

(Ord. No. 019-21, § 1, 11-15-21)

18. *Hotel and conference centers.*

- a. No building shall exceed 60 feet in height, exclusive of roof tanks and supports, chimneys or enclosures for elevators or air conditioning machinery or other apparatus.
- b. No building shall be closer than 40 feet to any abutting street right-of-way line with a maximum 25 percent of the required parking maintained within the front yard with the exception of limited access roadways. Waivers may be considered for properties having more than one roadway frontage.
- c. No building shall be closer than 20 feet to a side yard and rear yard lot line with exception of residential districts where the building setback line is to be a minimum 50 feet plus two feet for each foot of building height with a maximum 120 feet setback.
- d. A minimum 20-foot wide landscaped buffer is to be provided along the entire perimeter of the hotel and conference center, provided that a buffer shall not be required along any property line abutting a street situated at the front of the parcel, and a corner parcel shall not be required to have buffering on either property line abutting the street. This buffer is to provide six and one-half-foot high screening adjacent to all residential districts. Screening is to consist of evergreen trees and bushes and berms.

(Ord. No. 005-19, § 3, 4-15-19)

- e. A hotel and conference center shall provide off-street parking at the rate of one parking space for each guest room. In addition to those required for guest rooms, parking is to be provided at the rate of one space for every 200 square feet of floor area of said meeting space facilities, ballroom, conference suites, restaurant and/or bar.
 - f. A hotel and conference center shall be permitted on a site containing a minimum of five acres.
 - g. A hotel and conference center is to provide a combination of minimum 150 guest rooms and 10,000 square feet of conference/meeting space area.
 - h. Any restaurant as an accessory use to a hotel operation shall only be permitted if it is located within the hotel building. Also permitted as an accessory use to a hotel operation if located within the hotel building, are stores, shops and service facilities, primarily for the use and convenience of hotel guests.
19. *Home occupation/home-based business (major and minor/no impact).* A home occupation/home-based business is defined as any activity carried out for gain by a resident and conducted in the resident's dwelling.

Minor home occupation/no impact home-based business and major home occupation/major home-based business shall be permitted when in accordance with the following standards:

- A. *Minor home occupation.* Minor home occupations shall meet all of the following requirements:
- (1) The business activity shall be compatible with the residential zoning of the property and surrounding uses.
 - (2) The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.
 - (3) The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
 - (4) Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.
 - (5) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (6) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (7) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (8) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (9) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 20 percent of the total floor area of the principal residential structure.
 - (10) Such business use shall not involve any illegal activity.
- B. *Major home occupation.* A home occupation that does not meet one or more of the criteria listed under subsection A. above shall be defined as a major home occupation/major home-based business. Major home occupations shall be permitted only by special exception in those zoning districts where major home occupations are permitted and when other applicable criteria of this Section and Ordinance can be met.
- C. *Prohibited home occupations.* Home occupations shall not include the following uses, which shall be classified as commercial or institutional uses:
- (1) Animal shelter, commercial kennel or veterinary office;
 - (2) Rooming or boarding home;
 - (3) Bed and breakfast;
 - (4) Funeral home;
 - (5) Restaurant;

- (6) Outdoor café;
 - (7) Club or lodge;
 - (8) Medical or dental clinic (two or more doctors or dentists);
 - (9) Retail shop;
 - (10) Rental business;
 - (11) Furniture stripping;
 - (12) Auto or small engine repair;
 - (13) Painting of vehicles, trailers, or boats;
 - (14) Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
 - (15) Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.
 - (16) Welding shop; or
 - (17) Other uses of similar character to those listed above.
- D. [*Home occupation—Minor, major or prohibited.*] The town manager or his designee shall determine whether a proposed home occupation falls under the category of minor, major, or prohibited. The applicant shall be responsible for supplying such information as deemed necessary by the town manager or his designee to make this determination. The following requirements for approval and permitting shall apply:
- (1) Upon determining that the proposed use is a minor home occupation and is in conformance with the requirements of this ordinance, the town zoning officer shall issue a certificate of zoning compliance.
 - (2) Where the town manager or his designee determines that the proposed use is a major home occupation, the use shall be permitted only as a special exception and shall require review and approval by the board of adjustment in accordance with the provisions in section 9.2., Special Exceptions; conditions governing; procedures, and the criteria of this section. The board of adjustment may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this Ordinance. Following approval, the town zoning officer shall issue a certificate of zoning compliance.
 - (3) An approved certificate of zoning compliance for a home occupation shall not be transferable to another property or to another type of home occupation. The certificate of zoning compliance issued shall only be valid for the use and on the property for which it was originally issued. In the event that a property with an existing home occupation is

sold, leased, or rented to someone other than the original permit holder, the new owner, lessee or renter, shall be required to obtain a certificate of zoning compliance, demonstrating full compliance with the requirements of this ordinance and any other applicable regulations.

- (4) Per the 2003 Property Maintenance Code, Section 104, Duties and Powers of the Code Official, 104.4 Right of entry and the 2003 International Building Code, Section 104, Duties and Powers of the Building Official, 104.6, Right of entry, a town official shall be permitted to inspect the home occupations to ensure that the requirements of this Section and other applicable town regulations are being carried out.

E. *General standards applicable to home occupations.* The following standards shall apply to all home occupations, whether major or minor:

- (1) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling in the case of minor home occupations.
- (2) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.
- (3) All applicants for a home occupation shall be required to obtain an approved certificate of zoning compliance from the town in accordance with the requirements of subsection D. above within 30 days prior to beginning operation of the use.
- (4) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character by the use of advertising, materials, show windows, or special lighting visible from the outside of the premises to attract customers or clients. No public display of any goods and/or product, information and/or advertising concerning any goods and/or product or interior display shall be visible from the outside.
- (5) The home occupation shall not cause noise, glare, vibration, fumes, dust and/or electrical interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.
- (6) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.
- (7) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 p.m. prevailing time and 8 a.m. prevailing time.
- (8)

There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation. All home occupations shall meet applicable outdoor storage standards set forth in this ordinance.

- (9) All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be no storage of tractor-trailers on the lot on which the home occupation is located.

F. *Standards applicable to minor home occupations.* In addition to other applicable criteria of this Ordinance, the following standards shall apply to minor home occupations:

- (1) No employees shall be permitted, except the inhabitants of the dwelling in which the home occupation is located.
- (2) A minor home occupation shall be permitted in any dwelling type.

G. *Standards applicable to major home occupations.* In addition to other applicable criteria of this ordinance, the following standards shall apply to major home occupations:

- (1) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling.
- (2) The area used for a major home occupation shall not exceed 30 percent or 600 square feet of the total floor area of the principal residential structure or accessory structure.
- (3) No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from the board of adjustment.
- (4) No more than two clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.
- (5) No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval by the board of adjustment.
- (6) Where employees or customer visits are anticipated, off-street parking shall be provided in a sufficient capacity to prevent interference with normal residential parking in the neighborhood. Minimum off-street parking requirements shall apply as designated in [section 6.1](#).
- (7) Beauty parlors and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided and all other provisions of this ordinance are met.
- (8) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time, and there shall be no more than two trips per hour.