

Retail Residential Kitchen (Cottage Food Operation)

12.28.030 HOME OCCUPATIONS

- A. Authorization: Home occupations shall be permitted in any dwelling unit which is the bona fide residence of the principal practitioner or in an accessory building thereto, subject to the following provisions:
- B. Permitted Occupations: Home occupations shall be limited to the following and similar uses:
 - 1. Artists, sculptors, and photographers, provided that no retail or wholesale transactions are made on the premises.
 - 2. Authors and composers.
 - 3. Dressmakers, seamstresses, and tailors.
 - 4. State licensed family day care facilities, provided that the number of children on the premises does not exceed the number permitted by the license and provided that the home occupation complies with all other provisions of this ordinance except Paragraph E.
 - 5. Telephone soliciting and mailing services.
 - 6. Home crafts, such as model making, rug weaving, jewelry making, and woodworking.
 - 7. Office facility, provided that no retail or wholesale transactions are made on the premises.
 - 8. School or special education or tutorer whose class size does not exceed six (6) pupils at any given time.
 - 9. A Retail Residential Kitchen (Cottage Food Operation) permitted to produce Cottage Food Products, as regulated by 105 CMR 590, and regulation of the Malden Board of Health, as it may be amended and provided that no retail or wholesale transactions are made on the premises.
- C. Prohibited Occupations: However, occupations which shall be specifically prohibited include the following and similar uses:
 - 1. Repair and painting of automobiles, trailers, boats, or other vehicles,
 - 2. Barber shop or beauty parlor,
 - 3. Funeral home,

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4. Restaurant,
 5. Stable or kennel,
 6. Letting of rooms or lodging,
 7. Towing Service,
 8. Trucking,
 9. Building Construction and Contracting Offices,
 10. Real Estate Offices,
 11. Substance Abuse Treatment Centers,
 12. Marijuana Establishment,
 13. Marijuana Retailer,
 14. Marijuana Cultivator, Independent
 15. Marijuana Testing Laboratory,
 16. Marijuana Product Manufacturer,
 17. Marijuana Research Facility,
 18. Marijuana Transporter,
 19. Marijuana Social Consumption Establishment.
- D. Accessory Use: Any home occupation shall be strictly incidental and subordinate to its use for residential purposes and shall be restricted to not more than twenty-five (25) percent of the gross floor area. No building or structure shall be erected or enlarged to accommodate a home occupation.
- E. Employment: No person other than a member of the immediate family shall be employed in the occupation.
- F. Appearance: The appearance of the site or building in which the occupation is conducted shall not be altered in a manner which would change the residential character of the premises, either by the use of colors, patterns, materials, construction, signs, or lighting. This shall include the banning of any open storage or the storage of motor vehicles.

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- G. Traffic and Parking: No home occupation shall generate traffic volumes greater than would normally be expected in a residential neighborhood, and any need for parking generated by the occupation shall be provided on the site.
- H. Nuisance: No home occupation shall generate any noise, vibration, glare, fumes, odors, or electrical interference beyond that which could be normally expected from a residential use.

12.32.060 DEFINITIONS - ZONING

'X.' Retail Residential Kitchen (Cottage Food Operation): An accessory use within a dwelling unit involving the preparation of cottage food products only in the residential kitchen of that person's primary residence and only for direct sale to consumers, in compliance with 105 CMR 590 and regulations of the Malden Board of Health. Direct sales to consumers includes events like farmers markets, craft fairs, and sales by internet or mail.

'XX.' Cottage Food Products: Non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for food safety foods produced at a cottage food operation as defined in 105 CMR 590 and regulations of the Malden Board of Health.