

YPI

15-559

ORDINANCE

An Ordinance to amend portions of Chapter 15 of the Manitowoc Municipal Code to revise various definitions of home occupations.

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

Section 1. Section 15.030 (1) is amended to read as follows:

“15.030 Definitions. (1) Tenses.

Home occupation – ~~accessory building~~ expanded (or expanded home occupation) means a home occupation ~~conducted in an attached or detached garage~~ authorized to exceed one or more limitations of a permitted home occupation by issuance of a conditional use permit (CUP) pursuant to MMC 15.370(27). Each application for locating and operating a an expanded home occupation ~~in an accessory building~~ shall be accompanied by the following information:

- (a) A scaled site plan drawing showing the property lines and dimensions, location of all existing buildings/structures on the property, location of any driveways and the number of off-street parking spaces for customers, employee and residence vehicles, and the location of the home occupation.
- (b) A floor plan ~~for the accessory building~~ that describes the proposed business and business activity, a listing of products for sale and services provided as part of the business, and a listing of machinery and equipment to be used on-site.
- (c) The total square footage of the residence ~~garage~~ and the square footage to be used for business.
- (d) The estimated number of clients and customers visiting the property per day, and the estimated frequency of any deliveries to the business operation. Specify the expected vehicle types used for deliveries.
- (e) Other information and plans as may be required by the City Planner or Building Inspector.

The Plan Commission and Common Council reserves the right to determine: (1) the appropriateness of a proposed land use qualifying as an expanded home occupation ~~in an accessory building~~ under this section; and (2) its compatibility to the neighborhood, based on any or all of the following factors: (a) there is no change in the external appearance of the existing buildings and structures on the property; (b) there is no disruption to the quiet nature and visual quality of the neighborhood; (c) there are no additional parking areas other than driveways located in the required front yard or any side yard areas of the property; ~~and~~ (d) there is no offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission that can be detected by the normal senses off the property where the home occupation ~~in an accessory building~~ is proposed to be located; and (e) there is no increased risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such increased risks may include, but are not necessarily limited to, the following:

- (a) Business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home occupation
- (b) Business activities or uses that involve the presence of non-resident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation
- (c) Business activities or uses that create a greater risk of disease, fire, explosion, or other hazard

A CUP authorizing a an expanded home occupation ~~—accessory building~~ shall not be transferable to any individual, firm or another address, nor shall the CUP authorize any person, other than the person named in the CUP, to commence or carry on the home occupation for which the CUP was issued.

A CUP for a an expanded home occupation ~~—accessory building~~ shall comply with all of the following standards:

- (a) Shall be located entirely within the primary residence and not more than one accessory building per lot of record.
- (b) Shall operate only between the hours of 8:00 a.m. and 8:00 p.m. as readily apparent from adjacent residences.
- (c) Shall not cause any external alterations to the residence or accessory building including the creation of a separate or exclusive business entrance, and there shall be no exterior indication that a home occupation exists.
- (d) Shall not be permitted to use equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat or glare detectable to the normal senses off the property, or X-rays or electrical disturbance to radio or television transmission in the area that would create visual or audible interference in excess of what is normally associated with a residential use.
- (e) Shall have no outdoor display or storage of materials, goods, supplies or equipment.
- (f) Shall not be permitted to have any external signage including window displays or advertising signs.
- (g) Shall provide adequate off-street parking for occupants of the principal residence.
- (h) Shall make reasonable efforts to keep all doors and windows closed during the hours of operation, except when entering or exiting.
- (i) Shall be limited to not more than 10 clients per day in connection with the business.
- (j) Shall in no case be permitted to include a retail or wholesale store, a manufacturing business, a commercial food service requiring a license, an auto service or repair facility for any vehicles other than those registered to residents of the property.

Home occupation —~~principal residence~~ means any occupation or profession conducted entirely within the residence (excepting a vacant lot residential garden) in any Residential Zoning District and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof or, except as provided in MMC 15.450, does not have any exterior evidence of such use and does not infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes for which purpose the Residential Zone was created and primarily intended, and excepting a vacant lot residential garden. As examples, home occupations may include small professional offices, service establishments, musical instruction, or home crafts which are typically considered accessory to a dwelling unit. A home occupation may not occupy more than 25 percent of the floor area of the residence, nor shall the home occupation occupy any portion of any ~~garage or other~~ accessory building, except as authorized as a an expanded home occupation ~~in an accessory building~~. Any home occupation, as readily apparent from adjacent residences, shall operate only between the hours of 8:00 a.m. and 8:00 p.m. Shipment and delivery of products, merchandise, or supplies shall be limited to the hours of 8:00 a.m. to 8:00 p.m. and shall occur only in single rear-axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods. A home occupation that exceeds the standards of this definition may be permitted through issuance of a conditional use permit (CUP) pursuant to MMC 15.370(27).

Section 2. Section 15.090 (3)(o) is amended to read as follows:

15.090 R-1, Residential-Agricultural District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

- (o) ~~Accessory buildings and uses including~~ Expanded home occupations ~~—accessory building;~~

Section 3. Section 15.110 (3)(j) is amended to read as follows:

15.110 R-2, Single-Family District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

- (j) ~~Accessory buildings and uses including~~ Expanded home occupations ~~—accessory building;~~

Section 4. Section 15.130 (3)(j) is amended to read as follows:

15.130 R-3, Single-Family District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(j) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 5. Section 15.150 (3)(j) is amended to read as follows:

15.150 R-4, Single- and Two-Family District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(j) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 6. Section 15.170 (3)(j) is amended to read as follows:

15.170 R-5, Low Density Multiple-Family District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(j) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 7. Section 15.190 (3)(n) is amended to read as follows:

15.190 R-6, Multiple-Family District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(n) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 8. Section 15.210 (3)(m) is amended to read as follows:

15.210 R-7, Central Residence District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(m) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 9. Section 15.230 (3)(m) is amended to read as follows:

15.230 B-1, Office-Residential District. (3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

(m) ~~Accessory buildings and uses including Expanded home occupations —accessory building;~~

Section 10. This Ordinance shall take effect on the day after its publication.

Introduced MAY 18 2015 _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

This Ordinance was drafted by Kathleen M. McDaniel, City Attorney

Fiscal Impact: \$0
Funding Source: n/a
Finance Director Approval: /sc
Approved as to form: /kmm