

ZONING ORDINANCE  
HOME OCCUPATIONS PERMIT PROCESS

The 1997 Rushford Zoning Ordinance has procedures in place calling for a Conditional use Permit application for persons wishing to operate a business in a residential area. The ordinance was recently updated to clarify the definition of a home occupation and to provide defining elements to assist the Board of Zoning Appeals in their determination of whether a home business exists and if it should be permitted. The purpose of regulating home occupations is to help insure that the health, safety and general welfare of the residential neighborhood is not jeopardized or intruded upon commercial business. Small scale business may be allowed to be carried out in a residential area when that use is clearly accessory or secondary to the principal dwelling use. Contact City Hall for more information on the process and/or to complete an application for a home occupation conditional use permit.

WHEREAS, persons living in residential areas expect the residential character of their neighborhood to be protected from intrusion by commercial businesses, and;

WHEREAS, under certain circumstances small scale business may be allowed to be carried out in a residential area when that use is clearly accessory or secondary to the principal dwelling use, and:

WHEREAS, procedures are currently in place calling for a Conditional Use Permit application for the Board of Zoning Appeals to process and permit home occupations,

NOW, THEREFORE, the following amendment to the Zoning Ordinance will further clarify definitions and establish standards by which home occupations may be conducted in residential neighborhoods to insure that the health, safety and general welfare of the surrounding neighborhood is not jeopardized.

**AMENDMENT TO ZONING ORDINANCE**

THE CITY OF RUSHFORD ORDAINS:

SECTION 1. The following sections of that certain ordinance dated August 11, 1997, and amended in November 1997, February 2000, May 2000 and June 2001, entitled City of Rushford Zoning Ordinance, is hereby amended as set forth hereinafter:

2.20 Definitions:

A. The following definition shall pertain to words used in this Ordinance.

66. Home Occupation: ~~Any occupation or business carried on by a resident of a dwelling as an accessory on residents' premises. Any gainful occupation or profession engaged in by the legal resident of a dwelling, at or from the dwelling, or from an accessory building.~~

CHAPTER 7. SINGLE-FAMILY RESIDENTIAL DISTRICTS

7.30: Conditional/Interim Uses: The following uses may be permitted in the R-2 Single-Family Residential District on a conditional basis, following approval in the manner described in Section 21.20 of this Ordinance:

K. Home occupation of the home office of a physician, dentist, artist, landscape architect, architect, engineer, attorney, teacher or other member of a recognized profession, in his/her bonafide and primary residence, provided that no more than one assistant shall be regularly employed therein and no colleagues or associates shall use such office; not more than one-half of the area of one floor shall be used for such office. The following elements will be considered in determining whether a home business exists:

- Meetings with customers occur on the premises
- Mail or packages or materials for the business are delivered to the premises
- The business lists its mailing address as being on the premises
- Goods or services are sold to customers on the premises

- Materials used in the creation of products or services are stored on the premises
- Money is accepted from customers in return for goods or services on the premises
- Telephones, fax machines or computers receiving business related voice or data are located on the premises

SECTION 2. EFFECTIVE DATE

This ordinance become effective upon its passage and publication according to law.

Adopted by the City Council of the City of Rushford this 10<sup>th</sup> day of July, 2006.

(s)Les Ladewig \_\_\_\_\_  
Mayor

Attest:

(s)Kathy Zacher \_\_\_\_\_  
City Clerk