

# HOME BASED BUSINESS

## REGULATIONS & APPLICATIONS

Revised February 4, 2015

## Home Based Business Regulations

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### Section I

#### Introduction

The Town of Gander Zoning Bylaw allows occupants of dwellings to conduct certain businesses from their homes. The development standards, outlined in Section II below, for home based businesses are intended to seek a balance between supporting a quiet, safe, and aesthetic residential environment while supporting the aspirations of home based entrepreneurs. Business activities which do not meet home based development standards must locate in commercial or industrial areas.

Home based businesses are permitted at the discretion of Council in all residential areas. A home based business requires that notification be sent by mail to all owners of property wholly or partially located within a distance of 50 metres of the boundary of the site and a "Notice of Discretionary Use" is to be advertised on the Town of Gander's web site, allowing a minimum of 7 days for response. All objections are noted and referred to Council for consideration.

Home based businesses are subject to an annual taxation rate. This rate may be altered on an annual basis by the Town of Gander.

#### Definitions

- A "home based business" means an accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.

### Section II

#### Development Standards

The following regulations apply to all home based businesses:

- a. The business must be operated by a resident of the dwelling unit;
- b. All business activities must be conducted entirely indoors, and not occupy more than 25% of the gross floor area of the property, including the area of the basement, up to a maximum of 45m<sup>2</sup>;
- c. The business will not employ persons residing outside the dwelling to work inside the premises;
- d. Off-street parking is required for all customers of a home based business;
- e. If the business operator is not the property owner, then a letter from the property owner authorizing the home based activity must be submitted with the application;
- f. No exterior alterations can be made to the home that are not consistent with the residential character of the buildings and property;
- g. Signs advertising the home based business are not permitted on the property;
- h. There shall be no outside storage of materials, goods or equipment related to the home based business;

- i.** A maximum of 2.0 cubic metres of storage may be permitted within a dwelling, and a maximum of 4.0 cubic metres of storage may be permitted within the garage, shed or other accessory building;
- j.** Storage of hazardous, explosive or flammable materials are not permitted;
- k.** No repairs to motorized vehicles or equipment are to be carried out at a residential property;
- l.** No regular parking of commercial vehicles except for one vehicle with a payload capacity of no greater than two tons will be permitted on the property lot; or on the right away adjacent to the property;
- m.** Business activities must not produce any noise, vibration, smoke, dust, odors, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building;
- n.** The wholesale or retail sale of goods and services is not permitted. Wholesale and retail is defined as the sale of products and services which would, by nature, involve the delivery of products/ supplies and would also create the potential for several customer visits at one time;
- o.** Deliveries of merchandise, goods or equipment to the home based business must not cause a nuisance to other residents of the neighborhood;
- p.** A home based business involving daycare for children must be in compliance with Government of Newfoundland & Labrador's Child Care Services Act.
- q.** Music or art instruction classes are limited to no more than three students at one time;
- r.** No vehicle trips generated by the home based business shall be permitted between 9:00 p.m. and 7:00 a.m. Home based businesses shall not generate significantly more traffic than the dwelling would;
- s.** No change shall be made in the extent of service provided by the home based business without first being authorized by the Town of Gander.
- t.** Home based personal service businesses are to be limited to one chair/ one client operations, in which the business owner alone provides service for one customer at a time.
- u.** All businesses must be in compliance with any acts, policies, regulations, etc. set forth by any provincial or federal regulatory body.

### **Section III**

#### **Approval Process**

The home based business application must be completed in full and contain detailed information on the type of business proposed. A non-refundable \$50.00 processing fee must accompany the application.

After the application has been accepted for processing by the Development Department, it will be reviewed against the requirements of the development regulations. If the application meets these requirements then staff will proceed to advertise the application as required as per the Town of Gander Development Regulations. The Town of Gander will advertise the application on the Town website and will distribute written notices to property owners within a distance of 50 metres of the boundary of the site. The website and written notices are intended to inform the public that an application for a home based business has been received, provide details of the application, and to allow an opportunity for public input on the proposed development.

A 7-day period will be given to submit objections to the Town. Written representations that are received are referred to Council at the same time the application is to be considered for approval.

If the application is approved by Council, the applicant will be required to pay a \$10 permit fee prior to the issuance of a licence to operate. The development agreement establishes the terms of Councils' approval and is to be signed by both the applicant and the Development Department. Taxes will be levied according to Section IV.

The amount of time involved for processing an application for a Home Based Business from acceptance of the completed application form by the Development Department to a decision by Council is approximately 4-6 weeks.

## **Section IV**

### ***Taxation***

- A Home Based Business permit fee of \$10.00 is to be paid to the Town of Gander at the commencement of the business.
- Following commencement of the business, the Municipal Assessment Agency will be notified of your business. The Agency will make the necessary arrangements with you to visit your home and determine the amount of space in your residence being used for your business. Under the Assessment Act, the Home Based Business will be taxed at the appropriate tax rate as adopted in the Town of Gander's annual budget. Once the assessment has been conducted, the business will be invoiced. Minimum taxation could be \$200.00 per year depending on the type of business.

# Application Form

## Home Based Business Application

Date of Application (mm/dd/yy): \_\_\_\_\_

### **Business Information (Please Print Clearly)**

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street # Street Name Postal Code

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_ Website: \_\_\_\_\_

Business Owner/Contact: \_\_\_\_\_  
First Name Last Name

### **Business Description (Please Print Clearly)**

(a) Please describe in your own words the primary function of your business. What goods or services are provided?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) What will the days of operation be?  Mon-Fri  7 days/wk  24x7  Part-time  Other

(c) In what manner will your clients receive your services (e.g. telephone, in person, mail, internet, fax, etc.)?

\_\_\_\_\_

(d) Will you have clients or customers coming to your residence?

- Yes  
 No

If yes, approx. how many per week? \_\_\_\_\_ How many at one time? \_\_\_\_\_

(e) Are you the owner of the property where the Home Based Business is to be located?

- Yes  
 No

If No, attach a letter of consent from the property owner

(f) What equipment materials and goods are required to operate the business?

\_\_\_\_\_  
\_\_\_\_\_

(g) How much space is required to store the equipment, materials, goods?

\_\_\_\_\_

(h) Where are the equipment, materials and goods stored? \_\_\_\_\_

(i) How many persons are employed by the business (include yourself)? \_\_\_\_\_

(j) Will materials be delivered to your home?  Yes  No

If yes, please describe how and in what quantity?

\_\_\_\_\_

(k) What is the floor area of your home? \_\_\_\_\_

(l) Which room(s) will be used to conduct the home based business and what is the approximate floor area to be used?

\_\_\_\_\_  
\_\_\_\_\_

(m) Do you operate a commercially licensed vehicle in connection with your business?  Yes  No

What type and size (length & weight) of vehicle? \_\_\_\_\_

Where is it kept? \_\_\_\_\_

(n) Will neighbours or pedestrians hear any equipment being used?  Yes  No

(o) Will neighbours or pedestrians see equipment or materials used in your business?  Yes  No

(p) Will neighbours or pedestrians detect any odour, see smoke or feel vibrations due to the business?

Yes  No

(q) Will the equipment used in the business interfere with neighbours' electronic equipment?  Yes  No

### **Declaration of Applicant**

I hereby make application under the provision of the Town of Gander Home Based Business Regulations, to develop in accordance with the information submitted, which form part of this application. I understand and acknowledge the conditions and limitations applying to the issuance of a development permit.

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

### **For Office Use Only:**

**Approved**  **Not Approved**

\_\_\_\_\_  
**Development Manager**

\_\_\_\_\_  
**Date**

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