



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 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.

A Special Exception shall be required for a Home Occupation which is a business use of a residential unit. A Home Occupation application must be submitted as a Special Exception request to the Zoning Board of Adjustment (ZBA). Prior to ZBA review, the Building Inspector will review the application and conduct a site visit to determine if the following standards are adhered to.

Standards: A home occupation is permitted by Special Exception provided it meets the following standards. To ensure that the following standards are met, a Home Occupation Application must be submitted to the Building Inspector for review and then submitted to the ZBA for a Special Exception.

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) having their domicile in the principal residential unit. 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 so as not to interfere with the residential character of the neighborhood. (See, e.g., the Town of New Durham Noise Ordinance.)
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 to create a traffic hazard, traffic nuisance, or disturbance of 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; 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 XIX 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. In some cases, a septic service plan and/or inspection may be required to confirm compliance with this standard.
12. The business use shall be subordinate to the residential use.
13. The sketch required to be submitted with the Application does not require a survey. It may be submitted on graph paper or some other paper that has equal sized squares to show relative size.
14. Abutters will be notified via Certified Mail of intent to operate a home business.