

# QUESTIONS FOR HOME OCCUPATIONS

## Supplement S-1

### WHO MAY USE THIS SUPPLEMENT?

If you will be conducting a **major home occupation**, you must submit this form with your LUPC application. Major home occupations are allowed in certain subdistricts, as long as you obtain a LUPC permit.

If you will be conducting a **minor home occupation**, you don't need to complete this form. You may conduct a minor home occupation in certain subdistricts without a LUPC permit, as long as you meet all applicable requirements (see summary below).

If you are uncertain whether a home occupation can be conducted on your property, contact the LUPC office that serves your area before starting any activity.

**📌** A **home occupation** is a business, profession, occupation, or trade undertaken for gain or profit which (a) is secondary to the use of the dwelling for residential purposes; (b) is wholly carried on within a dwelling or accessory structures; (c) is carried on by a resident of the dwelling; and (d) uses no more than 50% of the dwelling's floor area or the total combined floor area of the dwelling and accessory structures in which the occupation is carried out. A **minor home occupation** uses no more than 1,000 square feet of floor area. A **major home occupation** uses no more than 1,500 square feet of floor area.

### WHAT COMMISSION REQUIREMENTS APPLY TO HOME OCCUPATIONS?

The following is a simplified summary of the Commission's home occupation requirements. For additional details, or to obtain a complete copy of these requirements (Section 10.27,N of the Commission's *Land Use Districts and Standards*), contact the LUPC office that serves your area.

	Minor Home Occupations	Major Home Occupations
Maximum floor area used by home occupation (does not apply to child/adult day care services)	1,000 sq. ft.	1,500 sq. ft.
Employee limits (other than resident family)	No regular employees	Up to 2 outside staff at any given time
Client limits for child/adult day care services	Up to 6 children or adults	Up to 12 children or adults
Outdoor activity areas	May be used only for child day care/adult day services	
Signs in D-RS, D-RS2, and D-RS3 subdistricts (in other subdistricts - see Section 10.27.J)	1 unlighted sign, up to 2 sq. ft. in size	1 unlighted sign, up to 4 sq. ft. in size
Vehicles and heavy equipment limits	Up to 1 tractor truck/semitrailer and 1 piece of construction equipment	Up to 4 tractor trucks, semitrailers, or pieces of construction equipment
Nuisances	No noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference, etc. that exceed levels common to residential areas.	
Traffic (does not apply to child/adult day care services)	No clients, customers or students for sales or services on a regular basis	Not significantly more than a residence
Parking (does not apply to child/adult day care services)	Only occasional, short-term parking	Up to 6 parking spaces, off-street, screened

### WHERE CAN I GET HELP TO COMPLETE THIS SUPPLEMENT?

Call the LUPC office that serves your area (see below) and ask to speak to one of our regional representatives. Also, go to the LUPC website at [www.maine.gov/dacf/lupc/](http://www.maine.gov/dacf/lupc/) for guidance, or to obtain a copy of our rules and regulations, meeting agendas, and other valuable information.

<p style="text-align: center;"><b><u>AUGUSTA OFFICE</u></b></p> <p>18 Elkins Lane - Harlow Bldg.                      Tel. (207) 287-2631                  22 State House Station                              TTY (888) 577-6690                  Augusta, ME 04333-0022                              FAX (207) 287-7439</p>	<p style="text-align: center;"><b><u>ASHLAND OFFICE</u></b></p> <p style="text-align: center;"><i>Serving most of Aroostook County, and portions of northern Penobscot and Piscataquis Counties</i></p> <p>18 Elkins Lane - Harlow Bldg.                      Tel. (207) 287-2631                  22 State House Station                              TTY (888) 577-6690                  Augusta, ME 04333-0022                              FAX (207) 287-7439</p>
<p style="text-align: center;"><b><u>BANGOR OFFICE</u></b></p> <p style="text-align: center;"><i>Serving Hancock, Kennebec, Knox, Lincoln, Sagadahoc, and Waldo Counties; most of Washington County; and all coastal islands in the LUPC service area</i></p> <p>106 Hogan Rd, Suite 8                                  Tel. (207) 941-4052                  Bangor, ME 04401                                      FAX (207) 941-4222</p>	<p style="text-align: center;"><b><u>EAST MILLINOCKET OFFICE</u></b></p> <p style="text-align: center;"><i>Serving southern Penobscot and Aroostook Counties, and portions of Piscataquis and northern Washington Counties</i></p> <p>106 Hogan Rd, Suite 8                                  Tel. (207) 941-4052                  Bangor, ME 04401                                      FAX (207) 941-4222</p>
<p style="text-align: center;"><b><u>GREENVILLE OFFICE</u></b></p> <p style="text-align: center;"><i>Serving Somerset County and most of Piscataquis County</i></p> <p>43 Lakeview Street                                      Tel. (207) 695-2466                  P.O. Box 1107                                              FAX (207) 695-2380                  Greenville, ME 04441</p>	<p style="text-align: center;"><b><u>WEST FARMINGTON OFFICE</u></b></p> <p style="text-align: center;"><i>Serving Franklin and Oxford Counties</i></p> <p>43 Lakeview Street                                      Tel. (207) 695-2466                  P.O. Box 1107                                              FAX (207) 695-2380                  Greenville, ME 04441</p>

## NATURE OF HOME OCCUPATION

1. Describe in detail the nature of your home occupation. For instance, "A woodworking fabrication and retail shop in the barn, using existing driveway and parking spaces."

## AFFECTED STRUCTURES

2. Fill in a line on the table for each structure on your lot that will be used, wholly or partially, by your proposed major home occupation.

**Type of structure or feature:** Types of structures and features include a house, camp, garage, bunkhouse, shed, driveway, parking area, etc.

**Existing or proposed structure:** Check off whether the structure listed presently exists on your property or the structure is being proposed.

**Floor area:** Provide the total floor area of each structure listed in the table, as well as the amount of floor area that will be utilized by the proposed major home occupation. "Floor area" is the sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area includes, but is not limited to, all stories, decks, garages, and greenhouses.

*Unless you are operating a child or adult day care services facility, a major home occupation can use up to 50% of the floor area of all principal and accessory structures, up to a limit of 1,500 square feet.*

## ADDITIONAL QUESTIONS

3. **Employees:** No more than 2 employees outside the immediate family may work simultaneously at a major home occupation.
- 4-5. **Retail sales and traffic:** A major home occupation may attract regular clients, customers or students. However, the level of pedestrian and vehicular traffic generated must not significantly exceed that generated by a residence.

*According to the Institute for Transportation Engineers manual (1997), the average daily vehicular trips for various housing types ranges from 4 to 21. The average for an American household was 10 trips per day in 2000. Generally, your home business should generate no more than 6 trips in a peak hour or 20 trips for an entire day.*

6. **Trucks and heavy equipment:** You may use or store up to 4 tractor trucks, semi-trailers, and pieces of heavy equipment such as a road grader or backhoe at the site of your major home occupation. If you use or store more, then your activity is considered a commercial use and must be located in a subdistrict where such businesses are permitted.
7. **Parking:** You may use up to 6 off-street parking spaces for employee vehicles and other traffic generated by your home occupation during peak operating hours. Parking spaces must be screened from view from adjacent properties, access roads, and waters using a buffer of native vegetation (streams that drain fewer than 50 square miles are exempt from this screening requirement – these streams are identified as P-SL2 subdistricts on the Commission's Land Use Guidance Maps).

*Where possible, place parking areas to the side or rear of your dwelling (except in shoreland areas) to lessen the impact of your business on the residential character of the neighborhood.*

8. **Fuels:** You may be required to screen any above ground storage tanks from view.

*If you plan to store fuel on your property, you may need to hire an engineer to complete a Spill Prevention and Countermeasure Control (SPCC) plan. Call the Department of Environmental Protection at (207) 287-2651 for help with your plan.*

9. **Hazardous Materials:** A major home occupation may generate less than 27 gallons (about 220 pounds) of waste and may accumulate up to 3 drums (or 1,320 pounds) of hazardous waste on site for up to 180 days. These are the limits for occupations that the Department of Environmental Protection classifies as "Small Quantity Generators Plus".

*For more information on the Small Quantity Generators Plus program, contact the Department of Environmental Protection at (207) 287-7827.*

10. **Client Limit:** For major home occupations, the maximum number of clients (children or adults) for whom you may provide care is 12.

## SPECIAL EXCEPTIONS

11. Major home occupations that are not directly related to agriculture or forest management are of sufficient scale and intensity that they are best located in development subdistricts. Accordingly, to obtain permit approval for your proposal, you must document that there is no alternative site within a development subdistrict that is reasonably available to you. Use this space to explain in detail why your proposed major home occupation cannot be located in a development subdistrict.

# Supplement S-1

Questions for Home Occupations

For office use:

Tracking No.

Permit No.

<b>Applicant Name(s):</b>	
<b>Project Location (Township):</b>	<b>Project Location (County):</b>

## NATURE OF HOME OCCUPATION

1. Describe in detail the nature of your proposed home occupation. \_\_\_\_\_  
\_\_\_\_\_

## AFFECTED STRUCTURES

2. For each structure and feature that will be used to conduct your home occupation, fill in a line on the table below:

Structure or feature to be used for home occupation (dwelling, garage, shed, driveway, parking lot, etc.)	Status		Floor area (sq. ft.)		Describe how the structure will be screened from view from adjacent properties, access roads and water bodies:
	Existing Structure	Proposed Structure	Total Amount	Home Occupation Amount	
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			

## ADDITIONAL QUESTIONS

3. How many employees outside your resident family will work for you at any one time? ..... Yes No

4. Will retail sales be associated with your home occupation? ..... Yes No  
IF YES, approximately how many customers per day? .....

5. Will your home occupation generate any vehicular traffic? ..... Yes No  
IF YES, approximately how many vehicles will be at your property per day? .....  
IF YES, what types of vehicles will be at your property (passenger cars, delivery trucks, etc.)? .....

6. Will any tractor trucks, semitrailers or other pieces of heavy equipment (dump truck, road grader, backhoe, etc.) that are associated with your home occupation be stored on your property?..... Yes No  
IF YES, how many pieces of heavy equipment?.....

7. Will you use an existing or new parking area to accommodate traffic from your home occupation?..... Yes No  
If yes, how many parking spaces will be utilized or created?

8. Will fuels be stored on site? ..... Yes No  
IF YES, what quantity? ..... gallons  
IF YES, describe the purpose and proposed use of the fuel storage. ....

9. Will you be using hazardous materials associated with your home occupation? ..... Yes No  
IF YES, will you be within the "Small Quantity Generators Plus" limits? ..... Yes No  
Describe the purpose and proposed use of the materials. ....

10. If you are proposing a child day care or adult day services facility, what is the maximum number of children or adults for whom you will provide care? ..... NA \_\_\_\_\_ people

## SPECIAL EXCEPTIONS

11. Is your property (a) located within a D-ES subdistrict, or (b) located in Dallas, Sandy River, or Rangeley Plantations and within an M-GN, P-AL, P-AR, P-FW, P-GP, P-RT, P-SL, or P-UA subdistrict? ..... Yes No  
IF YES, explain in detail why your home occupation cannot be located in a development subdistrict. \_\_\_\_\_  
\_\_\_\_\_