

Sussex County
Ordinance to amend County Zoning Ordinance Related to
Home Occupations

Be it Ordained by the Sussex County Board of Supervisors, that the following provisions are hereby adopted and made part of the Sussex County Zoning Ordinance:

- I. Sec. 16-1 of Article I of the Sussex County Zoning Ordinance is amended by striking the current definition of “home occupation” and replacing it in its entirety with a new definition as follows:**

Sec. 16-1

Home occupation

~~An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.~~

A home business carried on by the occupant of a dwelling as a secondary use in connection with the provision of goods and/or services without disturbing the residential character and nature of the surrounding neighborhoods and conducted in compliance with Article XXIV (Sections 16-421 et seq.) and other applicable provisions of the Zoning Ordinance.

- II. Provisions regulating the use of home occupations are adopted by adding Article XXIV, Section 16-421**

through Section 428, as follows:

Article XXIII Home Occupations

Sec. 16-421 Home Occupations, Type I and Type II

1. Home occupations are intended to allow for home business opportunities without disturbing the residential character and nature of the surrounding neighborhoods. These provisions are adopted in recognition that small-scaled commercial activities may be appropriate in conjunction with residential uses. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes, and must be consistent with the predominate residential character of the property and the surrounding neighborhood. These provisions are intended to allow, within certain reasonable limitations as set out herein, home occupations that do not impose negative impacts on the surrounding area. These provisions are not intended to authorize business uses that are more appropriately suited for commercially zoned areas.
2. Two (2) levels or types of home occupations are established to recognize the divergent needs of the developing areas of the county from the rural areas of the county.
 - a. Type I home occupations afford the greatest degree of protection to surrounding residents in those areas that are developing and have become more suburban in nature.
 - b. Type II home Occupations have been established to

recognize the greater spaces between residents as well as the types of activities that are similar to those associated with the more traditional agricultural and forestry related activities found in the rural areas.

Sec. 16-422. Type I Home Occupations. Uses for Home Occupation Type I are permitted in the following zoning districts: **R-1, R-2, and R-MHP.** The uses set out in this Section are representative of uses that may be conducted as Type I home occupations within the limits established in this Ordinance. Uses consistent with those set out in this Section, but not set out herein may be approved administratively through a letter of confirmation from the zoning administrator.

- a. Art, handicraft, music, writing, photography, or similar studios
- b. Computer and home typing services
- c. Direct sales product distribution as long as products are directly delivered to the customer and not to the location of the home occupation
- d. Dressmaker, seamstress, tailor
- e. Babysitting (up to five (5) children)
- f. Hair cutting and styling consisting (up to one (1) customer chair)
- g. Non-principal offices of physician, dentist, veterinarian, insurance agent, real estate or similar profession
- h. Offices of accountant, architect, engineer, surveyor, land planner, soil scientist, lawyer, income tax preparer, minister, priest, rabbi, member of a religious order,

psychotherapist, counselor, management consultant or similar professional

- i. Preparation of food for off-premises catering
- j. Telephone sales, order-taking, and answering services
- k. Tutor
- l. Office for a small contractor business, not including storage of equipment except for personal lawn care and similar supplies and equipment typically used and maintained by other residents in the surrounding neighborhood, so as not to change the appearance of the neighborhood

Sec. 16-423. Type II Home Occupations. Uses for home occupation Type II. Type II home occupations are permitted in the following zoning districts: **A-1, R-E and R-R**. The uses set out in this Section are representative of uses that may be conducted as Type II home occupations within the limits established in this Ordinance. Uses not set out herein may be approved administratively through a letter of confirmation from the zoning administrator:

- a. All Type I uses
- b. Carpentry shop
- c. Contractor businesses (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way, and delivery of materials directly to the customer)
- d. Electronic sales and service
- e. Facilities for service and repair of agricultural

- equipment and incidental sale of parts and supplies
- f. Glazier's or painter shop
 - g. Gunsmith (with a conditional use permit)
 - h. Heating, plumbing, or air conditioning services (with storage of equipment within enclosed building and/or shielded from view from adjacent property and public rights-of-way)
 - i. Landscape and horticultural services
 - j. Personal transportation services, including, but not limited to, limousine service, taxi service, medical transportation services, and independent truck driver.
 - k. Machine shop/metal working provided all is completed in a completely enclosed building
 - l. Massage, physical therapy
 - m. Motor vehicle display for purposes of sale of up to five (5) vehicles per year (no more than one (1) vehicle may be displayed at any time)
 - n. Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items
 - o. Repair or servicing of small internal combustion engines used in lawn mowers, edgers, hedge trimmers, power saws and similar yard maintenance equipment inside enclosed structure
 - p. Retail sales of agricultural, craft and woodworking products principally produced on-site
 - q. Taxidermy (with a conditional use permit)
 - r. Veterinarian (principal) office (with a conditional use

- permit)
- s. Waterman's operation (with on-premises wholesale and retail sale prohibited)
- t. Wood working and furniture repair, upholstery and cabinet making
- u. Motor vehicle repair (with a conditional use permit)

Sec. 16-424. Uses Prohibited as Home Occupations.

The following uses shall be prohibited as home occupations:

- a. Vehicle or boat body work and/ or painting
- c. Equipment or vehicle rental
- d. Seafood or bait sales
- e. Furniture sales
- f. Funeral director, mortuary or undertaker
- g. Laboratory shop
- h. Principal medical or dental office
- i. Private clubs
- j. Restaurants
- k. Animal hospitals
- l. Commercial stables
- m. Commercial kennels
- n. Antique shops
- o. Gun shops, commercial sale of firearms
- p. Bed and breakfast
- q. Fortune-teller, including a clairvoyant, a practitioner of palmistry, a phrenologist, a faith healer, a star analyst, a handwriting analyst who attempts to predict the future

- or any other person who attempts to predict the future
- r. Tattoo parlors

Sec. 16-425. General Standards for all home occupations

- a. No person shall conduct a home occupation without obtaining the appropriate business license required by law and issued by the Sussex County Commissioner of Revenue.
- b. The maximum floor area devoted to home occupations shall not exceed twenty-five percent (25%) of the finished floor area of the dwelling unit.
- c. More than one (1) home occupation may be permitted provided the total floor area used for all home occupations is not exceeded.
- d. Home occupation permits shall be unique to the applicant and location and shall not be assigned or transferred to any other person or location.
- e. No dwelling or structure shall be altered, occupied, or used in a manner, which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use is not permitted and will disqualify a use as a home occupation.
- f. There shall be no outside storage of goods, products, equipment, excluding motor vehicles as permitted by this Ordinance, or other materials associated with the home occupation as indicated herein. No toxic,

explosive, radioactive, or other hazardous materials shall be used in conjunction with the home occupation; nor shall such materials be sold or stored on the site.

- g. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.
- h. Off street parking shall be provided as appropriate for the specific nature of the home occupation.
- i. The home occupation shall not involve the commercial delivery of materials or products to or from the premises. This excludes delivery by the United States Postal Service, Federal Express (FEDEX), United Parcel Service (UPS) or similar delivery services customarily found in residential areas.
- j. The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.
- k. No equipment or process shall be used in a home occupation that creates noise in excess of the requirements set forth in the Sussex County Noise Ordinance. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- l. No activity in conjunction with a home occupation shall be conducted that adversely impacts or disturbs

adjoining property owners.

- m. Except as otherwise provided herein, signs are permitted in accordance with article XVI of the Zoning Ordinance. Only one (1) sign shall be permitted regardless of the number of home occupations, and must be setback ten (10) feet from the road as measured from the front property line.
- n. All state, federal and local licenses and/or permits shall be obtained prior to commencing such home occupation.

Sec. 16-426. Specific Standards for Type I home occupations.

- a. Home occupations shall be confined to the primary dwelling.
- b. No one other than permanent residents of the dwelling shall be employed within the dwelling.
- c. There shall be no on-premises sales and no display or storage of goods, products or equipment.
- d. No heavy truck or vehicle or piece of equipment having a gross rate carrying capacity of more two (2) tons (1,800 kg) gross weight shall be parked, stored or operated on or from the site in connection with the home occupation.
- e. Customer contact at the premises shall be permitted on an appointment basis only.
- f. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one (1) time. Applied arts are arts that apply design and decoration to everyday and essentially

practical objects in order to make them aesthetically pleasing including sculpture, architecture, crafts, ceramic art, fashion design, calligraphy, interior design, graphic design and cartographic design.

- g. Except in the A-1, R-E and R-R districts, no commercial vehicles shall be parked or stored on the premises associated with the home occupation.

Sec. 16-427. Specific Standards for Type II home occupations.

- a. Storage of goods or products shall not exceed ten percent (10%) of the finished floor area devoted to the home occupation.
- b. Up to two (2) persons who are not a permanent resident of the dwelling may be engaged or employed in the home occupation.
- c. An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed thirty percent (30%) of the finished floor area of the dwelling unit. The accessory structure shall be located on the same parcel as the primary dwelling.
- d. Customer contact on the premises shall be limited to a level that is consistent with and does not impose a negative impacts on other dwellings in the area.

Sec. 16-428. Violations and Enforcement

Failure to comply with the provisions of this Article shall constitute a zoning violation, which may result in misdemeanor penalties and fines, and other remedies, as provided by the Sussex County Zoning Ordinance and state law.

Be it further Ordained that this Ordinance shall take effect immediately upon adoption.

Adopted this __ day of _____, _____, by the Sussex County Board of Supervisors.

By: _____
Chair

Attest: _____
Clerk