

Town of Bristol
6740 County Road 32
Canandaigua, New York 14424
(585) 229-2400
Fax (585) 229-4319



November 22, 2017

To All Board Members:

I realize there is a lot of information in the packet and some of you are familiar with the history behind this meeting but there are a few of you that are new to this so...skim what you already know and move on to the section that starts "Zoning Regulations 2011" as this refers to what we currently have on our books. The next section is home business and occupations for some of the other towns in Ontario County.

I hope you will take the time to make comments that you can bring to our meeting on December 4th.

Happy Thanksgiving to all of you,

Sandy

Sandra Riker
Secretary to
Town of Bristol
Planning and ZBA Boards



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**Joint Meeting of Town Board, Planning Board and ZBA
December 4, 2017
Packets**

Comprehensive Plan of 2007

Chapters on Growth Management and Economic Development

History of Directives between Town Board and Planning Board

2013 Thoughts to Encourage and Stimulate Home Occupations by Nate Harvey

February 11, 2013-Areas of interest to be reviewed and commented on by the Town Board

May 7, 2013-/Thoughts from Ontario County Planning regarding temporary use permits and special use permits

March 11, 2014-Ontario County Planning Board Referral 19-2014 with comments by the CRC

August 30, 2017-Town of Bristol-Examples of Statement of Intent Tim Jensen OCP

Home Occupation Regulations from other towns in Ontario County:

Village of Bloomfield 2017

East Bloomfield 2017

Farmington 2009

Gorham 2013

Naples 2015

Richmond

West Bloomfield

4.1 GROWTH MANAGEMENT

GOAL:

To shape and improve the quality of life in the Town of Bristol through planned and managed growth.

INTENDED OUTCOMES:

Promote land use, development and environmental regulations which are in accordance with the Comprehensive Plan.

PROJECT DESCRIPTION:

Consistent criteria, guidelines and procedures for various land use decisions made by Town Board and officials.

IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

Map decision-making process

Keep process current with State & local regulations

Minutes of all Municipal Boards distributed to all Members

RESOURCES NEEDED

Chair of ZBA, Planning Board & Town Board outline decision-making process for their respective Boards

Town Clerk and Code Enforcement Officer to distribute as needed

Minutes of all Municipal Boards will be available upon approval. The Webmaster will post on Town of Bristol Website

4.2 GROWTH MANAGEMENT

GOAL:

To shape and improve the quality of life in the Town of Bristol through planned and managed growth.

INTENDED OUTCOMES:

Integrate the decision making process of municipal boards and officials with policy directed by the Comprehensive Plan.

PROJECT DESCRIPTION:

All Boards are required to reflect the goals of the Comprehensive Plan when updating the Town of Bristol Zoning Regulations and related local laws.

IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

Reinforce that all decisions are made in accordance with the Comprehensive Plan

Require appropriate training resources for all Board members annually

Workshop for all Board members to review implementation of the new Comprehensive Plan

RESOURCES NEEDED

The Town Board is responsible for reviewing the minutes of the Zoning Board of Appeals and Planning Board meetings.

New York State Government, Ontario County Planning Department, Town Board Chairpersons of Zoning Board of Appeals, and Planning Board will monitor training.

Comprehensive Plan Committee to conduct an informational workshop for Town Board members

4.2 GROWTH MANAGEMENT CONTINUED

IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

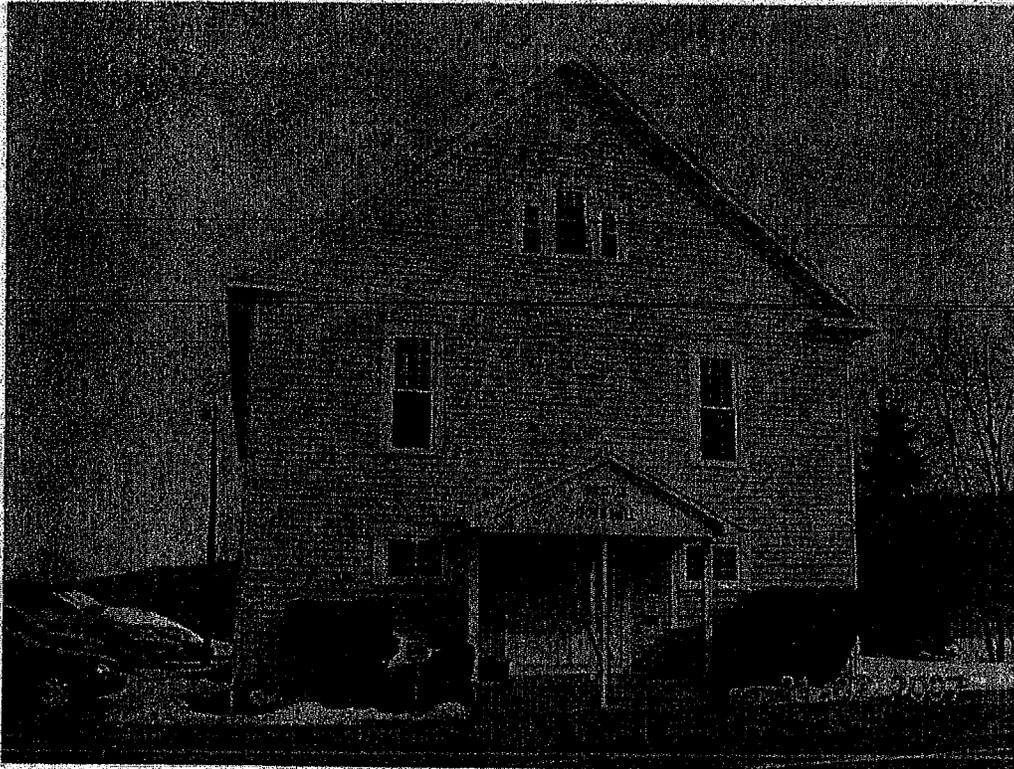
Examine/Adjust current zoning regulations to establish consistency with Comprehensive Plan

Address other areas of concern based on trends created by requests for variances.

RESOURCES NEEDED

Will be the responsibility of the Planning Board Chairperson to decide how they want to implement

Zoning Board of Appeals will submit an annual report on trends



Bristol Town Hall

5.0 ECONOMIC DEVELOPMENT



Bristol Trading Post



Parsons Pipe Organ Builders



Eagle Mountain

With the advent of the Internet, and more importantly fiber optic cables, there exists a worldwide labor and sales force without geographical and political boundaries. The Town of Bristol recognizes these changes and will attempt to orchestrate this phenomenon to our advantage for future economic development.

Additionally, in our attempt to encourage a more stable and diverse economy, we will review other potential sources for economic development by evaluating our infrastructure, reviewing zoning issues and districts, exploring legislation and researching other existing federal, state, local and private opportunities.

Bristol is located in Ontario County, where the job growth rate of 10% is five times greater than the Rochester Metropolitan Area*, the Town of Bristol must employ an economic development plan that can encourage residual and appropriate growth. Major employment opportunities exist along the I-90 corridor in the northern part of the county. Due to our relatively isolated location, industrial development may not be forthcoming to Bristol. However, this may be in our best interest by allowing us to focus and promote smaller business development such as technological, artisan and light industrial businesses.

*As reported in the 2000 U.S. Census.

5.1 ECONOMIC DEVELOPMENT

GOAL:

To encourage a stable and diverse economy

INTENDED OUTCOMES:

Increase number of low-impact businesses.

PROJECT DESCRIPTION:

Work closely with W.O.L.C.D.C. to study potential opportunities.

IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

Inventory existing commercial and industrial businesses

Evaluate infrastructure needs

Identify specific opportunities to pursue and/or facilitate

Review zoning district issues, possibly expanding, reducing and/or changing current districts

Advertise small loans from W.O.L.C.D.C.

Work with Ontario County Industrial Development Agency (IDA) to assist in acquiring appropriate capital project loans

RESOURCES NEEDED

Responsibility of Code Enforcement Officer and Fire Marshall

Ontario County Planning Dept. and Town Supervisor

Town Supervisor, Town of Bristol representative(s) to W.O.L.C.D.C., Town Newsletter

Responsibility of Code Enforcement Officer, Planning Board and Town Board

Advertise thru Town Newsletter and Town Website, gathered by Town representative(s) to W.O.L.C.D.C. (their Website)

Town Supervisor, W.O.L.C.D.C., Town Newsletter, information/material available at Town Hall

5.2 ECONOMIC DEVELOPMENT

GOAL:

To promote businesses having a low impact while at the same time being complimentary to the protection of Bristol and our neighboring towns' environment.

INTENDED OUTCOMES:

Protection of the environment and the stimulation of appropriate economic development while maintaining a high quality of life within the town.

PROJECT DESCRIPTION:

Create a Town of Bristol "Resource Conservation and Development Program", following federal (USDA) guidelines.

IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

Follow Federal guidelines for setting up community-based board

Contact Rich Winnett, Coordinator for the Sullivan Trails, USDA Resource Conservation & Development Agency @ (607) 776-9631, X2603 for more info

Scan USDA Website (WWW.nha.nrcs.usda.gov/RCCD/homepage.ktm)

Plan for Organization's mission, goals, objectives, etc.

Get on USDA waiting list

Investigate receiving assistance from the Federal Ameri Corps VISTA Program
(Joan Robey-Davison (585) 266-4693)

RESOURCES NEEDED:

Small volunteer Economic Committee (or person) created by Town Board

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Small volunteer Economic Committee (or person) created by Town Board

Small volunteer Economic Committee (or committee of one) created by Town Board

Volunteer Economic Committee and/or Town Personnel Committee obtain a VISTA person

5.2 ECONOMIC DEVELOPMENT CONTINUED

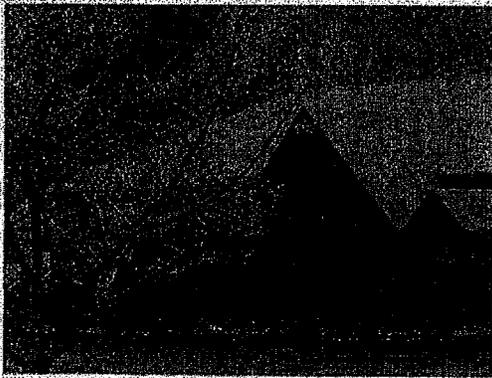
IMPLEMENTATION PLAN

IMPLEMENTATION STEPS:

Explore newly passed NYS legislation which provides targeted assistance to business incubators, small and medium businesses and businesses that use agricultural and forest products grown in NYS

RESOURCES NEEDED:

Volunteer Economic Committee and/or Town Personnel Committee to obtain a VISTA volunteer directly responsible to the Town Board.



Bristol Valley Hardwoods



*The Acorn Inn
Bed & Breakfast*



Wizard of Clay Pottery



Bristol retail on Route 64

Joint Meeting

Town Board, Planning and ZBA Boards

December 4, 2017

History of Directives between Town Board and Planning Board

Planning Board February 4, 2013- Home Occupations:

The Chairman Nate Harvey presented a paper with his thoughts to encourage and stimulate home occupations in the town of Bristol. "The Planning Board has been asked to investigate changes to our local laws that encourage home occupations. This was done in response to a resident who wants to use their barn to host private events like weddings, banquets, parties, meetings and similar celebrations. Local laws do not identify this use as acceptable in that zoning district and the structure is too large as an accessory structure.

Our planning board charge is to assist all residents not fix a specific local problem, for a specific resident. With that in mind I'd like us to consider the following changes.

- Remove the size limitation for an accessory structure with regard to its use for a home occupation. Under the current zoning it states the structure cannot be more than 750 sq. feet in size. He would like to see the size limitation removed but setbacks and other criteria would still need to be met. Other towns such as Lancaster, South Bristol and Victor do not have a size limit on accessory buildings.
- He also felt that the words "or similar to" should be added to all our lists of acceptable uses to assist the ZBA in determining acceptable uses for permit applications, in the past some applications have been denied because a specific use was not clearly listed.
- Add a definition to our local law to include "Special Event Facility"—a facility which is rented by an individual or groups to accommodate private functions, including but not limited to banquets, weddings, meetings and other similar celebrations or events. Such use may or may not include kitchen facilities for the preparation or catering of food. The Board agreed this should be treated as a Special Use Permit as opposed to an allowed use and be included in the A-C, L-R, and M-R districts of the town."

February 11, 2013 Town Board comments to the above: Regarding Home Occupations and Special Use Permits:

Home Occupations-

The Chairman presented his thoughts suggesting definitions and verbiage that could be added to the present Zoning Regulations in order to open up a common sense approach to broaden the base of home occupations allowed in the designated zoning districts.

- Remove the size-limitation for an accessory structure being used for a home occupation. Setbacks and other criteria should be met. If a building is already on the tax rolls and has been built to code, and a new building would also have to meet this criteria why should the size of the building matter?

Russ Kenyon expressed a concern with this, if there is no size limitation the accessory structure could be larger than the home perhaps flipping the use of the property. He suggested to make the size limitation be a percentage of the space available for use.

- We should include the words “similar to” to all our lists of acceptable uses to assist the ZBA in determining acceptable uses for permit applications. In the past some applications have been denied because a specific use was not clearly listed.

The Town Board was in favor of this addition.

- Add “Special Event Facility” to the Special Use permits in A-C, L-R, and M-R districts of the town. The definition would need to be added as well:

Special Event Facility –A facility which is rented by individuals or groups to accommodate private functions, including but not limited to, banquets, weddings, meetings, and other similar celebrations or events. Such use may or may not include kitchen facilities for the preparation or catering of food.

The Town Board thought the Planning Board is headed in the right direction, however, Bill Kenyon was concerned with alcohol uses involved with this type of permit.

The above changes would enhance and simplify the pursuit of “Home Occupations” and “Special Uses” for all residents, which is a goal of our Comprehensive Plan and Town Board. This action would allow any resident with the desire and a suitable accessory structure the opportunity to pursue the opening to gain benefit from their own assets. Of course all local laws must be respected and adhered to. Including the criteria as established under Special Use Permit Regulations.

Planning Board March 4, 2013-

Possible Zoning Changes:

The Secretary advised the Board that the areas of interest to be reviewed by the Town Board for comment were provided to them at the last Town Board meeting but they did not get a chance to review or comment on them. She will provide them again for the March meeting.

Fran Morgante told the Board she had met Glen Cooke at the last Town Board meeting. He is part of the WOLCDC. It is an organization that helps promote small and low impact businesses in Western Ontario and Livingston Counties. He had Fran speak at a meeting held at the Bristol Town Library and as a result

Planning Board April 3, 2017:

Home Occupation: Chairwoman Giordano is asking for specific direction regarding changes to the current definition of home occupation. She said that when the 2007 Comprehensive Plan was compiled that group talked about making changes to expand the way for more home occupations. She cited specifically Section 5 and 6 reflecting the need to increase the need for low-impact businesses while being complimentary to the protection of Bristol and neighboring town's environments, encouraging the use of homes for bed & breakfasts and inns, and clearing codes to allow more home based businesses. These actions were suggested but have not been followed up on.

Her question to the Board is: What does the Town Board want to see preserved and suggestion as to how they want the Planning Board to facilitate these changes. What are we trying to accomplish? Should the list of home occupations be expanded in the various districts as allowed uses or requiring a special use permit to operate such businesses? She would like a written directive from the Town Board similar to the one provided for solar energy.

The Planning Board will also be looking to the ZBA for their input with any changes made to the zoning regulations.

May 1, 2017 Planning Board: : They will be following the written directive from Town Board and using the guidelines suggested by County Planning in 2014. They will be adding purpose and use statements to all zoning districts to provide standards for the ZBA & Planning Boards in making decisions that will only apply to as of right uses and Home Occupation uses subject to site plan approval. The Planning Board will have the ZBA assist in this project and will be holding another joint meeting with them.

See CPB Referral list March 11, 2014 CRC Meeting Report later in this packet.

May 7, 2013

Thoughts from Maria Rudzinski of Ontario County Planning Department:

With regard to finding a way for barns to be used for special events and how to include it as a home occupation Maria suggested it would be very difficult to look at a special event facility as one that could be included under home occupations.

- If the primary use is residential than allowing the accessory building to be used as a special event facility would be placing a second permitted use on the parcel.
- A home occupation is dependent on the skill of a resident to perform it where a special event facility does not require such a talent, anyone could do it.
- Temporary Special Use permit could be added to our zoning and then establish the criteria and thresholds for such permits.

- It would require defining Temporary i.e. does this mean it is a seasonal use or establish a time limit it could be used in.
- Further expand on hours of operation, number of times during the time limit it could be used, all regulations of the town would need to be followed, guidelines regarding insurance, permits, such as alcohol usage should be spelled out
- Parking, noise thresholds, traffic concerns, sanitary facilities addressed, etc.
- At the end of the prescribed time limit the temporary permit would need to be reviewed to determine if it could be reissued for another season of use.

Thoughts to Encourage and Stimulate Home Occupations
by Nate Harvey 2013

The planning board has been asked to investigate changes to our local laws that encourage home occupations. This was done in response to a resident who wants to use their barn to host private events like weddings, banquets, parties, meetings and similar celebrations. Local laws do not identify this use as acceptable in that zoning district, and the structure is too large as an accessory structure.

Our planning board charge is to assist all residents not fix a specific local problem, for a specific resident. With that in mind I'd like us to consider the following changes.

- 1) Remove the size limitation for an accessory structure. Currently, Bristol Town Law limits the accessory structure to 750 sq. ft. I checked Lancaster, South Bristol and Victor local laws and none of those towns have a size limit on accessory buildings. They do have setbacks and other criteria which must be met. When thinking about a current situation though, we would be considering an existing accessory structure. A building already on the tax rolls and built to local codes. If it were a new structure it would also be built to current codes so that should not be a factor. So if we're discussing a building that meets all codes, why should it matter how large or small it is?
- 2) Add Definition of a Banquet Hall to our local law. I do like the definition from the Town of Yorktown, NY. which states: (An establishment which is rented by individuals or groups to accommodate private functions, including but not limited to, banquets, weddings, meetings and other similar celebrations or events. Such use may or may not include kitchen facilities for the preparation or catering of food.)
- 3) Add this Definition to our A-C, L-R and M-R districts as an acceptable use. Also, we should include the words "or similar to" to all our lists of acceptable uses to assist the ZBA in determining acceptable uses for permit applications. In the past some applications have been denied because a specific use was not clearly listed.

The above changes would enhance and simplify the pursuit of "Home Occupations" and "Special Uses" for all residents, which is a goal of our Comprehensive Plan and Town Board. This action would allow any resident with the desire and a suitable accessory structure the opportunity to pursue the opportunity to gain benefit from their own assets. Of course all local laws must be respected and adhered to.

Town of Bristol
Planning Board

Areas of interest to be reviewed and commented on by the Town Board
February 11, 2013

Regarding the posting of minutes by Planning Board:

Posting of Minutes:

The secretary provided the Board with several comments from neighboring planning and zoning board secretaries on how they posted minutes of their board's meetings. The Board said they would like to have the minutes made public 2 weeks after the meeting has been held, these minutes should be marked as "draft only or unapproved" and made available only in the town clerk's office. At that time the "draft" minutes will be forwarded to the Planning Board for their review, any changes will be made at the next scheduled meeting and after approval may be posted to the website. Posting of unapproved minutes would only lead to confusion and possible misunderstanding. All decisions and resolutions should be made available to the applicant within 5 days of the meeting. This recommendation will be made to the Town Board by the Chairman during his report at the next Town Board meeting.

The Town Board was good with this and the ZB A passed a resolution to follow this procedure, the Planning Board needs to do the same.

Regarding Home Occupations and Special Use Permits:

Home Occupations-

The Chairman presented his thoughts suggesting definitions and verbiage that could be added to the present Zoning Regulations in order to open up a common sense approach to broaden the base of home occupations allowed in the designated zoning districts.

- Remove the size limitation for an accessory structure being used for a home occupation. Setbacks and other criteria should be met. If a building is already on the tax rolls and has been built to code, and a new building would also have to meet this criteria why should the size of the building matter?

Russ Kenyon expressed a concern with this, if there is no size limitation the accessory structure could be larger than the home perhaps flipping the use of the property. He suggested to make the size limitation be a percentage of the space available for use.

- We should include the words "similar to" to all our lists of acceptable uses to assist the ZBA in determining acceptable uses for permit applications. In the past some applications have been denied because a specific use was not clearly listed.

The Town Board was in favor of this addition.

- Add "Special Event Facility" to the Special Use permits in A-C, L-R, and M-R districts of the town. The definition would need to be added as well:
Special Event Facility –A facility which is rented by individuals or groups to accommodate private functions, including but not limited to, banquets, weddings, meetings, and other similar celebrations or events. Such use may or may not include kitchen facilities for the preparation or catering of food.

The Town Board thought the Planning Board is headed in the right direction, however, Bill Kenyon was concerned with alcohol uses involved with this type of permit.

Town of Bristol
Planning Board

Thoughts from Maria Rudzinski at County Planning regarding temporary use permits and special use permits:

May 7, 2013

With regard to finding a way for barns to be used for special events and how to include it as a home occupation Maria suggested it would be very difficult to look at a special event facility as one that could be included under home occupations.

- If the primary use is residential than allowing the accessory building to be used as a special event facility would be placing a second permitted use on the parcel.
- A home occupation is dependent on the skill of a resident to perform it where a special event facility does not require such a talent, anyone could do it.
- Temporary Special Use permit could be added to our zoning and then establish the criteria and thresholds for such permits.
- It would require defining Temporary i.e. does this mean it is a seasonal use or establish a time limit it could be used in.
- Further expand on hours of operation, number of times during the time limit it could be used, all regulations of the town would need to be followed, guidelines regarding insurance, permits, such as alcohol usage should be spelled out
- Parking, noise thresholds, traffic concerns, sanitary facilities addressed, etc.
- At the end of the prescribed time limit the temporary permit would need to be reviewed to determine if it could be reissued for another season of use.

Nate,

I can call the Assoc of Towns and NYPF to see if they have good definitions of temporary use permits, and how this might fit with using accessory structures for commercial gatherings in a residential district.

| | | |
|--------------------|--|-----------------|
| 19 - 2014 | Town of Bristol Planning Board | Class: 2 |
| Referral Type: | Text Amendment | |
| Applicant: | Harvey, Nate | |
| Property Owner: | | |
| Representative: | Riker, Sandra | |
| Tax Map No(s): | | |
| Brief Description: | Proposed text amendments to various sections of the current zoning regulations - Town of Bristol | |

| Item | Comment |
|--|---|
| <p>Article 10 Uses permitted in Use districts. The following is added to list of permitted uses for each District: <i>Any use or business not specifically mentioned in this chapter which, in the consideration of the Zoning Board of appeals, is similar in nature and scale to a use or business permitted within the _____ District listed above</i></p> | <p>The current zoning districts do not include a detailed purpose and intent statements. These statements establish why (goals/objectives) this district was created and how the allowed uses are compatible. They provide standards for the Boards in making decisions.</p> <ul style="list-style-type: none"> • If the Town wants to give the ZBA this authority, purpose and intent statements should be added to each district. • This provision should be applicable only to as of right uses and uses subject to site plan approval. |
| <p><i>Intent. {Amended date by L.L. #. -201x} Section 1: Because of their unique characteristics, it is recognized that certain uses require special consideration by the Zoning Board of Appeals before a permit is issued for the use of land within the town..... The Zoning Board of Appeals is also authorized to consider any use not listed in Article Ten to determine its similarity to other permitted uses.....An approved Special Use Permit would generate an Operating Permit.</i></p> | <ul style="list-style-type: none"> • Uses requiring special use permits should be defined in the code with specific standards that each is to meet. <p>By definition, special uses are those which the town board has determined are compatible with other uses in a district only if they meet specified criteria. The ZBA would be in the position of establishing criteria/standards that is reserved for the legislative board.</p> <p>Special uses, once granted, become a property right. Like any other violation of the zoning code, the landowner must comply with the permit requirements or face enforcement action. If the landowner doesn't comply, then they may be forced to stop the use until they comply but they do not lose the right to the use as long as it is conducted according to the permit.</p> |
| <p>General comment for both above items: If the planning and zoning boards are experiencing problems accommodating proposed uses that they feel <i>should</i> be allowed but are not allowed, then the problem may be in how allowable uses were originally determined for inclusion in the zoning code. A review of the allowed uses for each district may be needed rather than trying to create a "catch all" provision that risks giving too much discretion without associated standards, putting the ZBA in an untenable position.</p> <p>Despite the best intentions, a pattern of decision-making can evolve that will start to appear arbitrary or an 'abuse of discretion' by applicants --- "If you allowed that why won't you allow this..." Each 'new' allowed use decision sets a new precedent and stretches the code beyond its legislative intent.</p> | |
| <p>Temporary Special Event Permit</p> | <ul style="list-style-type: none"> • Zoning regulates land and its use. If an applicant wants to start a business, it is a private decision whether they want to do it, continue to do it, or not. It is not an allowed reason for a local zoning regulation to be enacted. • There is no definition for what constitutes a "special event" besides "the use of private property for commercial gain on a one time basis". This is very broad allowing virtually any commercial use. • The Town may want to consider a separate local law that requires a permit for special |
| | <p>events that can get into operational details, liability, etc. that is outside the zoning code.</p> <ul style="list-style-type: none"> • If a landowner is seeking to operate a business that includes private parties, gatherings, receptions, workshops, etc. as would be associated with a party house or conference center, it should be defined as such and the appropriate limits established in the zoning ordinance. |

Adapted from the purpose statement for the Town of Bristol Adult Use district using language from the comprehensive plan. This is more comprehensive and allows for direct reference to the document that is the foundation of local land use regulation.

Agricultural –Conservation A-C

The purpose of the Agricultural Conservation District is to describe use restrictions and development requirements that place a priority on:

- 1) Promoting agriculture viability and protecting the Town’s agricultural resources
- 2) Careful development of a wide range of high and low density residential uses.
- 3) Low impact commercial and institutional uses that directly support farmers and residents.
- 4) Development scaled and designed to:
 - Protect the existing rural character (which includes.....)
 - Protect and improve the natural environment (*what are the priorities for this district?*)
 - Preserve open space (*any separate inventory that can be referenced?*)

The Town of Victor took an interesting approach by having the intent statements for several districts listed together. I like this because it allows you to reconcile one zone against another and call out the reason for the separate districts. You could put it right in Article IV, Section 1.

§ 211-18 Purposes of residential districts.

A.

R-1 and R-2 Residential Districts. The purpose of these residential districts is to permit the construction of single-family dwellings and, where applicable, two-family dwellings for the use of the residents of the Town of Victor. The districts are to be so situated and organized as to provide the maximum privacy and quiet and low traffic volume for the residents.

B.

R-3 Residential District. The purpose of this district is to enable the compatible existence of extractive industries, residential land uses and agricultural operations. R-3 Zones exist to provide for the transition from agricultural operations and extractive industries to residential land uses as well as to provide for the expansion of existing excavation operations.

C.

Limited Development District. The purpose of this district is to preserve unique environmental features of an area including glacial terrain, kettle ponds, wetlands and vegetation while allowing limited development of single-family dwellings. The district is to be situated and organized as to provide the maximum privacy and quiet and low traffic volume for the residents.

Here’s one from Town of Pittsford that is not so helpful:

The RN Residential Neighborhood District is established to provide and maintain land area for neighborhoods of single-family dwellings and to preserve the context of such neighborhoods.

Current Zoning Regulations of 2011

Definitions-

Artisan. A person manually skilled in making a particular product, such as, but not limited to, glassblowing, art studios, pottery/ceramics, ornamental works, etc.

10. Artisan Use. An accessory use unique to the A-C District, permitting an artisan to manufacture and/or sell products of his/her creation. Such use shall be in conjunction with the artisan's residential use and may employ one person who is not a member of the artisan's immediate family. Only goods manufactured on premises shall be sold. An artisan use existing in the C-B District shall be deemed a commercial use and not subject to these provisions.

The above is a permitted accessory use in the A-C District only.

Home Occupation. Any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall be conducted entirely within the principal dwelling unit and/or in a properly permitted, approved, and fully enclosed accessory building. The accessory structure may not exceed 750 square feet and must be of similar construction, architecture, and materials to the main dwelling unit.

61. Home Professional Occupation. The office of a member of a recognized profession when conducted in the resident's dwelling unit. Such occupations shall include, but not be limited to, those of doctors, lawyers, architects, engineers, artists, ministers and other recognized professional persons.

The above are permitted uses in the A-C (Agriculture Conservation) District, the L-R (Low Residential) District, and the M-R (Medium Density Residential) District only.

Home Occupations in the Village of Bloomfield 2017

2. Home Occupation is defined as a use of a non-residential nature which is conducted in the home or an accessory building by the resident and which is clearly subordinate to the residential nature and character of the dwelling. The occupation may be of a professional or service nature that only incidentally offers goods for sale to the public on site. The term home occupation does not include such uses as commercial stables and kennels, restaurants, nursing facilities, instruction of groups in excess of four persons, motor vehicle repair, machine shops, welding and fabrication, furniture repair involving dipping tanks and stripping. Should the enterprise's needs exceed the standards of the defined home occupation and/or the zoning requirements, it will no longer be considered a home occupation and the permit will no longer be valid.

- (a) be conducted only by residents on the premises;
- (b) be conducted only in the dwelling, which is the principal residence of the practitioner, or an accessory structure on the same parcel. The enterprise shall not occupy more than 25% of the dwelling. It may occupy any portion of an accessory structure. In no circumstances shall the enterprise occupy in excess of 500 sq. ft. or be visible from the street;
- (c) occupy no more than one-half of the habitable floor space of the floor on which they are conducted (or twenty-five percent (25%) of the gross floor area), whichever is the smaller;
- (d) involve no outdoor display of goods or outside storage of equipment or materials used in the customary home profession;
- (e) restrict signage in accordance with Article XI; and provide off-street parking in accordance with Article X.
- (f) provide off-street parking in accordance with Article X

East Bloomfield Home Occupation Regulations 2017

Town code home occupation listed below are for AR-2 District & RR-1 district and a special use permit is required in the Multiple Residence district MR (not allowed in the mobile home district)

Home occupations or home professional occupations: The Code Enforcement Officer may approve a site development permit for a home occupation or a home professional occupation in this district, provided that the following standards are maintained:

[Amended 6-9-2003 by L.L. No. 1-2003]

All home occupations shall be conducted only in the dwelling, which is the principal residence of the practitioner, or an accessory structure on the same parcel. The enterprise shall not occupy more than 25% of the dwelling. It may occupy any portion of an accessory structure. In no circumstances shall the enterprise occupy in excess of 500 square feet.

In no way shall the appearance of the property be altered or the occupation be conducted in a manner which alters the residential nature of the parcel. A minimum of two off-street parking spaces will be required for customers and employees. No outside storage of vehicles, equipment, products or material used by the home occupation will be allowed.

Not more than one full-time or two part-time nonresidents of the home shall be employed per residential unit.

No use shall create noise, traffic, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other nuisance or hazard to a greater or more frequent extent than a typical residential use in the neighborhood.

Retail sales are acceptable; provided the product is manufactured on the premises or is incidental to the service provided. No products are to be displayed on the property outside the residence. There shall not be anticipated more than one customer visit at a time.

Signs, not exceeding six square feet, or extending more than seven feet above grade, are allowed, advertising the home occupation. Said signs must also meet sign regulations in Article XIII, § 135-102, Sign standards, of the Town of East Bloomfield Code.

Town of Farmington-

Major Home Occupations:

HOME OCCUPATION, MAJOR

Any home occupation that is not a minor home occupation.

[Added 12-22-2009 by L.L. No. 6-2009^[3]]

A. It is the intent of this section to allow a variety of major home occupation pursuits as specially permitted uses in residential districts while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. A major home occupation may be allowed as a special permitted use in the A-80, RR-80, RS-25, R-7.2, R-1-15, R-1-10, R-2, RMF and PD Districts. It is recognized that while major home occupation pursuits are specially permitted under the conditions provided for in this section, it is the primary purpose of this section to preserve and maintain the residential atmosphere, appearance and character of residential districts. It is the stated intent that the special permitted major home occupation use will always be second and subordinate to the principal residential use of the premises and that the major home occupation will not harm other residential uses of the property or adversely affect neighboring premises. Under no circumstance shall a special permitted major home occupation become so extensive that it predominates the principal permitted residential use of the premises. It is further the intent of this section to establish specific performance standards and controls to limit major home occupations so as to minimize the adverse impacts a home occupation could have on a neighborhood or district and to assure that it does not become the predominant use of the property. Finally, it is the intent of this section to exclude family or group family day care as first defined in New York State Social Services Law, § 390, Subdivision 1, Paragraph (d) and (e), which are exempt from the provisions of this chapter, from having to comply with these regulations.

B. A major home occupation, as defined in Chapter **165** of the Town Code, shall first require the issuance of a special use permit by the Planning Board. The Planning Board may condition or restrict the special use permit for a major home occupation if, in the Board's judgment, such restriction is required to minimize the impact of the use upon the neighborhood or district. No special use permit shall be issued unless the Planning Board makes a finding that all of the following criteria have been met:

- (1)** The property is in full compliance with the provisions of the Town Code; and
- (2)** The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises; and
- (3)** No other major home occupation is conducted upon the premises; and
- (4)** The special use permit must be issued to the owner of the premises who is an actual resident of the premises; and