

Village of Chatham – Zoning Review Update
Draft Home Occupation Regulations
Last Revised May 13, 2017

Proposed Definitions:

- A. Minor Home Occupation – A nonresidential use that is incidental and clearly subordinate to an existing residential use, conducted within a bona fide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use. Furthermore, the home occupation involves no more than [one] nonresident employee, does not primarily serve customers on-site, and does not change the residential character of the dwelling unit or vicinity, nor result in any exterior evidence of such secondary use beyond what may be permitted in this Chapter along with a sign in accordance with *Article XI Sign Regulations*.
- B. Major Home Occupation – A nonresidential use that is incidental and clearly subordinate to an existing residential use, conducted within a bona fide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use. Furthermore, the home occupation involves no more than [two] nonresident employees, and does not change the residential character of the dwelling unit or vicinity, nor result in any exterior evidence of such secondary use beyond what may be permitted in this Chapter including, but not limited to a sign in accordance with *Article XI Sign Regulations*, and additional parking necessary for visiting customers or clients.

The following is proposed to replace §110-27 Home Occupations:

§110-27 Home Occupations

- A. Purpose and Intent. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure. Furthermore, it is the intent of this section to:
 - (1) Ensure the compatibility of home occupations with other uses.
 - (2) Maintain and preserve the historic character and atmosphere of the Village.
 - (3) Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard and other possible adverse effects of commercial uses.

- B. Permitted in Certain Districts.
- (1) Home Occupations, not specifically prohibited by this Chapter, may be permitted in certain zoning districts as listed in the *Schedule of District Regulations*, under the established review requirements and in compliance with the standards and requirements set forth in this Article.
 - (2) Minor Home Occupations, as defined in this Chapter, may be permitted with the issuance of a Zoning Permit by the Building Inspector/Code Enforcement Officer, and shall be in compliance with the standards and requirements set forth in this Section.
 - (3) Major Home Occupations, as defined in this Chapter, may be permitted only after the issuance of Site Plan Approval and shall be in compliance with the standards and requirements set forth in this Section.
- C. Allowed Home Occupations. Except as provided in [Subsection D] below, home occupations include all occupations that meet the definitions, standards and requirements of this Article, and include, but are not necessarily limited to the following examples:
- (1) Production of homemade goods, foods, food products, and crafts including wood, ceramicists, fabric and metal items where products are sold over the internet or at an off-site location;
 - (2) Studios for musicians, artists, photographers, upholsterers, seamstresses, tailors, and potters.
 - (3) Offices for professionals in the fields of professional counseling, advertising, graphic arts design, publishing, real estate, insurance, accounting, law, architecture, engineering, surveying and land use planners;
 - (4) Office facilities for salesman, sales representatives and manufacturer's representatives, when no retail or wholesale sales are made or transacted on the premises;
 - (5) Musician or tutor;
 - (6) Pet grooming;
 - (7) Repair of small equipment such as clocks, radios, and electronic equipment;
 - (8) Shop of beautician, barber, and hair stylist;
 - (9) Telephone answering service; and
 - (10) Other uses consistent with the scope and intent of this section as initially determined by the Code Enforcement Officer and approved by the Planning Board in accordance with this Chapter.
- D. Prohibited Home Occupations.
- (1) Service, repair, or painting of any motor vehicle, including, but not limited to, automobiles, trailers, boats, personal watercraft, recreational vehicles, and snowmobiles;
 - (2) Medical or dental clinics;

- (3) Equipment or machinery Rental businesses;
 - (4) Commercial stables, kennels and veterinary clinics;
 - (5) Tow truck services;
 - (6) Restaurants;
 - (7) Sale, lease, trade, or other transfer of firearms or ammunition;
 - (8) On-site sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use;
 - (9) Nursing homes;
 - (10) Funeral homes, mortuaries and embalming establishments;
 - (11) Any use prohibited by the New York State Uniform Fire Prevention and Building Code;
 - (12) Renting or leasing residential units; and
 - (13) Clubs, including fraternities and sororities.
- E. Standards and Requirements. The following standards and requirements shall pertain to both Minor and Major Home Occupations unless otherwise indicated.
- (1) A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the primary outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwellings and does not alter the character of the neighborhood. A home occupation may be conducted within a dwelling unit and/or within accessory structures.
 - (2) Signs used in conjunction with a home occupation shall meet the requirements of *Article XI Sign Regulations*.
 - (3) Off-street parking. A minimum of one space is required per nonresident employee. No more than three additional spaces for customers, clients, or sales representatives visiting the property shall be permitted. Parking spaces shall first be accommodated on existing driveways prior to the construction of any new parking surface. If a new parking surface is necessary as part of the proposed home occupation, site plan approval shall be required.
 - (4) Vehicles. No more than one (1) motor vehicle used by the owner to conduct the home occupation shall be parked on the subject property. The on-site parking and storage of heavy commercial vehicles used in connection with the home occupation is prohibited.
 - (5) Traffic. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in the neighborhood and no tractor-trailers or tandem trailers shall be permitted to park, pick up or drop off materials at the property or immediate area.
 - (6) Conduct of Business. The use shall be conducted wholly within the enclosed walls of the dwelling unit or accessory building. Doors and windows are permitted to be open during operations provided they are not required to

prevent adverse impacts on surrounding properties from noise, light, odor and other byproducts associated with the home occupation.

- (7) **Outdoor Storage.** All unscreened storage of materials and equipment used to conduct the home occupation are prohibited. All materials and equipment used for the home occupation must be stored wholly within the enclosed walls of the dwelling unit or accessory building, or fully screened by other means, including, but not limited to fencing, walls and vegetation, to not be visible from an adjacent public road and/or adjacent properties.
- (8) **Residential Appearance.** No external structural alterations which are not customary to a residential building, shall be allowed.
- (9) **Residential and Neighborhood Character.** The home occupation and the conduct thereof shall not result in noise, vibration, odor, smoke, glare or electrical interference beyond that normally generated by permitted uses in the same zoning district.
- (10) **No more than one (1) major home occupation may be conducted on a lot.**
- (11) **The home occupation shall be conducted only by members of the family residing in the dwelling unit plus no more than two (2) nonresident assistants or employees at any one time.**
- (12) **Maximum Floor Area.** No more than thirty (30) percent of the total floor area of a dwelling unit and accessory structures or five hundred (500) square feet, whichever is less, may be used for such use, and no more than two hundred (200) square feet of an outdoor storage area may be used in conjunction with the home occupation, except as may otherwise be limited by the New York State Uniform Fire Prevention and Building Code.
- (13) **Disposal into sanitary, storm sewer, drainage way or ground.** No home occupation shall discharge into any sewer, drainage way or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operations, or corrosive to sewer pipes and installations.
- (14) **Adequacy of sanitary sewer and drinking water.** All local, county and state regulations pertaining to sanitary sewer and drinking water associated with the home occupation shall be complied with and evidence thereof provided to the Planning Board.
- (15) **At no time, shall a deviation from required lot sizes, width, depth and yard setbacks be allowed without Zoning Board of Appeals approval pursuant to the requirements of this Chapter.**
- (16) **Lighting.** Any exterior lighting associated with the home occupation shall use fully shielded light fixtures to prevent glare.