



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 4, 2021

RE: Municipal Code Revisions

DISCUSSION:

This study session is to discuss possible changes to the Foxfield Municipal Code regarding Home Occupations.

Below are the sections from the current Municipal code that address home occupations. The definition of Home Occupation appears to conflict with Code Sec 16-2-50. The definition suggests that home occupations are not allowed in accessory structures, however Code section 16-2-50 states that home occupations are allowed in accessory structures.

Sec. 16-4-10. Home occupations.

(a) Permitted Accessory Use in the RR (Large Lot Rural Residential) Zone District. Home occupations are a permitted accessory use in the RR District. A home occupation must comply with the following criteria:

- (1) The home occupation shall be accessory to the use of the structure as a residence.
- (2) Reserved.
- (3) Only the persons residing in the home shall conduct the home occupation business.
- (4) There shall be no visible advertising of the home occupation on the premises.
- (5) There shall be no outdoor storage of good or materials associated with the home occupation.
- (6) There shall be no excessive or offensive noise, vibration, smoke, dust, odor, heat, glare or light or dumping of materials produced by the home occupation.

(7) The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States Mail, commercial parcel delivery companies or private passenger vehicle, but shall exclude large truck and/or trailer-delivered goods or merchandise.

(8) The home occupation shall not change the appearance or character of the dwelling or neighborhood. No exterior structural alterations to accommodate the home occupation are permitted.

(9) Sales conducted in conjunction with the home occupation shall be primarily by telephone, direct mail or other telecommuting means. Incidental pick-up of goods is permitted. However, a home occupation shall not generate an amount of traffic that perceptively alters the residential character of the neighborhood.

(b) Home Occupations in Other Zone Districts. Home occupations which occupy less than thirty-five percent (35%) of the gross floor area of the principal use and which have no exterior indication of nonresidential activity, except for parking or signage as outlined in Article 3 of this Chapter, are allowed in all other zone districts.

Sec. 16-2-50. Large Lot Rural Residential District (RR).

(a)(2) Allowing for limited home occupations; and

(b)(2) Permitted accessory structures and uses:

c. Home occupations, as specified in Section 16-4-10 of this Chapter.

Home occupation. Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.