

Proposed Amendments to Home Business Regulations in the Dummerston Zoning Bylaw

ARTICLE VI: GENERAL REGULATIONS

Section 604 Protection of Home Occupations Businesses

~~This bylaw may not~~ In accordance with the Act [§4412(4)] no provision of these regulations shall infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. (from 24 V.S.A. § 4412(4))

Section 605 Home Business

~~The Development Review Board may authorize, as a conditional use, in any district a home business such as, but not limited to, an antique shop, craft shop or studio, custom service shop, teaching, or similar activities if such use complies with all the requirements of this section:~~

- ~~1. The home business shall be carried on by members of the family living on the property.~~
- ~~2. Three employees who are not part of the family are permitted.~~
- ~~3. The home business shall be carried on within the principal or accessory structures of their residence.~~
- ~~4. Exterior displays or signs or exterior storage of materials shall be permitted only if in character with the neighborhood.~~
- ~~5. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be permitted.~~
- ~~6. No traffic shall be generated by such home industry in greater volumes than would normally be expected in the neighborhood.~~
- ~~7.1. Parking shall be provided off street and shall not be located in front yards except for the first two cars.~~

Home Business is defined as: any business operated out of the principal dwelling or accessory structure of the business owner or operator, where the business aspect is secondary to the residential use and does not change the residential character of the property or the surrounding area. For purposes of this Section, Home Business is considered an accessory use.

To this end, the following three (3) categories of home businesses are allowed in accordance with the associated standards.

(A) Home Business - no permit required. No permit shall be required for a person with a home business provided it is confined entirely to an area within the principal dwelling or accessory structure and it meets the following standards:

1. The home business is conducted by residents of the dwelling unit and involves no more than two non-resident employees.
2. The home business does not involve the conduct of business with more than five on-site visits from clients or customers per day.

3. The home business does not involve the outside display or outside storage of goods.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670.
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 7.
9. Any proposed expansion of the home business may require a zoning permit for the home business under this section.

(B)Home Business – zoning permit required. A home business which does not meet one or more of the standards set forth in subsection (A) may be permitted with the approval of the Zoning Administrator in accordance with Section 703 and in accordance with the following provisions:

1. The home business is conducted by residents of the dwelling unit and involves no more than five non-resident employees.
2. The home business does not involve the conduct of business with more than twenty on-site visits from clients or customers per day.
3. The home business does not involve the outside display or outside storage of goods, materials, or equipment visible from the roadway or from adjacent properties.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670.
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. Retail sales are not conducted, with the exception of the sale of goods related to the home business or with the exception of goods created on the premises.
9. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 8.
10. The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions and meets the definition of home business pursuant to this bylaw. Any proposed expansion of the home business beyond that permitted will require a new zoning permit for the home business under this section.

(C) Home Business – conditional use permit required. Home businesses outlined below may be permitted in designated zoning districts and are subject to conditional use approval of the Development Review Board under Section 715 and the following provisions:

1. The home business is conducted by residents of the dwelling unit and involves no more than ten non-resident employees.
2. In addition to other conditions, the DRB may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.
3. Storage or display of goods, materials, or equipment visible from the roadway or from adjacent properties may be allowed as specified in the conditional use permit, with screening as appropriate.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. Retail sales may be conducted as specified in the conditional use permit.
9. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 8.
10. The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions and meets the definition of home business pursuant to this bylaw. Any proposed expansion of the home business beyond that permitted will require a new conditional use permit for the home business under this section.

Section 611 Buildings and Uses on Lots

There shall be only one principal building and one principal use on a lot unless otherwise approved under the Planned Unit Development provisions of these Regulations, or as a Conditional Use approved by the Development Review Board, or as provided under the provisions of Section 605.

ARTICLE VIII: DEFINITIONS

~~HOME BUSINESS: a small industrial or service type of operation carried out on the premises under the conditions established in Section 605.~~ any business operated out of the principal dwelling or accessory structure of the business owner or operator, where the business aspect is secondary to the residential use and does not change the residential character of the property or the surrounding area. A Home Business is considered an Accessory Use and is regulated under Section 605.

~~HOME OCCUPATION: an accessory use of a minor portion of a dwelling by the residents thereof for an occupation which is customary in a dwelling in a residential area and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. See Section 604.~~