

HOME-BASED BUSINESS BYLAW TOWN OF CHESTER

SECTION V. SPECIAL LAND USE REGULATIONS

SECTION 5.5 HOME-BASED BUSINESSES

5.5.1 Purposes

a. The purposes of this section are to:

- (1) Permit the residents of the Town of Chester a broad choice in the use of their homes as places of livelihood and the production or supplementing of personal and family income;
- (2) Protect residential property values;
- (3) Protect residential areas from any adverse impacts associated with home-based businesses;
- (4) Ensure that the rights of neighbors and other townspeople are not compromised by intrusive, hazardous, or environmentally degrading business activities;
- (5) Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.
- (6) To encourage business development in Chester and enhance local employment opportunities

5.5.2 Definitions of Home-based Businesses

Home Occupation: A home-based business which is incidental to and clearly subordinate to, the residential use of the property. A home occupation has no more than two employees who are not resident on the premises, has no retail sales (except for goods and services produced on the premises), and occupies no more than 33% of the gross floor area of the dwelling.

Cottage Industry: A cottage industry is a more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry, like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose

Minor cottage industry: A cottage industry with no more than five non-resident employees working on the premises at any one time and may not use more than 49% of the gross floor area of the buildings for business purposes.

Major cottage industry: A cottage industry with no more than ten non-resident employees working on the premises at any one time any may not use less than 33% of the gross floor area for business purposes.

Non-resident employees: Employees who do not live on the parcel being used for a home-based business.

Gross Floor Area: Gross floor area shall include all heated and ventilated and thereby habitable rooms on the property including basements, attic space and accessory buildings.

5.5.3 Use Permitted by Right and with Site Plan Approval

a. Home Occupations shall be allowed by right in the Residential, Agricultural Residential, Business, and Industrial Districts provided they meet the requirements in Sec 5.5.4 and 5.5.5.

Major and Minor Cottage Industries in the Residential, Agricultural Residential, and Business Districts shall require a Site Plan Approval from the Planning Board in accordance with Sections 6.8, and must meet the Performance Standards in Sections 5.5.4 and 5.5.7 as appropriate

5.5.4 Performance Standards for All Home-based Businesses

a. The following standards shall be used as requirements for all Home-based Businesses, whether they are Home Occupations or Cottage Industries.

(1) Residency Requirements

The principal residence of the owner/operator of every home-based business shall be the dwelling unit on the premises in which the business operates.

(2) Minimum Dimensional Requirements

The site must meet the density and dimensional requirements in Table 2 (Intensity Regulation) for the district in which it is located.

(3) Parking Standards

In the Residential and Agricultural Residential Districts, off-street parking for any home-based business must be provided on the premises and must be located at the side or rear of the principal building. While adequate off-street parking must be provided for all regular employees, visitors, and clients, the property owner is urged to minimize providing excessive parking areas.

Parking requirements in the Business District must meet the requirements set forth in Section 6.8 Site Plan Review.

Landscaping is required to screen parking areas from the road and from adjacent landowners. See the definition of screening materials below, section (e).

(4) Storage of Heavy Equipment and Commercial Vehicles

All heavy equipment such as tractor trailers, semi-trailers, or construction equipment must be either garaged or screened with plantings or fencing to at least the height of the equipment. See the definition of screening materials below, section (e).

One commercial vehicle which is not heavy equipment and which is not more than two tons in rated capacity may be parked outdoors on the property. Additional commercial vehicles must be garaged or screened as for heavy equipment.

(5) Screening Materials

Screening materials, such as plants or fencing, must provide at least 90% opacity to a height of at least six feet in all seasons. If such screening is not provided by existing or proposed vegetation, it shall be supplemented by additional plantings or fencing. All screening materials shall be aesthetically appropriate and in keeping with the character of the district.

(6) Signs

See Section 5.1 for sign standards.

(7) Lighting standards

Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.

Lighting must be compatible with the character of the district. Dimensions of lighting fixtures will be at the discretion of the Planning Board.

(8) Hours of Operation

In no case shall a home-based business be open to the public, including non-resident employees, clients, visitors, and deliveries, earlier than 7:00 a.m. nor later than 9:00 p.m.

(9) General Nuisances

Any activity that might result in excessive noise, electrical interference, smoke, dust, odors, heat, or glare beyond that which is common to the residential character of the district is prohibited. The Zoning Enforcement Officer may require an application to provide tests demonstrating such conformance.

(10) Hazardous Materials

No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use.

(11) Retail Sales

There shall be no sales of services or products on the premises which are not produced on the premises, except those sales which are incidental to the business. For example, a music teacher may sell sheet music. In addition, there shall be no designated area intended specifically for retail sales.

(12) Traffic

Traffic associated with a home-based business, such as deliveries or visits by clients, shall not place an unreasonable burden on the town, the roads, or the neighborhood of the home-based business because of safety concerns, excessive noise, or aesthetics. Home-based business owners are reminded that traffic concerns will be reviewed as part of the permitting and renewal process for all cottage industries.

(b) Compliance with Standards

All home-based businesses must comply with all applicable federal, state, and local regulations.

(c) Waivers and Amendments

The Planning Board may grant a waiver or amendment from one or more requirements of the bylaw and/or the Rules and Regulations if it finds that the waiver or amendment is in the public interest, that the specific information for which the waiver is sought is irrelevant to the project that is the subject of the application, and that the waiver is consistent with the intent of the zoning Bylaw and the Rules and Regulations. A waiver shall be granted only by an affirmative vote of two-thirds (2/3) of the Members of the Planning Board.

5.5.5 Additional Performance Standards for Home Occupations

(a) Employees

No more than two (2) employees who do not live on the premises shall be permitted to work on the premises at anyone time for a home occupation.

(b) Floor Area

A home occupation may not use more than 33% of the gross floor area of the buildings for business purposes. Floor area, in this case, shall include the gross floor area of all heated and ventilated and thereby habitable rooms on the property including basements, attic space and accessory buildings. If an accessory structure is not used at all for the cottage industry, its floor area should not be counted towards the gross floor area total.

5.5.6 Additional Performance Standards for Minor Cottage Industries

(a) Employees

No more than five (5) employees who do not live on the premises shall be permitted to work on the premises at any one time for a Minor Cottage Industry use.

(b) Increased Setback Requirements

Required zoning setbacks may be increased for a minor cottage industry subject to the review of the SPGA for any activity that could potentially detract from the agricultural-residence area but that is not deemed incompatible with the neighborhood. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required by the SPGA to shield these accessory uses from abutting residential lots.

(c) Floor Area

A minor cottage industry may not use more than 49% of the gross floor area of the buildings for business purposes. Floor area, in this case, shall include the gross floor area of all heated and ventilated and thereby habitable rooms on the property including basements, attic space and accessory buildings. If an accessory structure is not used at all for the cottage industry, its floor area should not be counted towards the gross floor area total.

5.5.7 Additional Standards for Major Cottage Industries

(a) Employees

No more than ten (10) employees who do not live on the premises shall be permitted to work on the premises at anyone time for a Major Cottage Industry use.

(b) Increased Setback Requirements

Required zoning setbacks may be increased for a major cottage industry subject to the review of the SPGA for any activity that could potentially detract from the agricultural-residence area but that is not deemed incompatible with the neighborhood. Potentially detracting activities include but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required by the SPGA to shield these accessory uses from abutting residential lots.

(c) Floor Area

A major cottage industry may not use less than 33% of the gross floor area of the buildings for business purposes. The gross floor area is defined for this purpose, as the total floor area of all heated and ventilated and therefore habitable rooms and spaces in the dwelling and any accessory structures which are used for business purposes. This includes spaces such as basements and attics, if they are heated and ventilated. If an accessory structure is not used at all for the cottage industry, its floor area should not be counted towards the gross floor area total.