

Q&A on home-based businesses in Warren's draft LUDRs

The Valley Reporter recently published an article in the My View section (VR, August 11) that suggested the Warren Planning Commission's proposed Land Use and Development Regulations (LUDRs) do not sufficiently support home-based businesses. (The author of that article also posted her article to Front Porch Forum.) The Warren Planning Commission (PC) disagrees. Below are some facts on the LUDRs to clarify any confusion. For more information on the LUDRs, including a previous FAQ, please see planning.warrenvt.org

Question #1: Do the draft LUDRS promote zoning that allows for diverse and creative opportunities to generate income from home-based businesses? **Answer:** Yes. The proposed LUDRs, like the current zoning regulations, allow for a wide range of home businesses. In fact, the new LUDRs are if anything, friendlier to home-based businesses than the current LUDRs.

Question #2: Should the proposed LUDRS include a list of all the types of businesses that can be conducted as a home-based business? **Answer:** No. Neither the current nor the proposed LUDRs define all the types of business that can be conducted in a home-based business. The list would be enormous, and the already lengthy LUDRs would be even longer! Additionally, we know there are businesses we would not have thought to include but which would otherwise qualify. Instead, the proposed LUDRs broadly define "Home Occupation" and the larger scale "Home Businesses" and provide reasonable limits on the scale and impacts such businesses can have depending on the zoning districts in which they are located. The PC isn't prohibiting or curtailing either.

Question #3: Do the proposed LUDRs radically change how home-based businesses will be regulated? **Answer:** No. The proposed LUDRs, like the current zoning regulations, allow for a wide range of home-based businesses.

Question#4: What is the definition of a "Home Occupation"? **Answer:** Home Occupation allows a small-scale business to be run from an occupied residence. For a complete definition, see the draft LUDRS at: planning.warrenvt.org. A Home Occupation must be operated by a resident of the dwelling and can occupy up to 40-percent of the floor area and/or up to 1,500 square feet of the dwelling or accessory buildings. It may not employ more than two people who are not residents of the dwelling. It allows for retail sale of goods manufactured on the premises, services, etc. While it may operate from 7am – 7pm on weekdays, weekends hours are limited to 9 am -5 pm.

Note that neither the current nor the proposed LUDRs list all the types of businesses that can qualify as Home Occupations (from yogurt and ice cream makers to artist and yoga studios to childcare and cheesemakers to hairdressers, etc.) Home Occupations are permitted uses in every zoning district other than the Forest Recreation district. (The Forest Recreation district is made up of National Forest lands and adjacent private lands developed with ski facilities. Housing is prohibited in this district.)

Question #5: How is a "Home Business" different than a "Home Occupation"? **Answer:** It comes down to scale and whether the residential character of the property may be altered by the home-based business. "Home Business" means a larger scale of commercial activity than Home Occupation. For example, a "Home Business" can have longer operating hours (7am to 7pm, Sun – Sat), is not limited to 1,500 square feet if conducted in accessory buildings and may employ up to 6 people who do not live in the associated dwelling and who work on-site. Given the larger scale, and potential for greater disruption to neighborhoods, "Home Businesses" are a permitted use in the Village Business, Village Mixed Use, Rural, Resort Mixed Use and

General Business districts and a conditional use in the Village Residential, Residential and Resort Residential zoning districts. Home Businesses are prohibited only in the Forest Recreation and Resource Protection zoning districts. We think this makes good sense and is consistent with current town zoning.

Question #6: Why are Home Businesses a conditional use in the Village Residential, Residential and Resort Residential zoning districts? **Answer:** Because a “Home Business” may, by definition, alter the residential character of the property, and because these districts are all zoned primarily for residential development, it is appropriate that the Zoning Administrator or Development Review Board have oversight over proposed Home Businesses to ensure that neighbors are not excessively impacted, or the character of the neighborhood fundamentally changed.

Question #7: Why are Home Businesses prohibited in the Resource Protection district? **Answer:** The Resource Protection district is land poorly suited for development for reasons including steep slopes and/or important natural resources such as wildlife habitat, wildlife travel corridors and wetlands. The Planning Commission, in consultation with the Conservation Commission, believes that the smaller scale Home Occupation is appropriate in this zoning district. However, the higher traffic flows, parking requirements and other impacts that come with the larger scale Home Business are not suitable for the Resource Protection district.

Question #8: Do the new LUDRs prevent artists from using their homes as art studios or art galleries? **Answer:** Absolutely not. An artist’s residence used both as a residence and as a studio easily fits within the category of Home Occupation or a Home Business.

Question #9: What about hosting cultural events, catering meals, making furniture, making beer or gelato or teaching yoga classes from home? Do the new draft LUDRs prevent these activities or force a homeowner to buy or rent a separate, special facility? **Answer:** Absolutely not. Small scale business conducted within an occupied residence should easily fit within the category of Home Occupation or a Home Business.

Question #10: Do the draft LUDRs restrict potential home-based work in districts via smaller minimum lot sizes? **Answer:** No. As noted above, Home Occupation is permitted in all zoning districts other than the Forest Recreation district (The Forest Recreation district is made up of National Forest lands and adjacent private lands developed with ski facilities. Housing is prohibited in this district). Home Business is either a permitted or a conditional use in every zoning district other than the Forest Recreation and Resource Protection zoning districts. We think this makes good sense and is consistent with current town zoning.

Question #11: Does the Warren Planning Commission believe there is a lack of clarity or need to change the LUDRs to address work-from-home opportunities? **Answer:** No, we think the proposed LUDRs are as clear as zoning regulations can be in this regard *and* support a wide range of home-based businesses