

PART C

Section I GENERAL REGULATIONS

Article 9 Home Occupations

1. Purpose and Intent:

In establishing regulations governing home occupations the primary purpose and intent of this article is:

- a. To maintain the peace, quiet, and domestic tranquility of residential neighborhoods;
- b. To maintain the integrity of the individual residences primarily for residential use;
- c. To protect the residential neighborhoods from adverse impacts of incompatible home occupations;

The secondary purpose and intent is to provide opportunities for compatible home occupations which generate minimal vehicular and pedestrian traffic or other disturbances.

2. Application:

These regulations are limited to home occupations and apply to Residential Districts, Classes A-1, A-2, A, AA, B, B Transitional, B-1, B-1 Transitional, and C. These regulations do not apply to uses separate and distinct from the dwelling unit, the existence of which on the same premises may be permitted or restricted under other provisions of the Zoning Rules and Regulations.

3. General Restrictions:

a. Residential appearance

The residential appearance of any premises containing a home occupation in a Residential District shall be maintained. No separate entrance exclusively for the home occupation shall be permitted.

b. Location identification

No sign shall be displayed or be visible from the exterior of the premises in connection with a home occupation. No motor vehicle belonging to those engaged in a home occupation shall be parked with a business name visible from the street. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation in any district classified as Residential.

c. Space allocated to the home occupation

No home occupation, including related storage, shall occupy more than 25% of the floor area of the dwelling unit. The percentage of floor area available for the home occupation shall be based on the entirety of the floor area of all heated and ventilated space in the dwelling unit including habitable basement and attic space.

In no case shall the amount of area utilized for a home occupation exceed that specified in the building code provisions applicable to home occupations. No home occupation or related storage shall interfere with the functional use of a kitchen, dining room, living room, or other room necessary to sustain a single housekeeping unit. No activities or storage related to a home occupation shall be permitted on the premises outside the dwelling unit in any other unit, out-of-doors, in any garage, or in any accessory structure or trailer. No activities or storage related to a home occupation shall be permitted on the street or streets proximate to the dwelling unit.

d. Storage of goods, equipment, and material

No home occupation shall have storage as its primary or dominant function; any storage of goods, equipment, or material shall be incidental to the conduct of the home occupation. In no case shall on-premises, exterior storage of goods, equipment, or material be permitted in connection with a home occupation. Neither on-premises storage of building materials for off-premises use nor on-premise storage of goods, equipment, or material for lease or rental shall be permitted.

e. Parking and motor vehicles

No parking spaces shall be provided on the premises specifically or primarily for a home occupation. Motor vehicles used in connection with the home occupation and parked on or proximate to the premises shall be limited to vehicles mainly serving the passenger needs of the residents of the dwelling unit. No motor vehicles or trailers customized or specialized for use in connection with a home occupation shall be parked on or proximate to the premises.

f. Employment

Subject to applicable labor laws and regulations and with the exception of one (1) outside individual needed for assistance where the proprietor is physically handicapped, no person other than a permanent legal resident of the dwelling unit shall be engaged on-premises in the home occupation. There shall be no restriction against outside employees if they work elsewhere and rarely come to the premises.

g. Deliveries

Other than by mail, no home occupation shall receive more than three (3) deliveries of products, materials, or other items a week at the premises. No deliveries shall be made to or from a home occupation with any vehicle having a cargo capacity greater than one (1) ton. The number of deliveries to or from the premises by members engaged in a home occupation using their own personal passenger vehicles shall not be restricted.

h. Business visitors and clientele

Individuals received on-premises in connection with a home occupation shall be by appointment only. Except for students of those engaged in permitted teaching activities, the reception of individuals on-premises for business purposes shall clearly be secondary to the primary activities of the home occupation. The duration of visits by individuals for business purposes shall not dominate the time spent in the pursuit of the home occupation.

The number of students received on-premises at any one time shall be limited to one (1). Individuals received for other purposes shall be limited to two (2) at any one time. Groups of business visitors or clientele shall be prohibited.

i. Hours

In no case shall individuals conducting business with a home occupation, including deliveries or pick-ups, come to the premises earlier than 8:00 A.M. or later than 9:00 P.M.

j. Nuisances

No home occupation shall produce offensive noise, illumination, vibration, smoke, dust, fumes, odors, or heat. Nor shall any home occupation create visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuation in line voltage off the premises.

k. Hazardous material

Toxic, inflammable, combustible, or corrosive materials may not be used or stored on the premises in connection with a home occupation, except in properly contained and handled minimal amounts incidental and necessary to the conduct of permitted activities. In no case shall explosives or other extremely dangerous or hazardous material be allowed on-premises in connection with a home occupation.

l. Equipment, machinery, and processes

All equipment, machinery, and processes used in connection with a home occupation shall be consistent with the use of the premises as a dwelling unit, shall be safe and healthy, and shall not conflict with occupancy standards set forth in the applicable building and property conservation codes.

m. Food preparation facilities

No on-premises kitchen or food preparation facilities independent of those used by the residents of the dwelling unit for their own household needs shall be established in connection with any home occupation.

4. Restrictions on Specific Activities:

a. Services and office related activities

A home occupation may provide services and consultations by telephone or other telecommunications media. On-premises meetings and interaction with individuals from outside the home shall clearly be incidental and subordinate to the primary activities of the home occupation, i.e., the performance of tasks not involving on-premises, in-person contact, such as paperwork, telephoning, bookkeeping, drafting, research, etc.).

b. Teaching

Teaching on-premises shall be limited to one (1) student at a time and to academic subjects, including art and music, or subjects typically taught in elementary and secondary schools.

c. Production of goods

Production of items or material primarily involving mental effort, as opposed to physical labor, shall be permitted as part of a home occupation. Goods substantially requiring physical or manual efforts to produce shall be limited to craft items, art work, and individualized, custom-made articles. Any tools, equipment, or processes used shall be compatible with maintaining the premises as a dwelling unit and shall comply with applicable health, safety, building, fire, and electrical standards. Production of non-durable goods shall be prohibited.

d. Repair work

Repair and restoration of portable household items shall be permitted subject to the preceding general restrictions and subject to the limitation that such items shall be transported to or from the premises only by those engaged in the home occupation.

e. On-premises sales activity

Sales transactions conducted by telephone or other telecommunications media shall be permitted as part of a home occupation. Sales of goods in connection with a home occupation to anyone on-premises shall be prohibited, except for the sale of individually custom-made durable items. Such items shall be made on the premises by those engaged in the home occupation and shall be specifically ordered by the consumer-purchaser. Displays or other exhibitions of merchandise on-premises shall be prohibited. Off-premises sales activities are not restricted by these regulations.

f. Garage and yard sales, home parties, children's play activities

Restriction against sales and display shall not apply to garage and yard sales held no more than twice during the calendar year, to home parties for the purpose of sale or distribution of goods and services held no more than six (6) times during the calendar year, or to occasional playtime businesses (such as "lemonade stands") run by children under twelve (12) years old.

g. Activities specifically prohibited

The following activities shall be specifically prohibited from home occupations as being incompatible with maintaining the residential character of a dwelling unit or being potentially disruptive to other properties:

- (1) Mass production of goods or assembly line fabrication;
- (2) Repair or alteration of internal combustion engines, lawn and garden equipment, motor vehicles or parts thereof, boats or other transportation equipment, or any other non-household goods;
- (3) Contracting services for paving, construction, heating, plumbing, electrical work, or work related to the maintenance of real property (including lawn care and snow removal), except where use of the premises for the home occupation is strictly limited to office functions (i.e., telephoning, drawing up contracts, billing, bookkeeping, etc.);

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- (4) Livery and taxi services;
- (5) Restaurant activities; catering involving food preparation on the premises of the home occupation;
- (6) Veterinary services, kennels, animal grooming, animal breeding, butchering, taxidermy, or other activities involving live or dead animals;
- (7) Mortuary services;
- (8) On-premises medical or health care treatment, physical therapy, and services involving gyms or equipment for exercise or physical treatment;
- (9) On-premises counseling or rehabilitation services for mental, drug, alcohol, marital, or personal or social problems;
- (10) Personal grooming, barbering, hairstyling, or other cosmetic services; laundering or dry-cleaning;
- (11) On-premises sales promotions or training activities;
- (12) Studio work involving on-premises customer sittings or posing;
- (13) On-premises parapsychological services (astrologers, palm readers, etc.);
- (14) Escort and on-premises personal entertainment services.

5. Nonconformities:

Activities conducted in the home which do not conform with these regulations on home occupations but which have status as nonconforming uses shall be subject to the protection and restrictions applicable to nonconforming uses. (See Part C, Section II, Articles 1 and 2.)

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