

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

Fee Paid

CITY OF RUSHFORD
APPLICATION FOR VARIANCE FROM
PROVISIONS OF ZONING ORDINANCE

Date Filed At City Hall

NAME OF APPLICANT:

ADDRESS of APPLICANT:

PROPERTY AT LOT # BLOCK ADDITION Current Zoning

This APPLICATION FOR VARIANCE shall be filed with the Zoning Administrator, who shall refer all applications to the Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall review the application and recommend such conditions so as to adjust the hardship or deny the request within 60 days of receipt of the referral. The City Council shall review the Board of Appeals and Adjustments recommendations and the APPLICATION FOR VARIANCE at the next regular scheduled meeting of the City Council. The City Council may take up to 60 days to render a decision on the APPLICATION FOR VARIANCE.

REASON FOR REQUESTING: VARIANCE OR CONDITIONAL USE PERMIT OR REZONING (indicate request)

- (A) Variances may be granted when it is established that there are practical difficulties in complying with the zoning ordinance.
(B) Variances may be granted when the variance is consistent with the comprehensive plan.
(C) Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.
(D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
(E) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
(F) The variance will not alter the essential character of the locality.

1. I am requesting a variance to:

2. Statement showing practical difficulties or reason listed above for requesting a variance:

3. STRUCTURE: Type of Building and Type of Construction? (Check all that apply.)

Single Family Dwelling: Multi Family Dwelling: Number of Units?
Accessory Building: Commercial Building: Industrial:
MFG Home: Other:
All New: Addition: Remodel: Demolition: Move:
Re-shingle: Deck: Garage:
Other (Describe):

4. Attach one plot plan to scale showing present and proposed improvements.

CERTIFICATE

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other papers submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

SIGNATURE DATE: PHONE:

THIS SIDE OF THE APPLICATION TO BE COMPLETED BY CITY OFFICIALS

1. Current Zoning of Property? _____
 Zoning Requirements _____

	ALLOWABLE	PROPOSED	APPROVED
Front Yard Setback			
Side Yard Setback.....			
Back Yard Setback.....			
Area.....			
Height.....			
Other.....			
.....			

2. FINDING OF FACT: In considering all requests and taking subsequent action, the Board of Appeals and Adjustments and The Rushford City Council shall make a finding of fact:

- A. The variance is in harmony with the purpose and intent of the ordinance yes ___ no ___
- B. The variance is consistent with the comprehensive plan. yes ___ no ___
- C. The variance puts property to use in a reasonable manner. yes ___ no ___
- D. There are unique circumstances not created by the landowner. yes ___ no ___
- E. The variance will not alter the essential character of the locality. yes ___ no ___

3. STAFF COMMENTS: _____

4. BOARD OF APPEALS AND ADJUSTMENTS ACTION : APPROVE: _____ DENY: _____
 Signature _____ Date _____

5. CONDITIONS TO APPROVED VARIANCE / CONDITIONAL USE PERMIT / REZONE
 (Conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.)

6. REASONS FOR DENIAL OF VARIANCE / CONDITIONAL USE PERMIT / REZONE

7. CITY COUNCIL ACTION : APPROVE: _____ DENY: _____ DATE: _____

ACCEPTANCE OF CONDITIONS OF VARIANCE

I understand and agree to abide by the conditions as set forth by the granting of this variance and also understand that failure to comply with the conditions of the variance constitutes failure to comply with the Zoning Ordinance which will result in the following: halting of construction, order to take corrective action, being charged with a misdemeanor offense, subject to fines and reimbursement of prosecution costs.

Date _____

 To be signed by the applicant after City Council Action