

9.4.3 Home Occupations

A. Purpose and Intent

Home occupations are permitted in any dwelling unit subject to the limitations established herein. It is the intent of this section to ensure the compatibility of home occupations with other permitted uses, to preserve the character of residential neighborhoods, and to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts of commercial uses conducted in residential areas.

B. Application, Review, and Enforcement Procedures

Any person desiring to establish a home occupation shall submit a Home Occupation Permit application to the Zoning Administrator on a form provided by the town. The Zoning Administrator shall review the application for compliance with this article and other applicable provisions of law and shall make a decision to approve, approve with conditions or disapprove the application within two weeks of the date a complete application is received. The Zoning Administrator may impose reasonable conditions on the conduct of the home occupation use.

1. Duration of Permit. All home occupation permits shall remain valid unless the following occurs:

1.) Violation of this section, or the conditions of the permit. 2.) Failure to maintain a current Town of Leesburg business license.

2. Renewal. Home occupation permits may be renewed annually by application to the Finance Department for a business license.

3. Inspection. Home occupation applicants shall permit reasonable inspections of the premises by the Zoning Administrator or the Zoning Administrator's designee to determine compliance with this subsection and the conditions of the home occupation permit.

4. Notice of Violation. The Zoning Administrator upon becoming aware of any violation of this subsection or conditions of the permit, shall serve a notice of violation to the operator of the home occupation in accordance with the provisions of Sec. 17.3.2

5. Revocation of Permit. The Zoning Administrator may revoke a home occupation permit for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the home occupation, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.

C. Permitted Home Occupations

The following uses may be permitted as home occupation uses, subject to the requirements of this subsection.

1. Artist and sculptor
2. Author and composer
3. Barber shop and beauty shop
4. Caterer
5. Computer programming, data processing, typing and word processing service
6. Direct sale product distribution
7. Dressmaker, seamstress and tailor
8. Home-based child care service
10. Home crafts, such as model making, rug weaving, lapidary work, and ceramics, for sale off-site
11. House cleaning service, laundry and ironing service
12. Jewelry making and jeweler
13. Licensed Massage Therapy
14. Locksmith
13. Music lessons
14. Office for professional in fields such as, but not limited to, architecture, drafting and graphics, interior design, engineering, financial planning, and other consulting services
15. Office of a minister, rabbi, priest or other similar person associated with a religious organization
16. Office of a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made in person on the premises
17. Similar use which does not involve retail or wholesale sales transactions in person on the premises or employment of persons other than members of the family occupying the dwelling
18. Telephone answering services and solicitation work
19. Tutoring
20. High-speed Internet access provider
21. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those permitted home occupations listed above.

D. Prohibited Home Occupations

The following shall be prohibited as home occupations:

1. Automotive detailing, repair or paint shop
2. Dance studio, exercise studio, or similar use
3. Day care center serving more than five children
4. Dog grooming service
5. Funeral chapel, funeral home

6. Gift shop
7. Landscape contractor
8. Limousine, hearse, ambulance or taxi service
8. Massage parlors
9. Medical or dental laboratory and/or office
10. Nursing homes
11. Outdoor repair or service
12. Palm reader/clairvoyant
13. Psychiatrist
14. Real estate broker
15. Rental of any equipment or other items
16. Restaurant
17. Veterinary hospital and/or office
18. Welding or machine shop
19. Wrecking, repossession and/or towing service
20. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those prohibited home occupations listed above.

E. Use Limitations

In addition to the regulations applicable in the zoning district in which located, all home occupations shall be subject to the following limitations and requirements.

1. **Location.** A home occupation shall be conducted entirely within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use; provided, however, that no home occupation requiring water and/or sewer facilities (other than an artist) shall be conducted within an accessory structure other than a permitted accessory dwelling.
2. **Merchandise Sales and Storage.** No storage or display of goods shall be visible from outside the structure. In addition, no direct sales of products off display shelves or racks is permitted, but orders made by telephone or at a sales party may be filled on the premises.
3. **Exterior Alterations.** No alterations to the exterior appearance of the principal residential building, any accessory structure, or premises shall be made which changes the residential character of the property except that one (1) transmission antenna not to exceed five feet (5') in height, including the mounting apparatus, may be erected on the roof of the principal structure in the case of a high-speed internet access provider. Freestanding antennas are not permitted. Panel antennas are not permitted. Width of the antenna shall be no more than two inches (2").
4. **Heavy Equipment and Toxic Materials Use or Storage.** No use or storage of heavy vehicles or heavy equipment shall be permitted. Furthermore, no toxic, explosive, flammable, combustible, corrosive, radioactive or other dangerous or hazardous materials shall be used or stored on the site.
5. **Limitation of Floor Area.** No home occupation shall be permitted which comprises more than twenty-five (25) percent of the gross floor area of the residence, nor more than 400 square feet of a permitted accessory structure, except that artists may use up to 700 square feet of gross floor area.
6. **Employees.** No persons other than members of the family occupying such dwelling shall be employed on the premises in connection with the home occupation.
7. **Level of Activity.** The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof. The Zoning Administrator may add, as a condition of the permit, limitations on the number of business-related visitors per day and/or the frequency of product or material deliveries.
8. **Traffic, Parking.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation is required to be on-site and shall be done in a manner which protects the residential character of the area and the visual appearance of the residence.
9. **Equipment, Processes.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
10. **Signs.** No signs accessory to such home occupation shall be displayed except as otherwise permitted or authorized by town regulations.
11. **Licenses, Permits.** A home occupation shall comply with all applicable town laws and regulations, including the need to obtain applicable business licenses and permits. In addition, home occupations shall comply with all applicable county, state or federal regulations governing the activity.
12. **Home-Based Child Care Service.** The following minimum standards apply:
 - a. 75 square feet of outdoor play area must be provided on-site per child.
 - b. Outdoor play area must be enclosed by a fence with a minimum height of four (4) feet unless applicant can demonstrate that the area provides adequate protection from traffic, neighboring yards or other hazards.
 - c. Outdoor play area must be shown on a plat to scale submitted at the time of application for the permit.
 - d. No outdoor play area shall be required on-site when applicant can demonstrate the home care service is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the home care service. The park or play lot must be public or owned by the homeowners' association to which the residence belongs and must be accessed without crossing an arterial or collector road.