

## Home Occupation Ordinance Draft for Discussion

§ \*\*\*\*\*. - Level I home occupations, standards of operation.

With the exception of uses prohibited by this ordinance or any other provision of law, home occupations meeting the following standards of operation shall be considered a permitted use on residential or agricultural property lawfully improved with a single-family dwelling unit:

- A. *General.* Unless expressly permitted below, there shall be no interruption, congestion or change to the character of the neighborhood in terms of appearance, noise, traffic, vehicular parking and employee/customer congregation resulting from the operation of the home occupation.
- B. *Limited to family members residing in home.* No person other than a member of the family residing on the premises shall be engaged or employed in such occupation.
- C. *Home occupation incidental to residential use.* The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No activities associated with the home occupation shall be conducted outside.
- D. *No change in outside appearance.* Unless expressly permitted herein there shall be no change in the outside appearance of the building or premises; nor shall there be any evidence of the conduct of such home occupation visible from the street or adjacent properties. No separate entrance from the outside shall be added to the residence for use in the conduct of the home occupation.
- E. *No use of accessory building.* No home occupation shall be conducted in an accessory building.
- F. *Outside storage.* There shall be no outside storage of goods, products, equipment or other materials associated with the home occupation. No solid waste, including without limitation, toxic, explosive, flammable, radioactive or hazardous materials shall be generated, placed, used, stored or sold on the property in conjunction with the home occupation.
- G. *Traffic; off-street parking.* No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood, as determined by the zoning administrator. Any need for parking generated by the conduct of such home occupation shall be met off the street unless determined by the director of planning or designee, that adequate alternative parking is available.
- H. *Noise and other impacts.* No equipment or process shall be used in such home occupation which creates noise, vibration, glare, smoke, fumes, odors, or is dangerous or otherwise detrimental to persons in the home or on adjacent property.
- I. *Storage of commercial vehicles.* The storage of commercial vehicles shall be subject to the requirements of section \*\*\*\*.\*.
- J. *Signage.* The display of signs shall be subject to the requirements of section \*\*\*\*\*. of this ordinance.

§ \*\*\*\*\*. - Level II home occupations.

- A. *Home occupations requiring a conditional use permit.* Certain home occupations, because they rely heavily on customer trade and have potentially adverse impacts on neighboring uses, require a conditional use permit. These include the following:
  - 1. Home occupations permitted under section \*\*\*\* (preceding section), which do not meet one or more of the standards of operation set out in subsections A—J above.
  - 2. Home occupations conducted wholly or partially outside the dwelling unit or within an accessory building.
  - 3. Schools, tutoring, music lessons, voice lessons, or similar teaching or training services where more than three students attend class or is given instruction at any one time.

## Home Occupation Ordinance Draft for Discussion

4. Repair or servicing of small internal combustion engines containing no more than one piston cylinder used in lawn mowers, edgers, hedge trimmers, power saws and similar yard maintenance equipment.
  5. Massage therapy establishments and massage therapists where more than two clients are present at any one time.
  6. Riding or boarding stables.
  7. Home occupations with more than one employee not residing on the premises.
  8. Small contracting businesses.
- B. *Level II home occupations, standards of operation.*
1. The home occupation shall be clearly incidental and subordinate to the residential use of the property. Any outside area devoted to or used in the home occupation shall be clearly depicted on the approved site plan.
  2. All permitted customer visits and deliveries to the property shall be limited to the period between 8:00 a.m. and 6:00 p.m., Monday through Saturday, unless otherwise specified by the Board of Supervisors.
  3. Off-street parking shall be provided in accordance with the applicable standards for business and commercial uses. Such spaces shall be in addition to those otherwise required for the residential use of the property and shall be no less than \*\*\*\* feet from any property line. All parking spaces shall be effectively screened from view from adjacent properties by landscaping and/or fencing.
  4. The nature, type and extent of services to be offered or items to be displayed, stored or sold shall be specifically stipulated in authorizing the conditional use permit.
- C. *Small contracting businesses.* The board of supervisors may authorize, by conditional use permit, small contracting businesses operated as home occupations in the agricultural and residential districts only, in accordance with the following standards:
1. For purposes of this section, small contracting businesses engaged in the construction, alteration, or repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; installation or maintenance of landscaping; well-drilling; or any other contracting use deemed by the zoning administrator to be similar in terms of type, scale, and impact to those listed herein. This subsection shall not be construed to require a conditional use permit for administrative offices of such businesses nor shall this subsection be construed to permit business operations which involve on-site manufacturing or processing of products or materials used, stored or sold in the conduct of such business.
  2. No conditional use permit application shall be granted unless, in addition to meeting the criteria for granting conditional use permits set out in this zoning ordinance, the property meets the following minimum standards:
    - a. Minimum lot size shall be prescribed by the underlying zoning district.
    - b. Minimum front yard setbacks for accessory buildings and approved outside storage areas shall be one hundred fifty (150) feet from all public streets bordering the property. This setback distance may be reduced up to a minimum setback of fifty (50) feet if approved by the board of supervisors with landscaping to screen the building or outside storage from view from all public streets.
    - c. Minimum side and rear yard setbacks for all accessory buildings and approved outside storage areas shall be \*\*\*\*\* feet.

## Home Occupation Ordinance Draft for Discussion

- d. A four (4) foot high landscaped berm with a 3:1 slope and a two (2) foot wide top area shall be installed between the small contracting business and any existing dwelling unit located within five hundred (500) feet of any building on the lot on which the home occupation is conducted. Such berm at a minimum shall be equal in length to the side of any building used in the home occupation that faces the existing dwelling unit. This berm requirement may be waived by the board of supervisors if existing or proposed trees or other vegetation are determined to provide comparable screening.
  - e. Any approved parking, loading or outside storage area located between any building used in the home occupation and any public street bordering the property shall be effectively screened from view from all public streets by a vegetated landscaped buffer approved by the board of supervisors.
  - f. All approved parking, loading and outside storage areas associated with the small contracting business shall be effectively screened from view from adjacent properties by landscaping and appropriate wooden and masonry fencing materials approved by the board of supervisors.
  - g. Unless otherwise stipulated by the board of supervisors in granting the conditional use permit, the areas covered by all buildings and structures used primarily in connection with the small contracting business shall not exceed a total of \*\*\*\*\* square feet.(or a percent of the lot area).
  - h. Unless otherwise stipulated by the board of supervisors in granting the conditional use permit, the areas covered by any outside storage associated with the small contracting business shall not exceed a total of \*\*\*\*\* square feet (or a percent of the lot area).
3. The use of accessory buildings and the maximum number of employees not residing on the premises must be expressly approved by the board of supervisors in the issuance of the conditional use permit.
  4. The location and extent of all commercial vehicle parking, loading and outside storage areas must be expressly approved by the board of supervisors in the issuance of the conditional use permit. Approval shall be specific as to type, size and number of commercial vehicles and pieces of equipment. In no event shall more than \*\*\*\*\* commercial vehicles and \*\*\*\*\* pieces of equipment used in the small contracting business be operated from, or parked on, the property at any time. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items approved by the zoning administrator shall be exempt from this restriction.