



P.O. Box 219  
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Website: www.lewisportecanada.com

### HOME BASED BUSINESS DEVELOPMENT APPLICATION

Applicant: \_\_\_\_\_ Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Description of Property:  single detached house  side by side duplex  
 rowhouse dwelling  apartment dwelling

Name of Home Based Business \_\_\_\_\_

Description of home based business: \_\_\_\_\_  
\_\_\_\_\_

What equipment/material do you use in your business? \_\_\_\_\_  
\_\_\_\_\_

Where is your equipment/material kept? \_\_\_\_\_

Where do you perform your business or sell your product? \_\_\_\_\_

How often are people coming to your home regarding your business?  Never  Visits per day

How many employees/people are involved in your business?  Work on the property? \_\_\_\_\_

What type/size of vehicle may be involved in your business? \_\_\_\_\_

# of on-site parking spaces \_\_\_\_\_ # of non-resident employees \_\_\_\_\_

Is accessory building/garage used for the business? \_\_\_\_\_

I/We hereby submit this application and confirm that the information supplied is to correct. I/We hereby make application under the Town of Lewisporte Land Use Zoning Subdivision and Advertisement Regulations to develop in accordance with the information submitted, which form a part of this application. I/We understand and acknowledge the conditions and limitations applying to the issuance of a development permit.

Note: If you do not own the dwelling, you must obtain a letter of permission from the property owner.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

## HOME BASED BUSINESS REGULATIONS

The Town of Lewisporte recognizes that a range of home based business uses can be accommodated within residential neighbourhoods and that such uses add to the economic vitality of the Town without detracting from the residential quality of these neighbourhoods. The Town of Lewisporte recognizes the primary use of property with the residential designation is for residential purposes. A home based business can or may be accommodated as a secondary and subsidiary use within the residential property. Home based business uses are divided into home offices and home occupations.

**HOME OFFICES** will be permitted within dwellings in residential designations provided the office is clearly subsidiary to the residential use, the office is occupied by a resident of the dwelling and the office does not adversely affect the residential quality or safety of the area through increased traffic, noise, unsightly premises and similar considerations.

**HOME OCCUPATIONS** such as professional, medical service, personal service, educational and craft uses may be permitted within residential designations at the discretion of council. Home occupations may be permitted within dwellings or accessory buildings provided the use is clearly subsidiary to the residential use of the property, the use is occupied by a resident of the dwelling and the use does not adversely affect the residential quality or safety of the area through increased traffic, noise, unsightly premises and similar considerations.

### Definitions

**Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses that do not involve visitation of clients to the site.

**Home Occupation** means a secondary use of a dwelling [*and/or its accessory building*] by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity.

### Standards

The Town of Lewisporte has provided for two classes of home based businesses.

#### 1. Home Office

A home office shall be a permitted use in a dwelling unit in any residential use zone subject to the following requirements:

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- a) It is a secondary use of the residential use;

- b) It is located in the dwelling unit;
- c) It does not exceed  $20m^2$  or 20% of the gross floor area of the residence;
- d) Only office uses shall be permitted;
- e) There is not exterior open storage or display of goods, materials or equipment;
- f) No wholesale sale or retail sale of goods is permitted;
- g) There is no increase in the gross floor area of the dwelling unit;
- h) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the home office;
- l) Activities are not hazardous and do not cause a significant increase in traffic, noise, odour, dust fumes, lighting, or other nuisance or inconvenience to occupants of nearby residences;
- j) A non-illuminated identification sign not exceeding  $0.2800m^2$  in area shall be permitted on the dwelling provided that the sign is consistent with the residential character of the neighbourhood; and,
- k) No change in the type, class or extent of the home office shall be permitted except with the approval of the Municipality.

## 2. Home Occupations

A home occupation in a dwelling unit [*and/or accessory building*] may be permitted at the discretion of Council within a residential use zone provided that:

- a) The dwelling is occupied as a residence by the operator of the home occupation and the external appearance of the dwelling is not changed by the home without the consent of Council;
- b) There is no more than one non-resident employee employed on site in addition to residents of the dwelling;
- c) Not more than 25% of the total floor area of the dwelling to a maximum of  $45m^2$  is devoted to the home occupation;
- d) One off-street parking space, other than that required for the dwelling, is provided

for every 20m<sup>2</sup> of floor space occupied by the home occupation;

- e) 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 lot or on the road reservation to the lot;
- f) No mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- g) No wholesale sale or retail sale of goods is permitted without prior Council approval;
- h) Activities are not hazardous and do not cause a significant increase in traffic, noise, odour, dust fumes, lighting, or other nuisance or inconvenience to occupants of nearby residences;
- l) There is no outdoor storage or display;
- j) A non-illuminated identification sign not exceeding 0.2800m<sup>2</sup> in area shall be permitted on the dwelling provided that the sign is consistent with the residential character of the neighbourhood; and,
- k) No change in the type, class or extent of the home office shall be permitted except with the approval of the Municipality.

### Approval Process

All applications for home based business require review and approval prior to being issued the necessary permits for occupancy. There are, however, a few notable differences in the processing procedures:

#### 1. Home Office

Any person can submit an application for a Home Office. In the event that the applicant is not the property owner, then the property owner's authorization signature will be required on the application form before the Municipality can accept the application.

Upon its receipt by the Town of Lewisporte, the application will be reviewed in accordance with the Development Regulations and presented to Council for approval. Upon approval of the application, the applicant will be required to pay a \$20 occupancy permit fee.

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#### 2. Home Occupation

Any person can submit an application for a Home Occupation. In the event that the applicant is

not the property owner, then the property owner's authorization signature will be required on the application form before the Municipality can accept the application.

Upon its receipt by the Town of Lewisporte, the application will be reviewed in accordance with the Development Regulations. If the application meets these requirements, the application is to be advertised in the local weekly newspaper, with the ad size being no less than 2 column by 2 inch. The newspaper ad is intended to inform the public that an application for home occupation has been received, provide details of the application, and to allow an opportunity for public input on the proposed development. A seven day period will be given to submit objections to the Town. Written representations that are received will be referred to Council. Upon approval of the application, the applicant will be required to pay an occupancy permit fee.

### **Taxation**

Occupancy permit at the commencement of the business, paid upon approval of application.

Section 120 of the Municipalities Act, RSN 1999, Chapter M-24 states that "a Council shall impose an annual tax, to be known as "the business tax", on all businesses carrying on business in the municipality." Therefore, **business tax on home based businesses is mandatory.**

An annual tax will be implemented in accordance with the Town of Lewisporte Tax Structure for the current year.

An invoice for any current year will be forwarded to existing businesses or individuals operating a business for an annual tax based on the gross revenue earned by the business in the preceding year. For this purpose, and pursuant to Section 122 of The Municipalities Act, RSN 1999, Chapter M-24, businesses or individuals operating a business will be requested to submit to the Town of Lewisporte by February 1 of each year financial statements or a sworn statement of revenue verifying their gross revenue in the preceding year.

Pursuant to Section 122 of The Municipalities Act, RSN 1999, Chapter M-24 any business or individual operating a business which fails to provide a financial statement or sworn statement of revenue will have their gross revenue estimated by the Town of Lewisporte and an invoice sent based on that amount.

An invoice will be forwarded to new businesses for an amount based upon a projection of annual gross sales and will be verified after the first period of operation.

All registered operating businesses will be advertised prior to March 31st of each year as being legitimate businesses with approval to operate within Lewisporte. These advertisements will also state these are the only approved businesses to be operated out of residences in Lewisporte and all other business known to be operating should be reported to the Town.