

LOCAL LAW #8 OF 2018

**AMENDING THE ZONING CODE
WITH RESPECT TO HOME OCCUPATIONS**
(July 13, 2018)

Be it enacted by the Board of Trustees of the Village of Irvington that the Zoning Code is hereby amended as follows:

Section 1: Section 224-3 (Definitions) is hereby amended by adding the following new definition:

HOME OCCUPATION – Any business, professional, artistic or educational activity conducted within a dwelling unit or building accessory thereto by any of the residents of such dwelling unit, directed toward the generation of a fee or other income, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the character thereof, and subject to the limitations in § 224-8.

Section 2: Section 224-8 (Use regulations for one-family districts), subsection B (Accessory uses) is hereby amended by deleting existing paragraph (1) and replacing it with the following:

- (1) Home occupations not having customers, clients or other persons who visit the premises for business purposes (other than occasionally), provided that:
 - (a) The home occupation is carried on by a resident of the premises.
 - (b) The home occupation is clearly incidental and subordinate to the residential use of the premises.
 - (c) Not more than the equivalent of one non-resident full-time employee, associate, or assistant shall be permitted.
 - (d) The home occupation is not carried on in the area outside of the dwelling unit and any accessory building.
 - (e) There is no display of goods, supplies or advertising visible from any street with the exception of one sign permitted under paragraph (f) below, and there is no outdoor storage of goods or supplies.

- (f) The following sign is permitted without a sign permit: A sign, no larger than one square foot in surface area, identifying the permitted home occupation.
- (g) Delivery or pickup of parcels is not significantly different from what would be expected for a residence without such home occupation.
- (h) There is no offensive: noise, vibration, smoke, dust, odor or other emission and no lighting or heat generated by the home occupation noticeable to persons on nearby premises; and there is no electrical, television or radio interference to neighboring properties and no storage for sale or sale of dangerous materials.
- (i) The home occupation does not add significantly to the quantity of waste material that would be expected for a residence without such home occupation.
- (j) The home occupation shall not discharge into any sewer, drain or the ground any material other than domestic sanitary sewage or any material that is radioactive, poisonous, detrimental to normal sewer plant operation or corrosive to sewer or storm water pipes and installations.
- (k) Such occupation shall in no manner change the residential character of the dwelling unit.

Section 3: Section 224-8 (Use regulations for one-family districts), subsection D (Uses subject to special permit by Planning Board) is hereby amended by adding a new paragraph (7) to read as follows:

- (7) Accessory home occupations. Home occupations having employees, customers, clients or other persons who visit the premises for business reasons, subject to the following requirements:
 - (a) The home occupation is carried on by a resident of the premises.
 - (b) The home occupation is clearly incidental and subordinate to the residential use of the premises.
 - (c) The home occupation is not carried on in the area outside of the dwelling unit and any accessory building.

- (d) There is no display of goods, supplies or advertising visible from any street with the exception of one sign permitted under paragraph (e) below, and there is no outdoor storage of goods or supplies.
- (e) The following sign is permitted without a sign permit: A sign, no larger than one square foot in surface area, identifying the permitted home occupation.
- (f) Delivery or pickup of parcels is not significantly different from what would be expected for a residence without such home occupation.
- (g) There is no: offensive noise, vibration, smoke, dust, odor or other emission and no lighting or heat generated by the home occupation noticeable to persons on nearby premises; and there is no electrical, television or radio interference to neighboring properties and no storage for sale or sale of dangerous materials.
- (h) Any music, dance, theater, or similar studio shall be equipped and used in such a manner that sounds therefrom shall not be unduly annoying to other persons on nearby premises or public places.
- (i) The home occupation does not add significantly to the quantity of waste material that would be expected for a residence without such home occupation.
- (j) The home occupation shall not discharge into any sewer, drain or the ground any material other than domestic sanitary sewage or any material that is radioactive, poisonous, detrimental to normal sewer plant operation or corrosive to sewer or storm water pipes and installations.
- (k) Such occupation shall in no manner change the residential character of the dwelling unit.
- (l) Adequate parking shall be available for the home occupation so that it will not result in insufficient parking for neighboring residents. The Planning Board shall determine whether off-street parking spaces are necessary and, if so, the number of spaces that must be provided, their location on the lot and the screening that must be provided.

- (m) Among the conditions and safeguards the Planning Board may attach to the special permit pursuant to § 224-8E are:
 - [1] The time of day and days of the week when patients, clients, customers or students may visit the premises and the frequency of such visits.
 - [2] The number of employees or other persons that may be employed or engaged at the office, place of business or studio.
 - [3] The length of time for which the special permit is issued.

Section 4: Subsection B of § 224-15 (Use Regulations, Two-Family Residence District) is hereby amended to read as follows (new language in *italics*):

No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in one-family residence districts, in accordance with the requirements of the 1F-5 District.
- B. Two-family dwellings, provided that the entire lot occupied by such dwellings shall not be in more than one ownership at any one time throughout the life of the building. *Home occupations are permitted as an accessory use in a two-family dwelling provided they meet the requirements of § 224-8B(1) or obtain a special permit in accordance with § 224-8D(7).*

Section 5: Section 224-17 (Use Regulations, Multifamily Residence District) is hereby amended by adding the following new paragraph:

- E. *Home occupations within a dwelling unit, provided they meet the requirements of § 224-8B(1) or obtain a special permit in accordance with § 224-8D(7).*

Section 6: Paragraphs E through G of § 224-17 are hereby redesignated paragraphs F through

H, respectively.

Section 7: Subsection 16 of § 224-36.A (Permitted uses in the Business District) is hereby amended as follows (new language in *italics*; deleted language ~~stricken~~):

(16) In legal non-conforming ~~one-family~~ dwellings *units*, accessory home occupations, provided they meet the requirements of § 224-8B(1) *or obtain a special permit in accordance with § 224-8D(7)*.

Section 8: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 9: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.