



TOWN OF NISKAYUNA HOME OCCUPATION USES

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A home occupation use is allowed to be conducted as an accessory use to a residence with some limitations to maintain compatibility with residential neighborhood character. Chapter 220-29 of the Niskayuna Zoning Ordinance describes this use and its limitations.

1. Definition: A home occupation is an occupation or profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which is carried on by a member of the family residing in said dwelling unit.
2. Registration and Permit renewal.
 - i. Registration. In order to register the home occupation, the applicant shall submit an *Application For Building And Zoning Permit*, page 2 of this document, *Home Occupation Uses*, and a permit fee of \$75.
 - ii. Permit renewal. Once issued, a Home Occupation Registration shall be renewed by the applicant on an annual basis until such time as the business shall cease. There shall be a charge of \$25 for each renewal. Failure to renew the permit shall constitute a violation of Chapter 220-29 of the Niskayuna Town Code.
 - iii. De minimis uses. Registration is not required for home occupations where ALL the following conditions are met.
 - 1) No Physical change to the exterior of a principle or accessory structure is required to accommodate the home occupation;
 - 2) The use is conducted on the site solely by persons utilizing the home as their Primary residence;
 - 3) The home has no non-resident employees; and
 - 4) No customers, including, but not limited to patients and clients, are expected to enter the property or dwelling.

ZONING ORDINANCE REQUIREMENTS

- 1) Where permitted, one home occupation use is permitted in any residential dwelling unit or building or structure accessory thereto.
- 2) Extent of use. Such use may occupy not more than 20% of the gross floor area of the dwelling unit nor 15% of the gross floor area of the dwelling unit and accessory structures and buildings; and such use shall be carried on solely and wholly within the principal building or within such accessory structure(s) or building(s).
- 3) Evidence of use. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- 4) Exterior sign. In addition to the regulation of Schedule I, Column 7, one unanimated, non-illuminated sign of not more than two square feet attached to the building is permitted.
- 5) Parking. One off-street parking space for every 200 feet of home occupation use shall be required if persons other than members of the family will be entering upon the property or entering the dwelling for purposes relevant to the home occupation.
- 6) Nuisance elements. No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced.
- 7) Employees. In addition to members of the family residing in the residential dwelling unit, not more than one additional person shall be employed in the home occupation except that there may be two additional persons employed in a home occupation located on a major arterial.

Permitted uses. Such uses include art studio, that is not a place of instruction; private music lessons or tutoring of not more than one student at a time; dressmaking and tailoring; office of a physician, dentist, lawyer, engineer, architect, real estate or insurance broker or agent or accountant; writing; telecommuting; telephone service only for any occupation; internet or software based website or application development; or other uses of a similar nature.

Town of Niskayuna
Home Occupation Application

To apply for a home occupation use permit, please answer the follow questions and attach any additional documentation, if necessary.

Address of Property: _____

1) Type of use. What is the proposed home occupation?

Hours of operation: _____ Estimated number of customers: _____

2) Extent of use.

What is the square footage of the area(s) to be used as the home occupation? _____

What is the total square footage of the house? _____

What is the total square footage of the house plus accessory structures? _____

3) Evidence of use. Will there be any exterior display or storage required?

4) Exterior sign. Do you propose a sign? If yes, submit a drawing of the sign with dimensions as well as a document indicating the location of the sign on the building.

5) Parking. Is off-street parking required? If yes, submit a drawing showing the location and the number of parking spaces.

6) Nuisance elements. Will there be any nuisance elements produced? If yes, provide a detailed explanation.

7) Employees. Describe the number of employees and their relationship (if any) to the primary resident.

