



## **How to Obtain a Home Occupation Permit**

Home Occupations are defined as a personal service, profession or use customarily conducted within a dwelling by a member of the immediate family residing in the dwelling. A home occupation can be permitted in dwellings in all zoning districts, provided the home occupation does not change the residential character of the neighborhood, and that the use of the dwelling for the home occupation is incidental to its primary use as a residence.

Home occupations are permitted in the following Zoning districts: RPD – Rural Preservation District, RSC – Rural Service Center, RL – Residential Low Density, RL-T - Residential Low Density, RH – Residential High Density, RNC – Residential Neighborhood Conservation, RMX – Residential Mixed Use, VMX – Village Center Mixed Use, TMX – Town Center Mixed Use, DMX – Downtown Core Mixed Use, CMX – Corridor Mixed Use, and CM – Commercial Marine.

### **STEP 1: Application for Zoning Authorization**

The following information is necessary in order to apply for a home occupation permit:

1. The address of the applicants home where the business will be located.. If the applicant does not own the property on which the home occupation is to be operated, the following information is required:
2. Notarized written permission from the property owner indicating their Permission to allow a business to be operated from the rented home.
3. Completed application form.
4. A fifteen (\$15.00) application fee.

### **STEP 2: Description of the Home Occupation**

The application requires the following information:

1. What type of business are you proposing?
2. Will you be applying for a license to operate a business? Typical licenses requested are: Contractor's, Home Improvement Contractor's, Trader's, Huckster's, Peddler's or Business License.
3. Will the home occupation be located within the dwelling, in an attached accessory structure, or in a detached accessory structure?

4. Is the home occupation for office and phone use only? (If no, then what type of other business activities are involved)?
5. Will customers or clients be coming to your home?
6. Will there be business related vehicles parked on site or making deliveries? If so, estimate how many.
7. Will there be a sign for the business on the property?
8. Will you have a “trading as...” name for the business?

### **STEP 3: Proffering Limits on Your Business Activity**

Home occupations must be consistent with the residential character of the neighborhoods in which they are located, therefore the applicant will be asked to voluntarily set limits or “proffer” certain restrictions on his home occupation. The voluntary limits outline the applicant’s intent to conduct business activities within the scope of a home occupation and will become conditions of the Zoning Authorization. The application requires the following information:

1. What is the square footage of the area to be used for the home occupation? With the exception of the RPD and RSC zoning districts, this area can not exceed 200 square feet and may be located within the dwelling or in an accessory building. Home occupations in the RPD and RSC districts cannot exceed 500 square feet and may be located in an accessory building.
2. How many employees will be engaged in the home occupation at the residences other than family members residing on the premises? With the exception of the RPD and RSC districts, no more than two non-family employees are permitted. Three non-family employees are permissible in the RPD and RSC districts.
3. Will the business have a sign? A sign cannot exceed six (6) square feet in size. There is a \$60.00 sign permit fee.
4. Will the home occupation involve any commercial vehicles?
5. Will the business involve any storage of materials or equipment? If so, what will be stored, where will it be stored, and how much space will be needed for storage?
6. Will the home occupation involve sales or services rendered on the premises? The only product sales that can be authorized in conjunction with a home occupation are those that involve products produced on the premises. No sales of other products are authorized
7. How much customer traffic is anticipated on a weekly basis?

#### **STEP 4: Zoning Authorization of a Home Occupation**

Many requests for home occupations can be approved. If your request can not be approved, you will be given the reasons why and other alternatives will be explained to you. Based on the information provided by the applicant, most applications for zoning authorization for a home occupation can be approved in one to three days. The applicant will be issued a sign permit which provides zoning authorization for the home occupation.

The approved permit will state the limits on business activity based on the applicant's proffers. Business activity outside of the limits of the permit may result in the zoning authorization being revoked. The permit has no expiration date and need not be renewed.

For some businesses, a license from the Clerk of the Circuit is required, in addition to zoning authorization from the Department of Land Use and Growth Management. If a license is also required, the applicant must provide the approved zoning authorization to the Clerk of the Court.

Zoning authorization for a home occupation is issued to an applicant on a specific property. Relocation of the home occupation to another property or the transfer of the business to a new individual requires a new zoning authorization.

The intent of providing zoning authorization for home occupations is to allow for the growth and development of small businesses. Applicants for home occupations should be aware that when the scale and intensity of their business activity expands to such a level as to be incompatible with the residential character of their neighborhood, a home occupation permit will not be issued.

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| Additional information about home occupations can be found in §51.3.116 of the St. Mary's County Zoning Ordinance. |
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