

Town of New Durham

Home Occupation Ordinance

Definition: Home Occupation is a business use of a residential unit in which the business use is conducted inside the home, operated by a resident of that building, and is subordinate to the residential use.

Purpose: The Town of New Durham recognizes the need for some citizens to use their residence for limited business use. However, the Town believes that it is important to protect the integrity of the residential areas. Therefore, the purpose of this section is to allow a limited business use in a residential area only to an extent that the business use does not adversely affect the appearance, character, or condition of the residence or surrounding neighborhood.

Permit: As authorized by NHRSA 674:21, Innovative Land Use Controls, a Conditional Use Permit (also referred to as a Home Occupation Permit) shall be required for business use of a residential unit. A Home Occupation Application must be submitted to, reviewed by, and commented on by the Planning Board or its designee. The Building Inspector will review the application and conduct a site visit to determine if the following standards are adhered to. The Building Inspector shall grant a Home Occupation Permit upon approval of the Home Occupation Application. A Site Plan Review is not required.

Standards: A home occupation shall be permitted if it meets the following standards:

1. **Floor Area.** Business use of the residence shall be restricted to one-third (1/3) of the total floor area of the principal and any accessory buildings (including garage, basement, etc.), but in no case shall the total area utilized for the home occupation exceed 1,000 square feet.
2. **Employment.** The home occupation shall be carried on by the person (s) living in the principal residential unit full time. Not more than three (3) employees are permitted on-site at any time, including the resident employee (s).
3. **Hours of Operation.** The hours of operation shall be reasonable as not to interfere with the residential character of the neighborhood.
4. **Parking.** Parking must be maintained on-site. No more than three (3) parking spaces shall be provided for business use and no more than three (3) cars shall be parked simultaneously on the premises at any time for business purposes.
5. **Traffic.** Traffic generated by the home occupation shall not significantly increase the volume of traffic so as to create a traffic hazard, traffic nuisance, or disturbance or the residential character of the neighborhood; traffic generated by the business shall not involve the regular use of heavy commercial vehicles.
6. **Nuisance Control.** The home occupation shall not create objectionable conditions including, but not limited to the following nuisances detectable by ordinary senses off the premises;

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noise, vibration, glare, heat, dust/airborne particles, odor/fumes, smoke or electrical interferences.

7. **Hazardous Material/Waste.** The home occupation shall not use, store or generate hazardous material or waste beyond the type and quantity of normal household use.
8. **Exterior Lighting.** Exterior lighting shall be directed and shielded from neighboring properties and public ways.
9. **Signage.** Signs for the home occupation shall be in accordance with the New Durham Sign Ordinance, Article IX of the Zoning Ordinance.
10. **Outdoor Storage/Operations.** There shall be no storage of materials or operations of the business outside of doors.
11. **Septic Usage.** Sewage flow shall not exceed the septic system capacity.
12. The business use shall be subordinate to the residential use.
13. The plan does not require a survey. A good way to do it is to use graph paper or some other paper that has equal sized squares to show relative size.

Fee: A \$25.00 fee shall be charged for processing the home occupation application and permit.

HOME OCCUPATION PERMIT APPLICATION

This box to be completed by Town staff.

Permit Granted: _____ Yes _____ No *(If No, Please explain on reverse side)* Application Fee:
\$ _____ Date Paid _____ Building Inspector Approval:
_____ Date: _____

Applicant Name: _____ Address: _____

Address of Proposed Business if
Different _____ Phone(s): _____

1. Please describe the type of business operations to be taking place within your place of residence:

2. Attach a sketch on graph paper of the lot, drawn to scale. Show location and dimensions of all structures. Show parking areas, sign location, and outdoor lighting location.
3. What is the total floor area of all structures on site? _____
4. How many square feet will be designated for business use? _____
5. What percentage of the total floor area is designated for business use? *(divide #3 by #2)*

6. How many employees, including yourself, will be employed by this home occupation?

7. Days of Operation *(circle)* Mon Tues Wed Thurs Fri Sat Sun
8. Hours of operation: _____ to _____
9. Will the hours of operation impact the neighborhood? Please explain.

10. How many business parking spaces will be available? _____

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11. Please explain how traffic will be impacted in the neighborhood?
12. Will heavy commercial vehicles be used to operate this business? _____
13. Will the business operation create adverse effects, including but not limited to noise, vibration, glare, heat, dust or airborne particles, odor or fumes, smoke or electrical interferences? _____ (If yes, please explain)
14. Does the operation of this home occupation generate hazardous waste? ____ If yes, please explain
15. Will customers be coming in the dark or twilight at any season of the year? Yes ____ No ____ . If yes, please describe plans for external lighting
16. Please attach a sketch of the signage which will be used for advertising the home occupation.
17. Does the home occupation involve any storage of materials or operations of business outside of doors? _____ (If yes please explain).
18. What is the gallons per day capacity of the septic system? _____ How many bedrooms are in the house? _____ Will the new business create any additional waste water or bathroom usage? _____
19. In your opinion is the current septic system capacity adequate for the new business use? _____ Please explain:

Signature of Applicant

Date