding that all the following criteria have been met:

- 10.5.4.1 The applicant resides at the principal residential address associated with the home occupation.
- 10.5.4.2 The proposed home occupation is an allowed use in the SFE zoning district and conforms to this section of the ordinances.
- 10.5.4.3 The proposed home occupation is in keeping with the spirit and intent of this chapter.
- 10.5.4.4 The applicant can demonstrate unusual or unique conditions for the subject property which preclude obtaining a Home Occupation Certificate of Compliance or Home Occupation Conditional Use Permit. All other conditions set forth in section 10.4 shall be met.
- 10.5.4.5 The proposed home occupation is compatible with the present character of the surrounding area.
- 10.5.4.6 The home occupation will not impose additional unreasonable costs on the public.
- 10.5.4.7 The proposed home occupation shall be subject to any conditions that the town board deems appropriate for permission of the use.
- 10.5.4.8 Limited retail sales will be allowed provided no more than 5 customer visits occur on any given day.
- 10.5.5 **Conditions of approval.** In permitting a new Home Occupation Special Conditional Use Permit or amending an existing Home Occupation Special Conditional 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.
- 10.5.6 **Renewal of a Home Occupation Special Conditional Use Permit.** A Home Occupation Special Conditional Use Permit shall be reviewed after one year and if renewed, on a timetable set forth by the Town Board. Notice of the SCUP 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 Special 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 may also be required if deemed necessary by the town board. The town board shall renew a Home Occupation Special Conditional Use Permit if the following criteria are met:
 - 10.5.6.1 The home occupation satisfies the performance standards for special home occupations and the conditions of the Home Occupation Special Conditional Use Permit.
 - 10.5.6.2 The home occupation has been operating without violation of township ordinances or significant impact on surrounding neighbors.

10.5.6.3 The 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 Special Conditional Use Permit.

10.5.7 Type 4 Businesses may include lessons with more than 5 students at a time, limited retail sales, daycare.

10.6 Classification of Business

This table may be used by the resident as a guide for classifying their business. The final determination of business type and permit required is at the Town Boards discretion.

	Business Classification			
	Type 1	Type 2	Type 3	Type 4
Type of Permit	None	Certificate of Compliance	Conditional Use	Special Conditional Use
Public Hearing Required	No	No	Yes	Yes
Outside activity allowed	No	No	Yes	Yes
Retail or over the counter sales allowed	No	No	No	Yes
Noise generation allowed	No	No	Yes	Yes
Additional traffic	No	3/day	> 3/day	> 3/day
Signage allowed	No	Yes	Yes	Yes
Outside vehicle/equipment storage	No	No	2	2
Days of operation	M - Sun	M - F	M - F	M - Sun
Use or moving of heavy equipment on property	No	No	Yes	Yes
Student visits per day	0	3	5	> 5
Customer visits per day	0	0	0	5