

Chapter 195. Zoning

Article III. Use Regulations

§ 195-7. Home occupations.

[Amended 10-21-2013 ATM by Art. 13]

- A. Home occupations as of right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:
- (1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto which has been in existence at least five years, without extension thereof.
 - (2) Not more than 25% of the combined gross floor area, not to exceed a maximum of 500 gross square feet, of the residence and any qualified accessory structures shall be used in the home occupation. The gross square feet shall be calculated based upon square feet principally used for the home occupation. Common areas within the principal structure shall not be included in this calculation. In calculating gross floor area for the purposes of a home occupation, the provisions of this section shall prevail over those in § 195-108 (floor area, gross).
 - (3) No person not a member of the household shall be employed at the home occupation site.
 - (4) The home occupation shall not serve clients, customers, salespersons or the like on the premises with the exception of individualized services not to exceed four visits per day and the visits cannot occur concurrently. Business hours shall be from 8:00 a.m. to 8:00 p.m., Monday through Saturday.
 - (5) There shall be no sign or exterior display, no exterior storage of materials and no other exterior indication (such as but not limited to noise, smoke, dust, odor, vibrations) of the home occupation or other variation from the residential character of the premises, including, but not limited to, alterations to utility services which may not be increased beyond that which is required for residential structures of similar size.
 - (6) No use or storage of hazardous materials in quantities greater than associated with normal household use shall be permitted.
 - (7) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
 - (8) No more than two commercial motor vehicles, including trailers, provided:
 - (a) That total combined gross vehicle weight does not exceed 20,000 pounds.
 - (b) That any single vehicle does not exceed 14,000 pounds.
 - (c) That vehicles be parked within an existing paved driveway (off-street).

(9) By-right home occupations shall be required to apply for a business certificate with the Town Clerk.

B. Home occupations by special permit. All non as-of-right businesses or professions incidental to and associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

- (1) All of the requirements of Subsection **A(1)**, **(2)**, **(4)** and **(5)**, unless noted below.
- (2) Not more than one person not a member of the household shall perform work in the home occupation at any one time.
- (3) An unlighted sign of not more than three square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.
- (4) Parking generated by the home occupation shall be accommodated off street, other than in a required front yard, and shall not occupy more than 20% of the lot area. In granting a special permit, the Board of Appeals may consider the use of on-street parking if it finds that the neighborhood will not be adversely impacted.
- (5) The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.
- (6) No more than two commercial motor vehicles, including trailers, may be parked in the driveway, provided that:
 - (a) The motor vehicles, including any associated trailers, do not exceed a total combined 28,000 pounds' gross vehicle weight;
 - (b) The motor vehicles shall not be heavy construction equipment/apparatus;
 - (c) The motor vehicles are not loaded in whole or in part with noxious, flammable, dangerous or offensive materials or liquids.

C. Special permits by the Zoning Board.

- (1) A special permit may be issued to waive Subsection **A(1)** to allow for a building that is less than five years old to be considered for the home occupation, provided the structure was an existing structure and not constructed solely for the home occupation.
- (2) A special permit may be issued to waive Subsection **A(2)** to allow a greater area for the home occupation, but this area shall not exceed 50% of the allowable square-foot area allowed in Subsection **A(2)**.
- (3) A special permit may be issued to waive Subsection **A(5)** if it is determined that a sign not to exceed two square feet or any exterior alteration associated with the household occupation will not detract from the character of the neighborhood or the residential structure.
- (4) A special permit may only be granted to the current homeowner, shall be personal to that person, and shall not be transferable upon the sale of the property.
- (5) A special permit may be issued to waive Subsection **A(4)** to allow additional visits up to a total of eight per day, which cannot occur concurrently.