

**(Rewritten as follows) Section 13-700.13 - Home Occupations.**

1. *Purpose.* The purposes of this section are to:
  - A. Provide an opportunity for Home Occupations to be conducted as an accessory use when they are compatible with the neighborhoods in which they are located.
  - B. Guide certain business activities that are not compatible with neighborhoods to other, more appropriate commercial zones.
  - C. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
  - D. Provide a means to regulate and enforce Home Occupations.
2. *Scope.* All Home Occupations must adhere to the standards and qualifications listed in this section and those imposed under the authority of the Planning Board in accordance with this ordinance.
3. *Permit Required.* All home occupations shall obtain annually a Home Occupation Permit from the Code Enforcement Officer.
4. *Home Occupation Standards.* All Home Occupations shall comply with the following standards at all times:
  - A. *Bona Fide Resident.* **The** Home Occupation business shall be owned and operated solely by a bona fide resident of the home. If the applicant for a Home Occupation license rents or leases the property wherein the Home Occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner as an attachment to the application for a Home Occupation permit.
  - B. *Employees.* No more than one full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the Home Occupation business is located.
  - C. *Accessory Use on the Property.*
    1. For residential purposes, the Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
    2. The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure.
    3. The Home Occupation applicant must designate the portion of the home, accessory structure, or attached or detached garage to be used as the location for business activities.
    4. The Home Occupation shall not involve the use of any open and publicly visible yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein.
  - D. *Business Vehicles and Parking*
    1. All business-related vehicles that park at the location of the Home Occupation must use off-street parking. This provision excludes stops made by delivery vehicles. Customers or Clients

may utilize on-street parking along the home frontage in accordance with street parking standards.

2. Business Vehicles exceeding a GVW of 8,000 lbs, trailers, and related equipment must be stored to the side or rear of the home.
  3. No parking is permitted on landscaped areas of the property.
  - E. Signage. A single sign is permitted, provided such sign is non-illuminated and does not exceed two square feet.
  - F. *Conformity with Health and Safety Codes.* The Home Occupation shall conform with all fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
  - G. *Neighborhood Disruptions Not Permitted.* The Home Occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The Home Occupation shall not create, be associated with, or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
  - H. *State Licenses.* Any business required to be licensed by the State of Maine, including but not limited to caregivers, day care facilities, food preparation services, etc. must provide the City with proof of current licensure through the appropriate State agency.
5. *Categories of Home Occupation Permits.* Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category I, Permitted Home Occupation requires review and approval by the Code Enforcement Officer. A Category II, Conditional Use and or Home Occupations that require State of Maine Licensure requires review and approval by the Planning Board.

*Category I Qualifications.* In addition to the standards previously set forth above, all Category I Home Occupation businesses must also comply with the qualifications outlined below. If a business cannot fully comply with all of the Category I Qualifications set forth below, the applicant may pursue approval as a Category II Home Occupation through the conditional use permit process (section 6 below).

- A. *Hours.* No visitors in conjunction with the Home Occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- B. *Traffic.* Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood.
  1. The Home Occupation shall be limited to no more than two business-related visitors or customers per hour, and a maximum of eight business-related visitors or customers per day. Business-related deliveries or pickups shall not exceed two per day.
  2. Child day care and other child group activities shall not exceed twenty-four (24) customer drop-offs/pick-ups per day.

3. The receipt or delivery of merchandise, goods, or supplies for use in a Home Occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
- C. *Maximum Floor Space.* No more than 50 percent of the dwelling unit shall be utilized for the Home Occupation.
6. *Category II, Conditional Use Permit Required.* If a Home Occupation is able to comply with all of the standards in section 5 above but is unable to comply with all of the Category I qualifications established in section 6, or if Home Occupation require State of Maine Licensure, the proposed business is subject to review by the Planning Board. In addition, any application proposing two or more Home Occupation permits, and associated with the same dwelling unit, shall be reviewed by the Planning Board, to ensure that the cumulative impacts of the proposed Home Occupations comply with city ordinances. The following standards or business types shall be reviewed by the Planning Board for approval.
- A. *General.* In addition to any conditions established by the Planning Board at the time of its review, all Category II Home Occupations must comply with the following:
1. All Category II Home Occupation uses shall be conducted only from property with a single-family dwelling.
  2. Proposed uses may be determined to be appropriate as Home Occupations only if they are judged to be compatible with residential neighborhoods by the Planning Board conditional use review
  3. A maximum of 12 business-related visitors per day may be allowed, except as provided for in section B. "Child Day Care" and C. "Other Group Child Activities."
- B. *Child Day Care and Other Child Group Activities.* Refer to Sec. 13-760 Daycare Facilities of the City of Caribou Code and 10-148 CODE OF MAINE RULES CHAPTER 32 to comply in accordance with State of Maine licensing requirements.
- Elderly Day Care. Refer to MRS Title 22 Chapter 1679 Adult Day Care Program Subsections 8601-8606* Conduct of Elderly Day Care businesses shall not exceed the care of two elderly persons that are 60 years of age or older for more than 12 hours per day. Any Elderly Day Care that exceeds two individuals 60 years of age or older, or more than 12 hours per day of operation is considered a Category II Home Occupation, which shall be reviewed and approved by the Planning Board.
- D. *Business Not Conducted Within a Home.* For any Home Occupation that proposes or conducts business activities within an outbuilding, accessory building, attached or detached garage, the following guidelines shall be used to determine the maximum impacts permitted:
- E. *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals beyond reasonable household quantities

F. *Prohibited* Home Occupations. The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:

1. Mortuary, crematorium, columbarium, or mausoleum.
2. Animal hospital or veterinary service, except in the R-3 zone with a Category II, Home Occupation permit.
3. Clinic, dental office, medical office, chiropractic office, or hospital, except in the R-3 zone with a Category II Home Occupation permit.
4. Junkyard, auto wrecking yard, or salvage yard within the urban compact area. Any Junkyard, auto wrecking yard, or salvage yard outside of the urban compact area must comply with separate local and state licensing procedures.
5. Stable, kennel, pet store, or any other commercial animal breeding business or similar activity, except in the R-3 zone with a Category II Home Occupation permit.
6. Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles within the urban compact area. Home Occupations desiring to conduct these types of activities in the R-3 zone may be permitted subject to full Site Plan review by the Planning Board and must be at least 300 feet from any neighboring dwelling.
7. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an operational permit.
  - I. Home occupations wherein the number of vehicular stops or visits exceeds 24 per day.
8. Bed and breakfast facilities. (Regulated under separate rules – see Section 13-700)

### **Section 13-900 Definitions**

Home Occupation: An occupation or profession that is conducted for financial gain on a dwelling site or in the associated dwelling unit by a member of the family residing in the unit, and which is clearly incidental to and compatible with the primarily residential use of the property and surrounding residential uses. A home occupation shall not be construed to mean an employee working in his/her home in the service of an employer, whose principal place of business is licensed at another location.