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**HOME OCCUPATIONS (draft for 10/27/14 work session)**  
**The Code of the Town of Alden**  
**Article X**

**§20-62. Purpose**

The purpose of these provisions is to allow for Home Occupations which are compatible with the neighborhoods in which they are allowed.

**§20-63 Definitions.**

All terms not defined herein used in this section shall have the same definition as they do in Section 20-10 of the Alden Town Code.

Home Occupation: An accessory use of a dwelling or existing accessory structure for gainful employment involving the manufacture, provision, or sale of goods and/or services that are manufactured, made, or created in the dwelling or accessory structure.

**§20-64. Conditions**

The Town Board may, as provided for below, upon application and a public hearing thereon, permit a Home Occupation in any R District subject to the applicant's ability to provide reasonable evidence that all the following conditions will be met. Home Occupations shall be limited to one (1) per property.

- A) The Home Occupation will be conducted entirely within a dwelling or existing accessory structure.
- B) The Home Occupation is clearly incidental and secondary to the principal use of the dwelling or existing accessory structure.
- C) The establishment and conduct of a Home Occupation shall not change the principal character or use of the dwelling or of the existing accessory structure involved.
- D) No more than one (1) person other than members of the immediate family residing in the dwelling may be employed in the Home Occupation.
- E) When a Home Occupation is conducted in a dwelling, not more than twenty-five percent (25%) of one floor of the dwelling may be devoted to such Home Occupation. When the Home Occupation is conducted in an existing accessory structure, not more than 800 square feet of the existing accessory structure may be devoted to such Home Occupation.

F)

- G) No storage or display of materials, goods, supplies or equipment related to the operation of a Home Occupation shall be visible from the outside of any structure located on the premises.
- H) No mechanical equipment is used in the Home Occupation except such as may be used for domestic or household purposes (or as deemed similar to power and type).
- I) The Home Occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residential neighborhood.
- J) Traffic generated by such Home Occupation shall not be in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a Home Occupation shall be met off the street and in the dwelling's driveway.
- K) Only one (1) non-illuminated sign not to exceed two by two (2x2) feet shall be allowed upon prior approval of the Building Inspector/Code Enforcement Officer.
- L) The Home Occupation shall not have hours of operation that are disturbing to residential neighbors.
- M) Any Home Occupation using hazardous or flammable materials shall register those with the local Fire Department and be subject to an annual inspection by a Fire Inspector.
- N) The Home Occupation Permit applicant must live on the premises of the Home Occupation, and the application must be made by the property owner or by a renter with written approval from the property owner.

## §20-65. Procedure

- A. Application.** Application for a Home Occupation Permit shall be made by the applicant to the Town Building Department on a form provided by the Town Building Department and shall be accompanied by a filing fee as set by the Town Board.
- B. Planning Board Review.** All applications for a Home Occupation Permit shall be reviewed by the Town Planning Board, which shall report its findings to the Town Board.
- C. Town Board review and public hearing.** After considering the Planning Board's recommendations and after a duly scheduled public hearing, the Town Board may direct, by Town Board motion, the Town Clerk to issue a Home Occupation Permit pursuant to Section 137 of the New York State Town Law and the Town Board may impose conditions on said permit. Notice of

the public hearing shall be mailed by the Town Clerk to the adjacent property owners, post-marked no less than ten (10) days prior to the date of the public hearing.

**D. Permit Renewal**

- (1) The time period for a Home Occupation Permit is one (1) year.
- (2) Applications for renewal of a Home Occupation Permit shall be submitted in writing on a form provided by the Town Building Department to the Town Building Department, accompanied by a fee as set by the Town Board.
- (3) The renewal applications shall be reviewed and an inspection made of the premises by the Building Inspector/Code Enforcement Officer to verify continued compliance with the necessary criteria and conditions established with the initial approval. The Building Inspector/Code Enforcement Officer shall report his/her findings to the Town Board which, upon a determination of compliance, may direct, by Town Board motion, the Town Clerk to renew the home occupation permit for one (1) year, pursuant to Section 137 of the New York State Town Law. The Building Inspector/Code Enforcement Officer's report will be attached to the application given to the Town Board for its review of the renewal application.

**E. Voiding of Permit**

- (1) The Town Board may void any Home Occupation Permit for noncompliance with the conditions set forth in approving the Permit or for noncompliance with the provisions of this law.
- (2) Failure of applicant to renew his/her Home Occupation Permit within thirty (30) calendar days of a Permit's expiration shall result in automatic termination of the Home Occupation Permit. For renewal, the applicant must pay initial application fee and reapply for a new Home Occupation Permit, under Sections 20-65 A, B, and C above.

**F. Effective Date:**

- (1) This Law shall be effective on January 1, 2015 for all new Home Occupation Permit Applications.
- (2) This law shall be effective on January 1, 2015 for all existing Home Occupation Permits; provided that existing Home Occupation Permits (those with a valid Home Occupation Permit issued prior to January 1, 2015) shall have until the later of January 1, 2016 or their 2016 Home Occupation Permit renewal date to come into compliance with Section 20-65 herein.

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**§20-62. Purpose**

The purpose of these provisions is to allow for Hhome Occupations which are compatible with the neighborhoods in which they are allowed.

**§20-63 Definitions.**

All terms not defined herein used in this section shall have the same definition as they do in sSection 20-10 of the Alden Town Code.

Home Occupation: An accessory use of a dwelling or existing accessory structure for gainful employment involving the manufacture, provision, or sale of goods and/or services that are manufactured, made, or created in the dwelling or accessory structure.

~~Stock in trade: The inventory carried by a retail business for sale in the ordinary course of business. The tools and equipment owned and used by a person engaged in a trade. The equipment and other items needed to run a business.~~

~~Commodities: A tangible article of trade or commerce, including raw materials or agricultural products.~~

**§20-64. Conditions**

The Town Board may, as provided for below, upon application and a public hearing thereon, permit a Hhome Occupation in any R District subject to the applicant's ability to provide reasonable evidence that all the following conditions will be met. Home Occupations shall be limited to one (1) per single family dwelling property.

- A) The Home Occupation will be conducted entirely within a dwelling or existing accessory structure.
- B) The Home Occupation is clearly incidental and secondary to the principal use of the dwelling or existing accessory structure.
- C) The establishment and conduct of a Hhome Occupation shall not change the principal character or use of the dwelling or of the existing accessory structure involved.
- D) No more than one (1) person other than members of the immediate family residing in the dwelling may be employed in the Home Occupation.
- E) When a Home Occupation is conducted in a dwelling, not more than twenty-five percent (25%) of one floor of the dwelling may structure housing the Home Occupation, but no greater than 400 square feet is be devoted to such Hhome Occupation. When the Home Occupation is conducted in an existing accessory structure, not more than 800 square feet of the existing accessory structure may be devoted to such Home Occupation.

~~E)F) No stock in trade is kept or commodities sold, other than incidental supplies necessary for and consumed in the conduct of such home occupation.~~

~~F)G) No storage or display of materials, goods, supplies or equipment related to the operation of a Hhome Occupation shall be visible from the outside of any structure located on the premises.~~

~~G)H) No mechanical equipment is used in the Home Occupation except such as may be used for domestic or household purposes (or as deemed similar to power and type).~~

~~H) Such home occupation shall not require internal or external alteration or invoke construction features that require a building permit under the State Building Code.~~

~~I) Such home occupation shall not require internal or external alteration or involve construction features that are not customarily in a dwelling.~~

~~J)I) The Hhome Occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residentially zoned neighborhood.~~

~~K)J) Traffic generated by such Hhome Occupation shall not be in greater volumes than would normally be expected in a residential neighborhood at a dwelling, and any need for parking generated by the conduct of such a Hhome Occupation shall be met off the street and in the dwelling's driveway.~~

~~L)K) Only one (1) non-illuminated sign not to exceed two by two (2x2) feet shall be allowed upon prior approval of the Building Inspector/Code Enforcement Officer.~~

~~M)I.) The Hhome Occupation shall not have hours of operation that are disturbing to residentially zoned neighbors.~~

~~N)M) Any Hhome Occupation using hazardous or flammable materials shall register those with the local Fire Department and be subject to an annual inspection by a Fire Inspector.~~

~~O) A residence with a home occupation shall be charged a double refuse collection fee.~~

~~P)N) The Home Occupation Permit Applicant must live on the site of the home occupation premises of the Home Occupation, and the application must be made by the property owner or by a renter with written approval from the property owner.~~

~~Q) No home occupation with boarders or hospitality uses will be allowed in an R-1 or R-2 neighborhood.~~

#### §20-65. Procedure

**A. Application.** Application for a ~~H~~home ~~O~~ccupation ~~P~~ermit shall be made by the ~~resident applicant~~ to the ~~Town Board~~ Building Department on a form provided by the Town Building Department and shall be accompanied by a filing fee as set by the Town Board.

**B. Planning Board Review.** All applications for a ~~H~~home ~~O~~ccupation ~~P~~ermit shall be reviewed by the Town Planning Board, which shall report its findings to the Town Board.

**C. Town Board review and public hearing.** After considering the Planning Board's recommendations and after a duly scheduled public hearing, the Town Board may direct, by Town Board motion, the Town Clerk to issue a Home Occupation Permit pursuant to Section 137 of the New York State Town Law and the Town Board may impose conditions on said permit. Notices of the public hearing shall be mailed by the Town Clerk to the adjacent property owners, post-marked no less than ten (10) days prior to the date of the public hearing.

#### **D. Permit Renewal**

(1) ~~The time period limit for the a~~ Home Occupation Permit shall is be one (1) year.

(2) ~~Requests~~ Applications for renewal of a Home Occupation Permit shall be submitted in writing on a form provided by the Town Building Department to the ~~Town Board~~ Building Department, accompanied by a fee as set by the Town Board.

(3) ~~The renewal request applications shall be reviewed and an inspection made of the property premises by the Building Inspector/Code Enforcement Officer to verify continued compliance with the necessary criteria and conditions established with the initial approval. The Building Inspector/Code Enforcement Officer shall report his/her findings to the Town Board which, upon a determination of compliance, may direct, by Town Board motion, the Town Clerk to renew the home occupation permit for one (1) year, pursuant to Section 137 of the New York State Town Law. The Building Inspector/Code Enforcement Officer's report will be attached to the application given to the Planning Town Board for its review of the renewal application.~~

~~(4) Effective January 1, 2015, all existing Home Occupation Permits that are seeking renewal and all new Home Occupation Permit Applications submitted between January 1, 2015 and June 30, 2015 shall be renewed through December 31, 2015 at a pro-rated fee; and then shall be due for renewal every December 31<sup>st</sup>.~~

~~Effective January 1, 2015, all existing Home Occupation Permits that are seeking renewal and all new Home Occupation Permit Applications submitted between July 1, 2015 and December 31, 2015 shall be renewed through June 30, 2016 at a pro-rated fee; and then shall be due for renewal every June 30<sup>th</sup>.~~

~~(5) any renewals applications that are received more than thirty (30) calendar days passed the expiration of the last issued Home Occupation Permit shall not be renewed. The applicant will need to apply for a New Home Occupation Permit.~~

**E. Voiding of Permit**

- (1) The Town Board may void any Home Occupation Permit for noncompliance with the conditions set forth in approving the Permit or for noncompliance with the provisions of this law.
- (2) Failure of applicant to renew his/her Home Occupation Permit ~~shall within thirty (30) calendar days of a Permit's expiration shall~~ result in automatic termination of the Home Occupation Permit. For renewal, ~~an~~ the applicant must pay initial application fee and reapply for ~~another a new Home Occupation Permit, under Sections 20-65 A, B, and C~~ above.

**F. Effective Date:**

- ~~(3)~~(1) This Law shall be effective on January 1, 2015 for all new Home Occupation Permit Applications.
- ~~(5)~~(2) This law shall be effective on January 1, 2015 for all existing Home Occupation Permits Holders; provided that existing Home Occupation Permit-Holders (those with a valid Home Occupation Permit issued prior to January 1, 2015) shall have until the later of January 1, 2016 or their 2016 Home Occupation Permit renewal date to come into compliance with Section 20-65 herein.

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