

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

**Town of Gorham
Planning Board
April 1, 2024**

ITEM 2 Land Use and Development Code Amendment – Home Occupancy Standards – Public Hearing – proposed amendment to the Land Use and Development Code that would create a village home occupation overlay district and amend the current home occupation standards.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2
2. Proposed Amendment	2-5
3. Motions	6

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council	Order #24-39	3/12/2024
TC Ordinance Committee		2/27/2024
Planning Board Public Hearing		4/1/2024

The Planning Board refers to staff notes during the review process; however, it should be noted that staff recommendations are noncommittal, and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Tom Poirier, Director of Community Development and Carol Eyerman, Town Planner

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

1. OVERVIEW

The Town Council is looking to amend the Home Occupation Standards to allow greater flexibility for home occupations in an area around the Little Falls and Gorham Villages. See proposed changes shown on page 5 in black language and underlined.

These revised standards for Home Occupations would be targeting those areas around the Gorham and Little Falls Villages by utilizing the same boundaries as the Small Dwelling Overlay District as the area allowing for the revised standards for home occupation. Staff has provided 2 close up maps of the village areas showing the Small Dwelling Overlay District boundaries.

2. PROPOSED Home Occupation Amendment

Additions to the are underlined:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-15 – HOME OCCUPATION STANDARDS

Home occupations shall conform to the following requirements:

1. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.
2. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence.
3. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto with the exception of farm/roadside stands which are allowed to be carried on in a separate structure.
4. Not more than two people outside the family shall be employed in the home occupation.
5. There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
6. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare shall be generated. The noise standard shall comply with the standards identified under Chapter 4, Section 4-9, and T. Noise.

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood or generate more than 10 vehicle trips per day.

8. Off-street parking shall meet the standards set forth in Section 2-2 of this Chapter. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the yard setbacks. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences.

9. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.

10. The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more, with the exception of home day care facilities which may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for State required play areas.

11. The following uses shall be allowed as home occupations as defined in Chapter 1, Section 1-5 Definitions:

- a. Business and Professional Offices
- b. Personal Services
- c. Instructional Services
- d. Repair Services
- e. Day Care Home
- f. Home Crafts
- g. Construction Services
- h. Office of a Contractor or Tradesman
- i. Medical Marijuana Caregiver
- j. Online Retail Sales

12. Permit required. A permit must be obtained from the Code Enforcement Department prior to commencement of the Home Occupation. As part of the permit approval, the Town's Code Enforcement Officer is authorized to limit the proposed use or require on-site improvements to minimize potential negative impacts to the neighborhood and/or roadways.

13. A home occupation shall not be interpreted to include the following:

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

- a. Facilities for the repair of motor vehicles
- b. Day care center

14. In addition to the home occupation standards listed above, the home occupation uses listed below shall meet the following requirements:

- a. Instructional Services
 - 1. Instructional services involving a maximum of four students at a time are permitted. In the case of musical instructions, no more than two students at a time shall be permitted.
- b. Day Care Home
 - 1. Prior to the permit approval of the use by the Code Enforcement Office, the applicant must obtain a license from the State of Maine Department of Child and Family Services.
- c. Construction Services
 - 1. Limited to two of the following: pick-up trucks, vans or box trucks and one trailer parked/stored outside.
 - 2. No outside storage of materials.
 - 3. Material storage buildings/space limited to 20% of the size of the total area of the dwelling unit.
- d. Repair Services
 - 1. The repair of any small engines or equipment with any type of gas, diesel, oil, or natural gas engine is not permitted.
- e. Medical Marijuana Caregivers
 - 1. All growing and related growing supplies are required to be stored inside and within the 20% of the total floor area of the dwelling unit or 576 square feet, whichever is more.
 - 2. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence, including but not limited to, any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.
 - 3. The odor generated from marijuana cultivation or harvesting shall not be reasonably detectable from any adjacent lot, public right-of-way, or outside of the grower's lease area. The marijuana cultivation shall provide for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation from being dispersed or released outside the building or lease line.

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

4. The medical marijuana caregiver shall obtain a State of Maine conditional license prior to operating in the Town of Gorham.

15. In addition to the home occupation standards 1 through 14 listed in this section, the home occupation use for medical marijuana caregivers must also meet the following requirements: **(Town staff left the performance section for this portion out of the memo because it not relevant to the discussion about increase commercial opportunities in the village.)**

16. Home occupations in the Village Home Occupation Overlay District are allowed the following exceptions to the above requirements.

a. The home occupations excluding medical marijuana caregivers shall not utilize more than 50% of the total floor area of the dwelling unit.

b. Medical marijuana caregivers are required to meet the requirements outlined under section 14.e.1.-4. and under section 15.

c. Not more than ten people outside the family shall be employed in the home occupation.

d. The following uses shall be allowed as home occupations as defined in Chapter 1, Section 1-5 Definitions:

1. Retail stores under 500 sq. ft.

Land Use and Development Code Amendment: Home Occupancy Standards

Council Order #24-39

SUGGESTED MOTIONS:

RECOMMENDATION FOR ADOPTION:

Move to amend Chapter 2 General Standard of Performance, Section 2-15 Home Occupation Standards as drafted (and as amended by the Planning Board).

OR

TO FORWARD TO COMMITTEE:

Move to send the item to the Planning Board's (Ordinance or CPIC committee) for review and recommendations.