



Kent County

Department of Planning Services Division of Planning

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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, Art. XXI, 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.

A home based contractor's establishment is defined as a parcel of land that has an owner-occupied 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 provides durable goods and/or services for use and/or consumption at an off-site location and that involves contractor storage and/or production uses on the residential dwelling parcel in compliance with applied conditions of approval. **[Added 7-5-2005 by Ord. No. 05-09]**

A. 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) All regulatory requirements, regulations and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.
- (7) The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless further restricted in accordance with Subsection C below.

B. 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 set forth in § 205-24D, provided that the applicant demonstrates to the satisfaction of the Levy Court that:

- (1) The proposed accessory structure would not be out of character with the surrounding area;
- (2) The accessory structure is set back from the public street right-of-way a minimum distance equivalent to 30 feet beyond the rear elevation of the main dwelling on the premises and 15 feet from all side and rear lot lines unless a larger setback distance is specified by Levy Court through the conditional use process; and
- (3) 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 in excess of 10,000 square feet.

C. 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: _____