

Section 20.10 Home Occupations/Businesses

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation, profession or other activity resulting in some form of monetary compensation or benefit, conducted on the same lot as an occupied dwelling and by an occupant of the dwelling, accessory to and incidental to the principal residential use of the lot. Agriculture, as defined in this Ordinance, shall not be construed to be a home occupation.
 - a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, including an attached garage, and complies with the provisions of this Section.
 - b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part in one (1) or more accessory buildings, or otherwise outdoors on a lot in the AG District, and complies with the provisions of this Section.

B. Authorization: The operating or conducting of a home occupation is allowed according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit is required for the establishment of such a home occupation and such occupation shall comply with the standards of subsection (C) below.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use and allowed in the AG and RR Districts only, and shall be subject to the provisions of Article 15 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Article 15, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

C. Standards: All home occupations shall comply with all of the following standards:

1. Secondary and Incidental: The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 9.
2. Nuisance Conditions: The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. Management: A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. Hazardous Materials: The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be authorized in the case of a Class 2 home occupation. Refuse generated by a home occupation shall be safely and properly disposed of.
5. Size: A Class 1 home occupation shall be fully contained within a single room of the dwelling, which may include an attached garage, or may occupy an area no greater than twenty-five percent (25%) of the gross floor area of the dwelling excluding a basement, whichever is less. A Class 2 home occupation shall not occupy a total combined indoor and outdoor area greater than fifty percent (50%) of the gross floor area of the dwelling excluding a basement.
6. Employees: In the case of a Class 1 home occupation, no employee shall be present on the premises during the ordinary course of business excluding employees residing in the dwelling. In the case of a Class 2 home occupation, no more than two (2) persons shall be present on the premises during the ordinary course of business, excluding employees residing in the dwelling, provided this provision shall not prohibit the arrival of up to three (3) additional employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere and provided there is compliance with subsection (7) below.

7. Traffic: All traffic to and from a home occupation shall not result in more than ten (10) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors.
8. Outdoor Activities: No portion of a Class 1 home occupation shall be located outdoors including the storage of equipment and materials. No portion of a Class 2 home occupation shall be located outdoors, including the storage of equipment and materials, except as may be expressly authorized by the designated approving body on a lot of a minimum two (2) acres in area and one-hundred fifty (150) feet in width, located in the AG District, and the approving body determines adequate setback and/or screening measures are to be in place to minimize visual and audio impacts on nearby roads and lots. The limits of such outdoor area shall be clearly identified on the site plan.
9. Outdoor Retail Sales: No retail sales shall be part of an outdoor portion of a Class 2 home occupation except in the case of the sale of firewood, as may be expressly authorized by the designated approving body where the approving body determines adequate measures are to be in place to prohibit nuisance conditions for nearby lots and uses and the avoidance of traffic hazards. For the purposes of this Subsection 9, "firewood" shall be defined as pre-cut timber in a ready-to-use form for campfires, fireplaces and/or furnaces, without the need for further processing. Such retail sales area shall comply with the following:
 - a. Shall not exceed twenty (20) sq. ft. in area.
 - b. Shall be setback a minimum distance of twenty-five (25) feet from a front lot line.
 - c. Shall be setback a minimum distance of fifty (50) feet from a rear lot line.
 - d. Shall be setback a minimum distance of ten percent (10%) of the lot's width from the side lot line but not less than ten (10) feet.
 - e. Shall accommodate the parking of a minimum of two (2) vehicles a minimum distance of fifty (50) feet from all lot lines.
 - f. All firewood shall be neatly stacked and the stacking of wood shall not exceed a height of four (4) feet.
 - g. No parking shall be permitted in a road right-of-way including M-25.
10. Indoor Retail Sales: No retail sales shall be part of an indoor portion of a Class 1 or Class 2 home occupation except in the case of products produced on such lot. This subsection shall not prohibit phone sales, internet sales, and similar sales where the general public does not typically arrive on the home occupation lot to acquire the product.