



Draft Home Occupation Definitions & Regulation  
Date: 10.20.2021

**Additions: Section 2.2 - Definitions**

**Home Occupation:** An accessory use of a portion of a dwelling unit or permitted accessory structure to a Single-Family Dwelling Unit for business purposes by the resident occupants when clearly customary and incidental to the residential use of the Dwelling Unit and subject to Regulation requirements. A Home Occupation is a component of the residential use and shall not be deemed to be a separate non-residential use. A Home Occupation has no impact to the surrounding neighborhood and cannot be detected from outside of the premise. See Section 8.4.O – Home Occupation.

**Home Based Business:** A business or commercial activity conducted within the primary dwelling unit by the residents thereof and up to one non-resident employee for compensation, which is secondary to the use of the dwelling for living purposes. See Section 8.4.P – Home Based Business.

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**Additions: Section 4.1.B. R-1 Zone. Uses Permitted As-of-Right**

9. Home Occupations in accordance with Section 8.4.O
10. Home Based Businesses in accordance with Section 8.4.P

**Additions: Section 4.2.B. R-2 Zone. Uses Permitted As-of-Right**

8. Home Occupations in accordance with Section 8.4.O
9. Home Based Businesses in accordance with Section 8.4.P

**Additions: Section 4.3.B. R-3 Zone. Uses Permitted As-of-Right**

9. Home Occupations in accordance with Section 8.4.O
10. Home Based Businesses in accordance with Section 8.4.P

**Additions: Section 4.4.B. R-4 Zone. Uses Permitted As-of-Right**

9. Home Occupations in accordance with Section 8.4.O
10. Home Based Businesses in accordance with Section 8.4.P

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**New: Section 8.4.O - Home Occupation**

The purpose of this section is to allow for the customary and incidental use of the home as a place of business when such use is clearly secondary to the use of the property as a residence and does not adversely impact neighboring properties or the general neighborhood in which the property lies. Such use may be carried out without permits and is considered As-of-Right on any property being used as a residence when the following is true:

1. The occupation is carried on entirely within the dwelling or within a completely enclosed and permitted accessory building on the same lot as the dwelling unit;
2. The business is carried on only by residents of the dwelling;
3. There is no exterior evidence of the business including signage;
4. No more than one commercial vehicle is visible from the street and neighboring properties;

5. There is no exterior storage of business related materials, supplies, machinery, or other equipment of any kind on the property;
6. There is no offer, display, or advertisement of any commodity or service for sale or rental from the premise;
7. The business does not involve substantial deliveries of products or materials to the dwelling;
8. No visitors or customers appear on site;
9. No waste products are disposed on site, except sanitary waste incidental to residential use; and;
10. There is no objectionable noise or lights on the property associated with the business use;
11. There is no structural modification to the building.

#### **Section 8.4.P – Home Based Business**

The purpose of this regulation is to establish home-based business activities as a permitted use on residential properties. These types of businesses are higher intensity than those defined as a home occupation, but are secondary to the property as a residential home and are owned by the occupant of the dwelling. In general, the business may be evident from the outside and may have some level of customer traffic.

Administrative Permits: Any application made under this regulation may be approved by the Zoning Enforcement Officer. The ZEO shall have the authority to forward any application to the Planning and Zoning Commission at his/her discretion. For approved uses, a Certificate of Zoning Compliance shall be issued.

- A. The following shall apply to all Home Based Businesses:
  1. The use is clearly secondary and incidental to the use of the dwelling for living purposes;
  2. Home Based Businesses may be carried out in a permitted accessory building;
  3. There shall be no more than the equivalent of one (1) non-resident full time employee (two (2) part time employees, not present on site at the same time, shall not constitute a violation of this regulation);
  4. On-Site Retail Sales are prohibited;
  5. No more than one client may be on site at a time (two or more individuals seeking the same service may be considered one client);
  6. NO more than two commercial vehicles are visible from the street and surrounding properties;
  7. Parking: All vehicles entering the site for business purposes (customers, employees, deliveries, etc) must be accommodated by a proper driveway surface on-site. Any vehicles parking on the street or in the right of way will constitute a violation of these regulations. All site plans submitted must clearly show appropriate parking spaces and the number of spaces provided must be justified as part of the application;
  8. Signage: Permitted Home-Based Businesses may have one free-standing sign. The sign must be reviewed at the same time as the site plan and must be approved prior to installation. The sign shall not exceed 3 square feet (typically 18' x 24') but may be double sided. The top of the sign shall be no more than five (5) feet in height. Pre-existing signs which are larger than the minimum shall not be found to be in violation if they were part of a previously approved home-based business (prior to September 15, 1990);
  9. There shall be no storage of materials, supplies, equipment, or machinery associated with the business visible from the street or adjoining properties;
  10. It shall not create objectionable noise, dust, odors, vibrations, illumination, pollution, interference with communication reception or transmissions in the vicinity, change the traffic or

- drainage characteristics of the property, or create any conditions that are perceptibly different at the property line from those that may reasonably be expected from the residential use;
11. No hazardous or toxic materials are to be stored on the site and there is to be no bulk storage of fuel; and
  12. The hours of operation of any Home Based Business may be limited by the Zoning Enforcement Officer during the approval process to minimize adverse impacts on the neighborhood or as modified after Zoning Certificate of Compliance issuance if it is determined that there are impacts to the neighborhood that were not anticipated at the time of initial application.
- B. An application for a Home Based Business shall include:
1. A site plan which includes:
    - i. Property boundaries and topography;
    - ii. Location of all existing and proposed features;
    - iii. Location of well and septic;
    - iv. Existing and proposed driveway/parking areas;
    - v. The location and size of any proposed signage; and
    - vi. Any other information required by the Zoning Enforcement Officer (or Commission) as it related to the proposed application.
  2. A detailed statement of use addressing the criteria listed in Section 8.4.P and fully describing the proposed Home Based Business use, number of employees, hours of operation, estimated number of patrons (daily, weekly) and mitigation measures to be employed to minimize potential neighborhood impacts.
  3. Floor Plans (with dimensions) of the Dwelling Unit and any accessory structure to be used for the Home Occupation, with the area of the Home Occupation indicated.
  4. If the applicant is not the owner of the property, the submission of a letter from the property owner is required giving permission for the applicant to apply for the proposed Home Occupation use.
- C. The Home Based Business Certificate of Zoning Compliance is valid only to and for the person and property issued and is void upon discontinuance of said use or upon sale of the property. Said Certificate of Zoning Compliance shall be filed on the Land Records by the applicant.
- D. The Zoning Enforcement Officer shall report all decisions relating to Home Based Business applications to the Commission within thirty-five (35) days of the decision.