

**LOCAL LAW NO. X FOR 2020**

**HOME OCCUPATIONS**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BERNE, NEW YORK AS FOLLOWS:**

**Section 1.**

The Code of the Town of Berne shall be amended by deleting the existing entry and replacing section 190-34 to read as follows:

**§ 190-34. Home occupation.**

The following standards are applicable to home occupations:

An individual may conduct his or her business, trade or profession in his or her home or residence, or an accessory building provided that:

- A. No other professional shall be permitted to share, let, or sublet space for professional use.
- B. That there be no external evidence of such use except for one sign that shall comply with Town of Berne Chapter 190, Article V, Supplemental Regulations §190-19 Signs.
- C. There shall be no exterior storage of business materials or equipment.
- D. All exterior aspects of the home occupation shall not disrupt the residential character of the area.
- E. No home occupation shall produce any odor, noise, vibration, smoke, dust, heat, glare or traffic that exceeds the average level in the immediate vicinity and is detectable beyond the property line of such parcel.
- F. Adequate parking for customers and on-site employees, in addition to that which is necessary for owners and tenants, shall be maintained and comply with Town of Berne Code, Chapter 190 Zoning, Article V, Supplemental Regulations §190-18 Off-Street Parking and Loading Regulations.
- G. Any accessory building where a home occupation is utilized shall meet all applicable building and safety codes consistent with the intended use.

- (1) Home occupation, major: No more than 25% of the total floor area of a dwelling may be utilized. If located in an accessory building, all of the building may be utilized. A home occupation shall be considered major if customers, clients, sales representatives or other individuals for the purpose of conducting business are allowed to enter premises, or if there are three or more on-site employees in addition to the owners or tenants of the property. A permit is required.
- (2) Home occupation, minor: Not more than 25% of the total floor area of a dwelling may be utilized. If located in an accessory building, all of the building may be utilized. A home occupation shall be considered minor if no customers or clients are allowed to enter the premises and there are no more than two employees in addition to the owners or tenants of the property. Minor home occupations shall be permitted by right, with the filing of a minor home occupation registration form.

## **Section 2.**

The Code of the Town of Berne shall be amended by deleting the existing definitions for “HOME OCCUPATION,” “HOME OCCUPATION, LOW-IMPACT,” and “HOME OCCUPATION, MAJOR” in section 190-75 and adding definitions to section 190-75 to read as follows:

HOME OCCUPATION – An occupation or business activity resulting in a product or service for financial gain, conducted wholly or partly in a dwelling unit or accessory building as an accessory use by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a sign. (See also Town of Berne Code, Chapter 190 Zoning, Article VI Special Uses, § 190-34 Home Occupation)

HOME OCCUPATION, MAJOR – A home occupation where customers, clients or sales representatives or other individuals for the purpose of conducting business, are allowed to enter the premises, or where there are three or more on-site employees in addition to the owners or tenants of the property.

HOME OCCUPATION, MINOR – A home occupation where no customers, clients or sales representatives are allowed to enter the premises and where there are no more than two on-site employees in addition to the owners or tenants of the property.

## **Section 3.**

The Code of the Town of Berne shall be amended by deleting the existing portions of appendix “190a Attachment 1”; adding definitions to section 190a to read as follows:

Key: X: Designates a conditional use contingent upon securing a special permit from the Zoning Board of Appeals in accordance with Article IX, § 190-64.

– Schedule of Uses Table, Accessory Uses” regarding “HOME OCCUPATION, LOW-IMPACT” and “HOME OCCUPATION, MAJOR” in and adding the following to the schedule of uses table:

	RAF	MDR	NC	GC	IND	TN/MU1	TN/MU2	Historic District
Home occupation, major	X+	X+	X+			X+	X+	X+
Home occupation, minor	P	P	P			P	P	P

**Section 4. Supersession**

All local laws, ordinances, or parts of local laws and ordinances of the Town that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect.

**Section 5. Severability of Provisions**

Should any section or provision of this local law be declared null, void, voidable or invalid, such finding shall not affect the validity of the remaining portions of this Local Law.

**Section 6. Effective date**

This Local Law shall take effect immediately upon filing with the Secretary of State.