

(5) No more than two employees, whether full-time or part-time, whether paid or unpaid, who are not residents of the premises shall be permitted; and

(6) The major home occupation must be carried on within an existing or proposed building on the premises. A major home occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area or 500 square feet of the principal dwelling unit. A major home occupation may only be located within an accessory structure that is smaller in size than the principal dwelling and may not exceed 50% of the total gross floor area of the principal dwelling; and

(7) A major home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants, musical and dancing instruction to groups exceeding four pupils, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles, and other trades and businesses of a similar nature; and

(8) The major home occupation shall be subject to site plan approval by the Planning Board; and

(9) The major home occupation must be fairly transparent and unobtrusive. The standard "fairly transparent and unobtrusive" requires that the non-residential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:

(a) Noise. The Board must find that the noise produced by the major home occupation is not likely to create any potentially significant adverse impact upon the adjacent neighborhood, and that the type of noise and times of day of noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.

(b) Pedestrian traffic. The Board must find that the major home occupation is not likely to produce significantly more pedestrian traffic to and from said premises than would exist in the case of a residence without a major home occupation and that the timing of such traffic is not inconsistent with traffic likely to be generated by the primary residential use.

(c) Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a major home occupation, and that timing of such traffic is not inconsistent with the primary residential use.

(d) Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces

shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties or public rights-of-way.

(e) Lighting. The Board must find that the major home occupation does not create light trespass onto adjacent properties or public rights-of-way which would be inconsistent with the Town's lighting standards.

(f) Aesthetics. If any change is proposed to the exterior of the building, the Board must find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline.

(g) Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises. Where additional waste products are found to be associated with a major home occupation and cannot be stored within such receptacles, there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit or behind the accessory structure used for the major home occupation and must be effectively screened from adjacent properties and the public right-of-way.

(h) Exterior display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory.

(10) One commercial speech sign shall be permitted as provided for elsewhere in this chapter; and

(11) Any special use permit issued hereunder shall be transferable and will run with the land provided all conditions of approval are complied with. The special use permit shall terminate upon the Planning Board's finding of a change in the performance standards or approved conditions of approval; and

(12) In applying the above criteria, the Planning Board may consider the following:

(a) The size of the lot (i.e. acreage, lot width and depth, shape, etc.); and

(b) The size and/or number of vehicles (including machinery) used in connection with such major home occupation; and

(c) The density and/or character of the neighborhood and the proximity of neighboring properties and residences; and

(d) The necessity for screening and/or buffering of the major home occupation from adjacent properties or public rights-of-way; and

(e) The size and type of highway (i.e. state, county, town) upon which such major home occupation is located.

C. Revocation of home occupation permits. A major home occupation permit shall be deemed revoked upon the occurrence of any of the following:

- (1) A subsequent major home occupation special use permit is issued; or
- (2) The major home occupation does not meet the conditions of approval by the Planning Board; or
- (3) There is a substantial change in the nature of the major home occupation; or
- (4) The major home occupation is not commenced within six months of the issuance of a permit; or
- (5) The major home occupation ceases operation or is discontinued for a period of one year for any reason.

D. Application. Each application for a major home occupation permit shall be:

- (1) On a form provided by the Development Office which has first been approved by the Town Board; and
- (2) Accompanied by a complete site plan, drawn to scale, showing the location of all buildings or structures on the premises and the area where the proposed home occupation will be conducted; and
- (3) Accompanied by an application fee, in the amount established by the Town Board, prior to the issuance of the permit.

Minor Home Occupations:

HOME OCCUPATION, MINOR

Any home occupation that:

[Added 12-22-2009 by L.L. No. 6-2009⁽⁴⁾]

- A.** Involves no employee other than persons residing on the premises; and
- B.** Shows no visible evidence (including signage or outdoor storage of any product) from the exterior of the dwelling unit; and
- C.** Generates no additional traffic and no need for off-street parking beyond the customary needs of the occupants of the dwelling unit; and

D. Uses no equipment which would not customarily be used by the occupants of the single-family dwelling unit; and

E. Is conducted entirely inside the principal dwelling unit on the premises; and

F. Involves:

(1) No retail sales where the public visits the premises to purchase; and

(2) No exterior display or storage of goods, materials, equipment, or inventory; and

(3) No other activities requiring a permit; and

(4) No noise other than that which is customarily generated by the occupants of the dwelling unit; and

(5) No vehicles larger than a four-wheel truck and/or a four-wheel trailer, unless said vehicle is stored within a completely enclosed building during nonbusiness hours; and

(6) No internal or external alterations or construction features or use of mechanical equipment not customary in a dwelling and that the entrance to the space devoted to such occupation shall be only from within the dwelling; and the lesser of 15% or 350 square feet of gross floor area of the principal dwelling unit.

31.9.9 HOME BUSINESS (CLASS A)

A. Intent

The purpose of this Section is to provide opportunities for economic advancement among residents of the Town, to protect the character of residential and agricultural areas of the Town. Businesses Zoning Local Law of the Town of Gorham January 2013

112

established pursuant to this section are expected to blend in with the existing character of the area

in which they are located.

B. Type of Business

A variety of commercial and manufacturing uses may be permitted, provided that the requirements of this section are met.

C. Neighborhood character

The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing neighborhood character either by

the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations. No lights or noise from the home business shall be noticeable at any time from any public street or neighboring property.

D. Operation and Employees

1. The operator of the home business shall reside in the single-family dwelling located on the same lot as the home business.

2. No more than four (4) persons, other than members of the family occupying such dwelling, shall be employed in such home business at any one time.

E. Floor Area

1. No more than 40 percent of the gross floor area of a dwelling shall be used for the conduct of a home business, up to a maximum of 1,000 square feet, provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.

2. The entire gross floor area of no more than one (1) detached accessory structure may also be permitted for use of a home business, in addition to space within the dwelling.

F. Outdoor Storage of Equipment and Materials

1. In the RR, R-1 and HR Districts, no outside storage of materials used in the home business shall be permitted. In the FP District, any outside storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing, or a combination.

2. A maximum of two (2) pieces of equipment, other than commercial vehicles, may be parked outdoors on the lot. Such equipment shall be operable and necessary for the conduct of the home business.

3. Outdoor storage of equipment used for the home business shall only be permitted in the rear yard. Such equipment shall be completely screened from view from neighboring properties and public roads.

G. Outdoor Display of Goods

No outdoor display of goods shall be permitted.

H. Signage

1. One (1) sign shall be permitted to identify a home business. No sign shall have more than two (2) printed sides.

2. In the RR, R-1, and HR, Districts, such sign shall not exceed (4) four square feet in area per side.

Zoning Local Law of the Town of Gorham January 2013

113

3. In the FP Farmland Priority District, such sign shall not exceed twelve (12) square feet in area per side.

I. Commercial Vehicles

In the RR, R-1, and HR District, no more than two (2) commercial vehicles, as defined herein, may

be used in connection with the home business. Such vehicles may be parked outside, but not within the setbacks specified in paragraph N of this Section.

J. Number of Clients

With exception of family day care, the home business shall be conducted in such a manner that at any one time, the maximum number of clients, customers and others (except for employees) at the

site of the home business is not greater than four (4).

K. Hours of Operation

The home business shall be conducted in such a manner that all the clients, customers and others coming to do business at the site of the home business shall arrive and depart between the hours of

7:00 a.m. and 9:00 p.m.

L. Number of Home Businesses Permitted

More than one (1) home business may be permitted for each residential property provided that the

combined impact of such home businesses does not exceed any of the thresholds established by this

Section.

M. Parking

Off-street parking shall be provided in accordance with the provisions of Section 8.1. The offstreet parking for the home business shall be in addition to the parking required for the residence.

N. Setbacks

Any accessory building used in conjunction with the home business shall be set back a minimum of

75 feet from all side and rear property lines. Off-street parking and loading spaces, as well as outdoor storage and display, shall be set back a minimum of 50 feet from all side and rear property

lines and not less than 75 feet from all public rights-of-way.

O. Deliveries and Vehicle Trips per Week

1. No business shall be permitted that requires tractor-trailer deliveries on a regular basis (i.e., more than once per week) unless the Planning Board determines that the site can provide adequate access and turnaround space.

2. In the RR, R-1 and HR District, no more than 20 total vehicle trips per week shall be permitted. These shall include clients, customers, and deliveries, but shall exclude employees.

P. Access

1. Any business involving direct sales to the public shall have frontage on a public road.

2. Such business shall obtain the appropriate driveway permit from the Town, County or State Department of Transportation.

31.9.10 HOME BUSINESS (CLASS B)

Zoning Local Law of the Town of Gorham January 2013

114

The Planning Board shall permit home businesses (Class B) with a special use permit in the FP District, provided the following requirements and conditions are maintained.

A. Intent

The purpose of this Section is to provide opportunities for economic advancement among residents of

the Town, and to protect the character of residential and agricultural areas of the Town.

Businesses

established pursuant to this section are expected to blend in with the existing character of the area in

which they are located.

B. Type of Business

A variety of commercial and manufacturing uses may be permitted, provided that the requirements

of this section are met. However, no business that is listed as a use that requires a special use permit in any commercial or industrial zoning district shall be permitted as a home business.

C. Neighborhood character

The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing neighborhood character either by

the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations. No lights or noise from the home business shall be noticeable at any time from any

public street or neighboring property.

D. Operation and Employees

1. The operator of the home business shall reside in the single-family dwelling located on the same lot as the home business. However, the Planning Board may waive this requirement.
2. No more than 15 persons, other than members of the family occupying such dwelling, shall be employed in such home business at any one time.

E. Floor Area

1. No more than 40 percent of the gross floor area of a dwelling shall be used for the conduct of a home business, up to a maximum of 1,000 square feet, provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.
2. The entire gross floor area of no more than one (1) detached accessory structure may also be permitted for use of a home business, in addition to space within the dwelling.

F. Outdoor Storage of Equipment and Materials

1. Outside storage of materials used in the home business may be permitted. Such storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing, or a combination of plantings and fencing.
2. A maximum of two (2) pieces of equipment, other than commercial vehicles, may be parked or stored outdoors on the lot. Such equipment shall be operable and necessary for the conduct of the home business.
3. Outdoor storage of equipment used for the home business shall only be permitted in the rear yard. Such equipment shall be completely screened from view from neighboring properties and public roads.

G. Outdoor Display of Goods

Outdoor display of goods may be permitted, provided that the goods are displayed in a neat and orderly manner. The Planning Board may limit the quantity of goods displayed and/or the amount

Zoning Local Law of the Town of Gorham January 2013

115

of land utilized for display of goods, and may require appropriate screening and/or buffers. Areas proposed for the outdoor display of goods must be clearly delineated in the special use permit application.

H. Signage

1. One (1) sign shall be permitted to identify a home business.
2. Such sign shall have no more than two (2) printed sides and shall not exceed twenty (20) square feet in area per side.

I. Commercial Vehicles

Commercial vehicles used in connection with the home business may be parked outside, but not within the setbacks specified in paragraph 12 of this Section. The Planning Board may require appropriate screening to minimize the visual impact of such vehicles on neighboring properties.

J. Number of Clients

The home business shall be conducted in such a manner that at any one time, the maximum number of clients, customers and others (except for employees) at the site of the home business is

not greater than ten (10).

K. Hours of Operation

The home business shall be conducted in such a manner that all the clients, customers and others coming to do business at the site of the home business shall arrive and depart between the hours of

7:00 a.m. and 9:00 p.m.

L. Number of Home Businesses Permitted

More than one (1) home business may be permitted for each residential property provided that the combined impact of such home businesses does not exceed any of the thresholds established by this

Section.

M. Parking

Off-street parking shall be provided in accordance with the provisions of Section 8.1 and the Schedule. The off-street parking for the home business shall be in addition to the parking required for the residence.

N. Setbacks

Any accessory building used in conjunction with the home business shall be set back a minimum of

75 feet from all property lines. Off-street parking and loading spaces, as well as outdoor storage and display, shall be set back a minimum of 50 feet from all side and rear property lines and not less than 75 feet from all public rights-of-way.

O. Deliveries

Tractor-trailer deliveries shall be permitted, unless the Planning Board determines that the site does not provide adequate access and/or turnaround space.

P. Inspection

The Zoning Officer shall review the premises operating under the Special Use Permit for compliance every five (5) years, and within six (6) months of change of ownership.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF NAPLES

LOCAL LAW 2 OF THE YEAR 2015 amending the Zoning Chapter of the Code of the Town of Naples To Provide For "Home Business", "Home Occupation Short Term" and amending the "Home Occupation" Provisions.

Be it enacted by the Town Board of the Town of Naples as follows:

Section 1: Short Title.

This local law shall hereafter be known as the "Naples Zoning Chapter Amendment No. 1 of 2015".

Section 2: Legislative Intent.

To allow and encourage smaller scale business activities within homes and outbuildings that are appropriate to the character of the existing neighborhood, it is the intent to provide residents and landowners with additional opportunities to generate income while ensuring the protection of the quality of life for neighborhood residents while protecting property values.

Section 3: Legislative Authority.

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law (MHRL) of the State of New York and Article 16 of the Town Law of the State of New York, with the procedural provisions of the MHRL controlling.

Section 4: Provisions.

The following sub-sections are deleted, added or amended to the Zoning Chapter of the Code of the Town of Naples, as indicated:

1. In § 132-8. Word usage and definitions:
 - A. Delete the existing definition for 'Home Occupation' in its entirety in paragraph B.
 - B. Add the following Definitions to paragraph B:

HOME BUSINESS

Where permitted as a Special Use, a commercial or industrial use conducted within or on the same lot as an occupied single family dwelling by the inhabitants thereof. Within an Agricultural District the term "home business" may include a commercial or industrial use conducted in conjunction with a farm use. The type of business permitted shall include, but not be limited to, those involving the manufacture, provision or sale of goods and/or services on the premises. A Home Business is a specially permitted use where allowed and must meet the criteria specified in Article VII herein.

HOME OCCUPATION

Where permitted, an accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character of the building and property upon which it is located. Home Occupations must meet the requirements contained in Article VI herein.

HOME OCCUPATION SHORT TERM

An accessory use where permitted characterized by the short term production and/or sale to the public of craft and/or food items such as grape pies strictly during or immediately preceding local festivals. Said production shall be limited to no more than a total of ten (10) weeks during any calendar year for a single property and in addition to family members have no more than 10 employees or volunteers working on a single property at any given time. Home Occupations Short Term must meet the requirements contained in Article VI herein.

2. In Article V § 132-17. Agricultural-Conservation District (Ag):
 - A. Under paragraph 'C. Permitted Accessory Uses' add the following:
 - (8) Home Occupation
 - (9) Home Occupation- Short Term
 - B. Under paragraph 'D. Permitted Special Uses' add the following:
 - (5) Home Business
3. In Article V § 132-18. Residential District (R-1):
 - A. Under paragraph 'C. Permitted Accessory Uses' add the following:
 - (2) Home Occupation
 - (3) Home Occupation- Short Term
 - B. Under paragraph 'D. Permitted Special Uses' add the following:
 - (5) Home Business
4. In Article V § 132-19. Residential District (R-2):
 - A. Under paragraph 'C. Permitted Accessory Uses' add the following:
 - (2) Home Occupation
 - (3) Home Occupation- Short Term
 - B. Under paragraph 'D. Permitted Special Uses' add the following:
 - (5) Home Business
5. In Article V § 132-26. NYS Route 21 / Cohocton Street Overlay District:
 - A. Under paragraph E. (1)(a) delete the following: The home occupation classification is no longer permitted within the overlay district.
6. In Article VI, add: '§ 132-31 Home Occupations.' as follows:
 - § 132-31 Home Occupation
 - A. Intent

The purpose of this Section is to provide opportunities for economic advancement among residents of the Town while protecting the character of residential and agricultural areas of the Town. Home Occupations established pursuant to this section are expected to blend in with the existing character of the area in which they are located, and are to be secondary and clearly accessory to the primary residential or agricultural use of the property.

B. Type of Business

A variety of commercial and manufacturing uses may be permitted, provided that the requirements of this section are met. Included in this definition shall be offices for a physician, dentist, Chiropractor, Architect, engineer, Land Surveyor, Landscape Architect, Realtor, Certified Public Accountant, Attorney, podiatrist, and similar professions requiring a license issued by the state of New York. Individual services, such as instruction in musical instruments limited to a single pupil at a time, financial services, insurance sales, barber, dressmaker, milliner, seamstress, cosmetologist, and similar services offering skilled services to clients the public, shall be deemed included in this definition. The manufacture or production of crafts, furniture, machine parts, electronic parts, food items, or any non-explosive or non-hazardous products for wholesale or retail sale shall be included in this definition. The retail sale of groceries to the public, dancing instruction, tea rooms, convalescent homes, and mortuary shall not be deemed to be home occupations.

C. Neighborhood character

The appearance of the structure shall not be altered and the home occupation shall not be conducted in a manner that would cause the premises to differ from its existing neighborhood character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations. No lights or noise from the home occupation shall be noticeable at any time from any public street or neighboring property.

D. Operation and Employees

(1) The operator of the home occupation shall reside in the single-family dwelling located on the same lot as the home occupation.

(2) No more than two (2) persons, other than members of the family occupying such dwelling, shall be employed in such home occupation at any one time.

E. Floor Area

(1) No more than Twenty Five Percent (25%) percent of the gross floor area of a dwelling shall be used for the conduct of a home occupation, up to a maximum of 750 square feet, provided that the portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.

(2) The entire gross floor area of no more than one (1) detached accessory structure may also be permitted for use of a home occupation, in addition to space within the dwelling.

F. Outdoor Storage of Equipment and Materials

(1) In the R1 and R2 Districts, no outside storage of materials used in the home occupation shall be permitted. In the Ag District, any outside storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing, or a combination thereof.

- (2.) Such home occupation shall obtain the appropriate driveway/access/curt cut permit from the appropriate Town, County or State Department of Transportation jurisdiction.

7. In Article VI, add : '**§ 132-31.1 Home Occupation-Short Term.**' as follows:

§ 132-31.1 Home Occupation-Short Term

A. Intent

The purpose of this Section is to provide opportunities for seasonal business activities in support of local fairs, festivals, and similar events.

B. General Requirements

- (1.) Shall comply with all requirements of § 132-31 of this Local Law except as otherwise stated in this section.
- (2.) The local fair, festival, or similar event shall be one designated by, recognized by, or permitted by the Town of Naples or Village of Naples, such as but not limited to the Grape Festival.

C. Type of Business

The manufacture and sale of crafts and or food items in support of local fairs, festivals, and similar events on a short term basis constitute Home Occupation-Short Term. All home occupation short term activities shall be contained within existing building or in temporary buildings such as tents, food trucks, or other portable buildings and structures erected solely for the duration of the activity. In no case shall the activity require the construction of a permanent building.

D. Operation and Employees

No more than ten (10) persons, other than members of the family occupying such dwelling, shall be employed in such home occupation short term at any one time.

E. Floor Area

- (1.) The portion of the dwelling used for residential purposes shall comply with all applicable laws and codes.
- (2.) Tents, portable buildings, and even display tables may be used, as long as the requirements of the New York State Uniform Fire Prevention and Building Code are met.

F. Outdoor Storage of Equipment and Materials

- (1.) In the R1 and R2 Districts, no outside storage of materials used in the home occupation short term shall be permitted. In the Ag District, any outside storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing, or a combination.
- (2.) Display tables, tents, food trucks, and other temporary and/or portable buildings may be used.

G. Outdoor Display of Goods

Home Occupation-Short Term shall be allowed only for the duration of the festival, fair, or similar event.

H. Signage

- (1.) One (1) sign shall be permitted to identify a home occupation-Short Term. No sign shall have more than two printed sides.
- (2.) Such sign shall not exceed sixteen (16) square feet in area per side.

I. Number of Clients

No limit shall be placed on the number of clients, except that in no case shall the maximum occupancy of a dwelling or structure exceed what is permitted under the New York State Uniform Fire Prevention and Building Code.

J. Hours of Operation

Retail sales shall be limited to the hours of the fair, festival, or event.

K. Setbacks

Every accessory building, temporary building, tent, food truck, or portable used in conjunction with the home occupation, short term shall be set back a minimum of 10 feet from all side and rear property lines.

L. Deliveries and Vehicle Trips per Week

(1.) In the R-1 and R-2 Districts no more than 5 tractor trailer deliveries per week shall be permitted

(2.) In the R-1 and R-2 Districts there shall be no limit to the number of vehicle trips per week.

8. In Article VII, add : ' § 132-42.3 Home Business.' as follows:

§ 132-42.3 HOME BUSINESS

The Planning Board shall permit home businesses with a special use permit in the R-1, R-2, or Ag District, provided the following requirements and conditions are maintained.

A. Intent

The purpose of this Section is to provide opportunities for economic opportunities and diversification of small scale business in the Town and to protect the character of residential and agricultural areas of the Town. Businesses established pursuant to this section are expected to blend in with the existing character of the area in which they are located.

B. Type of Business

A variety of commercial and manufacturing uses may be permitted, provided that the requirements of this section are met.

C. Neighborhood character

The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing neighborhood character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations. No lights or noise from the home business shall be noticeable at any time from any public street or neighboring property.

D. Operation and Employees

(1.) The operator of the home business shall reside in the single-family dwelling located on the same lot as the home business.

(2.) No more than 10 persons, other than members of the family occupying such dwelling, shall be employed in such home business at any one time.

E. Floor Area

(1.) No more than 40 percent of the gross floor area of a dwelling shall be used for the conduct of a home business, up to a maximum of 1,000 square feet, provided that the portion of the structure used for residential purposes shall comply with all applicable laws and codes.

- (2.) The entire gross floor area of no more than one (1) detached accessory structure up to 2,000 square feet may also be permitted for use of a home business, in addition to space within the dwelling.

F. Outdoor Storage of Equipment and Materials

- (1.) Outside storage of materials used in the home business may be permitted. Such storage shall be adequately screened from view from public streets and neighboring property. Such screening may consist of vegetation, fencing, or a combination of plantings and fencing.
- (2.) In the R-1 and R-2 Districts, a maximum of two (2) pieces of equipment, other than commercial vehicles, may be parked or stored outdoors on the lot. Such equipment shall be operable and necessary for the conduct of the home business.
- (3.) Outdoor storage of equipment used for the home business shall only be permitted in the rear yard. Such equipment shall be completely screened from view from neighboring properties and public roads.

G. Outdoor Display of Goods

Outdoor display of goods may be permitted, provided that the goods are displayed in a neat and orderly manner. The Planning Board may limit the quantity of goods displayed and/or the amount of land utilized for display of goods, and may require appropriate screening and/or buffers. Areas proposed for the outdoor display of goods must be clearly delineated in the special use permit application.

H. Signage

- (1.) One (1) sign shall be permitted to identify a home business. No sign shall have more than two printed sides.
- (2.) In the R-1 and R-2 Districts, such sign shall not exceed sixteen (16) square feet in area per side.
- (3.) In the Ag District, such sign shall not exceed thirty-two (32) square feet in area per side.

I. Commercial Vehicles

Commercial vehicles used in connection with the home business may be parked outside, but not within the setbacks specified in paragraph 12 of this Section. The Planning Board may require appropriate screening to minimize the visual impact of such vehicles on neighboring properties.

J. Hours of Operation

- K.** The home business shall be conducted in such a manner that all the clients, customers and others coming to do business at the site of the home business shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.

L. Number of Home Businesses Permitted

More than one (1) home business may be permitted for each residential property provided that the combined impact of such home businesses does not exceed any of the thresholds established by this Section.

M. Parking

Off-street parking shall be provided in accordance with the provisions of Section 132-29. The off-street parking for the home business shall be in addition to the parking required for the residence.

N. Setbacks

Any accessory building used in conjunction with the home business shall be set back a minimum of 75 feet from all property lines. Off-street parking and

loading spaces, as well as outdoor storage and display, shall be set back a minimum of 50 feet from all side and rear property lines and not less than 75 feet from all public rights-of-way.

O. Deliveries

Tractor-trailer deliveries shall be permitted, unless the Planning Board determines that the site does not provide access and/or turnaround space and geometry that is safe, or that such deliveries would be of such a frequency that they would be disruptive to neighboring properties or the character of the neighborhood.

P. Inspection

The Zoning Officer shall review the premises operating under the Special Use Permit for compliance every five (5) years, and within six (6) months of change of ownership.

Section 5. Severability Clause

If any section, paragraph, subdivision or provision of this local law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid, and the rest of this local law shall remain valid and effective.

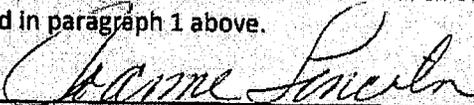
Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board of the Town of Naples.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board of the Town of Naples.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2015 of the Town of Naples, was duly passed by the Town Board on October 12, 2015 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 in paragraph 1 above.



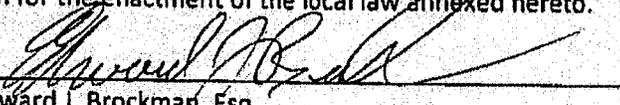
Joanne Lincoln, Town Clerk

Date: October 19, 2015

(Seal)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Edward J. Brockman, Esq.
Attorney for the Town of Naples

Date: October 19, 2015

HOME OCCUPATION

An accessory use of a dwelling unit and/or accessory building(s) for gainful employment involving the manufacture and/or sale of goods and/or services. Such uses shall be clearly secondary to the principal use and shall not change the physical character of the principal structure. Such uses shall not occupy more than 25% of the floor area of a dwelling unit or more than 50% of an accessory structure. Such uses shall not employ more than two full-time equivalent employees, other than the members of the family who occupy the dwelling unit.

HOME PROFESSIONAL OCCUPATION

An accessory use of a dwelling unit which is clearly secondary to the principal use and shall not change the physical character of the structure. Such uses shall be limited to those occupations requiring a license from the State of New York. No more than 25% of the floor area of the dwelling shall be used for a home professional occupation. Such uses shall not employ more than two full-time equivalent employees, other than the members of the family who occupy the dwelling unit.

§ 200-14C Residential/Recreational District. This is the only district where home occupation is listed as a permitted use.

A. Intent. The intent of the C Residential/Recreational District is to provide an area for low-intensity recreational and large-lot residential land uses for both seasonal and year-round use.

B. Permitted principal uses.

- (1)** Agricultural activities and structures.
- (2)** Single-family dwellings.
- (3)** Seasonal and recreational dwellings.
- (4)** Home occupations.
- (5)** Roadside stands for the purpose of marketing agricultural products produced on the parcel.
- (6)** Mobile homes on individual lots as temporary dwellings while permanent structures are being built (renewable permit).
- (7)** Premanufactured modular homes with full perimeter frost-free foundations.

C. Permitted accessory uses.

- (1)** Barns, sheds and other minor ancillary structures.
- (2)** Fences, subject to the provisions of this chapter.
- (3)** Signs, subject to the provisions of this chapter.
- (4)** Earth stations, windmills, solar collectors and other renewable energy-generation devices. See **§ 200-50** for additional regulations.
- (5)** Ponds, buffers and functional or nonfunctional amenities.
- (6)** Mobile homes: limit one mobile home per lot; for accessory use by immediate family member or farm employee; all density standards must be met; site plan approval required; location on lot should be appropriate, given topographical situation, soils, proximity to other buildings and location of water and septic system; off-street parking must be provided for the dwelling.

Town of West Bloomfield:

Home Occupations Low Intensity

Home occupations shall be subject to the following requirements:

A. No more than 15% or 350 square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation. This requirement shall not apply to family day-care homes.

B. No stock-in-trade shall be displayed or sold on the premises.

C. There shall be no outdoor storage of commercial vehicles, equipment or materials used in the home occupation.

D. Not more than one vehicle used in commerce shall be permitted in connection with any home occupation, and any such vehicle shall be stored in an enclosed garage at all times.

E. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.

F. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

G. No sign, other than one unlighted sign not over one square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.

H. No more than five patrons shall be allowed on the premises at any given time.

Home Occupation-High Intensity

High-intensity home occupations shall be subject to the following requirements:

A. No more than 30% or 500 square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation. This requirement shall not apply to family day-care homes.

B. No more than 2,500 square feet of any lot may be used for storage of materials used in the home occupation.

C. All outdoor storage of equipment or materials used in the home occupation shall be screened in accordance with § 140-121, Landscaping, buffers and screening.

D. Not more than one vehicle used in commerce shall be permitted in connection with any home occupation, and any such vehicle shall be stored in an enclosed garage at all times.