

ARTICLE IV - SUPPLEMENTARY REGULATIONS

401 Home-based Businesses

401.1 Home-based businesses are permitted as Accessory Uses in all districts, provided they do not detract from the residential character or appearance of the neighborhood in which the business is located. Because of the need these types of businesses may have for advertising and display, and the unpredictability of traffic generation, owners of such businesses must be very cautious about how they operate their business to ensure they do not adversely impact the surrounding neighborhood. The following factors shall be used to determine if a home-based business will comply with or is in violation of this ordinance. The determination can be made on any one, or a combination, of these factors and shall be made by the Code Enforcement Officer in consultation with the Township Planning Commission should he choose.

A. Extent of the business - whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business and the amount of time the business is operated on a daily basis.

B. Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, identification sign no larger than four (4) square feet in size attached to the principle structure, nothing shall occur on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is setback more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home -based business shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the business or adversely impact the residential character of the neighborhood.

C. Impact on the neighborhood - whether or not the business activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:

1. Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A home-based business will be allowed to generate no greater than twenty-four (24) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Commission. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, and the number of children present.

2. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to:

- 1) except for special gatherings, parking required for the business shall be provided on-site or be limited to the area along the frontage of the property on the street;
- 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and
- 3) no home-based business shall be permitted which requires parking of tractor-trailer combinations along the street for other than short-term delivery purposes.

3. Nuisance - whether or not the use is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

401.2 No home-based business, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home-based business to a commercial use by the abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

401.3 Nothing herein shall be construed to prevent smaller contracting businesses and trades from operating as home-based businesses provided they comply with this §401.