

TOWN OF SHELDON

TOWN HALL
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HIGHWAY
DEPARTMENT
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A Home Occupation Permit is required no matter the nature, extent or frequency of the business work occurring at the residence.

- Print all information legibly. Information which cannot be read or understood may delay the review process.
- Answer each question completely
- Read all of the information completely before signing the application. Business and property owners are responsible for understanding and complying with the requirements.
- If you are unsure about any of the questions on the application form, please ask a staff member for clarification.
- If a question does not apply to your proposed home occupation/business be sure to answer it, "N/A" (Not Applicable). **Do not leave it blank.**
- Home Occupation Permits do not require renewal. A new application must be submitted if the occupation/business type changes or if the location of the occupation/business changes from the original address listed on the original permit application.

HOME OCCUPATIONS (PERMIT REQUIRED)

Purpose and Intent - Recognizing the fact that many residents of the Town of Sheldon currently maintain home occupations and home businesses, or may choose to do so at some point in the future, the town has determined to provide a mechanism for permitting such uses, subject to appropriate review and the implementation of mitigation measures where appropriate.

The Town Board recognizes that the residents historically have operated small businesses from their homes which provide services to the community and finds that these businesses have not impacted negatively on the appearance and character of these agricultural and residential zones. Conversely, the town recognizes that unrestricted use of residentially zoned properties for nonresidential purposes carries with it the potential for conflicts with and detrimental impacts on the purposes and character of the areas zoned for residential and agricultural uses. In the Board's judgment, it finds that in order to maintain the economic viability of the town, to maintain the rural quality of life and in the interests of the welfare of the residents, home occupations and home businesses should be permitted.

In order to further the benefits of home occupations while mitigating the potential detrimental off site impacts of home occupations, the town has enacted these regulations. Recognizing that different home occupations exhibit varying potentials for generating off-site impacts, the Town adopts three (3) tiers of home occupations for the purposes of establishing review procedures and approval conditions. The three tiers are: Home Occupations - Minor (Section 5070), Home Occupations-Major (Section 5070), and Home Based Businesses (Section 6310). The applicable review procedure and approval conditions for the use shall be that of the tier in which all of said conditions are met.

HOME OCCUPATION – MINOR

- A. **Permitted locations** - Minor home occupations are permitted as an accessory use to a single-dwelling unit. No more than one (1) minor home occupation shall be permitted for each property, not to exceed more than one third (1/3) of square footage of dwelling.
- B. **Required procedures** - None; use is permitted as an accessory use.

- C. Limitations or Thresholds - In addition to all of the limitations applicable to the district in which it is located, no minor home occupation shall be permitted unless it complies with the following restrictions:
1. Evidence of use and maintenance of residential character - The appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of noises, odors or vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used. No outdoor display of goods or outside storage of equipment or materials used in the home occupation or profession shall be permitted.
 2. Employees on site - No employees other than the residents of the property shall be employed on site. No other partner, principal or professional may be employed on site.
 3. Number of clients - The home occupation shall be conducted in such a manner that at any one (1) time the maximum number of clients, customers and others at the site of the home occupation is not greater than two (2) persons.
 4. Hours of operation - The home occupation shall be conducted in such a manner that all the deliveries, clients, customers and others coming to do business at the site of the home occupation, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
 5. Signage - One unanimated, non-illuminated flat or window sign, not to exceed four (4) square feet in area per side, shall be permitted to identify the home occupation. No sign shall have more than two printed sides.
 6. Commercial vehicles - Not more than one (1) commercial vehicle shall be permitted in connection with any minor home occupation and such vehicle shall be parked in the driveway or stored in an enclosed garage. No construction vehicles, construction equipment, or heavy vehicles may be used in connection with a minor home occupation. Not to exceed 18000# GVW.

HOME OCCUPATIONS - MAJOR

- A. Permitted locations - Major home occupations are permitted within a single-dwelling unit, or in a building or structure accessory to a dwelling unit, located in any district. Major home occupations cannot exceed more than one third (1/3) of square footage if in dwelling. Accessory buildings are allowed for business.
- B. Required procedures - Site plan review required by the Town Planning Board. No public hearing shall be required, unless the Town Planning Board determines that there is a need to hold such a hearing. The site plan must show the location of the business, including floor plans indicating the portion of the principal and accessory buildings to be used for the business, the location of any vehicles and equipment to be parked outdoors, and any outdoor areas proposed for storage or display of goods or supplies.
- C. Limitations or Thresholds - Recognizing that the primary purposes of residential and agricultural districts is not the accommodation of business uses, the burden of proof in demonstrating compliance with these regulations in order to develop and maintain a home occupation shall be upon the applicant. In addition to all of the limitations applicable to the district in which it is located, no major home occupation shall be permitted unless it complies with the following restrictions. The applicant shall bear the burden of satisfactorily demonstrating that the major home occupation will conform with the following eight items:
1. Employees on site - No more than one (1) employee or assistant in addition to the members of the family occupying such dwelling may be engaged on the premises in the home occupation at any given time. One other partner, principal or professional may be employed on site.
 2. Outdoor storage - materials and equipment - Materials and equipment actively used in connection with the home occupation shall be stored indoors to the

extent practicable. Where such storage cannot be reasonably provided, the materials and equipment shall be screened from public rights-of-way and neighboring properties by intervening landforms, fencing and/or vegetation through all seasons of the year and stored in a manner such that they do not pose a nuisance to adjacent property owners. No outdoor storage of materials or equipment shall be permitted in the front yard of the premises or less than fifty (50) feet from any property boundary.

3. Commercial vehicles and construction equipment - Not more than two (2) commercial vehicles may be used in connection with the home occupation.
4. Heavy vehicles and Construction Equipment under 18000#GVW- No more than one (1) heavy vehicle used in connection with the home occupation may be stored outside. No such vehicles shall be parked in the required front yard (25 feet of the R.O.W.) or side yards (within 10 feet of side lot lines) of the property. Additional heavy equipment may be stored in an enclosed garage.
5. Signage - One sign, not to exceed four (4) square feet in area per side, shall be permitted to identify the home occupation. No sign shall have more than two printed sides. This sign may not be animated and may be illuminated only during business hours.
6. Parking - Any need for parking generated by the home occupation shall not include any vehicle over 18000#GVW.
7. Number of clients - The home occupation shall be conducted in such a manner that at any one (1) time the maximum number of clients, customers and others at the site of the home occupation is not greater than four (4) persons.
8. Hours of operation - The home occupation shall be conducted in such a manner that the majority of the deliveries, pickups, clients, customers and others coming to do business at the site of the home occupation, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.

HOME BASED BUSINESSES

The Town Planning Board may approve a special use permit for home based businesses, A- Agricultural, RR- Rural Residential, and B- Business Districts provided that the following standards are satisfied:

- A. Permitted locations - Home based businesses are permitted within a single-dwelling unit, or in a building or structure accessory to a dwelling unit, with frontage along any State, County or Town Road that is not designated for "seasonal use." A private road may not provide access. No more than one (1) home based business shall be permitted on each property.
- B. Required procedures - Special use permit and site plan review required from the Town Planning Board.
- C. Limitations or Thresholds - Recognizing that the primary purposes of residential and agricultural districts is not the accommodation of business uses, the burden of proof in demonstrating compliance with these regulations in order to develop and maintain a home based business shall be upon the applicant. The applicant shall bear the burden of satisfactorily demonstrating that the home based business will conform with the following standards:
 1. Lot size - The minimum required lot size for a home-based business is five (5) acres.
 2. Extent of use - The total gross floor area of the home-based business in an accessory building shall not exceed five thousand (5000) square feet in area.
 3. Neighborhood character - The appearance of the property shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ significantly from other properties in the neighborhood either by the use of lighting or by the emission of noises, odors or vibrations. All accessory buildings shall be of a building type that is consistent with the appearance of the principal dwelling and the surrounding area or neighborhood.

4. Employees on site - No more than four (4) employees or assistants in addition to the members of the family occupying such dwelling may be engaged on the premises in the home based business at any given time. One other partner, principal or professional may be employed on site.
5. Hours of operation - The home based business shall be conducted in such a manner that the majority of the clients, customers and others coming to do business at the site of the home based business, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
6. Outdoor storage - materials and equipment - Materials and equipment actively used in connection with the home based business shall be stored outdoors shall be screened from public rights-of-way and neighboring properties by intervening landform and/or vegetation or fencing through all seasons of the year and stored in a manner such that they do not pose a nuisance to adjacent property owners. No outdoor storage of materials or equipment shall be permitted in the front yard of the premises or less than fifty (50) feet from any property boundary.
7. Commercial vehicles - Not more than four (4) commercial vehicles may be used in connection with the home-based business. No such vehicles shall be parked in the required front or side yards of the property.
8. Construction vehicles and equipment - Not more than four (4) construction vehicles or pieces of construction equipment may be used in connection with the home based business. No such vehicles shall be parked in the required front or side yards of the property. Additional commercial vehicles may park in an enclosed structure.
9. Heavy vehicles GVW over 18000#. - No more than two (2) heavy vehicles may be used in connection with the home-based business. No such vehicles shall be parked in the required front or side yards of the property. Additional heavy vehicles may be parked in an enclosed structure.
10. Signage - One sign, not to exceed ten (10) square feet in area per side, shall be permitted to identify the home-based business. No sign shall have more than two printed sides. This sign may not be animated and may be illuminated only during business hours.
11. Parking - The need for parking generated by the home based business shall be met on-site and not in the required front yard. Off-street parking, turnarounds, and loading spaces shall be provided as required in Section 3000 of these regulations. The off-street parking for the home-based business shall be in addition to the parking required for the residence.
12. Deliveries and shipping - No more than ten (10) pickups or deliveries per week, other than regular mail, commercial mail service and overnight delivery service, shall be permitted. All pickups and deliveries shall occur between the hours of 7:00 a.m. and 9:00 p.m.

HOME OCCUPATION PERMIT APPLICATION

Applicant's Name: _____ Phone: _____

Applicant's Address: _____ OWN RENT Zoning District _____

Business Name: _____ Bus. Phone: _____

Property Owner's Name & Address (if different than applicant) _____

Address: _____

Property Owner's Signature _____ Property Owner's Phone # _____

CHECK THE APPLICABLE STATEMENT OR ANSWER THE FOLLOWING QUESTIONS COMPLETELY

1.) Describe, in detail, the type of business and work to be performed at the residence:

2.) Check level you are applying for:
 Major Minor Home Based Business

3.) Do clients or customers come to your home for any reason? Yes No
If yes, how many at one time? _____

4.) List ALL vehicles or mobile equipment used in connection with your business:

Please answer **YES** or **NO** to the following questions. Explain all **YES** answers in detail:

____ Are you planning to post signs of any type on the residence or on any vehicle in connection with the business? _____

____ Does the business have any employees who do not live at the residence? _____

____ Do any employees who do not reside at the residence come to the residence for any business related reasons? _____

____ Will the use, storage, or movement of products, materials, or equipment be in public view or be noticeable beyond the property line in the form of noise, light, odor, vibration, or electrical interference? _____

____ List what type of inventory you will be holding (including hazardous materials) _____

____ Will there be any preparation, assembly, manufacturing, storage, or distribution of food or other products at the residence? _____