

**Local Law AA of 2022**

**A Local Law amending Chapter 140 of the Code of the Town of Rochester**

**§ 140-19. Home occupation regulations.**

**Section 1. Chapter 140 Amendment**

Chapter 140 of the Code of the Town of Rochester **§ 140-19. Home occupation regulations.** shall be amended as follows.

**§ 140-19. Home occupation regulations.**

- A. Home occupations are permitted in all districts subject to regulation by class. Classifications of home occupations and limitations applicable to each follow:

<b>Home Occupation Classifications</b>		
<b>Class</b>	<b>Description</b>	<b>Requirements</b>
Class I	A no-impact home-based business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, more than those normally associated with residential use	<ul style="list-style-type: none"><li>• No on-site employees other than family members residing in the dwelling</li><li>• No display or sale of retail goods</li><li>• No stockpiling of inventory of a substantial nature</li><li>• No outside appearance of business (e.g., parking, signs, or lights)</li><li>• No equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable in the neighborhood</li><li>• No generation of any solid waste or sewage discharge, in volume or type, not normally associated with residential use in the neighborhood</li><li>• Business activity conducted only within the dwelling</li><li>• Shall not occupy more than 25% of the habitable floor area or 250 square feet of floor area, whichever is less</li></ul>
Class II	A low-impact home-based business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and does not significantly change the character thereof, involve the use of mechanical equipment other than that customarily used for domestic purposes and involves no retail or services resulting in other than occasional and limited numbers of visitors.	<ul style="list-style-type: none"><li>• No more than one on-site employee other than family members residing in the dwelling</li><li>• No display or sale of retail goods</li><li>• No stockpiling of inventory of a substantial nature</li><li>• No equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable in the neighborhood.</li><li>• No generation of any solid waste or sewage discharge, in volume or type, not normally associated with residential use in the neighborhood</li><li>• Shall not occupy more than 25% of the habitable floor area of the dwelling or 500 square feet of floor area, whichever is less, regardless of whether located in the dwelling or in an accessory structure</li></ul>

		<ul style="list-style-type: none"> <li>• No display or parking of equipment or products, storage of goods, materials, or signs visible from outside the building, except for a name or accessory use sign</li> <li>• No external evidence of the home occupation or alterations inconsistent with the residential use or appearance of the buildings</li> </ul>
Class III	A home-based business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling	<ul style="list-style-type: none"> <li>• No more than two on-site employees other than family members residing in the dwelling</li> <li>• No more than 150 square feet of floor area used for display or sale of retail goods</li> <li>• No stockpiling of inventory of a substantial nature</li> <li>• No equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable in the neighborhood</li> <li>• No generation of any solid waste or sewage discharge, in volume or type, not normally associated with residential use in the neighborhood</li> <li>• Shall not occupy more than 25% of the habitable floor area of the dwelling or 750 square feet of floor area, whichever is less, regardless of whether located in the dwelling or in an accessory structure</li> <li>• No display or parking of equipment or products, storage of goods, materials, or signs visible from outside the building, except for a name or accessory use sign</li> <li>• No external evidence of the home occupation or alterations inconsistent with the residential use or appearance of the buildings</li> </ul>

- B. A Class II or III Home Occupation dwelling may have one non-illuminated accessory use ground sign not to exceed 12 square feet in area to identify a home occupation.
- C. No home occupation, having once been permitted or established, shall be added to, expanded, enlarged, or otherwise increased or changed substantially in character without complying with this chapter and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home occupation to a commercial use by the abandonment of the residence or sale, rent or transfer of the business to a party that does not reside on site is strictly prohibited unless the business is then moved off site, unless such commercial use is a permitted use in the given zoning district.
- D. Home occupations involving the use of contractor or other heavy equipment (e.g., lawn maintenance and landscaping businesses) and similar enterprises requiring storage of materials or equipment shall provide inside storage area for all such materials and equipment. The Planning Board may also, under site plan review, permit outside storage that is fully screened.

## **Section 2. Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part, provision, or application.

## **Section 3. Effective Date**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.