

# HOME OCCUPATIONS CHECKLISTS

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## TUG HILL COMMISSION TECHNICAL PAPER SERIES

### TUG HILL COMMISSION

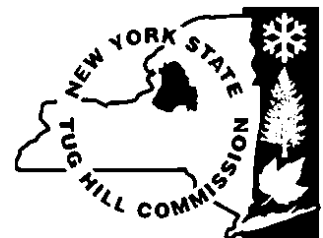
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# TABLE OF CONTENTS

HOME OCCUPATIONS CHECKLISTS .....	1
COMPREHENSIVE PLAN.....	1
POSITIVE BENEFITS: .....	1
NEGATIVE IMPACTS: .....	1
DEFINITIONS .....	2
STANDARDS .....	2
ADMINISTRATION.....	3

The Tug Hill Commission *Technical and Issue Paper Series* are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The *Technical Paper Series* provides guidance on procedures based on questions frequently received by the Commission. The *Issue Paper Series* provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission at the address and phone number on the cover.

## **Home Occupations Checklists**

This set of checklists is designed to help you review your zoning provisions for home occupations. It covers things that might be addressed in the comprehensive plan, zoning definitions, standards sections of the zoning law, and administrative procedures. For the purposes of this paper, a home occupation is considered a use which fits the following criteria:

- it is a nonresidential activity
- it is at or within a residence
- it is an accessory use of the residence
- the residence is located in residential context - an existing residential neighborhood or a planned for or proposed residential neighborhood

## **Comprehensive Plan**

It is important to address home occupations in some fashion in your comprehensive plan. This can be done by assessing the positive benefits that they bring to the community as weighed against their negative impacts on surrounding residential areas. The following items might be addressed in a comprehensive plan:

### **Positive Benefits:**

- Provide needed services
- Provide economical start-up businesses
- Reduce child/elder/disabled care needs
- Reduce commuting and traffic
- Reduce parking needs in commercial area
- Improve earnings
- Neighborhood security
- Family and community cohesiveness

### **Negative Impacts:**

- Traffic--deliveries, client/customer
- Parking
- Noise, vibration, smoke, dust, odors, heat, glare
- Aesthetics--signs, outdoor storage, architecture
- Fire/safety hazard
- Attraction of other businesses
- Reduced property values
- Tendency to expand
- Strangers in neighborhood

## **Definitions**

Zoning laws define the uses they regulate. The following are clauses typically found in home occupation zoning definitions:

- ❑ Customary use
- ❑ Accessory/incidental/secondary/subordinate
- ❑ Change in residential character of structure/property/neighborhood
- ❑ Alteration of exterior of property
- ❑ Professional status of workers
- ❑ Family/resident status of workers
- ❑ Financial gain
- ❑ Stock-in-trade
- ❑ Specific listings of allowed/prohibited uses

## **Standards**

The following items are typically addressed in home occupation zoning standards:

- ❑ Accessory/incidental/secondary/subordinate use criteria
- ❑ Square footage/percentage of floor area used
- ❑ Sale of goods produced/processed off-site
- ❑ Conduct entirely within residence
- ❑ Cumulative impacts of multiple home uses
- ❑ Numbers of customer vehicles
- ❑ Size and numbers of delivery vehicles
- ❑ Parking/loading area size and locations
- ❑ Locations of ingress/egress and circulation areas
- ❑ Numbers of customers/clients/students
- ❑ Customer/clients by appointment only
- ❑ Numbers of paid/unpaid workers
- ❑ Residency status of workers
- ❑ Family-member status of workers
- ❑ Signs
- ❑ Outdoor storage
- ❑ Architecture
- ❑ Impervious surfaces
- ❑ Vegetation

### **Standards (continued)**

- ❑ General appearance
- ❑ Attractive nuisance
- ❑ Hours of operation
- ❑ Noise
- ❑ Vibration
- ❑ Smoke
- ❑ Electromagnetic interference
- ❑ Dust
- ❑ Odors
- ❑ Heat
- ❑ Lighting/glare

### **Administration**

An administrative process must be established for each classification of home occupation in each zone that exists in the community. The following procedures may be considered:

- ❑ exempt from zoning
- ❑ simple zoning permit
- ❑ site plan review required
- ❑ special permit required

Where a community decides to pursue licensing requirements in addition to, or in lieu of zoning permit requirements, issues typically addressed include:

- ❑ renewability
- ❑ revocability
- ❑ transferability