

HOME OCCUPATION CONDITIONAL USE

PC approved

amendments 1/8/18

Home occupation conditional use may be permitted as an accessory use incidental and subordinate to the use of a single-family dwelling, in any district dwellings are permitted, provided the site is suitable for the particular home occupation applied for subject to a duly warned public hearing, conditional use review and approval by the ZBA:

In granting conditional use approval, the ZBA may attach such reasonable conditions, in addition to those outlined, as deemed necessary.

Independent consulting assistance may be engaged by the ZBA to review an application for conformance with the Woodford Bylaws and Town Plan. Consistent with Vermont State law (24 V.S.A. 4407) the applicant will be required to pay costs associated with that review. Payment shall be received before the Development Review Board may issue its decision.

a. Use shall be carried on by the residents of the dwelling, in addition up to two (2) nonresident employees may work on the premises at any one time.

b. Use shall be carried on within a minor portion of a dwelling not to exceed more than 30% of the gross floor area of the principal dwelling and/or limited to an equal percentage gross floor area in a structure accessory to the dwelling on the same property, unless otherwise approved by the ZBA.

c. Use shall not result in an undue adverse effect on the character of the neighborhood, or result in a change in the outward appearance of the dwelling or the accessory structure. Nor shall the proposed use result in an undue adverse effect on:

1. The capacity of existing or planned community facilities.

2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated in policies and standards of the town plan.

3. Traffic on roads and highways in the vicinity.

4. Bylaws and ordinances then in effect; and,

5. Utilization of renewable energy resources.

d. Exterior storage areas (e.g., for building, construction materials, dumpsters) must be completely screened year-round from view from the nearest public right of way and from neighboring properties. Landscaping may be required as appropriate. The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (e.g., heating oil).

e. Use shall not generate traffic, including delivery traffic, in substantially greater volumes than is characteristic of the neighborhood.

f. Adequate off-street parking shall be provided for residents, employees and customers. Commercial vehicles or equipment associated with the home occupation shall be parked in an enclosed area, or otherwise screened from view from the nearest public right of way and from adjoining properties.

g. Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

h. Use shall be allowed one (1) unlighted sign which shall not exceed four (4) square feet in face area (counting all sides).

i. Use shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties.

j. On-site retail sales shall be minor and incidental to the home occupation. Sale of products or stock-in-trade is allowed, provided the applicant can clearly demonstrate such sales will not be inconsistent with other requirements in the bylaws.

k. In addition to meeting these requirements for approval of a home occupation conditional use, such use shall have been found by the ZBA not to be contrary to applicable bylaw standards, performance standards and the Town Plan.

l. No structural or decorative alteration to the dwelling unit or accessory structure is permitted related to the home occupation.

m. All permits for home occupations are issued to an individual applicant and shall not be otherwise assigned or transferred to any other person or to any site other than that described in the application form. The permit will automatically expire when the applicant named on the permit application moves from the site.

n. A home occupation conditional use permit shall become a zoning violation, subject to fine, and/or revocation, if all conditions of the permit are not maintained.

o. Vermont statutes stipulate that standards "may be supplemented by more specific criteria," including all of the Act 250 criteria, site plan review standards, performance standards, and "any other standards and factors that the bylaws may include."

3.11 *CONDITIONAL USES PERMITTED IN RR DISTRICTS*

The following may be permitted as conditional uses in the RR Districts in conformance with the provisions of ~~Limitations Sections 2.3, 2.5~~ 2.3 Limitations, and 2.5 Performance Standards and any other provisions of ~~this~~ any Bylaw that may apply.

1. Home Occupations ~~that are clearly incidental and secondary to the use of a dwelling, and customary in residential areas, permit a resident to use a portion of a dwelling or accessory building for an occupation, provided such use does not alter the essential character of the building, lot, or neighborhood, and complies with the following:~~

~~a) The use is conducted entirely within the dwelling or accessory building, and such does not exceed 30% of the floor area of the principal dwelling unit up to a maximum of 600 square feet.~~

~~b) The use is carried on by member(s) of the family residing in the dwelling and not more than one (1) non-resident employee.~~

~~c) There is no more than one unlighted sign not larger than four feet square in face area (counting all sides).~~

~~d) All products sold must be solely a result of the resident's/employee's own labor and produced on the premises.~~

~~e) Equipment and materials may be stored on the premises if they are screened from adjoining properties and traveling public by natural or artificial materials or kept in a building.~~

~~f) Finished merchandise outside the building is limited to 200 contiguous square feet of the property.~~

~~g) No noise, vibrations, dust, smoke, odor, heat, light, or glare is produced which is not consistent with the character of the neighborhood. (See Performance Standards, Section 2.5~~

~~h) Does not create a health, environmental, or safety hazard or create interference with radio and television reception in the vicinity.~~

~~i) Traffic safety and parking must satisfy all applicable Bylaw requirements (See Off Street Parking .Section 11.5.~~

2, 3, 4, 5, 6, 7 remained as written in the current Bylaws.

2.2 USE REGULATIONS Page 8 # 3. (Suggested Amendments 12/21/17)

3. A conditional use review ensures compliance with standards addressing the impact of proposed land uses on adjacent properties, the neighborhood or district in which the project is located, and the community at large [Section 4414 (3) of the Act]. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.

A conditional use may be approved by the ZBA only after a duly warned ~~meeting~~ public hearing and provided the majority of the board shall have found that such use ~~shall~~ will not result in an undue adverse effect on the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity, and is in accord with other provisions of ordinances, regulations, and Bylaws of the Town applicable thereto, or adversely affect utilization of renewable energy resources. Any use so approved shall meet any standards applicable to the specific use as to lot and building dimensional requirements, landscaping, design, ~~and~~ locations of and size of signs, ~~and~~ service areas, and the following additional standards.

3.12 PUBLIC HEARING Page 13 The PC shall hold a public hearing on the proposed plan for conditional uses submitted with any application for a permit in a RR Districts, with the exception of single family and two-family residential dwellings.