

TOWN OF WELLS HOME OCCUPATION

Attached you will find the information packet for a Home Occupation including the section of the Land Use Ordinance that outlines the criteria you must fall into to be considered a home occupation. Please remember to check with the Town Clerk's office to see if you will need a Business License.

When applying for the permit you will need to include the following information:

- A cover letter explaining your home occupation and how it meets the criteria, item by item (see Sample Letter, attached).
- A floor plan showing the dimensions and the specific area of space the home occupation will occupy.
- If you do not own the property, a letter from the owner giving permission to conduct the specific home occupation you wish to conduct.
- If there are no structural changes, you simply fill out the attached permit application for a permit to establish a home business. If there is going to be any structural modification, you will also have to include those drawings, which must provide specific dimensions as well as stating all materials to be used and their application in relationship to the Home Occupation.
- A change of use means that we are going to review this project to add an additional use to the property other than dwelling space.
- A plot plan or survey showing all exterior structures, parking for the business and residence, detailed exterior storage areas, with setbacks and dimensions for all areas.

Fees (Refer to the current Fee Schedule)

After the permit has been issued:

If you are going to be doing structural work, then see the attached sample sheets with requirements to be supplied before you begin any work and follow those instructions, which are included in the *Building Permit packet*.

After you have received your *Permit* and have set up your home occupation space, you must contact the Code Enforcement Office for your Certificate of Occupancy inspection. Once the inspection has been completed and the inspector issues the Certificate of Occupancy, you may come down to the Code Enforcement Office and pick up your Certificate of Occupancy. The Certificate of Occupancy is a very important step in making your new business legal.

THIS IS ONLY A SAMPLE LETTER

Ms. Jodine Adams
Code Enforcement Officer
Town of Wells
208 Sanford Road
Wells, Maine 04090

Dear Ms. Adams:

I am requesting a permit to allow me the use of my residence at 22 Yourstreet Street for a home occupation. I intend to serve as an independent computer consultant, creating customized databases for athletic and educational organizations. In effect my work will be computer programming, an acceptable home occupation listed under item (2) of Section 145-51 Wells Zoning Ordinance. The following is an explanation of how my home occupation meets the criteria listed under item (1) of the same: (ordinance is attached).

- a) My home occupation will be incidental to the residential use of the dwelling unit. I will be using no more than 20% of the floor area of my residence for the home occupation. The floor area of my home includes all habitable space within the dwelling unit. If I am in the Rural District, an additional 2,000 square feet of interior space and/or 5,000 square feet of exterior area may be used for storage of equipment (such as but not limited to excavation equipment, farm equipment and construction supplies) primarily used off the premises. Any exterior storage of equipment shall be screened from view from any street or abutting lot. I have included this on my plot plan as required.
- b) Only one person in addition to the permanent residents of the residence will be employed on the premises.
- c) There will be no visible exterior evidence of a home occupation being located on the premises, except one sign as regulated in §145-40D and except for outside storage in the Rural District.
- d) No advertising will reference the physical location of the occupation. There will be no off-premises signs advertising the occupation.
- e) There will not be visitors, customers, deliveries or other types of business trips exceeding what normally would occur for a dwelling unit, including not more than two business visitor trips an hour or four a day and not more than two deliveries of products or materials a week.
- f) There will not be any noise or obnoxious odors, vibrations, glare, smoke, dust, heat, radiation, noxious fumes or electrical interference which are detectable to the normal senses or which create a nuisance or safety hazard produced on or beyond the boundaries of my property.
- g) Any waste material generated by the home occupation will be promptly removed from the premises and disposed of according to federal, state and local regulations.

As you can see my home occupation is a secondary and incidental use of my residence. The external activity level and impact is negligible and in keeping with the residential character of the neighborhood.

Attached you will find a copy of a floor plan showing the dimensions and area of the home occupation space, as well as a letter from the owner of the building granting permission to conduct a home occupation on the premises. Thank you for your assistance in this matter.

Sincerely,

Your Name
Title

§ 145-51.Home Business

A home business is permitted as an accessory use to a dwelling unit if it complies with the following standards: The home business is incidental to the residential use of the dwelling unit. No more than 20% of the floor area of the dwelling unit may be occupied by the home business. The floor area of a dwelling unit shall include all habitable space within the dwelling unit. In the Rural District, an additional 2,000 square feet of interior space and/or 5,000 square feet of exterior area may be used for storage of equipment (such as but not limited to excavation equipment, farm equipment and construction supplies) primarily used off the premises. Any exterior storage of equipment shall be screened from view from any street or abutting lot.

Only one person in addition to the permanent residents of the dwelling unit shall be employed on the premise in the home business.

There shall be no visible exterior evidence of a home business being located on the premises, except one sign as regulated in § 145-40D and except for outside storage in the Rural District as provided for in Subsection A.

No advertising shall reference the physical location of the home business. No off-premise signs advertising a home business shall be permitted.

Visitors, customers, deliveries or other types of business trips shall not exceed that normally occurring for a dwelling unit, including not more than two business visitor trips an hour or four a day and not more than two deliveries of products or materials a week.

The home business shall produce no noise or obnoxious odors, vibrations, glare, smoke, dust, heat, radiation, noxious fumes or electrical interference which are detectable to the normal senses or which create a nuisance or safety hazard on or beyond the boundaries of the subject lot.

All waste material generated by the home business shall be promptly removed from the premises and disposed of according to federal, state and local regulations.

§ 145-51 Home Businesses.

A home business is permitted as an accessory use to a dwelling unit if it complies with the following standards:

A. There shall be three classes of home businesses, as follows:

1. Class 1:

- a) Located within the principal residential structure only.
- b) Shall occupy up to 20% of habitable space, not to exceed 500 square feet.
- c) Not more than one employee, other than the home's occupants, may work on site at any time, and one additional on-site parking space shall be provided if there is such an employee.
- d) No outdoor activity or storage of materials shall be permitted.
- e) Adequate on-site parking shall be provided for the residence, customers and employees.
- f) Minimum lot size – none.

2. Class 2:

- a) May be located in the principal residential structure or an accessory structure.
- b) Shall occupy 800 square feet or less of floor space.
- c) Not more than two employees, other than the home's occupants, may work on site at any time, and one on-site parking space shall be provided per employee, if there are such employees, in addition to on-site parking required for the residence and customers.
- d) Outdoor activity or storage of materials shall be permitted in an area not to exceed 1,600 square feet, provided the area meets structure setbacks and the area is screened from roads and abutters.
- e) To the extent a home business involves off-site activity (landscaper, carpenter, etc.) up to three additional workers may gather, prepare briefly, load vehicles, unload vehicles associated with the home business, provided that at least $\frac{3}{4}$ of the workday for these other workers is spent working off site. Adequate on-site parking for workers shall be provided.
- f) Minimum lot size: 20,000 square feet of net area.

3. Class 3:

- a) May be located in the principal residential structure or an accessory structure.
- b) Shall occupy 1,600 square feet or less of floor space.
- c) Not more than three employees, other than the home's occupants, may work on site at any time, and one additional on-site parking space shall be provided per employee, if there are such employees, in addition to on-site parking required for the residence and customers.
- d) Outdoor activity or storage of materials shall be permitted in an area not to exceed 4,400 square feet, provided the area meets structure setbacks and the area is screened from roads and abutters.
- e) To the extent a home business involves off-site activity (landscaper, carpenter, etc.), up to five additional workers may gather, prepare briefly, load vehicles, unload vehicles associated with the home

business, provided that at least ¾ of the workday for these other workers is spent working off site. Adequate on-site parking for workers shall be provided.

f) Minimum lot size: 100,000 square feet of net area.

B. Types of home businesses permitted by class. For each class of home business, the types of permitted home businesses shall comply with the following table in § 145-51B.

1) Home businesses may include only the following uses as defined in § 145-10, as limited for each class in the following table, and shall be subject to any restrictions or prohibitions outlined in § 145-51B(2):

USE	CLASS I	CLASS 2	CLASS 3
Business, retail	No	No	Yes
Business, office	Yes	Yes	Yes
Business, personal service	Yes	Yes	Yes
Business, service	Yes	Yes	Yes
Business, contractor	Yes	Yes	Yes
Business, wholesale	Yes	Yes	Yes
Manufacturing	Yes	Yes	Yes

2) Class restrictions

a) Home businesses shall not include funeral homes or the redemption of beverage containers.

C. General standards. The following shall apply to all home businesses.

- Visual appearance. A home business shall be conducted in a manner that minimizes any adverse visual impact on the neighborhood. The structure shall not be altered in a manner inconsistent with its residential character. Outdoor illumination shall be limited to that normal and customary for single-family housing (such as a customary porch light, garage light or walkway light).
- Signs. A home business shall comply with § 145-40.
- All home businesses shall be permitted on-site retail activity that is incidental and subordinate to the home business uses (e.g. a music teacher selling sheet music to one of the students or a hair dresser selling hair products to a client). All retail activity and sales of merchandise shall be located within an enclosed structure.
- Class 2 and Class 3 home businesses may include the selling of products, the major portion of which is raised or produced on the premises.
- Traffic. All home business related traffic shall not exceed the maximum number of peak hour trips based on Class 1 not exceeding four peak hour trips. Class 2 not exceeding eight peak hour trips, and Class 3 not exceeding 12 peak hour trips. Customer traffic shall be limited to daytime hours only.
- Screening. All home businesses shall be screened in accordance with § 145-38.
- Impact limits. Home businesses shall limit their generation of vibrations, smoke, dust, heat, glare or odor such that they do not create a nuisance or an unreasonable adverse impact perceptible beyond its lot lines. Storage or use of hazardous or toxic materials shall be in compliance with the requirements of the National Fire Protection Association (NFPA) standards. Home businesses shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Home businesses shall make adequate provisions for access by fire-lighting equipment and personnel.
- Water quality. No home business shall cause any liquid, gaseous, or solid material to run off, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water above current public health drinking water standards for Maine.
- Parking. Parking spaces and safe vehicular access shall be configured on the property to prevent the need to back out onto roads or streets.
- Water supply and sewage disposal. Home businesses shall demonstrate the availability of adequate water supply for fire protection and consumption needs and shall provide for the safe disposal of all wastewaters for the home business and residence.

D. A building permit and use permit shall be obtained from the Code Enforcement Officer prior to establishment of a home business.

E. Existing nonconforming or unlawful home business.

1) Prior to June 12, 2014, any existing home business that is established by June 12, 2012, which is not operating under the control of an approved building permit use permit from the Code Enforcement Office shall:

a) Submit a building permit/use permit application containing the following information to the Code Enforcement Office:

1) Description and type of home business, total gross floor area used by the home business within a structure, number of employees who reside on the premises and who do not reside on the premises, size of the parcel, location and total area of any outside storage, and total parking spaces provided; and

2) Plot plan of the property identifying structures, parking areas, outside storage area, zoning dimensional requirements conformance and compliance with § 145-51C.

b) Apply for site plan approval if the home business type is a permitted use within the defined zoning district for the parcel of land on which the home business is located; or

c) Discontinue home business operations.

2) Any existing nonconforming or unlawful home business is prohibited from altering or amending its use after June 12, 2012, without complying with § 145-51E.

3) Failure of any home business to comply with § 145-51E(1) prior to June 12, 2014, shall be considered a violation of this chapter per §§ 145-63 and 145-64

4) Any existing nonconforming or unlawful home business established by June 12, 2012, which does not conform to the requirements of § 145-51 may continue to operate, provided it has complied with § 145-511:(1) and shall not be permitted to increase or expand.

Parcel (Map) _____ (Lot) _____

Building Permit # _____
(office use)

TOWN OF WELLS
Standard Permit Application

IF ANY WORK STARTS BEFORE THE PERMIT IS APPROVED, A STOP WORK ORDER WILL BE ISSUED WITH A FEE BASED ON COST OF.

Location/Address of Construction: Click or tap here to enter text.

Owner Name, Address and Telephone #: Click or tap here to enter text.

Applicant Name, Address and Telephone #: Click or tap here to enter text.

Total square footage of proposed work: Click or tap here to enter text. Cost of Project: \$Click or tap here to enter text.

Public sewer: Yes No

Public water: Yes No

Is this part of a subdivision: Yes No

Other dwelling units on lot: Yes No

Number of Bedrooms: Click or tap here to enter text.

Number of Finished Floors: Click or tap here to enter text.

PERMIT IS FOR: (MAY CHECK MORE THAN ONE)

New Commercial: Commercial Tenant Fit-up/Change of USE: Commercial Additions/Alterations:

New Single-Family Dwelling: Single Family Additions/Alterations: Accessory Dwelling Unit:

Demolition Permit Commercial: Demolition Permit Residential: Home Occupation:

Project Description: Click or tap here to enter text.

Contractor's Name, Address & Telephone: Click or tap here to enter text.

Whom should we contact when the permit is ready: Click or tap here to enter text. Phone: Click or tap here to enter text.

Owner or Contractor's Email: Click or tap here to enter text.

(It is the responsibility of the individual receiving emails from the Code Office to forward all correspondence to applicable parties)

Additional Email: Click or tap here to enter text.

We will contact you by phone when the permit is ready. You must come in, sign for, pick up the permit and review the requirements before starting any work. IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE PAPERWORK SUBMITTED, THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE CODE ENFORCEMENT OFFICE. WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Offices' authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Owner Signature:	Date: Click or tap to enter a date.
Applicant	Date: Click or tap to enter a date.

BASE FEE is required to review the application and is non-refundable.

	<u>Base Fee</u>	<u>Square Footage Costs</u>
Residential NEW Dwelling:	\$250.00	plus \$0.60 per square foot
Residential Additions/Alterations:	\$140.00	plus \$0.60 per square foot
Commercial NEW Structure:	\$350.00	plus \$0.80 per square foot
Commercial Additions/Alterations:	\$250.00	plus \$0.80 per square foot
Commercial Tenant Fit-up:	\$250.00	plus \$0.80 per square foot
Residential Home Occupation:	\$140.00	plus \$0.60 per square foot
Residential Demolition (Structure)	\$75.00	
Commercial Demolition (Structure)	\$100.00	
Residential each additional bedroom over 3:		add \$200.00 to base fee.
Residential/Commercial adding 3rd floor:		add \$200.00 to base fee.

- **Owners Signature is required, or a letter of Authorization from the owner allowing applicant to act or their behalf.**
- **Lots, Buildings, and Structures located in a Flood Zone are also required to complete a Flood Permit. (Chapter 116-2)**
- **Cost of Project includes all construction materials and labor, to include donated materials, volunteer labor or work completed by owner.**
- **Demolition Permits, taxes must be paid and documented from General Office.**
- **Plumbing Permits are a separate permit.**
- **Engineered Materials (LVLs, Trusses, Steel Beams) the manufacturer's specification data sheets are required.**
- **Project with approved site plans; any expansion, re-location or dimensional changes may result in a site plan amendment through the Planning Department.**

Submitting an application for permit does not authorize the applicant to begin work until the permit is issued. Working without an issued/validated permit or beyond the scope of a permit can result in delays in projects, stop work orders, and violations of the Town of Wells Land Use Code, Chapter 145. A Building Permit can be appealed within 31 days after the issuance of the written decision from the Code Enforcement Officer, per Chapter 145 Land Use Section 145-69 (ZBA).

TOWN OF WELLS CODE ENFORCEMENT

Applicants Name: Click or tap here to enter text.

Address: Click or tap here to enter text.

Map: Click or tap here to enter text. Lot: Click or tap here to enter text.

Permit fee is based on .60 per square foot for residential / .80 per square foot for commercial, plus the Base Fee. Please fill in square footage applicable to your application request (based on the projects construction documents).

CONSTRUCTION DOCUMENTS – Written, graphic and pictorial documents describing the design, location, dimensions, and physical characteristics. Included but not limited to; Foundation plan, Floor plans, Elevations, Detailed (Cross sections) and Plot Plans.

SQUARE FOOTAGE - Is a measurement of area, (length x width); Measured from the exterior faces of the most exterior walls.

FOUNDATION - The supporting substructure of a building or other structure, including basements, crawlspaces, slabs, piers, posts or frost walls.

COMMERCIAL / RESIDENTIAL MAIN BUILDING – ALTERATIONS - ADDITIONS

Foundations _____ sf \$ _____

First floor _____ sf \$ _____

Second floor _____ sf \$ _____

Third Floor _____ sf \$ _____

BREEZEWAY

Foundations _____ sf \$ _____

First floor _____ sf \$ _____

Second floor _____ sf \$ _____

GARAGE (attached or under)

Foundations _____ sf \$ _____

First floor _____ sf \$ _____

Second floor _____ sf \$ _____

DECKS, AND PORCHES

Deck(s) / Porch(s) - Foundation (concrete/precast/piers) 1) _____ sf 2) _____ sf 3) _____ sf \$ _____

(see square footage and foundation definitions above)

Deck(s) / Porch(s) - Structure (framing wood/steel) 1) _____ sf 2) _____ sf 3) _____ sf \$ _____

(see square footage and foundation definitions above)

Base Fee (refer to page 2): \$ _____, plus Total Square Footage: _____ sf, (multiple by residential \$0.60 or commercial cost \$0.80), \$ _____ : TOTAL fee owed: \$ _____