



UPPER MACUNGIE TOWNSHIP

Home Occupation Definition & Types:

A routine accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- 1) Is conducted primarily by a permanent resident of the dwelling;
- 2) Meets the definition, standards and limitations of a general home occupation and light home occupation within the following definitions.
- 3) Only include uses that are clearly incidental and secondary to the principal residential use;
- 4) Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing)

General Home Occupation - A type of home occupation that:

- 1) Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of 1 non-resident working on the premises at any one point in time,
- 2) Does not meet the definition and standards of a "Light Home Occupation,"

(Note: This use requires special exception approval by the Zoning Hearing Board in Residential Districts under accessory uses in Article II and is a permitted use in all nonresidential districts.)

Light Home Occupation - A type of home occupation that:

- 1) Only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling,
- 2) Does not involve more persons regularly visiting the premises for business purposes, but instead primarily involves the operator visiting clients at their home or business,
- 3) Is limited to only the following types of activities:
 - a) Office-type work (such as writing, editing, drafting, tax preparation, computer programming and computer data entry),
 - b) Clerical work (such as typing, stenography, addressing and sending mail),
 - c) Custom sewing and fabric crafts,
 - d) Creation of visual arts (such as painting, sculpture or wood carving) or
 - e) Sales and surveys over the phone.

(Note: This use *does not* require Zoning Hearing Board approval under Article III.)

General Requirements:

The following standards shall apply to Light and General Home Occupations:

- 1) The burden of proof shall be upon the applicant to prove that the standards of this Section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.
- 2) The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.
- 3) There shall be no outdoors operations or outdoors storage of materials, products or equipment.
- 4) **Signs and Displays** - There shall be no use of show windows, business display or advertising visible from outside the premises, except as is specifically permitted for a General Home Occupation.
- 5) **Truck Traffic** - The use shall not require the parking, storage or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for deliveries a maximum of two times per day. The use shall not involve the parking or storage of more than 2 trucks of any type on the lot or on adjacent streets at any period of time. The use shall not need servicing by, storage of, deliveries by or parking of tractor-trailer trucks.
- 6) Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation, catering for off-site consumption, installation of auto accessories that are not part of the drive-train or musical instruction.
- 7) **The following uses shall not be permitted as a home occupation:** veterinarian office; non-household stable; kennel; funeral home; retail store (other than occasional sale of custom crafts and art produced on the premises); restaurant; mechanical auto repair or body work (except farm equipment repair is permitted as accessory to an agricultural use); spray painting of vehicles; trucking company terminal; welding; pesticide company; hotel or motel; manufacturing (other than custom crafts such as ceramics); or boarding house.
- 8) **Nuisances:** No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
- 9) The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article V.
- 10) **Parking and Loading.** In any case, a home occupation shall include an absolute minimum of one (1) off-street parking space (which may include a space for the dwelling). The applicant shall prove to the satisfaction of the Zoning Hearing Board in the case of a General Home Occupation and the Zoning Officer in the case of a Light

Home Occupation.

The use must include adequate off-street parking and loading spaces:

- a) The Board shall determine the maximum number of vehicles expected to be at the premises at any period of time, including overlapping customers. The amount of parking in the front yard should be held to a minimum to maintain a residential character.
 - b) Therefore, the Board may allow appropriate, safe on-street areas to be used to meet a portion of parking needs, considering the paved width of the street.
 - c) If additional parking is needed beyond what can be accommodated using appropriate on-street spaces and a residential-style driveway, then the Board may require that such parking be provided in the rear of the home if practical and may deny the use if such rear parking cannot be accommodated.
 - d) Any required off-street spaces shall be conveniently located to reach the door of the home occupation.
- 11) ***Building Appearance*** - The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
 - 12) ***Hours of Operation***- A home occupation shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
 - 13) ***Hazardous Substances*** - The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.
 - 14) ***Advertising*** - The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - 15) ***Law or Medical Office*** - The main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 10,000 square feet.

General Home Occupation - In addition to the standards listed above, the following shall apply to a General Home Occupations:

- 1) Only the following sign shall be permitted: one (1) non-illuminated sign with a maximum sign area of 1 square feet on each of two sides, with a maximum height of 8 feet. Such sign shall not be located within the existing right-of-way of a street, unless it is attached to a mailbox.
- 2) Number of Employees: A total maximum of one (1) person shall work on the premise who is not a permanent resident of the dwelling, except a barber or beauty shop may not include any non-resident employees.
- 3) Instruction: Any instruction or tutoring shall be limited to a maximum of: 1 student on the property at any one time and 6 students on the property on any day.
- 4) Barber/Beautician: Any barber, beautician, hair stylist or similar personal service use shall only

be permitted as a home occupation if:

- a) Only 1 person may work on the premises, who must be a permanent resident of the dwelling.
- b) There is a 15 feet minimum building setback from all residential lot lines.
- c) If the property abuts a collector or arterial street.

- 5) If the home occupation involves work occurring on a vehicle(s), such vehicle will not be parked on the lot or on abutting streets overnight.
- 6) Traffic - The use shall not routinely involve the arrival at the property for business purposes of more than 10 vehicles per day or the parking of more than (4) vehicles of non-residents at any one time.
- 7) The Zoning Hearing Board may determine that a proposed type of home occupation is significantly more intense than the average home occupation and the intensity creates a need for a larger than average setback; such a finding maybe sufficient to deny an application.

c. **Home Occupation. Light** - In addition to the standards in listed above, the following standards shall apply to a Light Home Occupation:

- 1) Traffic - the use shall not routinely involve the arrival at the property for business purposes of more than four (4) vehicles per day. The use shall not require a need for parking beyond what is typically provided for a dwelling.
- 2) Only persons who are permanent residents of the dwelling shall work at the premises.
- 3) No sign shall identify the business.