

East Hampton
Home Based Business Regulations

Section 3 - Definitions

Add the following definitions:

HOME-BASED BUSINESS -- Any use of residential property carried on as a business by a person or persons residing on the premises (specifically excluding barbershops; beauty parlors; manufacturing; animal hospitals; dance studios; mortuaries; restaurants; automobile, boat or other vehicle repair or painting; and other uses as may be determined by the Commission).

HOME OFFICE -- The occasional use of a portion of the dwelling for office-type business purposes by one or more resident(s) in conjunction with employment typically occurring elsewhere.

MINOR HOME BUSINESS -- A home-based business located within the dwelling which:

- involves no more than one (1) non-resident at any one time, and
- occupies an area which, in the aggregate, does not exceed 25 percent of the floor area of the dwelling, exclusive of garage, attic and cellar.

MAJOR HOME BUSINESS -- Any home-based business which:

- involves on-site retail sales of merchandise to customers,
- involves on-site provisions of services to students, clients or patients (other than a family day care home),
- involves more than one (1) non-resident at any one time,
- is not located within the dwelling, or
- occupies an area which, in the aggregate, exceeds 25 percent of the floor area of the dwelling, exclusive of garage, attic and cellar.

HOME-BASED CONTRACTOR -- The use of any portion of a residential property for:

- commercial woodworking or commercial metal working,
- the interior or exterior storage, maintenance, and repair of construction equipment or vehicles, and/or
- the exterior storage of materials used on off-site construction projects.

Section 7 - Permitted Land Uses

Make the following changes:

7.1- R1 Zone: Lakeside and Village Residential

7.1.1 - The following uses are permitted in the R1 Zone as of right.

- H. Home office in accordance with Section 20.8
- I. Minor home business in accordance with Section 20.8

7.1.3 - The following are Special Permit uses, permitted in the R1 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 29.

- G. Major home business in accordance with Section 20.8
- H. Home-based contractor in accordance with Section 20.8

7.2 - R2 Zone: Single Family Residential

7.2.1- The following uses are permitted in the R2 Zone as of right.

- G. Home office in accordance with Section 20.8
- H. Minor home business in accordance with Section 20.8

7.2.3 - The following are Special Permit uses, permitted in the R2 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 29.

- E. Major home business in accordance with Section 20.8
- F. Home-based contractor in accordance with Section 20.8

7.3 - R3 Zone: Resource Residential

7.3.1- The following uses are permitted in the R3 Zone as of right

- H. Home office in accordance with Section 20.8
- I. Minor home business in accordance with Section 20.8

7.3.3 - The following are Special Permit uses, permitted in the R3 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 29.

- G. Major home business in accordance with Section 20.8
- H. Home-based contractor in accordance with Section 20.8

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(reflects EDC 3/20/07 comments)

7.4 - R4 Zone: Rural Residential

7.4.1- The following uses are permitted in the R4 Zone as of right.

- H. Home office in accordance with Section 20.8
- I. Minor home business in accordance with Section 20.8

7.4.3 - The following are Special Permit uses, permitted in the R4 Zone only when specifically approved by the Planning and Zoning Commission in accordance with the provisions of Section 29.

- G. Major home business in accordance with Section 20.8
- H. Home-based contractor in accordance with Section 20.8

To ease implementation, it may make sense to stagger the effective dates of different types of home-based businesses to make it easier for people and the PZC to process applications in a timely manner.

Section 20 - Accessory Buildings and Uses

Add the following new sub-section:

Section 20.8 - Home-Based Business

20.8.1 Purpose

This Section of the Regulations is intended to allow residents to use their homes for business purposes provided that such use is clearly accessory to the residential use and that such uses do not have an adverse impact on neighboring properties.

20.8.2 Basic Requirements

Except as specifically approved by the Commission as part of a Special Permit application, any home-based business, and any activity associated with such home-based business, shall:

- A. be clearly accessory to the residential use of the premises.
- B. be operated entirely within the confines of one or more buildings on the property.
- C. have adequate off-street parking arrangements to accommodate the parking needs of the residential use and the home-based business (employees and visitors, if any).
- D. not materially change the residential character of the dwelling or the neighborhood by involving:
 - i. the use of a commercial vehicle or other equipment other than may be typical for a residential household,
 - ii. the storage of any materials on the premises outside of buildings on the property, or
 - iii. traffic characteristics (volume, type, intensity, etc.) other than may be reasonable for a residential household.
- E. not create a health or safety hazard or be considered a nuisance due to objectionable illumination, noise, smoke, odor, toxic fumes, vibration, interference with radio or television reception, or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property values in the neighborhood.
- F. not involve the storage or delivery of significant quantities of goods or materials on the premises.
- G. not require storage of any materials or products on the premises outside of the dwelling unit.
- H. provide the Town with material safety data sheets for any materials used as part of the home-based business.

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(reflects EDC 3/20/07 comments)

20.8.3 Requirements For Minor Home Business

- A. Any minor home business shall register the home occupation with the Land Use Office by completing forms provided by the Land Use Office and paying any required fees.
- B. The registration shall include a letter describing the nature of the home-based business [~~and proof of notification of all property owners within 400 feet of the subject property (certified mail receipts)~~].
- C. Such registration shall be considered a permit to operate the home based business as described for up to two calendar years and, upon notification by the Land Use Office, the property owner shall submit a new registration to the Land Use Office and pay any required fees.
- D. If there is a material change to the nature of the business, then a new registration is required.
- E. The Land Use Office may refer the registration to the Commission and the Commission reserves the right to review any home occupation for compliance with this Section.

20.8.4 Requirements For Major Home Business

- A. Any application to establish a major home business shall include a letter describing the nature of the home-based business.
- B. Depending on the nature or intensity of uses or activities proposed on the property, the Commission may require that the applicant submit:
 - i. a schematic floor plan, drawn to scale, indicating the interior use of the building proposed for the home-based business.
 - ii. a site plan or aerial photograph indicating the location of the building proposed for the home-based business.
- C. The hours and days of operation of exterior activities associated with any major home business may be limited by the Commission during the approval process to minimize adverse impact on residential areas.
- D. As part of any approval, the Commission may:
 - i. limit the time period such Special Permit shall remain in effect so that the home-based business shall be subject to periodic review for compatibility with the neighborhood.
 - ii. limit the grant of such approval to one individual applicant so that a new business operator shall appear before the Commission to document the nature of the business they intend to operate.

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(reflects EDC 3/20/07 comments)

20.8.5 Requirements For Home-Based Contractors

- A. Any application to establish a home-based contracting business shall include:
 - i. a letter describing the nature of the home-based contracting business.
 - ii. a schematic set of floor plans, drawn to scale, indicating the interior use of the building proposed for the home-based contracting business.
 - iii. a site plan drawing identifying the location of business-related uses and activities proposed on the property.
 - iv. a listing of materials expected to be stored or used on the property, including material safety data sheets, if any.
 - v. identify the number and type of equipment to be used on the property.
- B. Any area proposed for storage of equipment or materials shall be clearly identified and such area shall be fully enclosed within a building or shall be fully screened from view from the street and abutting properties.
- C. The hours and days of operation of exterior activities associated with any home-based contracting business may be limited by the Commission during the approval process to minimize adverse impact on residential areas.
- D. As part of any approval, the Commission may:
 - i. limit the time period such Special Permit shall remain in effect so that the home-based business shall be subject to periodic review for compatibility with the neighborhood.
 - ii. limit the grant of such approval to one individual applicant so that a new business operator shall appear before the Commission to document the nature of the business they intend to operate.
 - iii. limit the number and type of commercial vehicles which may be stored on the property, especially outside.