



VILLAGE OF PINGREE GROVE

ORDINANCE NO. 2018-O-23

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2, RELATING TO
HOME OCCUPATIONS IN THE VILLAGE OF PINGREE GROVE,
KANE COUNTY, ILLINOIS**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
THIS 17TH DAY OF SEPTEMBER, 2018.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
THIS 17TH DAY OF SEPTEMBER, 2018.

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KANE COUNTY, ILLINOIS

WHEREAS, the Village of Pingree Grove is a non-home-rule municipal corporation with that power and authority conferred thereupon by the Illinois Constitution and the Illinois Municipal Code, including but not limited to the power to designate and utilize financial institutions; and,

WHEREAS, the Village Board wishes to update Village Code to amend provisions relating to home occupations within the Village of Pingree Grove, Illinois; and,

WHEREAS, the Village Plan Commission has conducted a public hearing on the proposed text amendment pursuant to law, and has issued its recommendation regarding the adoption of the proposed amendment, and whereas the Village Board has determined that the proposed amendment is in the public interest and protects the public health, safety, welfare and morals;

NOW, THEREFORE, be it ordained by the corporate authorities of the Village of Pingree Grove as follows:

SECTION ONE:

VILLAGE CODE SECTION 11-6-2 AMENDED:

Village Code Section 11-6-2 shall be amended as follows:

11-6-2: HOME OCCUPATIONS:

- A. Purpose: The purpose of the home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood.
- B. Standards: The following standards for home occupations are intended to ensure compatibility with the residential use and with the residential character of the neighborhood, and there must be clearly a secondary or incidental status of the home occupation in relation to the residential use of the dwelling unit:
 - 1. A home occupation shall be conducted only by members of the family residing in the dwelling unit.
 - i) Employee Limitations. Only one employee who does not reside in the dwelling unit on the lot where a home occupation is conducted may be present in the home at any one time in connection with the home occupation.
 - 2. There may be more than one home occupation permitted per dwelling unit; however, the total combined home occupations for any single dwelling unit may not exceed any of the standards set forth in this title. The dwelling unit must be the principal residence of the member(s) of the family conducting the home occupation.

3. A home occupation that services customers or clients at the dwelling unit may attract no more than eight (8) customers or clients per day but not between the hours of nine o'clock (9:00) P.M. one day and eight o'clock (8:00) A.M. the next day.
4. The home occupation shall be conducted entirely within the dwelling unit and shall be limited to three hundred (300) square feet or a maximum of twenty five percent (25%) of the gross floor area of the dwelling unit which includes the basement or attached garage, whichever is less. In addition, up to twenty five percent (25%) of the floor area of a "cellar", as defined in section [11-2-2](#) of this title, may be used for a home occupation. No outdoor storage or display of business equipment, materials, merchandise, inventory, or heavy equipment shall be allowed in connection with any home occupation.
5. There shall be no signs on the premises for home occupations other than those permitted for residence districts under this title; no exterior display; no exterior storage of merchandise, goods, supplies, equipment or materials; and no exterior alterations, permanent or temporary, to the principal or accessory buildings that would change the residential character of the structure.
6. Clients or customers of the home occupation may not increase vehicular traffic flow and parking by more than two (2) additional vehicles at a time, and any need for parking generated by the conduct of such occupation shall be met by off street parking spaces which are in keeping with the residential character of the neighborhood.
7. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service (excluding semi-truck/trailers), or private passenger automobile.
8. The use of an accessory building for a home occupation is allowed, provided the occupation is conducted wholly within the accessory building and does not exceed three hundred (300) square feet in area.
9. No alteration of any kind shall be made to the dwelling unit where a home-based business is conducted that would change its residential character as a dwelling unit.
10. A home occupation shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in a residential use. No home occupation shall cause the rate of water usage (gallons per minute) to exceed the standard rate capable of being produced by the existing water service, but in no case shall water usage exceed the rate capable of being produced by a one inch (1") water service. No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated in such a way as to interfere with the use and enjoyment of neighboring properties or indicate that the structure is being used for a non-residential purpose, or to place demands on public infrastructure that are excessive when compared to a typical single-family home.
11. Except for articles produced on the premises or incidental to a service provided, no stock in trade shall be displayed or sold on the premises.
12. On-line marketplace sale of items authorized for sale by this section is permitted.
13. The following uses, in addition to any which do not satisfy the other standards and requirements set forth herein, shall be prohibited as home occupations:

Amusement establishments.
Animal grooming.
Animal hospitals.
Clinics or hospitals.
Clubs or lodges, private, fraternal or religious.
Dry cleaning and laundry receiving establishments.
Firearm Sales, Supply and Service
Food stores.
Fuel sales.
Funeral parlors or undertaking establishments.
Furniture sales.
Garages, public.
Liquor stores.
Pet shops.
Renting or sale of trailers or automotive vehicles.
Restaurants or taverns.
Retail stores for stock displayed and/or sold on the premises.
Stables or kennels.
Wholesale establishments. (1990 Code § 21.3.010)

14. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of and residing in the dwelling unit. (1990 Code § 21.3.010; amd. 2011 Code)

C. Exemption: Daycare homes are exempted from the standards and requirements for home occupations set forth in subsections B1, B3, B4, B6 and B8 of this section.

D. Affidavit:

1. For each home occupation, it is required that an affidavit be completed and kept on file with the village clerk. The signed affidavit will state the type of home occupation proposed and shall further state that the applicant has read the requirements for a home occupation and agrees to comply therewith.
2. If a person has been validly operating a home occupation in compliance with previous ordinances as of the effective date hereof, he or she need not sign an affidavit but shall be permitted to do so subject however to [chapter 11](#) of this title. Such affidavit shall be personal to the occupant, occupation and address listed in the affidavit. (1990 Code § 21.3.010)
3. A condition of lawfully maintaining a home based business, each affidavit, at the time of filing, is subject to review by the Chief of Police. The Chief reserves the right to require each filer to submit a security plan, including contact information, a description of the operation and the number of persons likely to be present, a description of any hazards at the premises, a floor-plan and other relevant information, for any home based business which the Chief believes to present any public safety concern based on the nature, location or configuration of the business. This requirement shall apply to all home-based day care centers and any other business designated by the Chief.

[Add a new Section E.]

- E. Special Use Permit Required: Any resident who wishes to conduct a business in their home but who does not meet the requirements of this section, with the exception of non-permitted home occupations, may apply for a special use permit pursuant to the special use procedures of the zoning regulations.

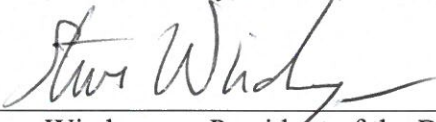
SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed, amended to be consistent with this requirement, or superseded by this requirement.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall take effect as provided for under Illinois law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, on the 17th day of September, 2018.


Steve Wiedmeyer, President of the Board of Trustees
of the Village of Pingree Grove

ATTEST:

Dawn Grivetti, Clerk of the Village of Pingree Grove



	Aye	Nay	Absent	Abstain
President Steve Wiedmeyer	_____	_____	_____	_____
Trustee Bob Spieker	<u>X</u>	_____	_____	_____
Trustee Brian Paszkiewicz	_____	_____	<u>X</u>	_____
Trustee Bernie Thomas	_____	_____	<u>X</u>	_____
Trustee Patricia Dulkoski	<u>X</u>	_____	_____	_____
Trustee Joseph Hirschbein	<u>X</u>	_____	_____	_____
Trustee Amber Kubiak	<u>X</u>	_____	_____	_____

