

SECTION 12

HOME OCCUPATION

REQUIREMENTS: IN ZONE DISTRICTS WHERE ALLOWED, AN INDIVIDUAL MAY BE GRANTED A BUSINESS LICENSE AFTER APPLICATION FOR AND ISSUANCE OF A HOME OCCUPATION PERMIT. A HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SECONDARY TO THE RESIDENTIAL USE OF THE BUILDING AND NOT CHANGE THE CHARACTER THEREOF. HOME OCCUPATIONS ARE A PRIVILEGE WHICH CAN BE REVOKED IF DISRUPTION OF THE RESIDENTIAL NEIGHBORHOOD OCCURS.

HOME OCCUPATION APPLICATIONS SHALL BE REVIEWED BY THE PLANNING COMMISSION TO DETERMINE IF THE BUSINESS WILL BE CONSIDERED A "HOME OCCUPATION" AND CLASSIFIED AS IMPACT OCCUPATIONS OR NO-IMPACT OCCUPATIONS. ANY APPLICATION THAT DOES NOT DEMONSTRATE TO THE PLANNING COMMISSION'S SATISFACTION THAT IT IS A NO-IMPACT OCCUPATION SHALL BE CLASSIFIED AS AN IMPACT HOME OCCUPATION. A HOME OCCUPATION PERMIT SHALL NOT BE APPROVED BY THE PLANNING COMMISSION UNLESS IT CAN BE SHOWN THAT:

- IT SHALL GENERATE NO VEHICULAR, OR PARKING, IN EXCESS OF THAT NORMALLY ASSOCIATED WITH RESIDENTIAL USE.
- THE USE SHALL NOT CREATE A NUISANCE BY REASON OF NOISE, DUST, ODOR, VIBRATION, FUMES, SMOKE, ELECTRICAL INTERFERENCE, OR OTHER CAUSES.
- EXPLOSIVE AND/OR COMBUSTIBLE MATERIALS SHALL NOT BE STORED, USED, AND/OR SOLD IN HOME OCCUPATION BUSINESSES.

A HOME OCCUPATION PERMIT PUBLIC HEARING SHALL NOT BE HELD PRIOR TO THE APPLICANT PAYING THE APPROPRIATE FEE IN AN AMOUNT DETERMINED BY RESOLUTION OF THE LEGISLATIVE BODY.

PUBLIC NOTICE. NOTICE SHALL BE POSTED AT LEAST 14 DAYS BEFORE PERMIT IS ISSUED. AFTER THE REQUIRED HEARING AND REVIEW OF THE HOME OCCUPATION APPLICATION, THE PLANNING COMMISSION MAY APPROVE OR DISAPPROVE SAID PERMIT. IF APPROVED, THE PLANNING COMMISSION SHALL AUTHORIZE THE ADMINISTRATOR TO ISSUE A HOME OCCUPATION PERMIT.

ALL HOME OCCUPATION BUSINESSES SHALL FULLY COMPLY WITH ALL TOWN ORDINANCES AND STATE LAWS INCLUDING BUT NOT LIMITED TO, BUSINESS LICENSING REGULATIONS. PERIODIC INSPECTIONS, AS REQUIRED BY THESE CODES, WILL BE MADE AS REQUIRED BY THE TYPE OF HOME BUSINESS.

HOME OCCUPATION LICENSES SHALL BE REVIEWED AND MAY BE REVOKED UPON VALID UNRESOLVED COMPLAINTS. INSPECTIONS BY THE TOWN MAY OCCUR AS NECESSARY TO ASSURE CONFORMANCE WITH THIS CHAPTER, OTHER TOWN ORDINANCES AND STATE LAW.

APPEALS OF DECISION. ANY PERSON SHALL HAVE THE RIGHT TO APPEAL THE DECISION OF THE PLANNING COMMISSION TO THE LEGISLATIVE BODY. SUCH APPEAL SHALL BE FILED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE DECISION OF THE PLANNING COMMISSION. UPON RECEIPT OF SUCH APPEAL, THE LEGISLATIVE BODY SHALL RESPOND WITHIN FORTY-FIVE (45) DAYS. FAILURE BY THE LEGISLATIVE BODY TO RESPOND SHALL BE DEEMED TO BE A DENIAL OF THE APPEAL.

TIME LIMIT. UNLESS THE USES APPROVED IN A HOME OCCUPATION PERMIT ARE IMPLEMENTED WITHIN A MAXIMUM PERIOD OF ONE YEAR OF ITS ISSUANCE, THE PERMIT SHALL EXPIRE. THE PLANNING COMMISSION MAY GRANT A MAXIMUM EXTENSION OF SIX MONTHS UNDER EXCEPTIONAL CIRCUMSTANCES. IF AN APPLICATION FOR A HOME OCCUPATION IS NOT APPROVED, THE APPLICANT SHALL NOT REAPPLY FOR TWELVE (12) MONTHS.