

NOTICE OF PUBLIC HEARING

TOWN OF NORTH COLLINS

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Collins on September 8, 2021 at 7:30 p.m. at the North Collins Town Hall, 10569 Main Street, North Collins, New York, regarding the adoption of proposed Local Law #2 of 2021. The purpose of said purposed local law is to amend the Town Code to add a chapter to Permit Home Occupations as provided in said Local Law.

PLEASE TAKE FURTHER NOTICE that any resident of the Town of North Collins is entitled to be heard upon said proposed Local Law at such public hearing. Copies of the proposed Local Law are available for inspection at the Town Clerk's Office, 10569 Main Street, North Collins, NY 14111.

By Order of the Town Board of the Town of North Collins on August 11, 2021.

TOWN OF NORTH COLLINS
Lynn DiVincenzo, Town Clerk

Town of North Collins

Proposed Local Law No. 2 of the year 2021

A Local Law to Permit Home Occupations

Be it enacted by the Town Board of the Town of North Collins as follows:

1. Purpose

The purpose of this law is to allow for home occupations which are compatible with the zoning district in which they are allowed. Activities that conform to the requirements of this section shall be allowed by right (permitted use). All other activities shall require the issuance of a special use permit by the Town Board, following a review by the Planning Board.

2. Conditions

The Town Board may, upon application and a public hearing thereon, permit a home occupation in any R or R-A 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 two(2) per single-family dwelling or existing accessory structure.

- A. The occupation will be conducted entirely within a dwelling, garage, or existing accessory structure. No existing accessory structure may be enlarged to accommodate a home occupation.
- B. The occupation is clearly incidental and secondary to the principal use of the dwelling.
- C. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
- D. No more than one person per home occupation may be employed, other than members of the immediate family residing on the premises.
- E. Not more than 25% of the floor area of one story of the dwelling is devoted to one such home occupation; or 35% of the floor area of one story of the dwelling if there are two such home occupations on the premises. There is no restriction placed upon the usable area of an accessory structure or garage, provided that no other activity besides inside storage and/or minor assembly activity is occurring in that building, and general standards relating to maintaining the residential character of the area can still be met.
- F. 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.
- G. Such occupation shall not require internal or external alteration or invoke construction features not customary in a dwelling. If conducted in an existing accessory structure, internal alterations may be made.
- H. The use shall not generate noise, vibration, glare, fumes, odors, smoke, dust, or electrical interference beyond what normally occurs in the applicable zoning district. No equipment or process shall be used in a home occupation which creates visual or audible electrical interference in any radio or television receiver off the premises, or which causes fluctuation in line voltage off premises. Toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall not be permitted in any home occupation.
- I. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. All parking associated with the home occupation must be in the driveway where the home occupation is located. No parking shall

be permitted in the street or yard. No shared parking is permitted, associated with any home occupation.

- J. Home occupation advertising shall be limited to business cards, letterhead, PennySaver ads, and telephone book business listings. Only one sign is permitted for each business, attached to the building or situated in a window. The sign may display only the name of the occupant(s) or business, the phone number of the business, the email address of the business and/or the business website.
 - K. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, FedEx, etc.), and must not restrict traffic circulation.
 - L. The home occupation shall not be open to the public or receive deliveries earlier than 8am or later than 8pm.
 - M. One business vehicle may be used for each home occupation, in addition to any personal vehicles used by members of the household employed in the home occupation. No vehicle used for the home occupation shall be larger than a non-commercial van or pickup truck.
 - N. Parties or gatherings for the purpose of displaying or selling merchandise, taking orders or conducting meetings, shall not be held more than four times each month.
3. **Other Uses:** Any home occupation not permitted pursuant to the foregoing shall require a special use permit, issued by the Town Board, upon prior approval of the Planning Board. Such request shall address the specific use in detail, and how it fails to conform to the standards set forth herein, as well as any additional information which may be required by the Planning Board or the Town Board.
4. **Permitted Uses:** Permitted uses shall include, but not be limited to, the following:
- A. Any use permitted herein as a home occupation
 - B. Barber/Beauty Shop
 - C. Painters, Masons, or Plumbers
 - D. Landscape Maintenance
 - E. Television or other small electrical device repairs; excluding major appliances (such as washers, dryers, refrigerators, etc.)
 - F. Upholstering
 - G. Offices for licensed professionals
 - H. Tutoring, of not more than one student at a time
 - I. Instruction in a musical instrument, for not more than one student at a time
 - J. Studios for artists, sculptors, musicians, photographers
 - K. Work rooms for tailors, dressmakers
 - L. Direct sale product distribution, such as Avon, Tupperware
 - M. Typing, word processing services, data processing, computer programmers, web designers
 - N. Cake decorating and baking/cooking/catering
 - O. Pet grooming
 - P. Small engine repair
 - Q. General contractor
5. **Prohibited Home Occupations:** The following uses, by the nature of the scale and intensity of the activity, are more suited to a commercial or industrial district, and shall not be permitted as home occupations:

- A. Funeral Home
- B. Automobile body repair work, including painting of automobiles
- C. Restaurants or bars
- D. Kennels and veterinary clinics
- E. Adult uses
- F. Ambulance service
- G. Unlicensed Massage parlors
- H. Medical or dental laboratories
- I. Palm reading, fortune telling, etc.
- J. Tow truck services
- K. Any uses not in conformity with the standards set forth within.

6. Procedure

Application. Activities which conform to the requirements of this section shall be allowed by right (permitted use); and permits for same may be issued by the Code Enforcement Officer, upon approval of an application submitted on a form approved by the Town Board, and payment of an application fee established by the Town Board. All other activities shall require the issuance of a special use permit by the Town Board.

- A. Application for a home occupation special use permit shall be made by the resident to the Town Board, on a form provided by the Code Enforcement Officer, and shall be accompanied by a filing fee as set by the Town Board.
- B. In their discretion, the Town Board may refer the application to the Planning Board for review and recommendation to the Town Board. The Planning Board shall review the application in meetings which are open to the public. Upon completion of its review, the Planning Board shall make a written recommendation to the Town Board. The Town Board shall then review the recommendation of the Planning Board, at a public hearing. The Town Board is not bound to follow the recommendation of the Planning Board. The Town Board may issue a home occupation permit, but is not required to do so. Notices of the public hearing shall be mailed by the Town Clerk to adjacent property owners.
- C. Permit renewal.
 - (1) The time limit for any home occupation permit shall be one year.
 - (2) Requests for renewal shall be submitted in writing to the Code Enforcement Officer, accompanied by a fee as set by the Town Board.
 - (3) The request shall be reviewed and an inspection made of the property by the Code Enforcement Officer to verify continued compliance with the necessary criteria and conditions established with the initial approval. The Code Enforcement Officer shall make a determination of compliance, and may renew the home occupation permit for one year, in his/her discretion; and without further review by the Town Board or the Planning Board.
- D. Voiding of Permit
 - (1) The Code Enforcement Officer may void any home occupation permit, for non-compliance with any of the conditions set forth herein, or any applicable special use permit. A thirty (30) day grace period to come into compliance may be granted by the Code Enforcement Officer.

- (2) Failure to submit an application to renew a home occupation permit within thirty (30) days of the expiration of said permit shall result in automatic termination of the home occupation permit. Thereafter, the applicant must apply for another permit.

E. Fees

All fees required under this chapter shall be established from time to time by the Town Board resolution.

7. Violations

- A. A violation of this Chapter, or any regulation adopted hereunder, is hereby declared to be an offense, punishable by a fine not exceeding \$250. Each week, or any portion thereof, that a home-based business operates in violation of this Chapter shall constitute a separate offense.

**State of New York
County of Erie**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2021 of the Town of North Collins was duly passed by the North Collins Town Board on _____, 2021 in accordance with the applicable provisions of law.

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 above.

(SEAL)

Lynn DiVincenzo, Town Clerk

Date: _____, 2021