



820 County Route 8
Fulton, New York 13069
(315) 598-6500, Fax 592-9270, TDD Relay 711

December 4, 2020

**TO: TOWN SUPERVISOR John Snow Jr;
And TOWN COUNCILORS: Linda Parkhurst and Sandy Farrands**

**Re: Planning Board Advisory Report;
Proposed Regulations: Home Occupations; dated 12/2/2020**

The Planning Board reviewed proposed regulations at their regular monthly meeting on December 1, 2020, for home occupations that had been developed by the Zoning Code Review Committee. The drafted regulations and the accompanying reference guide, provide clear descriptive details pertaining to the allowable activities associated with home occupations on residential property. They are permissive by allowing exterior activity, but also serve to protect the residential character and nature of both the individual property and the community.

On a motion was moved by Chairman Jane Crego, and seconded by Erin Palmitese, the Planning Board members unanimously **recommended that the Town board adopt the proposed Regulations for Home Occupations, in their entirety.** There was no further discussion and the motion carried.

Respectfully submitted,


Lisa Somers
Planning Board Clerk



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**TO: TOWN SUPERVISOR John Snow Jr;
TOWN COUNCILORS: Linda Parkhurst and Sandy Farrands;
TOWN CLERK Janet Ingersoll**

FROM: ZONING CODE REVIEW COMMITTEE

Re: Proposed Regulations: Home Occupations; dated 12/2/2020

The Zoning Code Review Committee requests consideration by the Town Board of the attached proposed regulations for Home Occupations.

The Committee further requests placement on the Agenda of the next Town Board Meeting scheduled for December 9, 2020.

Thank you for your time.

Sincerely,

Lisa Somers

Zoning Code Review Committee Clerk

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

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Definition (to replace existing text in SECTION XI: DEFINITIONS (see 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.

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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.

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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.

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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.

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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.

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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.1.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	MINOR visibility/impact	MAJOR visibility/impact
Town Permit required		NO Permit	Site Plan Review	Special Permit
Examples commonly associated with home based business		*address of convenience *consulting/manage off-site business *internet business *arts & crafts production	*medical/therapy professionals *lawyer-accountant-engineer *real estate/insurance agents *Personal care services *instruction studio *tailor-dressmaker *small appliance repair	*contractor *contractor storage yard *landscaping service *small engine repair *group instruction *bed & breakfast
Operational concerns				
Home occupation owner/operator		Home Occ. MUST be Conducted by on-site resident/occupant and dwelling MUST be the PRIMARY dwelling of occupant/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		*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		*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**