

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 which 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 the Planning Board which will be reviewed by the Planning Board and submitted with comments to the Building Inspector. The Building Inspector will review the application, taking into consideration the comments of the Planning Board, and conduct a site visit to determine if the following standards are adhered to. A Home Occupation Permit shall be granted by the Building Inspector upon approval of the Home Occupation Application. A Site Plan Review is not required.

Standards: A home occupation shall be conditionally 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.

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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; 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.

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