

Town of Amherst
Regulations Pertaining to Home Occupation
9/23/08

It being the intent of the Town to maintain the quiet and peaceful nature of its residential neighborhoods, a casual observer should not be able to determine whether a home occupation is being run from the dwelling. Many small businesses do not have a great potential for disturbing a residential neighborhood, and the Town permits and usually encourages these subject to certain understandings. The limitations on these businesses are contained in Section 18.1-905 of the Town Code and are the zoning regulations for home occupations in the Town of Amherst.

Types of businesses that would not be considered home occupations are hairdressing and barber shops, auto mechanic shops, upholstery shops, tow truck operations, contractors offices where construction materials are stored, dog or cat kennels, and other similar businesses.

One class of frequently asked question involved in a home office. A home office is considered an accessory use of a dwelling if (a) all home occupation rules under section 18.1-905 of the Town Code are met – including the restriction on non-resident employees, (b) the business does not generate an unusual pedestrian or vehicular traffic (including delivery trucks – common carrier, UPS, FedEx, etc.) and (c) does not involve signage on the property.

Types of business considered as home office-type accessory uses include bookkeeping services, internet consulting businesses, telemarketing, word processing and desktop publishing services, financial planning and work spaces for outside salesman. These accessory use businesses usually involve not much more equipment than a desk, telephone, facsimile machine, filing cabinet, home computer and one individual operating the machines.

Applicants are reminded that additional information regarding home occupations and uses accessory to a dwelling can be obtained at the Town Hall and that a Town business license is normally required for any business to legally operate in the Town of Amherst.

Sec. 18.1-905. Home occupations.

Sec. 18.1-905.01 Intent.

It is recognized that home occupations provide valuable services while providing income for town residents. The regulations in this section seek to prevent conflict of the home occupation with the surrounding residential areas and to insure that the home occupation maintains a secondary posture to the main residential use.

Sec. 18.1-905.02 General requirements.

Home occupations meeting the following general requirements shall be allowed as accessory uses in all residences:

1. The operator must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant.
2. The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold nor offered for sale except as may be made by members of the immediate family residing on the premises.
3. The home occupation shall not generate excessive traffic nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area.

Sec. 18.1-905.03 Special requirements:

1. The home occupation within the main building shall not occupy more than twenty-five (25) percent, or five hundred (500) square feet, whichever is smaller, of the floor area within the main building.
2. A home occupation may be located in an accessory building to the main dwelling that is no larger than one-third (1/3) area size of the main dwelling, located in the rear yard, and meeting all requirements in Section 18.1-901 herein.

Sec. 18.1-905.04 Expiration.

A zoning certificate for home occupations shall expire under the following conditions:

1. Whenever the operator ceases to occupy the premises for which the home occupation certificate was issued, and no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new certificate after proper application.
2. Whenever the holder of such a certificate fails to exercise the same for any period of twelve (12) consecutive months.