

LRB-RESEARCH AND ANALYSIS SECTION

ZONING, NEIGHBORHOODS AND DEVELOPMENT COMMITTEE

ITEM 2, FILE 070453

August 2, 2007

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File 070453 is an ordinance relating to the issuance and zoning provisions associated with a home occupation certificate.

Background

The Department of Neighborhood Services has been issuing home occupation certificates at no charge. The department now wishes to charge a fee of \$50 for associated administrative costs and clarify a number of the zoning code provisions associated with the certificate.

Discussion

The original draft of this ordinance introduced into the Common Council required any person engaged in a home occupation to obtain a certificate of home occupation from the department of neighborhood services. It also set a fee for this certificate and clarified a number of zoning code provisions associated with the certificate.

Upon review at the Zoning Code Technical Committee, the City Attorney's representative on the committee felt that requiring this certificate of all persons engaged in home occupations amounted to regulation of business and went beyond a zoning issue. The committee therefore recommended that the certificate should be required only for those needing it for licensing or permitting purposes.

Therefore, a proposed substitute ordinance was drafted that requires that any person engaged in a home business requiring a license or permit from the city must first obtain a certificate of home occupation from the department of neighborhood services. The fee for the home occupation certificate shall be \$50. The ordinance also requires that home occupations comply with various zoning code provisions. These include the following:

1. A home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.
2. Not more than 25% of the total usable floor area of the principal building and the basement may be devoted to the home occupation.
3. A home occupation cannot involve explosives, fireworks or repair of motor vehicles including body work.
4. No one other than members of the family residing in the dwelling unit shall be employed in a home occupation in a residential zoning district. In a commercial or industrial zoning district, one person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.

Fiscal Effect

This ordinance has the potential to increase revenues to the Department of Neighborhood Services. Based on the number of Home Occupation Certificates issued in 2006, with a fee of \$50, \$4,800 in revenue would have been raised. To date in 2007, there have been 81 Certificates issued which would represent \$4,050 in revenues.

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