

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Granby

FILED
STATE RECORDS
MAR 09 2021

DEPARTMENT OF STATE

Local Law No. 2 of the year 2021

A local law Home Occupations Regulations
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Granby as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2021 of the (County)(City)(Town)(Village) of Granby was duly passed by the Town Board on Feb 24 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2021, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*.)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Jane Laquell

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *March 3, 2021*

(Seal)

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

James W. Quinn
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 3, 2001

(Seal)

**Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS**

Print Date: 12/2/2020

FINAL DRAFT

Page#: 1

Definition (to replace existing text in SECTION XI: DEFINITIONS (sec pp. 42 & 44))

Home occupation: is an accessory use of a residential dwelling involving any personal or professional service, trade or occupation conducted within a dwelling or residential property by the residents thereof, such activity is incidental and accessory to the use of the property for residential purposes, the activity does not change its residential character, and conforms to the requirements of this code. Within this Zoning Code there are three (3) levels (Basic, Minor and Major-) of home occupation are that further defined, recognized, and regulated in Section V of this code.

There may be more than one home occupation within one property. However, if such home occupations either individually or cumulatively exceed the thresholds for any level specified below then the entire property shall be subject to the standards of the next applicable and more restrictive home occupation level as regulated in Section V of this code.

New definition: Bed and Breakfast – is a form of home occupation that is regardless of size always considered a Major Home Occupation. “Airbnb” shall be considered a bed and breakfast.

New definition: Lumber processing – firewood, mill work as a form of Home Occupation shall always be considered a Major Home Occupation.

Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS

Print Date: 12/2/2020

FINAL DRAFT

Page#: 2

SECTION V: SUPPLEMENTARY REGULATIONS (to replace existing text on p.13)

A. General Provisions

1. Home Occupation

Principles and intents to guide application of home occupation regulations.

The Town seeks to minimally interfere in what home occupation activities residents do within their own homes or property. The Town is also interested in ensuring that those activities maintain a balance that preserves the residential character of the property and protects the surrounding neighborhood from any potential adverse effects of a home occupation.

Therefore, the Town seeks to ensure that:

1. *People engaged in the home occupation activities are:*
 - a. *the owner or tenant of the same dwelling.*
 - b. *the fulltime occupants of the same dwelling.*
2. *The home occupation activity has:*
 - a. *little or no external evidence (sight, sounds, smells, traffic, etc.)*
 - b. *no discernable effect beyond the property or to neighbors*
 - c. *a limited and lesser portion of the dwelling space devoted to a home occupation.*
3. *Physical changes or improvements for the home occupation are:*
 - a. *contained within existing approved structures*
 - b. *reversible or can be repurposed by future occupants for residential activities.*

a. Levels of home occupation defined (see also Definition section):

- 1) **Basic home occupation** – is defined as an accessory use of the principal dwelling structure which does not exceed the lesser of 30% or 1500 sq. ft. of floor area of the principal dwelling structure. The Basic home occupation use has no external visibility or impact emanating from the dwelling or observable from neighboring properties.
- 2) **Minor home occupation** – is defined as an accessory use of the principal dwelling structure which does not exceed the lesser of 25% or 1000 sq. ft. of floor area of the principal dwelling structure. The Minor home occupation use may have some minimal external visibility or impacts emanating from the dwelling, may be observable from neighboring properties, or exceeds any one or all of the thresholds for Basic Home Occupation and is subject to the thresholds established below in this section.
- 3) **Major home occupation** – is defined as an accessory use of the principal dwelling or accessory structures and which does not exceed the lesser of 25% or 1000 sq. ft. of combined floor area of the principal and accessory dwelling structures. The Major home occupation may have some external visibility or impacts emanating from the dwelling, may be observable from neighboring properties, and/or it exceeds any one or all of the thresholds for Minor Home Occupation and is subject to the thresholds established below in this section.

Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS

Print Date: 12/2/2020

FINAL DRAFT

Page#: 3

b. **Town Review**

- 1) **Basic home occupation** – No town review and no town permits are required – so long as the home occupation complies with the provisions below.
- 2) **Minor home occupation** – Is subject to review and approval of a Site Plan Review by the Town Planning Board subject to the provisions below.
- 3) **Major home occupation** – Is subject to review and approval of a Special Permit by the Town Planning Board subject to the provisions of below.

c. **Owner/Operator**

- 1) **Basic home occupation** – The home occupation activities shall be managed and conducted by the current, full-time, year-round, on-site occupant of the residence and this residential site must be the primary dwelling of the owner/operator of the home occupation.
- 2) **Minor home occupation** – Same as Basic Home Occupation.
- 3) **Major home occupation** – Same as Basic Home Occupation.

d. **On-site placement, size, and improvements**

- 1) **Basic home occupation** – Is limited to the principal dwelling structure and there shall be no permanent customized structural improvements for the home occupation.
- 2) **Minor home occupation** – Is limited to the principal dwelling structure and there shall be no permanent customized structural improvements for the home occupation. However, the Planning Board may approve customized structural improvements for the home occupation provided the Planning Board finds such improvements maintain a residential character, are reasonably removeable, or may be repurposed for residential use upon cessation of the home occupation activity.
- 3) **Major home occupation** – May be located in the principal or accessory structures. The Planning Board may approve customized structural improvements for the home occupation provided the Board finds such improvements maintain a residential character, are reasonably removeable or may be repurposed for residential use upon cessation of the home occupation activity.

e. **On-site sales**

- 1) **Basic home occupation** – No on-site sales of merchandise nor on-site services requiring the physical presence of customers, clients or patients are permitted.
- 2) **Minor home occupation** – A maximum of 5% of the floor area devoted to the home occupation may be used for the on-site sales and display of merchandise.
- 3) **Major home occupation** – A maximum of 10% of the floor area devoted to the home occupation may be used for the on-site sales and display of merchandise.

**Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS**

Print Date: 12/2/2020

FINAL DRAFT

Page#: 4

f. Non-resident employees

- 1) **Basic home occupation** - No non-residents employees are allowed.
- 2) **Minor home occupation** – A total maximum of two (2) non-residents may be employed on-site at any one time by the Minor Home Occupation.
- 3) **Major home occupation** – A total maximum of five (5) non-residents may be employed on-site at any one time by the Major Home Occupation.

g. Customer/Client/Patient & Group activity

- 1) **Basic home occupation** - No physical on-site presence of customers, clients, patients or group and instructional classes are permitted.
- 2) **Minor home occupation** – A maximum of three (3) customer, clients, patients may be present on-site at any one time for on-site activity, or three (3) individuals may be present on-site for instruction or group activity.
- 3) **Major home occupation** – A maximum of ten (10) customer, clients, patients may be present at any one time for on-site activity, or ten (10) individuals may be present on-site for instruction or group activity.

h. Hours of operation

- 1) **Basic home occupation** – No predetermined limits on hours of operation.
- 2) **Minor home occupation** – Shall be limited to 7am to 7pm.
- 3) **Major home occupation** – Town Planning Board shall review and approve hours of operation as a condition of the Special Permit.

i. Exterior Storage and display

- 1) **Basic home occupation** – No materials, equipment or vehicles for the home occupation may be stored or displayed on the exterior of the lot.
- 2) **Minor home occupation** - Same as Basic Home Occupation.
- 3) **Major home occupation** – The Planning Board in issuance of a Special Permit may approve up to 10,000 sq. ft. of exterior storage and display related to the home occupation upon finding there appropriate and adequate screening, drainage, lighting, and other relevant considerations.

j. Parking

- 1) **Basic home occupation** – No additional on-site parking may be installed for the home occupation.
- 2) **Minor home occupation** – Additional on-site parking shall be installed subject to the Planning Board finding that the parking proposed for the home occupation avoids on-street parking and maintains the residential character of the site and the residential character of the surrounding neighborhood. The Planning Board may use as a guide the current Town parking schedule of 1 space/200 sq. ft. of floor area used for customers/clients or other attendees plus 1 space/employee/shift.
- 3) **Major home occupation** – Same as Minor Home Occupation.

Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS

Print Date: 12/2/2020

FINAL DRAFT

Page#: 5

k. Signage

- 1) **Basic home occupation** – No identification sign for the home occupation is permitted.
- 2) **Minor home occupation** – The Planning Board may approve the placement of one, four (4) sq. ft. non-illuminated wall sign upon the principal structure occupied by the home occupation.
- 3) **Major home occupation** – The Planning Board may approve the placement of one, sixteen (16) sq. ft. free-standing or wall sign upon a structure or within the lot occupied by the home occupation as determined by the Special Permit.

l. Lot size and location

- 1) **Basic home occupation** – Is allowed in any lot and in any district.
- 2) **Minor home occupation** – Shall be allowed in any district that permits residential uses and the structures and lot size shall minimally conform to the zone district lot and structures dimensional requirements.
- 3) **Major home occupation** – Shall be allowed in any district that permits residential uses, except shall not be permitted in the R-1 Zone District. The structure and lot size shall minimally conform to the zone district lot and structures dimensional requirements. During Special Permit Review the Planning Board shall review and consider the proposed scale of the home occupation activity such as these and other factors of: floor space, exterior storage and number of employees and find that the lot can adequately support the proposed home occupation and maintain the residential character of the site and neighborhood.

m. Traffic related

- 1) **Basic home occupation** – No truck pickup or delivery will exceed 3 trips/day; and shall not generate any routine tractor trailer truck trips.
- 2) **Minor home occupation** – Same as Basic home occupation.
- 3) **Major home occupation** – During Special Permit Review the Planning Board shall review the expected types of vehicles involved in the home occupation, the customer, supply and delivery traffic related to the proposed home occupation and find the proposal is suited to the character of existing traffic conditions and patterns with the surrounding area and the proposal will generate traffic that can be reasonably accommodated by the existing road network and the character of the site.

n. Noise, odor, vibration, smoke

Any effects of a home occupation that may use, emit, or generate noise, odor, dust, vibrations, smoke, hazardous materials shall be no greater than what is customary for the residential uses of the surrounding neighborhood.

**Town of Granby
Zoning Code Review Committee
December 2, 2020
HOME OCCUPATION REGULATIONS**

Print Date: 12/2/2020

FINAL DRAFT

Page#: 6

o. Prohibited home occupation activities

- 1) Any land use or activity prohibited in a zone district shall similarly be also prohibited as an activity associated with any home occupation allowable in that same district.
- 2) The following are prohibited from being considered a home occupation in any zone district: junk yard; retail sales exceeding the thresholds established above in Section: V. A.I.e, On-site sales, storage or processing of any hazardous materials; auto repair; auto body and painting; restaurant; warehousing, natural resource extraction/mining.

p. Non-conformities

- 1) **Pre-existing home occupations** - Any home occupation legally established prior to the adoption of this section is considered nonconforming.
- 2) **Nonconforming residential use** – Not withstanding anything to the contrary in this code regarding residential use in the CIT Zoning District, provided the primary use of property in the CIT Zone is residential, home occupation may be established pursuant to this section.

QUICK REFERENCE ONLY

HOME OCCUPATION LEVELS	NO EXTERNAL visibility/impact NO Permit	MINOR visibility/impact Site Plan Review	MAJOR visibility/impact Special Permit
Town Permit required			
Examples commonly associated with home based business	<ul style="list-style-type: none"> *address of convenience *consulting/manage off-site business *internet business *arts & crafts production 	<ul style="list-style-type: none"> *medical/therapy professionals *lawyer-accountant-engineer *real estate/insurance agents *Personal care services *instruction studio *tailor-dressmaker *small appliance repair 	<ul style="list-style-type: none"> *contractor *contractor storage yard *landscaping service *small engine repair *group instruction *bed & breakfast
Operational concerns	Home Occ. MUST be Conducted by on-site resident/occupant and dwelling MUST be the PRIMARY dwelling of occupant/operator		
Home occupation owner/operator employees			
Maximum #Non-resident employees on-site	0	2	5
customers			
Allow On-site customer sales/services	no	yes	yes
Allow Group activity/instruction	no	yes	yes
Maximum # of ON-site: clients, patients, customers, participants, observers, students at any one time	0	3	10
Hours of operation			
Pre-determined/Town may specify operating hours	no	7am to 7 pm	Planning Bd. review
Physical concerns			
structures			
Home occ. conducted within principal dwelling structure	yes	yes	yes
Home occ. conducted within accessory building/structure	no	no	yes
Allow reversible improvements	no	yes	yes
Max. % of principal dwelling or Max sq. ft. used for home occupation	LESSER OF 30% - 1500 sq. ft.	LESSER OF 25% 1000 sq. ft.	LESSER OF 25% 1000 sq. ft.
Max % floor space used for incidental product sales	no sales allowed	5% of floor space	10% of floor space
exterior storage			
Allow external storage area of materials-equipment	no	no	yes
Maximum SQ. FT. of exterior business/storage area or accessory structure	0 sq. ft.	0 sq. ft.	10,000 sq. ft.
parking	minimum to avoid on-street parking & max to maintain residential character.		
Allow/require additional or special parking areas	no	per Planning Board review	
#parking spaces/business Sq. Ft. + space/employee.	n/a	1/200sq. Ft & 1/empl.	1/200sq. Ft & 1/empl.
signs			
Allow business identification signs	no	yes	yes
Maximum sign size	n/a	4 sq. ft.	16 sq. ft.
sign type/sign location	n/a	wall	wall or free-standing
Lot & Location concerns			
Minimum lot size	none	per Planning Board review	
Zone Districts allowed in:	any district	any district	any district but R-1
Other potential effects/ impacts			
Truck pickup & delivery	customary to immediate area - allow routine box truck pickup & delivery not to exceed 3 truck trips/day; NO tractor trailer trucks.		per Planning Board review
noise-odor-vibration, smoke	customary for residential uses of surrounding neighborhood		
hazardous material use/storage	prohibited		
Prohibited home occupation activities	<ul style="list-style-type: none"> *retail store as principal use *junk yard *auto body paint & repair *restaurant *event center *natural resource extraction/mining (soil, gravel, sand, energy-related raw materials: gas, oil) 		
Non-conformities	<ul style="list-style-type: none"> *non-conforming dwelling in CIT Zone *other non-conforming dwelling conditions (dimensions?) *pre-existing home occupation activity 		

THIS IS NOT THE ZONING LAW

SEE ACTUAL CODE FOR ACCURATE REQUIREMENTS