

# Type 2 Home Occupation Renewal

## INSTRUCTIONS

- 1.) Application must be signed by the **Property Owner of Record** or their Authorized Representative and Notarized.
- 2.) Submit this application for renewal to the Building Department for processing.

In accordance with Section 6-8-6B(2) of the Town of Amherst Zoning Ordinance, the undersigned Home Occupation applicant hereby applies for a renewal of the Type 2 Home Occupation for the property located at

\_\_\_\_\_ address \_\_\_\_\_

that was approved by the Zoning Board of Appeals (ZBA) on \_\_\_\_\_; and swears that the premises is in full compliance with the standard conditions of: (See attached copy of the following)

- 1) Section 6-8-6A– General Standards.
- 2) Section 6-8-6B(2) – Type 2 Home Occupation.
- 3) Section 6-8-6C – Exclusions to Home Occupations.
- 4) Section 6-8-6D. – Prohibited Home Occupations.

and any additional conditions stipulated by the ZBA;  
 and that there have been no changes to the Home Occupation since the last approval or renewal.

(Print Property Owner's Name)	(Petitioner)
(Signature)	(Petitioner's Firm Name)
(Address)	(Address)
(City) (State) (Zip)	(City) (State) (Zip)
(Phone #)	(Phone #)

STATE OF NEW YORK COUNTY OF ERIE  
 On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me,  
 The above individual personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

**WITNESS my hand and official seal:**

\_\_\_\_\_  
 Signature of Notary Public

\_\_\_\_\_  
 Print Name

Note: If the Building Department determines that there are any violations or significant changes, a new application to the Zoning Board of Appeals must be submitted to the ZBA.

Department Use Section  
 Request Received date: \_\_\_\_\_ Reviewed Date: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

**Renewal Approved Subject to:** \_\_\_\_\_

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**Installation of smoke detectors and carbon monoxide detectors in accordance with Sections 609 and 704.2 of the Property Maintenance Code of New York State within 30 days of the date of this permit. (Call 631-7142 for inspection)**

**Renewal Approved**

\_\_\_\_\_  
 Commissioner of Building Date

**This Permit expires on \_\_\_\_\_ and must be renewed if applicant wishes to continue.**

### INSPECTION REPORTS

	Okay to renew?	If no, indicate complaints or other problems:
Code Enforcement Officer:	No <input type="checkbox"/> Yes <input type="checkbox"/>	
Plumbing Inspector:	No <input type="checkbox"/> Yes <input type="checkbox"/>	
Electrical Inspector:	No <input type="checkbox"/> Yes <input type="checkbox"/>	
Fire Inspector:	No <input type="checkbox"/> Yes <input type="checkbox"/>	
Property Maintenance:	No <input type="checkbox"/> Yes <input type="checkbox"/>	
Record Search:	No <input type="checkbox"/> Yes <input type="checkbox"/>	

**6-8-6A. General Standards**

- (1) A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be incidental and subordinate to the use of the premises for residential purposes.
- (2) There shall be no change in the outside appearance of the building or premises or other evidence from the outside of the conduct of a home occupation.
- (3) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (4) Instruction in music, dancing and similar subjects shall be limited to two students at a time.
- (5) All activities involving outside visitors, clients or deliveries shall be limited to the hours between 8 A.M. and 9 P.M.
- (6) Off-street parking shall be provided at the rate of one space per 200 square feet of home occupation floor area. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself. No parking spaces, other than driveways, may be located in the required front yard setback. Parking spaces shall be screened from adjacent parcels with residential zoning using tree and shrub plantings, earthen berms, low walls or a combination of these methods to establish a visual screen at least 36 inches above the highest surrounding grade within two years of installation.
- (7) No display pertaining to the home occupation shall be visible from outside the dwelling.
- (8) In the R-4 district, home occupations shall be permitted only as accessory uses to detached dwelling units.
- (9) The area devoted to the home occupation shall not exceed 25 percent of the ground floor area of the principal structure.
- (10) A home occupation may be allowed in an attached dwelling unit provided that such dwelling unit has a primary exterior entrance.

**6-8-6B(2). Type 2 Home Occupation**

Following approval as a special use by the ZBA, a limited business operation may be conducted as a Type 2 Home Occupation. Upon demonstration of continued compliance with the conditions of the original approval, the Commissioner of Building shall bi-annually renew the special use permit. If violations are determined, then a new application for a special use permit shall be submitted to the ZBA. The Commissioner of Building may inspect the premises without prior notice during normal business hours. Such home occupation shall meet the following standards.

- (a) The home occupation may have only one nonresident employee, assistant or associate.
- (b) No more than one unlighted sign not more than two square feet in size, identifying the resident and the business, attached flat against the building, shall be permitted. Such sign may be allowed in the required front yard along an arterial or collector street upon approval by the ZBA.

**6-8-6C. Exclusions to Home Occupations**

No home occupation shall be permitted that has any of the following characteristics:

- (1) Internal or external alterations inconsistent with the residential use of the building;
- (2) Except for signage and parking as permitted under this Ordinance, home occupation activities shall not be visible from the street;
- (3) Creates a hazard to persons or property;
- (4) Results in electrical interference;
- (5) Is a nuisance; or
- (6) Results in outside storage or display.

**6-8-6D. Prohibited Home Occupations**

The following are prohibited as Home Occupations:

- (1) Automobile and/or body and fender repairing;
- (2) Greenhouse, commercial nurseries and truck farming;
- (3) Food handling, processing or packing, other than catering services that utilize standard home kitchen equipment;
- (4) Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a seamstress where goods are not manufactured for stock, sale or distribution;
- (5) Restaurants; and
- (6) Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals on-site.