

MODEL HOME-BASED BUSINESS BYLAW
Prepared by Pioneer Valley Planning Commission 10-23-12

4.7 HOME-BASED BUSINESSES

4.7.1 Purposes

The purposes of this section are to:

- a. Permit the residents of the Town of Middlefield a broad choice in the use of their homes as places of livelihood and the production or supplementing of personal and family income;
- b. Protect residential property values;
- c. Protect residential areas from any adverse impacts associated with home-based businesses;
- d. Ensure that the rights of neighbors and other townspeople are not compromised by intrusive, hazardous, or environmentally degrading business activities;
- e. Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.

4.7.2 Applicability

Home Occupations shall be allowed by right in the Agricultural/Residential, Business and Village Center Districts subject to the following applicable regulations.

Cottage Industries shall be allowed in the Agricultural/Residential, Business and Village Center Districts only upon issuance of a Special Permit from the Planning Board subject to the following regulations and, in addition, to the other applicable regulations of these bylaw.

4.7.3 Standards for All Home-based Businesses

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

a. 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.

b. Minimum Dimensional Requirements

Home Occupations require a minimum lot size of 2 acres with 200' of frontage. Cottage Industries require a minimum lot size of ___ acres with ___' of frontage.

The Planning Board may issue a Special Permit for a reduction on the minimum lot size or frontage required where they find, in addition to the standard Special Permit findings, that:

- such lot was created prior to the adoption of this Bylaw
- setbacks can still be provided to sufficiently mitigate impacts to abutting properties

- said uses are consistent with the intent of this Bylaw and will not have a detrimental effect on the surrounding neighborhood.

c. Parking Standards

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.

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

The Planning Board may issue a Special Permit permitting off-street parking within the front yard setback area and/or a reduction in the screening requirements where they find, in addition to the standard Special Permit findings, that:

- parking area setbacks can still be provided to sufficiently mitigate impacts to abutting properties
- such parking and screening does not interfere with site distances exiting the site or traffic flows in the street
- such parking and screening are consistent with the intent of this Bylaw and will not have a detrimental effect on the surrounding neighborhood.

d. 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.

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.

e. 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 in keeping with the character of the district.

f. Signs

All signage shall conform to the sign regulations of these Zoning Bylaws (see Section 4.5)

g. Lighting standards

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

Lighting must be compatible with the character of the district. No light shall be taller than fifteen feet. Lights for the home based business shall only be on during the hours of operation of the home based business.

h. 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 7:00 p.m.

The Planning Board may issue a Special Permit for extending the hours a home based business may be open where they find, in addition to the standard Special Permit findings, that:

- such extended hours of said home based business are consistent with the intent of this Bylaw and will not have a detrimental effect on the surrounding neighborhood.

i. General Nuisances

Any activity that might result in noise, electrical interference, smoke, dust, odors, heat, or glare beyond that which is common to the residential character of the district is prohibited.

j. 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.

k. 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.

l. 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.

m. Compliance with Standards

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

n. Outside Storage

Outside storage accessory to and necessary for the operation of a home based business is permitted.

Landscaping is required to screen parking areas from the road and from adjacent landowners. See the definition of screening materials above.

4.7.4 Additional 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 any time for a home occupation.

b. Use of Accessory Structures

A home occupation use must be conducted wholly within the residential dwelling on the parcel. Accessory structures such as sheds, detached garages, and barns, may be used only for storage of materials for the business.

c. Floor Area

A home occupation may not use more than 33% of the gross floor area of the dwelling, nor more than 33% of the combined gross floor area of the dwelling and accessory structures 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 in the dwelling. This includes spaces such as basements and attics, if they are heated and ventilated.

4.7.5 Additional Standards for 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 Cottage Industry use.

b. Increased Setback Requirements

Required zoning setbacks may be increased for a minor cottage industry subject to the review of the Planning Board 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 Planning Board to shield these accessory uses from abutting residential lots.

c. Use of Accessory Structures

A cottage industry may be conducted wholly within the residential dwelling on the parcel and/or in accessory structures such as sheds, detached garages, and barns.

d. Floor Area

A cottage industry may not use more than 33% of the gross floor area of the dwelling, nor more than 49% of the combined gross floor area of the dwelling and accessory structures 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.

e. Class II (Used) Motor Vehicle Sales

Class II (used) motor vehicle sales are only permitted as a cottage industry. At no time shall there be more than 3 vehicles for sale at any one time. On-site vehicle repairs shall be limited to only those cars for sale by the resident. All vehicles under repair, parts and equipment shall be screened from the view of the public and abutting properties.

4.7.6 Special Permit Requirements

The procedures and criteria described in Section 6.4 Special Permits of this bylaw shall govern the granting of Special Permits for cottage industries except that the following shall be used as additional requirements in the Special Permit process for all cottage industries. An applicant for a Cottage Industry Special Permit should read Section 6.4 Special Permits before applying for the Permit, as that section includes requirements with direct bearing upon the legal operation of a cottage industry.

- a. The Special Permit Granting Authority for home-based business uses shall be the Planning Board.
- b. A Special Permit is required for all cottage industries and for all changes and expansions of such uses.
- c. All Special Permits from the SPGA for a cottage industry use are non-transferable and issued to a specific applicant for a specific cottage industry on a specific parcel.
- d. Special Permits for Cottage Industries may be revised, modified or revoked by the SPGA for cause after reasonable notice to the holder of the permit and following a public hearing held in accordance with Section 6.4 Special Permits of this bylaw.