

# Kent County



## Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP  
Director of Planning Services

Phone: 302/744-2471  
FAX: 302/736-2128

KRISTOPHER S. CONNELLY, AICP  
Assistant Director of Planning Services

### Addendum to Application: Conditions of Approval for a Home Based Contractor's Establishment

Application Number: \_\_\_\_\_

The following is the applicable sections of the Kent County Code, Vol. II, Chapter 205, Article V, as amended, defining and regulating the operation of a **Home Based Contractor's Establishment** within the residential districts of the unincorporated areas of the County. All applicants are required to read these regulations and demonstrate compliance for approval and, if approved, the continuing operation of their proposed use.

#### §205-55 Residential Uses

**Home Based Contractor's Establishment** is defined as a parcel of land that has a residential dwelling unit as its principal use to include as an accessory use involving a contractor's business that is owned and operated by the owner-occupants of the dwelling unit. Within the context of the term "home-based contractor establishment" the word "contractor" shall mean an owner-occupant of the premises that is engaged in a contractual service business which may provide durable goods and/or services for use and/or consumption at an off-site location and that involves contractor storage, service or production uses on the residential dwelling parcel in compliance with applied conditions of approval.

#### §205-68 Residential Uses

E. Conditions of this use shall be as follows:

1. The subject property shall be the primary residence of the owner of the home-based contractor business and shall remain the primary residence of the owner of the business for the entire length of time that the business exists on the subject property.
2. Approval of a home-based contractor establishment shall be location specific and shall not be transferable to another location.
3. Approval of a home-based contractor establishment shall be applicant/owner specific and shall not be transferred or conveyed to another person without re-approval.
4. Except for vehicles already permitted by the parking regulations of Chapter 205, Zoning, all other vehicles and construction equipment shall be stored within a building.
5. Retail sale of goods and products shall be prohibited on the premises.
6. Outdoor storage of all equipment, materials, and commercial vehicles, as defined by this chapter, is prohibited.
7. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. unless further restricted by the reviewing body.

8. Accessory buildings planned to house a home-based contractor establishment use under this provision shall not be subject to the floor area limitations for residential accessory structures, provided that the applicant demonstrates to the satisfaction of the Levy Court that:
  - a. The proposed accessory structure would not be out of character with the surrounding area;
  - b. The accessory structure shall be set back from the public street right-of-way a minimum distance equivalent to the requirements for accessory structures from §205-85.A.
  - c. The proposed accessory structure shall be set back 15 feet from all side and rear lot lines unless a larger setback distance is specified by Levy Court through the conditional use process.
  - d. The aggregate floor area within accessory buildings on the premises is no greater than 5% (lot area x .05 = maximum aggregate accessory building floor area) of the lot area, and in no case more than 10,000 square feet.
9. An attached garage may be used for the home-based contractor's establishment; however, the garage size shall be limited to 40% of the total square footage of the dwelling unit. The size shall be based on the definition of floor area in this chapter.
10. The signage permitted for this use shall be no larger than six sq. ft.

The reviewing body may impose any appropriate or more stringent conditions it deems necessary to protect the health, safety and welfare of the neighborhood.

I agree to comply with the above referenced conditions of approval, as applicable, in the operation of my home based contractor's establishment. I understand that failure to comply with the regulations, and any other conditions of approval as may be applied by the Director of Planning Services, will result in enforcement action and may cause the revocation of the approval of this home based contractor's establishment.

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_