



Legislation Details (With Text)

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Title: A substitute ordinance relating to regulations for home occupations.

Sponsors: THE CHAIR

Indexes: HOUSING, ZONING

Attachments: 1. Fiscal Note.pdf, 2. Fiscal Analysis, 3. Zoning Code Technical Committee Letter 7-18-07.pdf, 4. City Plan Commission Letter.pdf, 5. Notice Published on 8-24-07 and 8-31-07, 6. Notice Published on 11-08-07

Date	Ver.	Action By	Action	Result	Tally
7/11/2007	0	COMMON COUNCIL	ASSIGNED TO		
8/21/2007	0	CITY CLERK	PUBLISHED		
10/2/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/2/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/11/2007	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/11/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
10/11/2007	1	CITY CLERK	DRAFT SUBMITTED		
10/23/2007	1	COMMON COUNCIL	PASSED	Pass	13:0
10/31/2007	1	MAYOR	SIGNED		
11/8/2007	1	CITY CLERK	PUBLISHED		

070453
SUBSTITUTE 1

THE CHAIR
 A substitute ordinance relating to regulations for home occupations.
 200-33-24.5 cr
 200-55 cr
 295-503-3-c-0 am
 295-503-3-c-1 am
 295-503-3-c-2 am
 295-503-3-c-5 am
 295-503-c-8 cr
 295-603-4-c rc
 295-803-4-c rc

This ordinance 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 a 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.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-24.5 of the code is created to read:

200-33. Fees.

24.5. HOME OCCUPATION CERTIFICATE. The fee for a home occupation certificate shall be \$50.

Part 2. Section 200-55 of the code is created to read:

200-55. Home Occupations.

1. PURPOSE AND INTENT. The purpose and intent of this section is to permit residents of the city a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income. This section is also intended to protect residential areas from adverse impacts of activities associated with certain home occupations.
2. CERTIFICATE REQUIRED. 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 commissioner of neighborhood services and pay the fee specified in s. 200-33-24.5. An application for a certificate of home occupation shall be filed with the department of neighborhood services on forms provided by the department. An inspection may be required prior to issuance of the certificate.
3. REQUIREMENTS. All home occupations shall comply with the requirements provided in ss. 295-503-3-c, 295-603-4-c and 295-803-4-c.

Part 3. Section 295-503-3-c-0,1, 2, and 5 of the code is amended to read:

295-503. Uses.

3. ACCESSORY USES.

c. Home Occupations >>-Residential Zoning<<. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be >>clearly incidental and<< subordinate to the residential use of the dwelling unit.

c-2. No one other than ~~[[a resident of]]~~>>members of the family residing in<< the dwelling unit shall be employed in the conduct of the home occupation.

c-5. Not more than ~~[[20%]]~~>>25%<< of the total usable floor area of the principal building ~~[[and]]~~>>including<< the basement may be devoted to the home occupation.

Part 4. Section 295-503-3-c-8 of the code is created to read:

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

Part 5. Section 295-603-4-c of the code is repealed and recreated to read:

295-603. Uses.

4. ACCESSORY USES.

c. Home Occupations -Commercial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupation and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

Part 6. Section 295-803-4-c of the code is repealed and recreated to read:

295-803. Uses.

4. ACCESSORY USES.

c. Home Occupations -Industrial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements

established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupancy and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24 hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work, motor vehicle sales, storage, recycling and wholesale trade uses or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Neighborhood Services

MET

7/19/07

LRB07239-2