

APPLICATION FOR "HOME OCCUPATION PERMIT"

Village of Greendale
Department of Inspection Services
6500 Northway – Greendale – WI - 53129
Phone (414) 423-2100 - Fax: (414) 423-2106 - www.greendale.org

The Village of Greendale recognizes the desire by some individuals to use their residence as a location for their personal business activities. In understanding this need, the Village has developed certain regulations for these "Home Occupations" so as not to impair the use or value of residential zoning districts. The intent is to provide clear standards for home occupations in residential zones to ensure compatibility with the residential district standards, and to eliminate the possibility of adverse effects on the residential character of residential zones by home occupation activities. Additionally, other than a permitted sign, there should be no visible evidence from the exterior of the premises that a home occupation is being conducted from the residence.

- **Fees:** There is no fee for a "Home Occupation" permit.
- **Applicant:**

Name _____

Address _____

Home Phone _____ Cell Phone _____

E-mail _____ Fax _____

- **Building Type:** Single-family Two-family Multiple-family

- **Property Owner Information (if other than applicant):**

Name _____

Address _____

City _____ State _____ Zip _____

Home Phone _____ Cell Phone _____

E-mail _____ Fax _____

- **Describe Home Occupation:** *A separate sheet shall be attached to this application describing the Plan of Operation for the Home Occupation. A Business Plan may be substituted for a Plan of Operation.*
- **Please answer the following questions:**

1. Number of employees? _____

2. Who are they in relationship to the applicant? _____

3. Do they reside at the same location as the home occupation? _____

4. What percentage of the principal structure is going to be occupied by the home occupation? _____%

5. Is the delivery of goods required for the operation of this home occupation? _____
If yes, explain the types of vehicles and frequency _____
6. Will there be customer parking associated with this home occupation? If yes, please explain where vehicle(s) will be parked: _____

7. Will there be a sign on the exterior of the dwelling to advertise the home occupation? If yes, please explain: _____

8. Will there be mechanical equipment used for the home occupation which is not normally used for regular household purposes? If yes, please explain: _____

9. Will there be items sold on the premises? If yes, please explain: _____

10. Did you receive a copy of Ordinance No. 853 of the Greendale Municipal Code which provides for regulation of Home Occupations? Yes _____ No _____

- **Owner / Applicant Authorization**

The signature(s) below certifies that the information provided on this form is in all respects true and accurate. By signing this form, I certify that I understand the provisions under ordinance No. 853 of the Village of Greendale Municipal Code which regulates Home Occupations, and agree to abide by them. I also understand that should the Home Occupation become a nuisance, hazard, or unreasonably interfere with the quiet enjoyment of other people's premises; this Home Occupation Permit may be revoked by the Village of Greendale.

Please sign below:

Owner _____ **Applicant** _____
Date _____ **Date** _____

Department Use Only:

Approved Denied Approved with conditions

Conditions:

Director of Inspection Services: _____

Date: _____

ORDINANCE NO. 853

AN ORDINANCE AMENDING THE VILLAGE OF GREENDALE ZONING CODE SECTION 17.03(2) "DEFINITIONS AND WORD USAGE" CREATING THE TERM AND DEFINITION FOR "TRIP" AND AMENDMENTS TO SUBSECTION 17.12(4) "HOME OCCUPATIONS"

WHEREAS, the Village of Greendale has adopted Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code to regulate land uses within the Village; and,

WHEREAS, Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code is amended from time to time to adapt to a changing environment, updated technologies, and land use demands including those of residential home occupation land uses in the Village; and,

WHEREAS, it is the recommendation of the Plan Commission to amend Section 17.12(4) "HOME OCCUPATIONS" of Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code in order to address the Village of Greendale's need to adapt to a changing environment, updated technologies, and land use demands including those of residential home occupation land uses in the Village; and

WHEREAS, the Village Board has determined that the provision of these additions and amendments regarding the regulation of home occupations is necessary in order to protect the health, safety, and welfare of the public in order to achieve the purposes and intents of Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code as set forth in Section 17.02 "Purpose and intent" of Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code; and

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Greendale does hereby ordain as follows:

Part I. Creation. A new term "TRIP" and definition for the new term "TRIP" are hereby created to be added to Section 17.03(2) "Definitions and word usage" of Chapter 17 "Zoning Code" of the Village of Greendale Municipal Code to read as follows:

"TRIP – A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a lot or parcel of land. For trip generation purposes, the total trip ends for a land use over a given period of time are the total of all trips entering plus all trips exiting a lot or parcel of land during any 24-hour time period."

"CUSTOMER/CLIENT - For the purposes of calculating visits to home occupation premises, any one (1) person receiving the services of a home occupation on the premises of the home occupation."

"DAILY - Every day of the week including Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday."

Part II. Repeal. Section 17.12(4) "HOME OCCUPATIONS" of the Village of Greendale Zoning Code is hereby repealed and recreated as follows:

- (a) **Standards for Home Occupations and Home Offices.** The following specific standards shall be used for home occupations and home offices located as accessory uses in all residence

districts:

1. **Home Occupation Employees.** A home occupation shall not employ more than one (1) additional employee, either another member of the family residing on the premises or one (1) residing elsewhere.
2. **Maximum Floor Area Permitted to be Used for Home Occupation.** The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than twenty-five (25) percent of the floor area of the dwelling unit (excluding attached garages but including dwelling unit basements) shall be used in the conduct of the home occupation or home office. No outside display, storage, or use of land is permitted.
3. **No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted.** There shall be no change in the outside appearance of the building, accessory structure, or premises because of such home occupation or office, except for an unlighted sign or nameplate, not more than one (1) square foot in total area, attached to and not projecting from the building.
4. **Conduct of Home Occupation in Accessory Building, Accessory Structure, or Outdoors Prohibited.** No home occupation or home office shall be conducted in any accessory building, accessory structure (attached or detached), or outdoors.
5. **Use of Mechanical and Electrical Equipment.** No mechanical equipment shall be used on the premises, except such that is normally used for on-site domestic or household purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage greater than that normally associated with household use. Computer and communications equipment that meets the aforementioned criteria which can be purchased for use in the home shall be considered as "normally associated with household use."
6. **Sale and Display of Commodities and Goods.** No commodity or good not produced on the premises shall be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or orders for the provision of services off-site.
7. **Traffic and Parking.** No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principal residential use. For measuring vehicular traffic, either the criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation or a maximum of twenty-two (22) trips per 24-hour time period shall be used, whichever is greater, for a weekday using the upper end of the range of rates. All customer and client vehicles associated with the home occupation shall be legally parked on the lot or parcel at which the home occupation is located; however, if adequate legal parking space (as determined by the Village Director of Inspection Services based upon Village-defined legal parking spaces) is not available on the lot or parcel associated with the home occupation for the legal parking of two (2) customer and client vehicles, then one (1) of said customer and client vehicles may be permitted to be parked on a public street subject to the approval of location by the Village Director of Inspection Services. All customer and client vehicles parked at any time on the lot or parcel associated with the home occupation shall not exceed two (2) such vehicles.

8. **Vehicle Used in Conjunction with the Home Occupation.** No more than one (1) vehicle, which complies with the provisions of Section 17.12(6) of the Village Zoning Code, shall be used in the conduct of the home occupation. Any truck, as defined in Section 17.12(6) of the Village Code, used in the conduct of the home occupation shall not be parked on a public street, public parking lot, or any other public lands. No trailers shall be used as part of the home occupation.
9. **Business Hours of a Professional Services Type of Home Occupation.** Business hours of a professional services type of home occupation shall be limited to 8:00 am to 9:00 pm on Monday through Saturday; home occupations shall not be conducted on Sundays.
10. **Home Occupation Uses--Permitted.** A home occupation may include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, private tutoring and instruction including music instruction, barber shops or beauty parlors; sign making which is electronically generated or brush painted only; and home offices shall include professional services. Business hours of a professional type of service shall be limited to 8:00 am to 9:00 pm.
11. **Home occupation uses--not permitted.** The following uses are not permitted as a home occupation: millinery shops; tea rooms; restaurants; tourist homes; bed and breakfast establishments; auto repair and tune-up including the painting or repair of automobiles, trucks, trailers, boats, or lawn equipment; general offices which would require more off-street parking than which is required for the type of residential use which is permitted in the residential district; clinics; physician's, dentist's and offices of the like; welding shops; animal hospitals; dispatching of transfer and moving vans; furniture repairing and refinishing; veterinary clinics; catering or other food preparation businesses; restaurants; funeral parlors, undertaking establishments, crematoria, or mausoleums; tattoo and body piercing parlors; antique shops; taxidermy shops; tree-cutting and/or landscaping services; resale shops; boarding, lodging, or rooming houses; dancing schools; kennels; commercial stables; message therapy; public places of amusement such as theaters or video arcades; warehousing; welding shops; machine shops; construction business or landscaping business that include the storage of goods and materials to be used in the operation of a business; nursery schools; palm reading or fortune telling; photo finishing; portrait studios; private clubs; radio, television, and other electronic repair shops; raising animals for sale; sign making unless electronically generated or brush painted only; trash hauler operation other than a home office; small engine repair or small vehicle repair; among others.
12. **Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.** There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which are detectable to the normal senses outside the dwelling unit greater than that normally associated with household use.
13. **Nuisance Causing Activities.** No home occupation shall cause or create any nuisance, cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
14. **Materials which are Hazardous or Decompose by Detonation Prohibited.** No materials which are hazardous or decompose by detonation shall be allowed within a home occupation.

15. **Refuse and Garbage.** No refuse and/or garbage greater than the amount allowable for regular residential pickup shall be generated by any home occupation.
 16. **Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.** No home occupation shall be permitted which generates sewerage, water use, electric use, or natural gas use greater than what is typical for a residential dwelling unit.
 17. **Maximum Number of Customer/Client Visits Per Day and a Daily Customer/Client Appointment Schedule to be Made Available to Village.** The home occupation shall not generate more than eight (8) customer/client visits to the home occupation premises in any one day and no more than two (2) customers/clients are allowed on the home occupation premises at any one time. The operator of the home occupation shall maintain a daily customer/client appointment schedule on the home occupation premises at all times which shall be made available to the Village upon request of the Village Director of Inspection Services. Said customer/client appointment schedule shall document all customer/client visits by specific date and time. For the purposes of this Ordinance, one (1) customer/client visit shall be deemed as: two (2) trips by vehicle by a customer/client or each time any one (1) customer/client both enters and exits a lot or parcel of land on foot as a pedestrian from a public street right-of-way during any 24-hour time period.
- (b) **Existing Home Occupation Uses.** A non-conforming home occupation use that was established legally prior to the enactment of this Section may be continued as a legal nonconforming home occupation use. However, no expansion of any existing legal nonconforming home occupation use shall be permitted.
 - (c) **Home Occupation Uses and Applicable State and Federal Rules and Regulations.** The home occupation shall meet all applicable State and Federal rules and regulations for the type of home occupation proposed. Copies of all applicable State and/or Federal approvals, permits, licenses, and registrations required for the conduct of the type of use proposed by the applicant shall be provided to the Village Director of Inspection Services at the time the application is first submitted to the Village. All said applicable State and/or Federal approvals, permits, licenses, and registrations required for the conduct of the type of use proposed by the applicant shall not be allowed to lapse during the term of the operation of the home occupation use.
 - (d) **Home Occupation Permit Required for Home Occupation Uses.** A Home Occupation Permit shall be required for all Home Occupations located in the Village. Said Home Occupation Permits are issued by the Director of Inspection Services. There shall be no fee charged for said Home Occupation permit.
 - (e) **Costs.** The costs of all professional, expert, and/or technical consultant services retained by the Village of Greendale and rendered in review of a Home Occupation Permit for a home occupation use; administration of the Home Occupation Permit; and checking and/or inspections relating to the Home Occupation Permit including, but not limited to, the Village of Greendale consulting professional engineer, consulting planner, Village Attorney, or other professional, expert, or technical services shall be borne by the applicant for the Home Occupation Permit and shall be considered as a part of the application fees for the Home Occupation Permit for home occupations.
 - (f) **Applications for Home Occupation Permits.** All applications for Home Occupation Permits shall be submitted to the Village Director of Inspection Services with complete data provided by

the applicant to the Village on an application form supplied to the applicant by the Village Director of Inspection Services. The Village Director of Inspection Services shall review and act upon all such applications. The Village Director of Inspection Services may refer the Home Occupation Permit application and related data to appropriate Village Departments and consultants (if Village Department and/or consultant review is deemed to be necessary by the Village Director of Inspection Services) for their study and/or comment prior to the Village Director of Inspection Services review and action upon such Home Occupation Permit application. Based upon the Village Director of Inspection Services review of the Home Occupation Permit application and the requirements set forth in the Village Zoning Code, the Village Director of Inspection Services may grant or deny the Home Occupation Permit for a home occupation. Based upon unique circumstances of the home occupation use, the home occupation premises or property, and/or the neighborhood within which the home occupation is located, the Village Director of Inspection Services shall specify standards and/or requirements in the Home Occupation Permit which protect the health, safety, and welfare of the public by minimizing any adverse effects of the proposed use on the immediate vicinity through building design, site design, landscaping, screening, or other means (as deemed appropriate by the Director of Inspection Services). Said Home Occupation Permit requirements may be in addition to those standards set forth in Section 17.12(4)(a) of the Zoning Code.

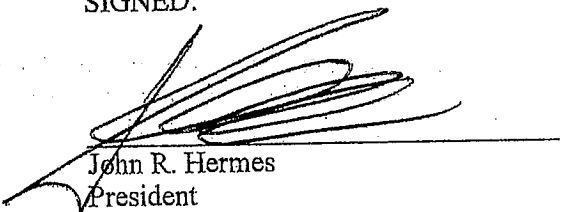
- (g) **Effect of Denial of a Home Occupation Permit for Home Occupation Uses.** No application for a Home Occupation Permit for a home occupation use which has been denied wholly or in part by the Village Director of Inspection Services shall be resubmitted until after thirty (30) days from the date of said denial.
- (h) **Home Occupation Permit for Home Occupation Use Runs with Land and Not the Applicant.** Home Occupation Permits for home occupations shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot.
- (i) **Additions and Enlargements to *Legal* Home Occupation Uses.** Any additions or enlargements to an existing *legal* home occupations use for which a Home Occupation Permit has been issued may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section for its original approval.
- (j) **Additions and Enlargements to *Illegal* Home Occupation Uses.** Any additions or enlargements to an existing illegal home occupation uses for which a Home Occupation Permit has *not* been issued shall not be allowed unless the entire home occupation use is made to conform to all the regulations of the zoning district in which it is located and pursuant to the procedures and subject to the standards and limitations provided in this Section.
- (k) **Effect of Issuance of a Home Occupation Permit for a Home Occupation.** The grant of a Home Occupation Permit for a home occupation use shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the Village of Greendale, including but not limited to Building Permit, Zoning Permit, land division approval, site plan approval, or other type of permit or approval. Only one (1) Home Occupation Permit shall be allowed to be issued per dwelling unit.
- (l) **Amendments to Home Occupation Permits for Home Occupation Uses.** A Home Occupation Permit for a home occupation use may be amended, varied, or altered only pursuant to the procedures and subject to the standards, limitations, and Home Occupation Permit application process required under the provisions of this Section.

(m) **Review of Existing Home Occupation Permits for Home Occupation Uses.** If a review of a Home Occupation Permit is deemed necessary by the Director of Inspection Services, an existing Home Occupation Permit for a home occupation use shall be reviewed by the Village of Greendale as follows:

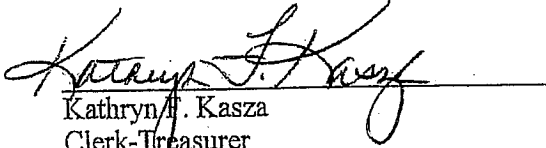
1. The Village Director of Inspection Services may review at any time an existing Home Occupation Permit for a home occupation use if any of the following determinations are made by the Village Director of Inspection Services:
 - a. The home occupation use for which the Home Occupation Permit was granted has not continued in conformity with the Village Zoning Code, the Village of Greendale's conditions of approval of the Home Occupation Permit, or with any subsequent amendments to the Home Occupation Permit.
 - b. Violations of other statutes, ordinances, or laws.
2. Upon review of the Home Occupation Permit for home occupation uses by the Village Director of Inspection Services, the Village Director of Inspection Services may determine that: no action be taken; revisions to the Home Occupation Permit be made or additional conditions be added to the Home Occupation Permit in compliance with this Section; or the Home Occupation Permit be terminated due to non-compliance with the Village Zoning Code.

Passed and Adopted by the Village Board of the Village of Greendale, Milwaukee County, Wisconsin, this 5th day of October, 2010.

SIGNED:


John R. Hermes
President

COUNTERSIGNED:


Kathryn J. Kasza
Clerk-Treasurer