

***Draft Zoning Amendment
Chapter 601 Zoning and Site Plan Review Ordinance
Town of Falmouth ME
Rev. February 6, 2012**

An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding the Provision for Home Occupations

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Zoning and Site Plan Review Ordinance be amended as follows.

5.21 Home Occupations [Amended, 10/25/93]

- a. The purpose of the Home Occupations provision is to permit the conduct of only those businesses which are reasonably compatible with the residential districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure.

There are some business uses conducted wholly within a residence or accessory structure which are incidental to the residential use of the property and are of no impact to the surrounding properties. These uses are permitted as a matter of right if they conform with the following criteria:

- (1) are part-time in nature.
- (2) are ~~eustomarily~~ carried on within a dwelling unit.
- (3) are carried on only by a member or members of the family residing in the dwelling unit.
- (4) there is no exterior display, sign, or advertising that would indicate the presence of the home occupation.
- (5) there are no objectionable conditions such as noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours.
- (6) there is no traffic generated by the home occupation.
- (7) the dwelling or accessory structure is not altered substantially to accommodate the home occupation.

If any of these uses which would otherwise meet the above criteria are full-time in nature, then a permit for that use must be issued by the Code Enforcement Officer. This permit shall be valid for the applicant only.

- b. All other home occupations or professions which are accessory to and compatible with a residential use in an RA, RB, VMU, or F district may be permitted as a conditional use, if approved by the Board of Zoning Appeals after public hearing with due notice given, and if:

- (1) it is ~~eustomarily~~ carried on in a dwelling unit or in a structure customarily accessory to a dwelling unit,

- (2) it is carried on primarily by a member or members of the family residing in the dwelling unit,
 - (3) it does not materially injure the character or usefulness of the dwelling unit or accessory structure for normal residential purposes, and
- c. All home occupations shall conform with the following conditions:
- (1) The home occupation shall be carried on wholly within the dwelling or accessory structure.
 - (2) The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.
 - (3) There shall be no exterior display, no exterior sign other than those permitted in Section 5.13 a., no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 - (4) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.
 - (5) The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
 - (6) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. Parking for more than one vehicle used primarily for the home occupation shall require approval of the Board of Appeals.
 - (7) The home occupation may utilize:
 - (a) Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation unfinished basement and attic spaces are not included.
 - (b) Unfinished attic and basement spaces.
 - (c) One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit as previously
 - (8) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, as permitted in Section 5.13 a.

5.13 Regulations Applicable to Signs [Amended 5/26/09] [Amended 1/24/11]

The following provisions relating to signs are applicable in all districts except where otherwise noted

- a. Signs identifying the name, address, and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does not exceed two (2) square feet of display area, is non-illuminated, and is mounted flat against the wall of the principal or accessory building.[Amended 1/24/11]