**ORDINANCE NO. 2261**

**AN ORDINANCE REPEALING AND SUPERSEDING SECTION 90-209 OF THE HIGHLAND MUNICIPAL CODE RELATING TO HOME OCCUPATIONS**

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**NOW BE IT ORDAINED** by the City Council of the City of Highland, Illinois, that this Ordinance hereby repeals Section 90-209 of the Highland Municipal Code in its entirety and replaces it to read as follows:

Section 90.209 Home Occupations

1. **Intent.** The intent of this Section is to establish criteria for operating home occupations in dwelling units within residential districts while maintaining the peace, quiet, and residential character of all residential neighborhoods within the City, and alleviating or limiting excessive noise, excessive traffic, nuisance, fire hazard, and other anticipated adverse effects of commercial uses being conducted in residential areas.
2. **Benefits to Business Owners.**
    a. Receive appropriate or needed services from the City in case of emergency by having current contact information on file.
    b. Have current business information included in community-wide listings such as a community profile, web page, or business list with the intent to enhance business visibility and increase revenue. This is a service offered by the City and is available to the business owner upon request. No information will be included in the listing without business owner's permission.
3. **Standards**. Home occupations shall conform to the following standards:
    a. The home occupation shall be incidental and subordinate to the principal residential use of the premises.
    b. A home occupation shall be entirely contained within the interior of an approved permanently enclosed structure on the site and no more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.
    c. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling. *Exception: ADA compliance*
    d. Signage allowed for home occupations operating via permit must comply with the Sign Ordinance in effect at time of permit application.
    e. 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.

f. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

g. No parking in the public rights-of-way shall result from the home occupation.

h. No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood.

i. Any home occupation permit applicant whose home occupation requires licensing, registration or permits, by state or federal statute/regulation, or by city ordinance must provide all licenses, registrations or permits at the time of application. Furthermore, the home occupation permittee must keep all licenses, registrations and permits current and at all times comply with the requirements of such licenses, registrations and permits.

j. While no permit is required to operate a home occupation that meets the No Permit Required conditions, operation of such business is subject to compliance with all applicable city, state and federal business rules, regulations and standards.

k. Hours of operation shall be within the hours of 7:00 a.m. and 9:00 p.m. *Exception: Day Care Home facilities shall have no time restrictions* but are prohibited from offering overnight stay services.

4. **Applications & Procedures**.

a. The one time fee for the home occupation permit shall be $10.00 and shall be paid with the application for such permit which shall be filed with the Building and Zoning Division.

b. No reduction in 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.

c. Home occupation permits shall be issued by the City of Highland's Zoning Administrator, upon application to the office of said official and payment of the one time home occupation permit fee of $10.00.

d. The application for a home occupation permit shall comply with the procedures set forth in this Section.

e. All permits shall expire on December 31 of each year and may be renewed subject to the requirements of this Section. Applicants for renewal shall complete the renewal form prescribed by the Building and Zoning Division. Failure to apply for renewal prior to expiration of

a permit shall be grounds for revocation of all permits held by the applicant.

f. When the Zoning Administrator observes that a permittee is in violation of this Section, he shall serve written notice of the violation on the permittee. If the violation is not corrected within 20 days after permittee's receipt of first written notification, the Zoning Administrator shall serve a second written notification. If corrective action is not taken within 10 days after permittee's receipt of the second written notification, the Zoning Administrator may institute any appropriate action under Section(s) 90.038 and/or 90.039, including revocation of the permittee's home occupation permit.

g. Appeal to Combined Planning and Zoning Board. The decision of the Zoning Administrator concerning issuance or revocation of a home occupation permit shall be final unless a written appeal is filed with the Combined Planning and Zoning Board within 45 days of denial or revocation of said permit.

5. **Restrictions and limitations**: Home occupations shall conform to all of the applicable requirements of this Section.

6. **HOME OCCUPATION - PERMIT REQUIRED**

A business within a home that exceeds the conditions for a No Permit Required home business must obtain a home occupation permit from the City of Highland within 6 months of starting the business. A business operating under a home occupation permit will generally meet one of the following conditions and must comply with all additional standards set forth below:

a. Work/services/sales are to be performed on the business owner's property will generate 6 or more vehicles per day to enter/exit the homeowner's property. At no time shall there be more than 10 vehicles per day which enter/exit the homeowner's property.
b. The home occupation requires equipment, materials, tools, or supplies in addition to those for normal home use.
c. No materials or products shall be delivered to the homeowner's property by semi truck. Materials and products must be delivered by regular U.S. Postal Service mail, UPS, FedEx, etc.

**Examples of Home Businesses in this category include, but are not limited to**:

i. gardening, lawn care, landscape business where the business requires equipment, materials, tools, or supplies in addition to those normally used for personal home lawn care such as mowers, trailers, ladders, hoses, lawn supplements, seed
ii. transportation services utilizing no more than 2 vehicles (automobiles, personal vans or SUV's), and no buses, commercial vans, trucks or

other motorized vehicles of any kind

iii. manufacturing, mass production, construction of products where the business requires equipment, materials, tools, or supplies in addition to those for normal home use

iv. in-home care for more than 3 children, adults, or pets at one time

v. tutoring, music lessons, dance lessons or teaching of any kind where 3 or more students are on the homeowner's property at one time

vi. Bed & Breakfast, tourist home, guest house, overnight stay facility where no more than 4 persons will be housed for no more than 2 nights each for a maximum of 12 overnight stays per month

vii. Art/craft design and production where the business requires equipment, materials, tools, or supplies in addition to those normally used for personal home operation such as kilns, furnaces, lathes, torches

viii. attorney, accountant, tax service, massage therapist, counselor, estate planner, financial planner, stock broker, interior designer, decorator, event planner, hair dresser, make-up artist, photographer, video producer, web designer, etc., where it is anticipated that more than 6 but less than 10 vehicles per day are anticipated to enter/exit the property

ix. auctioneers, private detectives, exterminators, building contractor, general contractors, where all activities other than clerical and record keeping, are conducted off of homeowners premises but the business will require special or large equipment, materials, tools, or supplies in addition to those for normal home use

x. service or parts sales if business is conducted off the home premises from an appropriately marked company vehicle such as Snap-On™, etc.

7. **Home Occupation - No Permit Required**

A home occupation that meets the following conditions DOES NOT need to apply for nor obtain a home occupation permit:

a. Work/services/sales are performed off of the homeowner's property; and/or,

b. Work/services/sales are performed on the business owner's property but no more than 5 vehicles per day enter/exit the homeowner's property.

c. No special equipment, materials, tools, or supplies in addition to those for normal home use are needed for the business.

d. No materials or products are delivered to the homeowner's property by semi truck; materials and products are delivered by regular US Postal Service mail, UPS, FedEx, etc.

e. All materials or products are stored in an enclosed area of the homeowner's property.

f. No signage is displayed outside on the homeowner's property.

**Examples of Home Businesses in this category include, but are not limited to:**

i. house cleaning, laundry, ironing services
ii. sewing, alterations
iii. computer repair, installation, maintenance, or programming if no part of the business equipment is installed outside of the residence other than telephone cables or wires
iv. tutoring, music lessons, dance lessons or teaching of any kind where no more than 2 students are on the homeowner's property at one time
v. caregiver, visiting nurse, baby/adult sitting, personal care assistant services performed outside of the homeowner's property or limited to no more than 2 persons are on the homeowner's property at one time
vi. transportation services utilizing no more than two vehicles (automobiles, personal vans or SUV's), and no buses, commercial vans, trucks or other motorized vehicles of any kind
vii. internet, eBay, or Craig's List sales
viii. direct sale, product distribution such as Amway, Avon or Tupperware
ix. art/crafts design, production and sales in areas such as painting, sculpting, lapidary, woodworking, glass working, beading, art restoration, art studio or writing, where no special equipment other than that for normal home use is required
x. graphic design, typesetting, layout, interior designer, decorator, event planner, photographer, video producer, web designer, if no more than 5 vehicles per day are anticipated to enter/exit the property and no equipment, materials, tools, or supplies in addition to those for normal home use are needed for the business
xi. auctioneers, private detectives, building contractor, general contractors, where all activities other than clerical and record keeping, are conducted off of homeowner's premises and no equipment, materials, tools, or supplies in addition to those for normal home use are needed for the business
xii. Telephone answering or telephone soliciting if no part of the business equipment is installed outside of the residence other than telephone cables or wires
xiii. home cooking or preserving if conducted solely within the residence
xiv. secretarial service, accounting service, typing service, word processing services, mailing services, mail orders, not including retail sales from the site if no part of the business equipment is installed outside of the residence other than telephone cables or wires
xv. on-site babysitting and day care

8. **Home occupations prohibited**: Permitted home occupations shall not in any event include the following:

b. Antiques-retail

c. Funeral services

d. Groceries – retail

e. Second-hand merchandise – retail

f. Equipment rental

g. Automobile and other motor vehicle repair services

h. Physicians

i. Dentists

j. Chiropractors

k. Restaurants, Food Service facilities *Exception: Home cooking or preserving if conducted solely within the residence*

l. Stables or Kennels

m. Veterinarians

n. Renting of trailers or equipment

9. **Inspections**: All home occupation permittees shall have an initial Life Safety inspection of the premises by the Building and Zoning Division. In addition, the Building and Zoning Division 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.

10. **Non-transferability of permits**: Home occupation and home occupation permits are not transferable from person to person or from one building to any other building, except as set forth in the following Section 11 (b) in the case of death of the permittee.

11. **General provisions**.

    a. All previously issued permits for home occupations may be subject to periodic inspections and review pursuant to the procedures and requirements herein.

    b. Death of permit holder. Should a home occupation 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 that effect shall be given to the Building and Zoning Division, 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.

    c. Denial/Revocation of Home Occupation Permits. The Zoning Administrator shall have the authority to issue all home occupation permits and to revoke any home occupation permit for noncompliance with the criteria set forth in this Section.

    d. Violation Notification & Procedures. When the Zoning Administrator observes that a permittee is in violation of this Section, he shall serve

written notice of the violation on the permittee. If the violation is not corrected within 20 days after permittee's receipt of first written notification, the Zoning Administrator shall serve a second written notification. If corrective action is not taken within 10 days after permittee's receipt of the second written notification, the Zoning Administrator may institute any appropriate action under Section(s) 90.038 and/or 90.039, including revocation of the permittee's home occupation permit.

e. Appeal to Combined Planning and Zoning Board. The decision of the Zoning Administrator concerning approval or revocation of a home occupation permit shall be final unless a written appeal is filed with the Combined Planning and Zoning Board within 45 days of denial or revocation of said permit.

f. 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 home occupation permit and enforcement of this Section shall be stayed for such 30 days and, if application is made, until granting or denial of such applications.

g. 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 90.039.

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

**CITY OF HIGHLAND**
**Home Occupation Permit Application**

Return Form To:
Administrative Official
City of Highland
2610 Plaza Drive
Highland, IL 62249
(618) 654-7115
(618) 654-5570(fax)

For Office Use Only:

Date Submitted: _____
Initial Inspection Date:_____
Date Approved: _____

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**APPLICANT INFORMATION**:

Applicant:_____

Address:_____ Zip:_____ Phone: _____

**HOME OCCUPATION PERMIT:** _____Original _____Renewal

Description of Home Occupation: _____
_____
_____
_____

If licensing, registration or permits are required for the business, indicate the type and number: (Please attach a copy of the license or permit)

TYPE:_____NUMBER:_____

Individuals employed in the home occupation (employees must reside at the residence)

1._____2._____

**PROPERTY INFORMATION**:

1. Amount of area in residence set aside for home occupation: _____Square Feet
2. Total living area in residence: _____Square Feet
3. Percentage of total area dedicated by the home occupation _____%

4. Attach a sketch of the residence depicting the total area of the home and the area being proposed for the home occupation. Also include a layout of the site showing parking.
5. The following checklist shall be completed by the applicant.

| All home occupations shall conform to the following requirements: | Yes | No |
|---|---|---|
| A. The home occupation is incidental and subordinate to the principal residential use of the premises. | | |
| B. The home occupation is entirely contained within the interior of an approved permanently enclosed structure on the site and no more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation. | | |
| C. No alteration of the exterior of the principal residential structure is proposed that would change the character thereof as a dwelling *Exception: ADA Compliance* | | |
| D. Any proposed sign complies with the Sign Ordinance adopted at the time the home occupation permit application is submitted. | | |
| E. The home occupation does 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 reside in the residence wherein the home occupation is conducted. | | |
| F. No equipment is be utilized that creates a nuisance due to noise, odor, emissions or electrical interference. | | |
| G. No parking is proposed in the public rights-of-way as a result from the home occupation. | | |
| H. The home occupation does not generate more than ten (10) business-related visitations per day | | |
| I. If the home occupation requires licensing, registration or permits, by state or federal statute or requirements, or by City ordinance it was provided at time of application, and at all times thereafter will be appropriately licensed, registered, or have a permit and comply with requirements of all such license or permits. | | |
| J. Hours of Operation shall be between the hours of 7:00 a.m. and 9:00 p.m. *Exception: Day Care Home facilities shall have no time restrictions but are prohibited from offering overnight stay services.* | | |
| K. Applicants leasing or renting property for the Home Occupation shall notify the landlord | | |

Permit expires December 31. Application for renewal must be received prior to the date of expiration. Any homeowner who allows their permit to expire shall be required to submit a new permit application and pay the $10.00 application permit fee.

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

By signing below I hereby affirm that the information I have provided on this application is true and upon approval of the home occupation requested in this application I agree to abide by the conditions and limitations specified for home occupations in the zoning regulation ordinance and any provisions specified by the Zoning Administrator as a condition to approval of the application.

_____ _____

Applicant's Signature Date

*Incomplete application will be returned

This Ordinance shall be known as Ordinance No. 2261 and shall be in full force and effect from and after its passage and publication.

Passed by the City Council of the City of Highland, Illinois, and filed in the office of the City Clerk on this 5th day of November, 2007, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Gould, Riffel, Zobrist, Bardill

NOES: None

ABSTAINED: None

ABSENT: None

ATTEST:

Barbara Bellm, City Clerk of the City of Highland, Madison County, Illinois