

602 HOME OCCUPATIONS AUTHORIZATION.

Home occupations that are customarily incidental to the principal use of a residential building or manufactured/mobile home shall be permitted provided the residential appearance of the building or home is maintained and no undue traffic or parking problems are created. If such a home occupation is conducted in a business or industrial district as a legal, nonconforming use, all the provisions of this section must be adhered to unless a zoning permit and/or an occupancy certificate is obtained to operate the property and structure(s) thereon as a use meeting all the provisions of the applicable business or industrial district.*

- A. Definition.** A business, profession, occupation or trade conducted for gain or support entirely within a residential building or manufactured/mobile home, or within a permitted structure that is accessory to such a building or home.
- B. Use Limitation.** In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

* Zoning permits are required only when a home occupation sign is displayed. Business registration is required by City Code.

1. In the R-1, R-1B, R-1C and R-2 Residential Districts and the B-2A BUCKNER BUSINESS DISTRICT:

- a. Goods or stock for sale on or off the premises may be stored in enclosed areas, except articles which may constitute a hazard to the safety of adjacent property owners or tenants.
- b. No alteration of the principal residential building shall be made which changes the character thereof as a residence or causes goods to be displayed visibly from the residence or on the premises provided the latter is not otherwise permitted by other sections of these regulations.
- c. No more than 25% of the area of the residence shall be devoted to the home occupation; provided, however, that rooms let to boarders or roomers are not subject to this limitation. (See Section 202 for definition of boarding and rooming house).
- d. No equipment or process shall be used which shall create undue noise, smoke or particulate matter emission, vibrations or odors which are detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates a visual effect or an audible interference off the premises in any radio or television receiver or transmitter or causes fluctuation in power voltage.
- e. There shall be no outdoor storage or display of equipment or materials used in the home occupation, except a swimming pool for instruction.
- f. No more than one person other than a member of the immediate family occupying such residence shall be employed.

- g. The home occupation shall be conducted entirely within the principal residential building or in a permitted garage, storage structure or pool accessory thereto. [See Section 600(B)(3) for limitations on storage structure].
- h. No sign shall be permitted other than that permitted by the applicable regulations in Article 7.

2. In the R-1A, R-3, R-4 and MH-1 Districts:

- a. No person other than a member of the immediate family occupying such residential unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or manufactured/mobile home and no more than 20% of the area of the dwelling shall be devoted to the home occupation.
- c. No manufacturing or processing of any sort whatsoever shall be done and no stock shall be displayed or sold on the premises.
- d. No sign shall advertise the home occupation unless such sign is required by state statute.

C. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 602(A) and (B):

1. Artists, sculptors, authors, composers and photographers.
2. Barbers and beauticians; provided that only one operator shall be permitted.
3. Adult care centers for not more than four adults, adult care homes, boarding homes for children, day care homes and family and group day care homes.
4. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, picture framing, and the like.
5. Ministers, rabbis and priests.
6. Office facilities for accountants, architects, landscape architects, engineers, attorneys, real estate and insurance agents, building contractors, brokers and members of similar professions, but not physicians or dentists.
7. Office facilities for route salesmen or manufacturer's representatives, when no exchange of tangible goods is made on the premises.
8. Teachers, including music and dance instructors, provided that instruction shall be limited to five pupils at anytime, except for occasional groups.
9. Seamstresses and tailors.

D. Home Occupations Permitted only in the R-1C “Suburban Single-Family Residential District.” In addition to the customary home occupations listed above, in the R-1C District only, home occupations may also include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 602.A and 602.B:

1. Animal boarding and general care, but not including veterinary services and provided that the number of animals harbored on any zoning lot is compliant with all applicable City of Derby Municipal Codes.
2. Assembly, maintenance and repair of small implements used in the home, office, shop, garage, lawn, garden and farm.
3. Welding and Machine shops.
4. Manufacturing of pottery, statuary, figurines, or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
5. Automobile restoration conducted entirely within an enclosed structure with no outdoor storage of vehicles, parts or equipment provided that the home occupation does not exhibit regular or continuous sales as identified in Section 602.E.2.

E. Home Occupations Prohibited. Permitted home occupations, for example, shall not in any event be deemed to include:

1. Animal kennels, hospitals or stables, except boarding as permitted by Section 602.D.1.
2. Automobile and other vehicular repair shops or sales of such vehicles which exhibit a pattern of regular or continuous sales. A person holding a State Vehicle Dealer's License may not operate as the same as a home occupation. This shall not prevent the periodic sale of a vehicle which is owned and operated for personal use.
3. Dancing schools, except as provided for in Section 602.C.
4. Child care centers and preschools, unless specifically permitted by the district regulations.
5. Excavating and/or heavy equipment operators.
6. Funeral homes.
7. Grocery stores.
8. Medical or dental clinics.
9. Renting of trailers, motor vehicles, tools or equipment.
10. Restaurants.