

[Proposed changes to Epsom’s Zoning Regulations, Part K. Home Occupations. These are modeled on Pembroke’s regulations. Replace all. Alternate format. D. McGuire 23-12-13, DM update per PB discussion 23-12-27]

For public hearing to be held on January 10, 2024 – Review only of changes made at 12/27/2023 public hearing, as well as two subsequent non-substantive changes (#’s 3 & 7) as follows:

1. Change all references of business to Home Occupation (HO) except as referenced in 1st paragraph under K. Home Occupations.
2. Remove 2nd sentence from Article K. #13, which previously read: “Any change or expansion of a Home Occupation use requires a new Certificate of Occupancy,” as recommended by the Town’s attorney.
3. Added a Title to Pre-Existing Home Occupations section. Non-Substantive change after 1st public hearing.
4. Removed #3 in the 2nd section of the Pre-Existing HO, which previously read: “the Home Occupation or occupation is engaged in conduct which is hazardous to public health and safety or has become a nuisance.
5. Added asterisk to the 1st row in the Major Column and spell out ZBA, PB and ZCO
6. Added notation to Update Table of Uses, Item 36, Home Occupation. See Pg. 3.
7. Corrected Table to include duplexes with multi-family as outlined in #10.

In Article II, section C Table of Uses, 36. Home Occupations, add an asterisk that

***Major Home Occupations require a Special Exception.

Replace Article II, Section K, Home Occupations with the following:

K. Home Occupations

The purpose of this section is to permit the accessory use of a residence for business purposes which are clearly incidental to the principal residential use of the property. Two forms of permit are provided.

Minor Home Occupations do not change the residential character or function of the property to the extent that the property would be distinguishable from other residential properties. Minor Home Occupations can be permitted by application to the Zoning Compliance Officer.

Major Home Occupations do not significantly change the residential character or function of the property. A Major Home Occupation is permitted by Special Exception only from the Zoning Board of Adjustment and Site Plan approved by the Planning Board.

Any Home Occupation use shall be subject to the following conditions:

1. The principal work of the Home Occupation may be performed on or off premise.
2. The Home Occupation shall be owned and carried on principally by the permanent resident(s). Minor Home Occupations shall not employ any nonresidents on the premises. Major Home Occupations may have one nonresident employee.
3. The Home Occupation will not change the external residential character of the dwelling or require significant external alterations to the structure.

4. A Minor Home Occupation shall have no outside storage of goods or wares of any kind. A Major Home Occupation must screen any outside storage of goods or wares from the road and from abutters.
5. Vehicle visitation to the premises in conjunction with Home Occupation by customers, vendors, solicitors or commercial deliveries shall not exceed 5 round trips per day for Minor Home Occupations and 15 round trips per day for Major Home Occupations.
6. A Minor Home Occupation shall be conducted in such a manner that the premises are indistinguishable from other residences in the neighborhood. All Home Occupations shall not create any noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in a residential dwelling.
7. The Home Occupation shall only employ accessory structures that are common in residential neighborhoods.
8. There shall be no advertising on the premises other than at most one sign displaying the identification of an on-premise Home Occupation. It shall consist of a single non-illuminated sign which shall not exceed two square feet in area and which may only identify the Home Occupation name, the occupant's name, the street address and/or a web or email address. All address information shall be no larger than four inches in height.
9. A Minor Home Occupation shall have no more than one commercial vehicle used in the Home Occupation which is stored, parked or otherwise situated on the premises. Major Home Occupations may have two such commercial vehicles.
10. Major Home Occupations are not allowed in duplexes or multi-family dwellings.
11. Major Home Occupations require a Special Exception by the Zoning Board of Adjustment and a Site Plan, including an acceptable off-road parking plan, approved by the Planning Board.
12. Home Occupation approvals are not transferable. They are issued for a specific Home Occupation on a specific site and may not be transferred to a different Home Occupation on the same site or to a Home Occupation on a different site.
13. Prior to the operation of any Home Occupation, a Certificate of Occupancy must be obtained from the Zoning Compliance Officer. The Certificate of Occupancy for a Home Occupation may be revoked by the Zoning Compliance Officer after notice and due process for violation of any of the provisions of this chapter or any conditions of approval. Appeals of any such revocation shall be made to the Zoning Board of Adjustment.

All pre-existing home occupations which:

1. commenced operation legally and in conformity with all local and state regulations, and
2. have been in continuous operation since the lawful commencement of the use and up to the effective date of this Ordinance, and
3. have not substantially changed or enlarged the operation since the commencement of the use,

shall be exempt from the new restrictions of this Ordinance, including that of a permit requirement and shall be governed by the 1995 Ordinance unless:

1. the Home Occupation or occupation ceases to be in continuous operation for any one-year period, or
2. the Home Occupation or occupation has substantially changed or enlarged, or

At which time all restrictions of this Ordinance shall become applicable.

Summary of differences between Minor and Major Home Occupations

Item	Minor	Major
Residential character	Indistinguishable from others	Insignificant changes
Non-resident employees	None	One
Outside storage	None	Screened from road, abutters
Daily vehicle visits	5 round trips	15 round trips
Commercial vehicles	One	Two
Allowed in duplexes and multi-family homes	Yes	No
Approval(s)	Zoning Compliance Officer	ZCO, ZBA, PB*

*ZCO: Zoning Compliance Officer; ZBA: Zoning Board of Adjustment, PB: Planning Board

In Article II, Section M, Signs change the last sentence of section 1. Sizes to:

This Section does not pertain to Home Occupations which are governed by section K, Home Occupations.

Remove subsection a and renumber b and c as a and b.

Remove the definition of Home Occupation from the Glossary & add possibly add definitions or reference to Section K.

Update Table of Uses Item 36. Home Occupations to include separate allowances for zones between Minor and Major Home Occupations. Adjust 36 to Minor Home Occupations to be P/P/P and add 36A for Major Home Occupations to be S/S/S.