

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
FEBRUARY 7, 2023 7:00 P.M.
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 1.5 HOME OCCUPATIONS**

Notes and Information to the Public on the Proposed Amendments.

1) Purpose of Amendment:

The current City Zoning Ordinance identifies 2 classes of home occupations, home occupations and home occupations (expanded definition). A home occupation (expanded definition) allows more intensive uses on a residential property and this type of home occupation is not allowed in zoning districts located inside the bypass. The current Ordinance identifies few performance standards that specifically apply to a home occupation, and most home occupation permits require the review of the Planning Board.

The proposed amendments would repeal the two current definitions and would establish 3 classes of home occupations and specific performance standards that would apply to each class. The Planning Board believes the proposed amendments will encourage and allow more property owners to use their home for a home occupation. An overview of the amendments follows, however, interested parties should read the text of the proposals for more complete information.

Class 1 Home Occupation. This class of home occupations would have little, if any, impact on a neighboring property, and in many cases, a neighbor would not know that the property is being used for a home based activity. Examples of a Class 1 home occupation include an in-home office and single-pupil instruction. A Class 1 home occupation can occur in any zoning district that allows a residence, and no Permit is required from the City.

Class 2 Home Occupation. A Class 2 Home Occupation similarly would be allowed in all zoning districts in which a residence is allowed. The Code Enforcement Officer could issue a Class 2 Permit in most zoning districts, however, in the RES-1, RES-2, RES-3 and RES-15 zoning districts (inside the bypass), the Planning Board would review the permit application, which means that notice would be provided to neighboring property owners and the Board would conduct a public hearing. Examples of a Class 2 Home Occupation include an in-home licensed children's or adult day care, small professional offices that have clients the come to the home, a beautician, and the like. Some on-site sales would be permitted.

Class 3 Home Occupation. A Class 3 Home Occupation would be prohibited in the Inside the Bypass area, but would be allowed in all other zoning districts in which a residence is allowed. In all cases, the permit would be subject to review by the Planning Board. A Class 3 Home Occupation would allow more intensive uses on the property, and the accompanying performance standards would allow a larger number of non-resident employees (3) and on-site parking (6 spaces), and a greater amount (40%) of the buildings on the property could be used for the home occupation.

2) Recommendation of Belfast Planning Board.

The amendments presented at Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on the amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend the amendments for Council consideration.

In addition, the Belfast Planning Board, at its meeting of January 25, 2023, chose to support a recommendation from Planning and Code Department staff to amend the proposed structure size standards for Class 2 and Class 3 Home Occupations that were presented in the amendments considered by the City Council at the January 17 First Reading. The proposed amended language is included at the end of this proposal. The Council has the authority to support or reject this amended language at the Second Reading. The Planning Board and Planning and Codes Department recommended this change in response to a public comment offered by David August, a resident of High View Terrace, at the First Reading public hearing.

3) Council Process for Consideration of Proposed Amendments.

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading. David August, a resident of High View Terrace, offered comment to the Council regarding several of the proposed Home Occupation standards.

The Council has scheduled this same amendment for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council also will consider the amendments supported by the Planning Board at its meeting of January 25, 2023. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

4) How to Offer Public Comment:

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council for this public hearing in any of the following three ways:

- a) Comment can be submitted in writing via email to public@cityofbelfast.org. All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website www.cityofbelfast.org, seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

- 5) **Format of Amendment:** Language/text in black font is current language in the Ordinance that is not proposed to be changed by this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted from the existing Ordinance is shown in **Blue-Strike-through-Font**. Language that is **highlighted in Yellow** identifies a date that needs to be added to final Ordinance if the Council adopts the proposed amendments.

- 6) **Questions and Information on the Proposed Amendments.**

The complete text of this proposed amendment can be found on the City website, cityofbelfast.org, reference Planning and Codes, February 7, 2023 Council Hearing, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at wmarshall@cityofbelfast.org.

**TEXT OF PROPOSED AMENDMENT
CHAPTER 102, ZONING
ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 1.5 HOME OCCUPATIONS**

CHAPTER 102, ZONING

ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1.5. HOME OCCUPATIONS

Sec 102-924. Purpose.

The purpose of the home occupation provisions is to recognize the desire and/or need of some citizens to use their residence for activities carried out for gain, and to allow the conduct of those activities if such are compatible with the zoning districts in which they are located. Home occupations are limited to those uses that may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure. Home occupations shall be situated in the dwelling in which the person conducting the activity resides or in a building accessory thereto and located on the same lot. The home occupation conducted on the property must involve the regular and active on-site participation of at least one member of the immediate family living on the property.

Sec 102-925. Regulation of Home Occupations.

The City has established 3 classes of home occupations. The respective standards that apply to each of the 3 classes of home occupations are identified in Sections 102-926 to 928 below. Article V, District Regulations, in this Chapter, identifies the respective zoning districts in which a specific class of home occupation is permitted or prohibited and the City authority responsible for issuance of a permit.

The City considers a Bed and Breakfast establishment, all classes, to be a home occupation. The standards for regulation of a Bed and Breakfast are identified in Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments, of this Chapter. A Bed and Breakfast establishment is not subject to the regulations in this Division.

Sec 102-926. Home Occupation Class 1.

A Home Occupation Class 1 shall have no visible outdoor evidence of the occupational use. Occupations might include the offices and workspace for resident authors, people involved with telecommunications, computer programming, single-pupil instruction or the like. There shall be no employees outside the immediate family-in-residence, and no face-to-face sales or services conducted on the premises except for single-pupil instruction.

The following performance and use standards shall apply to a Home Occupation Class 1:

- a. The activity on the property shall not involve the need to establish any parking other than the amount typically required for the residence. If the intensity of the activity warrants the establishment of more parking than typically required for a residence, the activity shall require a Home Occupation Class 2 or Class 3 permit.
- b. No signs are allowed, except for a sign no larger than 2 square feet that identifies the address of the residence.
- c. Activities associated with the home occupation shall not create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines.
- d. Activities shall not generate noise that exceeds 60 decibels at the property line from 8:00 A.M. to 8:00 P.M., or noise levels discernible by the human ear at the property lines from 8:00 P.M. to 8:00 A.M.
- e. The activity shall occur within a building on the resident's property, either the primary building or an accessory building. There shall be no outside storage or display associated with the home occupation.
- f. There shall be no changes to the exterior appearance of the residence or the accessory building in which the home occupation occurs that would result in the property not looking like a residential property.
- g. Any deliveries shall be made by mail, UPS, or similar services.

As identified in Chapter 102, Zoning, Article V, District Regulations, a Class 1 Home Occupation does not require a specific permit from the City. Property owners and applicants, however, should recognize that this standard does not preclude the need to obtain a Building Permit for alterations to any structure that may be made to support the use of the structure for the home occupation.

Sec. 102-927 Home Occupation Class 2.

A Home Occupation Class 2 shall have very low impacts on the property on which the activity occurs or on neighboring properties. Occupations might include any uses allowed in a Home Occupation Class 1, as well as the offices of a single physician, realtor, insurance broker, accountant, artisan, craftsman, beautician, lawyer, or other professional. There may be one (1) employee on-site at any one time who is not a member of the immediate family-in-residence. Clients may come to the home for face-to-face interaction, however, only incidental sales of products produced on the site shall be allowed.

The following performance and use standards shall apply:

- a. The home occupation shall be limited to twenty (20) percent of the combined gross floor area of the principal and accessory structures, except that the Planning Board may allow a greater amount of use, a maximum of forty (40) percent of the combined gross floor area, for a children's or adult home day care facility.
- b. Hours of operation shall be limited to 8:00 a.m. to 6:00 pm, except that the Planning Board may allow additional hours of operation for a children's or adult home day care facility. In addition, an artisan gallery (reference definition in Chapter 66, General Provisions) may conduct public showings/openings a maximum of 12 times per year in which art is displayed or offered for sale that results in temporary parking demands and hours of operation outside those identified in this standard.
- c. The activity shall occur within a building on the resident's property, either the primary building or an accessory building, except that the Planning Board may allow an outside play area for a children's home day care facility. There shall be no outside storage or display associated with the home occupation.
- d. Parking.
 - (1) The location and construction of on-site parking spaces shall comply with provisions in the Chapter 98 Technical Standards. The amount of on-site parking shall be adequate for the on-site residence(s) and if needed, for the 1 employee who is not a family member.
 - (2) Client/customer demands for on-site parking shall not exceed 3 on-site spaces, except that the Planning Board may allow an additional amount of on-site parking for a children's home day care facility. If a home occupation requires more than 3 on-site parking spaces for customers, it cannot qualify as a Home Occupation Class 2.
 - (3) The Board may consider the provisions in Sec 98-246 that allows the use/availability of on-street and off-site parking to satisfy parking demands for a Home Occupation Class 2 that is in any of the following zoning districts: Res-1, Res-2, Res-3, Res-15, WMU-1, WMU-2, and DC.
- e. Consistent with Section 86-6, Chapter 86, Signs, there shall be a maximum of 1 sign that identifies the name, address, and profession of the home occupation, provided such sign does not exceed 4 square feet in area, no side of the sign is greater than 2 feet 6 inches in length, and the top of the sign is a maximum of 5 feet above the ground grade on which it is located. The sign shall not be internally lighted, however, it may have external lighting, provided said lighting is not turned on before 8:00 a.m. and is turned off no later than 8:00 p.m. The Planning Board may allow an exception regarding the hours which a sign can have external lighting for a licensed children's home day care facility.
- f. Activities associated with the home occupation shall not create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines.

- g. Activities shall not generate noise that exceeds 60 decibels at the property line from 8:00 A.M. to 8:00 P.M., or noise levels discernible by the human ear at the property lines from 8:00 P.M. to 8:00 A.M. Noise associated with the use of an outside play area for a licensed children's home day care facility shall be exempt from this standard.
- h. There shall be no changes to the exterior appearance of the residence or the accessory building in which the home occupation occurs that would result in the property not looking like a residential property.
- i. Any deliveries shall be made by mail, UPS, or similar services.
- j. If the proposed use requires outside lighting, no outside lighting shall create discernible glare on a neighboring property or an adjacent roadway. All lighting shall be down-directed and shielded, the light source shall be located no more than 14 feet above the adjacent ground grade, and the light shall not exceed 3,000 degree on the kelvin scale.
- k. The applicant shall effectively manage stormwater associated with the construction of parking and access improvements for the home occupation.
- l. Access to property.

(1) Number of driveways.

- (a) Notwithstanding access control standards identified in the Chapter 98, Technical Standards, Section 98-154(f), a property that is used for a home occupation shall have no more than one two-way driveway or two one-way driveway openings (one for egress and one for ingress) on the property. An exception to this standard is if two or more (two-way) driveway openings (curb-cuts) existed on the property at the time that an application is submitted to operate a home occupation. The location of a new or relocated driveway shall require the review and approval of the Planning Board in the issuance of a home occupation permit.
- (b) Notwithstanding (a) above, if the location of the home occupation on the property, such as in detached accessory structure, creates public safety or access concerns, the Planning Board may consider allowing more than one two-way driveway openings (curb-cuts).
- (c) If a property is subject to Maine Department of Transportation access management requirements, the property owner shall provide evidence to the Planning Board that the State has issued or will issue any driveway or entrance permit that may be required. If a property is subject solely to City rather than State jurisdiction to determine the location of any driveway, the Planning Board shall consult with the City of Belfast Superintendent of Public Works to ensure that an applicant/owner can obtain any road opening (curb-cut) or driveway entrance permit that may be required.

(2) Turn-around requirement.

- (a) If the posted speed limit is 31 mph or greater on the street on which any driveway opening (curb-cut) is located for a home occupation, the driveway(s) and accompanying parking areas shall include a turn-around area for vehicles on the property so that a vehicle does not need to back-out onto the adjacent street to exit the property. Notwithstanding this requirement, the Planning Board may allow a home occupation on a property to not provide an on-site turn-around area if the Board determines that the lay-out of the property and potential constraints, such as but not limited to the topography of the site, the location of on-site wetlands or floodplains, the geometry of the adjacent street, the location of structures or a leach field, or the lay-out of the existing driveway on the property, makes this approach unworkable.
- (b) If the posted speed limit is 30 mph or less, the Planning Board shall strongly encourage, but shall not require an applicant/owner to provide an on-site turn-around area for the driveway access and parking areas that serve the home occupation.

Sec 102-928. Home Occupation Class 3.

A Home Occupation Class 3 shall have moderate impacts of use. Occupations might include any uses allowed in Home Occupation Levels 1 and 2, including ones that are larger in scale, as well as small production facilities, service facilities (excluding automotive that is a specifically regulated use), a small restaurant, including take-out (about 12 seats) and the like. There may be up to three (3) employees on-site at any one time who are not members of the immediate family-in-residence. Clients may come to the home for face-to-face interaction, and the sale of products may include those produced on site as well as products that are associated with those produced on site. For example, a person who makes clothing who sells clothing produced by others.

The following performance and use standards shall apply:

- a. The home occupation shall be limited to forty (40) percent of the combined gross floor area of the principal and accessory structures.
- b. Hours of operation shall be limited to 8:00 a.m. to 6:00 pm, except that the Planning Board may allow additional hours of operation for a licensed children's or adult home day care facility. In addition, an artisan gallery (reference definition in Chapter 66, General Provisions) may conduct public showings/openings a maximum of 12 times per year in which art is displayed or offered for sale that results in temporary parking demands and hours of operation outside those identified in this standard.
- c. The main activity shall occur within a building on the resident's property, either the primary building or one or more accessory buildings, except that the Planning Board may allow an outside play area for a children's home day care facility.
- d. The Planning Board may allow a limited amount of outside storage, provided said storage has reasonable screening from abutting properties. The Board shall consider the size of the property, the separation from adjacent residences, topography, natural vegetation, and similar

concerns, as well as specific screening that may be erected by the property owner, in determining if there is adequate screening of an outside storage area.

e. Parking.

(1) The location and construction of on-site parking spaces shall comply with provisions in the Chapter 98 Technical Standards. The amount of on-site parking shall be adequate for the on-site residence(s) and if needed, for the 1 to 3 employees who are not a family member.

(2) Client/customer demands for on-site parking shall not exceed 6 on-site spaces. The Planning Board.

(3) If a home occupation requires more than 6 on-site parking spaces for customers, it cannot qualify as a Home Occupation Class 3.

(4) If the home occupation and other uses on the property require the applicant to provide 6 or more on-site parking spaces, the owner shall provide screening for the parking area to shield or break-up the visibility of the on-site parking from directly abutting neighbors who may be impacted by the parking. The Board shall consider the size of the property, the separation from adjacent residences, topography, natural vegetation, and similar concerns, as well as specific screening that may be erected by the property owner, in determining if there is adequate screening of the parking area.

f. Consistent with Section 86-61 in Chapter 86, Signs, there shall be a maximum of 1 sign that identifies the name, address, and profession of the home occupation. provided such sign does not exceed 4 square feet in area, no side of the sign is greater than 2 feet 6 inches in length, and the top of the sign is a maximum of 5 feet above the ground grade on which it is located. The sign shall not be internally lighted, however, it may have external lighting, provided said lighting is not turned on before 8:00 a.m. and is turned off no later than 8:00 p.m. The Planning Board may allow an exception for a children's home day care facility.

g. Activities associated with the home occupation shall not create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines.

h. Activities shall not generate noise that exceeds 60 decibels at the property line from 8:00 A.M. to 8:00 P.M., or noise levels discernible by the human ear at the property lines from 8:00 P.M. to 8:00 A.M. Noise associated with the use of an outside play area for a children's home day care facility shall be exempt from this standard.

i. There shall be no changes to the exterior appearance of the residence or the accessory building in which the home occupation occurs that would result in the property not looking like a residential property.

- j. Deliveries typically shall be made by mail, UPS, or similar services, however, the Board shall consider the needs of the activity for the periodic deliveries of materials needed to support on-site activities, including the off-site shipment of goods that are produced on-site.
- k. If the proposed use requires outside lighting, no outside lighting shall create discernible glare on a neighboring property or an adjacent roadway. All lighting shall be down-directed and shielded, the light source shall be located no more than 14 feet above the adjacent ground grade, and the light shall not exceed 3,000 degree on the kelvin scale.
- l. The applicant shall effectively manage stormwater associated with the construction of parking and access improvements for the home occupation.
- m. Traffic generation associated with the activity shall not exceed 20 vehicle trips per peak hour or an average of 100 vehicle trips in a day or 500 vehicle trips in a week.
- n. Access to property.

(1) Number of driveways.

- (a) Notwithstanding access control standards identified in the Chapter 98, Technical Standards, Section 98-154(f), a property that is used for a home occupation shall have no more than one two-way driveway or two one-way driveway openings (one for egress and one for ingress) on the property. An exception to this standard is if two or more (two-way) driveway openings (curb-cuts) existed on the property at the time that an application is submitted to operate a home occupation. The location of a new or relocated driveway shall require the review and approval of the Planning Board in the issuance of a home occupation permit.
- (b) Notwithstanding (a) above, if the location of the home occupation on the property, such as in detached accessory structure, creates public safety or access concerns, the Planning Board may consider allowing more than one two-way driveway openings (curb-cuts).
- (c) If a property is subject to Maine Department of Transportation access management requirements, the property owner shall provide evidence to the Planning Board that the State has issued or will issue any driveway or entrance permit that may be required. If a property is subject solely to City rather than State jurisdiction to determine the location of any driveway, the Planning Board shall consult with the City of Belfast Superintendent of Public Works to ensure that an applicant/owner can obtain any road opening (curb-cut) or driveway entrance permit that may be required.

(2) Turn-around requirement.

- (a) If the posted speed limit is 31 mph or greater on the street on which any driveway opening (curb-cut) is located for a home occupation, the driveway(s) and accompanying parking areas shall include a turn-around area for vehicles on the

property so that a vehicle does not need to back-out onto the adjacent street to exit the property. Notwithstanding this requirement, the Planning Board may allow a home occupation on a property to not provide an on-site turn-around area if the Board determines that the lay-out of the property and potential constraints, such as but not limited to the topography of the site, the location of on-site wetlands or floodplains, the geometry of the adjacent street, the location of structures or a leach field, or the lay-out of the existing driveway on the property, makes this approach unworkable.

- (b) If the posted speed limit is 30 mph or less, the Planning Board shall strongly encourage, but shall not require an applicant/owner to provide an on-site turn-around area for the driveway access and parking areas that serve the home occupation.

Sec. 102-929. City process to review an application for a Home Occupation Permit.

- (a) Home Occupation, Class 1.

A Home Occupation, Class 1, shall not require issuance of a permit by the Code Enforcement Officer or Planning Board. The owner of the property on which a Home Occupation, Class 1, occurs, and the applicant who conducts a Home Occupation, Class 1, shall comply with all standards applicable to a Home Occupation, Class 1. Also, while a Home Occupation, Class 1, does not require a specific permit from the City, property owners and applicants should recognize that this standard does not preclude the need to obtain a Building Permit for alterations to any structure that may be made to support the use of the structure for the home occupation.

- (b) Home Occupation, Class 2, subject to Code Enforcement Officer review.

In certain zoning districts, a Home Occupation, Class 2, is subject to Code Enforcement Officer review; reference Article V, District Regulations, in this Chapter to identify said zoning districts. A Home Occupation, Class 2, permit subject to Code Enforcement Officer review shall not require any notification of abutting property owners. The owner of the property on which a Home Occupation, Class 2, occurs, and the applicant who conducts a Home Occupation, Class 2, shall comply with all standards applicable to a Home Occupation, Class 2, and all conditions of permit approval established by the Code Enforcement Officer.

- (c) Home Occupation, Class 2 or Class 3, subject to Planning Board review.

In all zoning districts, a Home Occupation, Class 3, is subject to Planning Board review, and in certain zoning districts, a Home Occupation, Class 2, is subject to Planning Board review; reference Article V, District Regulations, in this Chapter to identify said zoning districts. The Planning Board shall use the following process to review an application and render a decision on a Permit. The Board has the authority to establish conditions on Permits it may issue.

- 1) The Planning Board shall conduct a public hearing on all requests for a Nonconforming Permit.
- 2) The Planning and Codes Department, on behalf of the Board, shall provide notice of the public hearing in the following manner:
 - a. In writing by first class mail a minimum of 13 calendar days prior to the public hearing to all owners of property that directly abut or that are located within 150 feet of any property line of the property for which a Permit is submitted. The Department shall keep a record of all persons to whom notice is sent.
 - b. By posting notice of the public hearing on the City of Belfast website and in Belfast City Hall (outside the Planning and Codes Office) a minimum of 13 calendar days prior to the public hearing.
- 3) The Board shall conduct its review of the application post the public hearing, shall determine if the application complies with applicable standards, shall render a decision on the permit and establish any conditions that it deems the applicant must satisfy, and shall issue written findings of fact to describe its decision.

Sec 102-930. Applicant for a Home Occupation Permit.

An applicant for a home occupation shall be the person who proposes to conduct the home occupation, and applicants must demonstrate that the home occupation conducted on the property shall involve the regular and active on-site participation of at least one member of the immediate family living on the property. An applicant may be the owner of the property, or a tenant or lessee. If the applicant is a tenant or lessee, the applicant shall provide evidence to the Code Enforcement Officer or Planning Board that the owner of the property grants the applicant permission to conduct the proposed home occupation.

Sec. 102-931 - 102-932. Reserved.

POTENTIAL AMENDMENTS TO HOME OCCUPATION STANDARDS (TAB 11)
COUNCIL CONSIDERATION AT SECOND READING

Department staff recommended the Planning Board support 2 changes to the Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 1.5, Home Occupation standards (Tab 11 in Notebook) that were presented at the First Reading. The Planning Board, at its meeting of January 25, voted 6-0 to support the proposed amendments.

Sec. 102-927 Home Occupation Class 2.

A Home Occupation Class 2 shall have very low impacts on the property on which the activity occurs or on neighboring properties. Occupations might include any uses allowed in a Home Occupation Class 1, as well as the offices of a single physician, realtor, insurance broker, accountant, artisan, craftsman, beautician, lawyer, or other professional. There may be one (1) employee on-site at any one time who is not a member of the immediate family-in-residence. Clients may come to the home for face-to-face interaction, however, only incidental sales of products produced on the site shall be allowed.

The following performance and use standards shall apply:

**PROPOSED AMENDMENT RECOMMENDED BY THE BOARD ON 12/14 AND
CONSIDERED BY THE COUNCIL AT THE JANUARY 17 FIRST READING**

- a. The home occupation shall be limited to twenty (20) percent of the combined gross floor area of the principal and accessory structures, except that the Planning Board may allow a greater amount of use, a maximum of forty (40) percent of the combined gross floor area, for a children's or adult home day care facility.

**CHANGE RECOMMENDED BY DEPARTMENT AND SUPPORTED BY THE
PLANNING BOARD AT ITS JANUARY 25 MEETING.**

- a. The home occupation shall be limited to fifty (50) percent or 800 square feet, whichever is less, of the gross floor area of any residence on the property, and the total amount of usable space (as measured in square feet) located in any accessory structure, including a garage or barn that is attached to a residence. In the case of a children's or an adult home day care facility, the 800 square feet limit referenced above shall not apply.

Sec 102-928. Home Occupation Class 3.

A Home Occupation Class 3 shall have moderate impacts of use. Occupations might include any uses allowed in Home Occupation Levels 1 and 2, including ones that are larger in scale, as well as small production facilities, service facilities (excluding automotive that is a specifically regulated use), a small restaurant, including take-out (about 12 seats) and the like. There may be up to three (3) employees on-site at any one time who are not members of the immediate family-

in-residence. Clients may come to the home for face-to-face interaction, and the sale of products may include those produced on site as well as products that are associated with those produced on site. For example, a person who makes clothing who sells clothing produced by others.

The following performance and use standards shall apply:

PROPOSED AMENDMENT RECOMMENDED BY THE BOARD ON 12/14 AND CONSIDERED BY THE COUNCIL AT THE JANUARY 17 FIRST READING

- a. The home occupation shall be limited to forty (40) percent of the combined gross floor area of the principal and accessory structures.

CHANGE RECOMMENDED BY DEPARTMENT AND SUPPORTED BY THE PLANNING BOARD AT ITS JANUARY 25 MEETING.

- a. The home occupation shall be limited to fifty (50) percent or 800 square feet, whichever is less, of the gross floor area of any residence on the property, and the total amount of usable space (as measured in square feet) located in any accessory structure, including a garage or barn that is attached to a residence. In the case of a children's or an adult home day care facility, the 800 square feet limit referenced above shall not apply.

WHY MAKE THIS PROPOSAL

One of the three public comments the Council received at the First Reading regarding the proposed Ordinance amendments addressed how the size limits proposed for a home occupation could unnecessarily restrict a property from being used for a home occupation. For example, a 1,500 square foot house that had a 672 sf garage (24' x 28 '), or a total gross floor area of 2,172 sf, could only use a total of 20% of the 2 structures, 435 sf, for a Class 2 home occupation. This is less than the amount of square footage available in the garage. For a Class 3 home occupation, 40% of the 2 structures would be 870 sf. In short, the comment that was offered made sense, particularly in considering the City's stated policy to encourage home occupations.

While the proposed language could greatly expand the total amount of the structures on the property that could be used for a home occupation, the Department believes that the other performance standards, particularly the number of employees permitted for the home occupation and limits on the amount of on-site parking, can be effective tools to manage potential adverse impacts associated with the home occupation.