

Section 025-070 Home Occupations

The purpose of this section is to regulate activities carried out for financial gain and conducted entirely within a dwelling or within an accessory building and carried on by owner residents thereof which is clearly incidental and secondary to the use of the dwelling for residential purpose and not disruptive to adjacent properties or the neighborhood. A home occupation may be permitted only as an accessory use to a single family dwelling. Home occupations shall include:

A. Home Office or Studio

For purposes of this regulation, a studio shall be defined as a place from which an artist, photographer or musician works.

Use of a portion of a primary residence for a home office or studio is permitted, subject to compliance with all of the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the office or studio, including signs.
2. A maximum of one non-resident may be employed in connection with the home office or studio.
3. No more than one client may visit the home office or studio at any one time.
4. There is no hazardous material, noise, or electrical interference beyond what is normal for a single-family residence.
5. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.
6. No finished goods or material shall be shipped to the home office or studio location for resale in connection with the home office.
7. The home office or studio shall not be located in any accessory buildings.
8. The total floor area occupied by the home office or studio shall not be more than 33% of the total finished floor area of the primary residence, but in no case shall exceed 500 square feet.

B. Traditional Home Enterprise

The use of a portion of the primary residence or an accessory building for the production of homemade goods and merchandise, homemade and home-grown foods and food products by the resident of the property or by members of the resident's family is

permitted, subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the business, including signs.
2. A maximum of one non-resident may be employed in connection with the traditional home enterprise.
3. No more than one customer may visit the traditional home enterprise at any one time.
4. There is no increase in traffic and no need for extra parking.
5. There is no hazardous material, noise, or electrical interference beyond what is normal to a single-family residence.
6. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.
7. No finished goods or material shall be shipped to the home enterprise location for resale in connection with the home enterprise.
8. The total floor area occupied by the home enterprise shall not be more than 33% of the total finished floor area of the primary residence, or more than 100% of the total floor area of accessory buildings, but in no case shall exceed 500 square feet.

C. General Home Occupation

The use of an accessory building located on the premises of a residential property for certain home occupations may be permitted subject to the acquisition of a special permit and site plan approval as stated in Chapters 175 and 180. The purpose of this regulation is to preserve historic barns and outbuildings in New Milford by allowing their use by resident small businesses, especially sole proprietors. The following General Home Occupations are permitted:

1. Production of homemade goods, foods, food products and merchandise including wood, pottery, fabric or metal items.
2. Studios for musicians, artists, photographer, upholsterers, seamstresses, tailors, and potters.
3. Offices for small businesses in the fields of real estate, insurance, accounting, architecture, law, medicine, artists, photographer, upholsterers, seamstresses, tailors, and potters.

4. Small businesses providing services such as hair or nail styling, pet grooming, upholstery, sewing, individual lessons, repair of certain items such as clocks, radios, electronic equipment, etc.

In order to obtain a Special Permit for General Home Occupation use of an accessory building, the following conditions must be met:

1. The accessory building proposed for use must have existed on the property prior to 1950.
2. Only one accessory building on the property may be used for a General Home Occupation.
3. The use is clearly secondary to the use of the premises for dwelling purposes.
4. Any visitors and customers typically come by appointment only.
5. The entire floor area of the accessory building occupied by the General Home Occupation may be used, up to a limit of 1500 square feet. If the resident is also using a portion of the primary residence for a Home Office or Traditional Home Enterprise, the total floor area within the primary residence used for this purpose shall not be more than 33% of the total finished floor area, up to a limit of 500 square feet.
6. The use does not change the residential character of the accessory building or primary residence in any manner, by use of materials, construction, lighting, or signs; the emission of sounds, vibration or electronic impulses; the creation of noise, odor, waste, unsightly conditions, health or safety hazards; the interference with of radio and television reception in the vicinity; or the outside storage or stockpiling of raw or manufactured materials.
7. No tractor-trailers or tandem trailers shall be permitted to pick up or drop off materials at the property or immediate area. Automobiles or commercial vans are the only vehicles to be used.
8. Off-street parking shall be provided to accommodate both the needs of the General Home Occupation and the needs of the primary residence.
9. There shall be no retail or wholesale sales of merchandise on the premises except for the sale of homemade and homegrown goods and food products produced by the resident of the property. Such sale of products shall take place at a farm stand; the size, location and configuration shall be approved by the Commission.
10. The use may increase vehicular traffic flow by no more than one vehicle at a time, with the exception of customer vehicles for a farm stand.

11. General Home Occupations shall not include commercial and retail uses such as, but not limited to: dancing schools, karate schools, antique shops, boutiques, restaurants, printing shops, employment agencies, TV and radio stations, shipping and parcel delivery companies, or stores.
12. The Commission may impose conditions on hours of operation, the number of parking spaces and their location, use and handling of potentially hazardous materials, and may require inspection of the site by the Health Department, Fire Marshal, Building Inspector, or other Town agencies as deemed necessary.
13. Application for a Special Permit shall be on a form provided by the Commission, and shall include, but not be limited to, building layout plans clearly drawn to scale showing property lines as well as locations of all buildings and parking.