



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

TOWN OF CEDARBURG ORDINANCE NO. 2015-10

An Ordinance to Create Section 320-110 Home Occupations and Professional Offices, and to Amend Sections 320-19 C., 320-30 D.(4), 320-31 D.(4), 320-32 D.(4), 320-58 C., 320-60 C. (3), 320-109 D., 320-137 definitions of "Home Occupation" and "Professional Office" Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin,

The Town Board of the Town of Cedarburg, Wisconsin, do ordain as follows:

Section 320-110 of the Town of Cedarburg Code of Ordinances is hereby created to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-110 Home Occupations and Professional Offices.

A. Standards. In addition to all of the standards applicable to the district in which it is located, the following specific standards shall be used for home occupations and professional offices located as accessory uses in all residential districts and in the E-1, A-1 and A-2 Districts:

- (1). Persons operating a home occupation or professional office shall be carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto.
- (2). Persons operating a home occupation or professional office shall employ no more than one nonresident employee, except as provided otherwise hereinbelow.
- (3). In connection with a home occupation or professional office there shall be no exterior signs, exterior display, or outside storage other than a sign permitted by this chapter, and no activity that will indicate from the exterior that the building(s) is being used in whole or in part for any purpose other than that of a dwelling.
- (4). A home occupation or professional office use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not exceed 25% of the area of any floor.
- (5). No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use.
- (6). No material or equipment shall be stored outside the confines of the home.
- (7). No mechanical equipment may be used which creates an excessive disturbance, such as noise, dust, odor or electrical disturbance.
- (8). The home may not be altered to attract business.

(9). In connection with a home occupation, no motors shall be utilized which exceed two horsepower each and not exceeding five horsepower in total, such activity being deemed a public nuisance.

(10). The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with the neighborhood.

(11). A home occupation or professional office shall meet fire and building safety requirements.

(12). Persons conducting home occupations or professional offices must submit an application and pay any applicable fees for such use on an approved form(s) provided by the Town, and at any time before or after the permit is issued furnish such information as required by municipal officials with respect to any procedures and processes, equipment, materials, chemicals, and any other items utilized in the home occupation or professional office.

(13). If a home occupation or professional office to be located in a rental dwelling unit shall require written consent by the owner of the property.

(14). No home occupation or professional office shall create a public nuisance.

(15). Any approved home occupations and professional offices as a permitted use shall be subject to any restrictions and/or stipulations placed on the permit by the Zoning Administrator, Administrator/Administrator Assistant, Building Inspector or its designated official as they see fit.

(16). All home occupation and professional office permits are subject to biennial review.

B. Permitted Home Occupations and Professional Offices. Home occupations and professional offices which meet the following criteria, subject to the requirements of Subsection A above, may be permitted by the Town through issuance of a certificate of compliance which is issued by the Zoning Administrator/Administrator/Assistant Administrator:

(1). Tailoring, dressmaking, and sewing.

(2). Typing, transcribing, word processing, telephone answering, preparing mailing and similar business services, including computer programing.

(3). Painting, sculpturing, weaving, quilting, printmaking, ceramics, writing and similar artistic endeavors and making of home crafts.

(4). Manufacturer representatives and sales representatives.

(5). Drafting and graphic services.

(6). Music and dance instruction limited to 2 pupils at a time, except for an occasional group.

(7). Tutoring limited to 2 pupils at a time, except for an occasional group.

(8). Repairing small electronic home appliances, watches and clocks.

(9). Building tradespeople such as carpenters, painters, electricians, plumbers, masons, and wallpapering.

(10). Service providers such as lawyers, architects, engineers, ministers, accountants, realtors, insurance agents or brokers, investment advisors, and other similar state-licensed professions.

(11). State Licensed Family Child Care Centers up to eight children.

C. Conditional Use Home Occupations and Professional Offices. The following listed home occupations or professional offices, subject to the requirements of Subsection (A), may be permitted through issuance of a conditional use permit granted, denied, or revoked at the discretion of the Town Board, after the review and recommendation of the Plan Commission, as set-forth under Article V. Conditional Uses of this Chapter:

- (1). Medical, dental, and chiropractic services.
- (2). Dog day care, in-home boarding centers and kennels.
- (3). Pet grooming.
- (4). Adult day care.

D. Unspecified Home Occupations and Professional Offices. Any use as a home occupation or professional office that is not specified hereinabove, whether as a permitted or a conditional use, shall be considered prohibited, a violation of this Chapter, and no such permit shall be issued by the Town unless such proposed use is found by the Town Board, following recommendation of the Plan Commission, to be sufficiently similar to a specified permitted or conditionally permitted use as a home occupation or professional office, which meets the applicable requirements of this Section and Chapter.

Section 320-19 C. of the B-1 Neighborhood Business District of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-19. B-1 Neighborhood Business District.

C. Conditional uses:

- (1) Bakeries, banquet facilities, barbershops, bars, beauty shops, clinics, clothing stores, cocktail lounges, confectioneries, fish markets, florists, fruit stores, gift stores, grocery stores, hardware stores, hobby shops, ~~home occupations~~, laundry, lodging, meat markets, optical stores, packaged beverage stores, private athletic clubs, self-service and pickup laundry and dry-cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, vegetable stores, and restaurants.

Section 320-30 D. (4) of the CR-A Countryside Residential A District of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-30. CR-A Countryside Residential A District.

D. Conditional uses.

- ~~(4) Home occupations and home professional offices of owner-occupant only (reserved for future use).~~

Section 320-31 D. (4) of the CR-B Countryside Residential B District of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-31. CR-B Countryside Residential B District.

D. Conditional uses.

~~(4) Home occupations and home professional offices of owner-occupant only (reserved for future use).~~

Section 320-32 D. (4) of the TR Transitional Residential District of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-32. TR Transitional Residential District.

D. Conditional uses.

~~(4) Home occupations and home professional offices of owner-occupant only (reserved for future use).~~

Section 320-58 C. regarding Residential and quasi-residential uses of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-58. Residential and quasi-residential uses.

C. Home occupations, ~~and professional offices, and group child care centers.~~ Home occupations and professional offices ~~in the R-2 or R-3 Residential District~~ which require a conditional use permit are specified in Section 320-110. State-licensed family and group child-care centers may be allowed in residential districts with a conditional use permit. ~~Child-care operations of three or fewer children do not require a conditional use permit.~~

Section 320-60 C. (3) regarding commercial production under Industrial and agricultural uses of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-60. Industrial and agricultural uses.

C. Commercial Production.

(3) Limited nonagricultural commercial activities that meet applicable regulations pertaining to home occupations/professional home offices as specified under Section 320-110, or in the case of utilizing outbuildings, such commercial activities that are low profile in nature, are operated by the owner of the premises, employ no more than two nonresident employees, produce no light or noise, are compatible with the agricultural setting of the area, and are a commercial activity that would not be better suited to be maintained in a traditional commercial setting or business park.

Section 320-109 D. regarding Use restrictions for all residential districts of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 320-109. Placement restrictions in residential districts.

D. Use restrictions for all residential districts. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations or home professional offices of the owner-occupant as defined and specified herein under this Chapter. ~~and Such accessory structures shall not be occupied as a dwelling unit.~~

Section 320-137 regarding the definitions of HOME OCCUPATION and PROFESSIONAL OFFICE under the Zoning Code of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

§ 320-137. Definitions and word usage.

HOME OCCUPATION

Any specifically permitted business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto, in connection with which there are no signs or exterior display or storage other than a sign permitted by this chapter, and no activity that will indicate from the exterior that the building(s) is being used in whole or in part for any purpose other than that of a dwelling. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and does not exceed 25% of the area of any floor. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one nonresident employee. Home Occupations are governed as specified under Section 320-110 of this Chapter. ~~No business such as a store, barbershop, beauty shop, dance school, real estate brokerage or photographic studio shall be conducted upon the premises. Dog day care, in-home boarding centers and kennels operated as a home occupation are allowed with a conditional use permit; subject to the conditions of the permit, dog activities may be allowed outdoors. Pet grooming businesses are allowed as a home occupation in the R-3 District with a conditional use permit. State-licensed family and group child-care centers may be allowed as a home occupation in residential districts as a conditional use permit. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates an excessive disturbance, such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed two horsepower each and not exceeding five horsepower in total, such activity being deemed a public nuisance. Repairing of motor bicycles, motorcycles, motor-driven cycles, automobiles and trucks, other than those licensed and owned by the occupants of a home in a residential area, is strictly prohibited. For the purpose of this definition, the definitions of the abovementioned vehicles shall be as set forth in Ch. 340, Wis. Stats. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this definition whether or not such repairing is done in return for remuneration.~~

PROFESSIONAL OFFICE

The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a

~~residential or agricultural district, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of one story of a dwelling unit shall be occupied by such office. Professional Offices in residential or agricultural districts are governed as specified under Section 320-110 of this Chapter. and only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited. When established in the R-3 Residential District, a professional office may be permitted as a conditional use without a residential usage, provided that the use is found to be compatible by the Plan Commission and the Town Board with the adjoining residential properties. No exterior changes to a building facade may be allowed without an amended conditional use permit specifically allowing for the exterior changes.~~

**(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 2nd day of September, 2015.

David M. Valentine
Town Chairman

Eric Ryer
Town Clerk