



City of Highland

Department of Community Development
Zoning Division

APPLICATION DATE _____

CITY OF HIGHLAND HOME OCCUPATION APPLICATION

Home Occupation _____ Original _____ Renewal

Home Occupation _____ 2nd Year
Conditional Use Permit _____ Original _____ 3rd Year & After

NAME: _____ PHONE # _____

ADDRESS: _____

MAILING ADDRESS: _____

(If different)

BUSINESS PHONE # _____

TYPE OF BUSINESS: _____

DESCRIBE BUSINESS OPERATION IN DETAIL:

If licensing, registration or permits are required for the business, indicate the type and number: (Copy of license or permit should be attached)

TYPE- _____ NUMBER- _____

Amount of area in residence set aside for home occupation:

Total Living Area in Residence _____ Square Feet

Home Occupation Area (up to 25% of total living area) _____ Square Feet

(Include sketch of the residence, which includes the total living area and indicate the Home Occupation location. Also include the parking area and loading spaces.)

Individuals employed in the Home Occupation (must reside in the residence.)

1. _____ 2. _____

Notice: Applicant should review any restrictive covenants for the subdivision or property. The City is not aware or responsible for deed covenants.

By directive of Highland IL City Council all petitioners, or a representative, must attend the Plan Commission, Zoning Board of Appeals and/or City Council meetings (whichever applies to their particular request). If there is no representation the petition will be removed from the agenda and placed on the next month's agenda. If you have any questions please contact the Building & Zoning Department at (618) 654-7115.

Permit expires December 31 and must be renewed no later than January 31 of the following year.

I have been provided with a copy of the Home Occupation Ordinance and reviewed the contents.

APPLICANT SIGNATURE: _____

***INCOMPLETE APPICATIONS WILL BE RETURNED**

OFFICE USE:

Application Number _____

_____ Date Inspected _____ Fee Amount _____ Date Collected

Zoning Administrator	_____ Approved	_____ Denied	_____ Date
Plan Commission	_____ Approved	_____ Denied	_____ Date
Zoning Board of Appeals	_____ Approved	_____ Denied	_____ Date
City Council	_____ Approved	_____ Denied	_____ Date

To Be Completed by Zoning Administrator:

Current Zoning and Existing Use? _____

Existing Uses and Zoning of other lots in the vicinity (1 block) of the property in question?

Effect the proposed use would have on public utilities and traffic circulation on nearby streets?

Describe trend of development in vicinity of proposed property, including any changes since property was initially zoned or last rezoned. _____

How does this proposal fit into the City's comprehensive plan? _____

State the suitability of the property for the proposed use. _____

Other pertinent information: _____

Sec. 90-258. Home occupations and garage sales.

- a) **Intent.** The intent of this section is to provide peace, quiet, and domestic tranquility within all residential neighborhoods within the city, and to alleviate or limit excessive noise, excessive traffic, nuisance, fire hazard, and other anticipated adverse effects of commercial uses being conducted in residential areas.
- b) **Definitions.** As used in this section:
 - 1) **Garage sale** means the offer to sell, or sale to the public of new or used merchandise conducted on premises where applicable zoning restrictions do not allow such sales as a permitted use.
 - 2) **Home occupation conditional use permit** means a permit authorized by the city council only after a public hearing by the plan commission and zoning board of appeals as required in this section.
 - 3) **Home occupation permit** means a permit issued for a home occupation that is authorized by this section without hearing.
- c) **When permitted.** Notwithstanding other sections of this chapter a home occupation may be conducted in zones R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, and R-3, provided that it shall be unlawful to conduct such home occupation without the prior issuance of a home occupation permit or home occupation conditional use permit, except a public auction if and provided that such auction is held no more than one time each calendar year and takes place for no more than two consecutive days' time, and except garage sales, and it shall be unlawful to conduct a garage sale unless such sale is in compliance with the following requirements:
 - 1) Sales shall last no longer than three consecutive days.
 - 2) Sales are held no more than twice yearly at any one location.
 - 3) Sales are conducted on a person's then owned or rented dwelling property provided that multiple-family sales are permitted if they are held on property then owned or rented for dwelling purposes by one of the participants.
 - 4) No goods purchased for resale may be offered for sale.
 - 5) No consignment goods may be offered for sale.
 - 6) Directional signs may be placed on the city right-of-way in a location that does not obstruct the traveled portion of a street or obstruct a sidewalk, or obstruct the view of vehicle drivers or pedestrians or other vehicles or users of the streets and sidewalks.
 - 7) All directional advertising signs shall be freestanding and shall be removed after completion of the sale.
 - 8) No directional or advertising signs shall be larger than two feet by three feet.
- d) **Issuance of home occupation permits.** A home occupation permit shall be issued by the zoning administrator, upon application to the office of said official and payment of a sum equal to the annual permit fee, without a hearing, provided that the home occupation is owned solely by the applicant, and conforms to all of the applicable requirements of this section, and is one or more of the following occupations:
 - 1) Dressmaking, sewing, and tailoring.
 - 2) Artistic painting, sculpturing, art restoration, art studio or writing.
 - 3) Telephone answering or telephone soliciting if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
 - 4) Home crafts, such as model making, rug weaving, lapidary work.
 - 5) Tutoring, limited to one student at a time.
 - 6) Home cooking or preserving if conducted solely within the residence.

- 7) Computer programming if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
- 8) Secretarial service, accounting service, typing service, word processing services if on part of the business equipment is installed outside of the residence other than telephone cables or wires.
- 9) Babysitting and child day care.
- 10) Direct sale product distribution such as Amway, Avon, and Tupperware.
- 11) Laundry, ironing service, housecleaning.
- 12) Mail orders, not including retail sales from the site.
- 13) Stock and bond broker, financial planner, and estate planner.

Any appeal of a denial of such application shall be as set out in division 6 of article II of this chapter.

- e) **Standards.** All home occupations, whether authorized by permit or conditional use permit, shall conform to the following standards:
 - 1) Home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling.
 - 2) No interior or exterior business sign shall be larger than two square feet in area. Signs shall be unlighted and installed only on the dwelling building itself.
 - 3) There shall be no exterior or outbuilding storage of business equipment, materials, merchandise or inventory.
 - 4) Any occupation which requires licensing, registration or permits, by state or federal statute or requirements, or by city ordinance or requirements must be at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such license or permits.
 - 5) There shall be a specific area set aside for the home occupation which shall not exceed 25 percent of the total living area of such residence.
 - 6) Home occupations shall not utilize more than a total of two persons either as an employee, an independent contractor, a volunteer, or in any other capacity to render service in the performance of such occupation, and both of such persons shall reside in the residence wherein the home occupation is conducted.
 - 7) Off-street parking requirements of section 90-281 shall be complied with.
 - 8) Home occupations shall not be capable of creating either a nuisance or a fire hazard with respect to neighboring property, and shall not substantially increase the vehicular traffic.
 - 9) A home occupation conditional use permit may be issued subject to conditions, the violation of which shall be grounds for revocation of such permit.
- f) **Inspections**
 - 1) A home occupation and home occupation conditional use permittee, upon request, shall allow an annual inspection of the premises by the division of community economic development. In addition, the division of community economic development shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by the permit for safety and compliance purposes.
- g) **Nontransferability of permits**
 - 1) Home occupation and home occupation conditional use permits are not transferable from person to person or from one building to any other building, except as set forth in this section in the case of death of the permittee.
- h) **General provisions**
 - 1) **Nonconforming uses.** All nonconforming uses or home occupations which existed and continue to exist from the date of the original zoning ordinance

enacted on February 15, 1980 may continue to exist subject to section 90-309. All existing uses or home occupations which are operating based on a special use permit issued prior to October 19, 1992 may continue to operate subject to the provisions of the original permit. Those previously issued special use permits subject to periodic renewal by the plan commission and zoning board of appeals may be reviewed and requirements of this section may be applied at time of review.

- 2) **Death of permit holder.** Should a home occupation permit holder or home occupation conditional use permit holder die the existing permit shall be automatically terminated, except that should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to the effect shall be given to the division of community economic development, within 30 days of the permittee's death, and the surviving spouse or child shall become the permittee and shall be subject to the requirements of this section.
 - 3) **Revocation of conditional use permits.** Home occupation conditional use permits, once granted, may be revoked by the city council for cause after hearing before the plan commission and zoning board of appeals. Complaints seeking the revocation of such permit shall be filed with the division of community economic development and may be initiated by either the plan commission, zoning board of appeals or any three persons who reside at three different locations within one city block of where such occupation is conducted. All such revocation hearings shall be conducted in accordance with applicable requirements of division 4 of article II of this chapter and publication and notice requirements shall be the same as for home occupation conditional use permit application hearings.
 - 4) **Revocation of home occupation permit.** The zoning administrator may revoke any home occupation permit for noncompliance with the criteria set forth in this section as provided in section 90-36 and appeal of such revocation shall be allowed as set forth in subsection (h)(5) of this section.
 - 5) **Appeal to zoning board of appeals.** The decision of the zoning administrator concerning approval or revocation shall be final unless a written appeal is filed with the zoning board of appeals as provided in division 6 of article II of this chapter.
 - 6) **Modification of requirements.** Modifications of the above regulations may be approved by the city council in individual cases of applications for home occupation conditional use permits if the modification is found by the city council to be in accordance with the purposes set forth in section 1 of Ordinance No. 1660.
 - 7) **Time limits in applying for permit.** All home occupations being conducted in violation of this section shall, within 30 days after the adoption of the ordinance from which this section derives, apply for the necessary permit or conditional use permit as the case may be, and enforcement of this section shall be stayed for such 30 days and, if application is made, until granting or denial of such applications.
 - 8) **Penalty.** Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this section shall, upon conviction, be subject to penalty provisions in section 90-39.
- i) **Applications**
- 1) The annual fee for a home occupation permit shall be \$125.00, and the annual renewal fee for such permit shall be \$125.00 and shall be payable no later than January 31 of the year for which the permit is renewed.

- 2) The initial annual fee for the home occupation conditional use permit shall be \$125.00 and shall be paid with the application for such permit which shall be filed with the division of community economic development. The first annual renewal fee for a home occupation conditional use permit shall be \$200.00, and the second and each annual renewal fee thereafter for a home occupation conditional use permit shall be \$300.00, and all such renewal fees shall be paid by January 31 of the year for which the permit is renewed.
- 3) No reduction in annual permit fees shall be allowed for permits issued after January 1 of any year, nor will any refunds be made if permittee ceases the home occupation or when a permit is revoked, or denied.
- 4) All permits shall expire on December 31 of each year and may be renewed without additional hearings, subject to the requirements of this section. Applicants for renewal shall complete the renewal form prescribed by the division of community economic development and pay the annual permit fee with application for renewal. Failure to apply for renewal prior to expiration of a permit and failure to pay annual permit fee shall be grounds for revocation of all permits.
- 5) The application for a home occupation conditional use permit shall be forwarded to the plan commission and the zoning board of appeals for public hearing, such public hearings to be held as provided in division 4 of article II of this chapter. Legal notice of such hearings to be given as required for petition, rezonings, variances and other conditional uses. At the conclusion of such hearing the plan commission shall make recommendation to the zoning board of appeals and the zoning board of appeals shall make findings of fact and recommendations to the city council and the city council shall be the sole authority to grant or deny such permit.

j) Summary disposition

- 1) Notwithstanding other sections of this chapter, an application for a home occupation conditional use permit or the appeal of the denial of a home occupation permit by the zoning administrator which on its face requests such permit for a home occupation to be conducted in a manner other than as permitted by this section may be summarily denied by the zoning board of appeals without publication of notice or hearing, and written notice of such denial stating the specific reason therefore shall be given the applicant, such notice to be given by mailing it to applicant at the address shown on the application by prepaid certified return receipt requested United States mail within ten days of the date of such denial.
- 2) An applicant who desires to appeal such summary denial may appeal to the city council by filing a written request therefore with the city clerk within 14 days of the date of mailing the notice of denial. The city council shall consider such appeal at the regular meeting next following filing of the appeal notice, and on consideration may affirm the denial, or may reverse the denial and remand the application to the zoning board of appeals for hearing on the merits.

(Code 1976, & 18.40.030; Ord. No. 1660, & 2, 10-19-92; Ord. No. 1827, & 1, 4-15-96)