



Article: 49

Warrant Article Title:

ZONING BYLAW AMENDMENT / HOME OCCUPATIONS

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw, to add, modify, or remove definitions and regulations related to Home Occupations, to create the opportunity for running larger, and more types of Home Occupations; or take any action related thereto.

Requested By:

James Fleming and Andrew Greenspon and ten registered voters

Report Excerpt:

The Board recommends Favorable Action (5-0).

The purpose of Article 49 is to modify the definitions and regulations relating to Home Occupations, in order to expand economic opportunities for small businesses. Adequate commercial space is in short supply in Arlington, with many spaces being too expensive or inappropriately sized to meet the needs of a small business. It was noted that many residents already run businesses out of their homes, and this article will provide them with greater flexibility to operate. The Board felt that this article would protect the quiet enjoyment that people expect from residential districts while giving entrepreneurs more options.

Article 49 is substantially different from an article proposed for last year's Town Meeting, which would have allowed for more commercial uses in residential districts. This article relates only to small home businesses, not larger commercial ventures. Such businesses would be allowed to have no more than one employee

in addition to the resident, so this proposal would not increase traffic or modify the nature of residential neighborhoods. This article also clarifies that the home occupation definition does not apply to those working from home for an employer.

Vote Language:

That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 2, Definitions, as follows:

Home Occupation: ~~An accessory use~~ A business or occupation which is carried out on a property, by a resident of the property, which ~~on entirely within a dwelling unit, and is~~ incidental and subordinate to the dwelling use, and which does not include ~~retail sale of merchandise on the premises nor~~ alter the residential character of the lot or building as regulated under Section 5.9.1. Such Home Occupation is considered an Accessory Use. A Home Occupation does not include working from home for an employer. ~~Home occupation shall not include: Personal Service Establishment Uses; Office, Business or Professional Uses; commercial stables or kennels, or teaching of more than three pupils simultaneously, and in the case of music instruction, teaching of more than one pupil at a time.~~

Amend SECTION 5.4.3, Use Regulations for Residential Districts, as follows:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Office Uses								
...								
Physician or Clergy office within a residence with up to 1 nonresident employee.	SP	SP		SP	SP			
...								

Accessory Uses

...

Home Occupation *Note:*

~~Requires a special permit if home occupation serves customers or pupils on the premises. See Section 5.9.1.~~

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Amend SECTION 5.9.1, Home Occupation, as follows:

5.9.1. Home Occupation

A. Purpose

The purpose of this Section is to promote economic opportunities for Arlington residents that, by the nature of the venture, are appropriate in scale and impact to be operated in a Residential District.

A.B. Requirements

In any Residential District, a ~~h~~Home ~~o~~Occupation is permitted if all the following conditions are met:

- (1) ~~No~~ Not more than one nonresident shall be employed therein.
- (2) Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.
- (3) There shall be no display or storage of goods or wares visible from the street.
- (4) ~~All advertising devices visible from off the lot are specifically prohibited.~~ One sign is permitted per Home Occupation, pursuant to Section 6.2.1.E.(9).

- (5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the ~~use~~ Home Occupation shall not become objectionable or detrimental to ~~any residential use within the structure~~ the residents' quiet enjoyment of their dwelling units.
- (6) Any such building shall include no feature of design not customary in buildings for residential use.
- (7) Materials stored on the premises and associated with the Home Occupation shall not include explosives, any "hazardous material" as defined in M.G.L c. 21E, §2, or any "hazardous waste" as defined in M.G.L. c.21C, §2, and regulations promulgated thereunder for those two programs.
- (8) Vehicular traffic relating to the Home Occupation shall not exceed that normally expected in a residential neighborhood; vehicles used to deliver goods to the Home Occupation shall be limited to passenger vehicles, mail carriers, and panel trucks or small vans such as used by express package carriers and office supply companies.
- (9) The Home Occupation may include the on-premises sale of articles produced by the Home Occupation, and of items incidental to said products. Otherwise, no items shall be sold on the premises.
- (10) Home occupations shall not include Personal Service Establishments, commercial stables or kennels, or teaching of more than three pupils at a time.
- (11) With the exception of academic tutoring, music lessons, or similar instruction, clients or customers

shall not visit the premises outside the hours of 7:00 a.m. to 9:00 p.m.

(12) No off-street parking spaces are required in connection with a home occupation.

(13) A Home Occupation shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having a Home Occupation shall continue to be classified as a single-family dwelling under the Zoning Bylaw; a two- or more family dwelling having one or more Home Occupations shall continue to be classified as such, and shall not be classified as mixed-use under the Zoning Bylaw.

~~B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.~~

Amend SECTION 6.2.1, Signs, General Provisions, as follows:

6.2.1 General Provisions

A. ...

B. ...

C. Applicability. This Section applies to all signs within the Town of Arlington regardless of their nature or location, unless specifically exempted in Section 6.2.1(E).

...

~~(4) Standards for signs for home occupations are regulated pursuant to Section 5.9.1.~~

(54) Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the Town of Arlington.

...

D. ...

E. Exemptions. The following signs are not regulated under this Section:

...

(9) Non-illuminated signs which advertise a Home Occupation, provided the sign does not exceed two square feet in sign area.

(910) Any notice as defined in Title V, Article 1 of the Town Bylaws.

[Redevelopment Board Report](#)