

Wilmington

- **Sec. 18-279. - Home occupation.**

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Home occupations are permitted, provided:

(a)

Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation.

(b)

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; up to twenty-five (25) percent of the floor area of the dwelling unit, but in no case more than four hundred (400) square feet, may be used in the conduct of the home occupation. This restriction does not apply to the bed and breakfast use (see subsection (k)(3) below).

(c)

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two and one-fourth (2¼) square feet in area, nonilluminated and mounted flat against the wall of the principal building. (For bed and breakfast sign regulations, see subsection [18-577](#)(f) of this chapter.)

(d)

With the exception of bed and breakfast uses, no home occupation shall be conducted in any accessory building.

(e)

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard. Vehicles used primarily as passenger vehicles including pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation. The home occupation shall not cause the elimination of required off-street parking. No more than two (2) vehicles owned by patrons of the home occupation business shall be parked on-site or off-site at any time. (For bed and breakfast regulations, see subsection (k) below.)

(f)

No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family housing unit, or outside the housing unit if conducted in other than a single-family housing unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes

fluctuations in line voltage off the premises. For bed and breakfast establishments, no cooking facilities are permitted in the individual guest rooms.

(g)

No display of products shall be visible from the street. The selling or manufacturing of merchandise, except baking, sewing and/or home crafts normally made in the home, is prohibited and therefore cannot be the function of the home occupation;

(h)

Except for bed and breakfast establishments, home occupations shall be limited to no more than five (5) patrons per day.

(i)

No entrance or exit way shall be specifically provided in the dwelling or on the premises for the conduct of the home occupation.

(j)

No more than one (1) home occupation shall be permitted within any single dwelling unit.

(k)

Bed and breakfast: In addition to the above applicable provisions, the following shall apply:

(1)

Bed and breakfast uses are permitted in the Historic District, Historic District-Mixed Use, Historic District Residential, R-7, Historic District Overlay - Residential, and R-5, Residential District [Hemenway Redevelopment Area only (defined as that area bounded by the CSX Railroad, Third Street, Princess Street, and North Thirteenth Street)] in principal structures containing two thousand five hundred (2,500) or more square feet of gross floor area or in accessory buildings which comply with the accessory buildings regulations of this article.

(2)

No permit shall be issued to a new bed and breakfast use if the issuance of a permit would result in the creation of more than one (1) bed and breakfast use within one (1) square block or within one (1) numerical block.

(3)

The use of the dwelling unit for the bed and breakfast home occupation shall be clearly incidental and subordinate to its use as a principal residence. The maximum number of guest rooms allowed is three (3). This maximum number of guest rooms shall apply whether the principal structure or an accessory structure is used for the bed and breakfast.

(4)

No off-street parking is required.

(5)

The use provisions of this section are not subject to variance by the board of adjustment.

(6)

Any bed and breakfast use made nonconforming by the amendments to [Article 15](#) and [section 18-279](#) adopted on November 7, 1995, shall be subject to the provisions of [Article 4](#), Division I, Nonconforming Situations, of this chapter to the extent of any nonconformity. The right to operate any bed and breakfast use, whether conforming or nonconforming, as a home occupation or special use shall be fully transferable with the property and shall furthermore run with the land, and such uses shall be legally permitted to operate in the future pursuant to the provisions under which they were operating or established as of November 7, 1995.

(Ord. No. O-2008-25, 4-8-08; Ord. No. O-2012-85, Exh. A, § 15, 12-4-12)