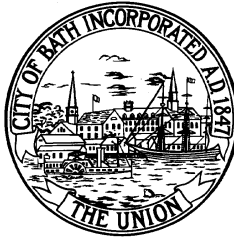


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CODES ENFORCEMENT OFFICE

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HOME OCCUPATIONS

A home occupation is a business that is run out of someone's home. There are two types of home occupations - Type A and Type B, as defined below. Type A home occupations are low scale operations that create little or no impact on the neighborhood. Type B home occupations are larger in scale, and have more impact on the neighborhood. Both types of home occupations have to meet the performance standards listed below. Whether a home occupation is allowed at a particular site depends on what zoning district the site is located in. Not all zones allow home occupations. You can determine what zone a site is located in from the zoning ordinance (available at the Patten Free Library, or City Hall) or by calling the Codes Office. Home occupations require a permit. Permits for Type A home occupations are issued by the Codes Officer. Permits for Type B home occupations require site plan review by either the Staff Review Committee or the Planning Board, depending on the specifics of your proposal.

To apply for a permit for a Type A home occupation, complete the permit application, and return it to the Codes Office with the fee and a cover letter describing your home occupation and how it meets the performance standards. Address each standard (A – K) individually and describe how your operation will meet them. To apply for a Type B home occupation, meet with the City Planner (443-8363) to discuss the project and the site plan review process. He/she will provide you with the necessary forms and information.

SECTION 2.02 DEFINITIONS

Home Occupation. An occupation or profession, carried out for monetary gain, that is conducted in a dwelling unit or structure accessory to a dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. There are 2 sizes of home occupations defined in the following paragraphs. All home occupations must meet the performance standards of Section 11.13.

Home Occupation - A. A home occupation that has little or no impact on the neighborhood in which it is located. This category includes home occupations that have no warehousing, no sales on-site, no parking of commercially-registered vehicles larger than 1 ton capacity based upon the manufacturer's rating, no deliveries by trucks larger than the single-unit trucks typically used by United Parcel

Service or Federal Express, and no employees other than family members residing in the home. This category may not be conducted in an accessory building.

Home Occupation - B. Any home occupation that does not meet the definition of *Home Occupation - A*.

SECTION 11.13 HOME OCCUPATIONS

Home occupations are uses that are clearly accessory, incidental, and secondary to the residential use of the dwelling unit. They are only allowed in single- and 2-family dwelling units. However, a Home Occupation - A is allowed in a multi-family dwelling. Home occupations must meet the applicable criteria listed in the definitions contained in this Code, and must meet the following standards:

- A. The home occupation may not produce any odors, fumes, dust, smoke, vibrations, glare, noise, or electrical interference in excess of that produced by normal residential use; it may not create a nuisance.
- B. There may be no external alteration of the building or site that changes its residential character.
- C. No more than 30 percent of the gross floor area of the dwelling structure may be utilized in the home occupation.
- D. The maximum number of employees on-site at any one time, other than family members who reside in the home in or at which the home occupation is located, is zero for a Home Occupation - A, and 8 for a Home Occupation - B.
- E. The home occupation must be conducted wholly within the principal building or within a building accessory to the principal building. Any accessory building that houses a home occupation may be no larger than 600 square feet in gross floor area, must meet the principal building-setback requirement of the Space and Bulk Regulations of the zone, and must be residential in appearance.
- F. A home occupation may not be located in a dwelling unit that contains in-home lodging.
- G. The sale of items manufactured or produced on-site is allowed on-site, except that the sale of food items manufactured on-site is not allowed on-site.
- H. Only incidental sales of items not manufactured or produced on-site is allowed on-site.

- I. There may be no outdoor storage or display of equipment, materials, or items for sale, and no repairing of motor vehicles, recreational camping vehicles, or snowmobiles.
- J. Deliveries by trucks of a size larger than the single-unit trucks such as those used by Federal Express or United Parcel Service are only allowed once per month.
- K. To the extent necessary the Planning Board has the right to impose restrictions on maintenance activities and operations of a Home Occupation - A where such restrictions are necessary or appropriate to prevent or mitigate the impact of the use on abutting or neighboring properties. Restrictions may include, for example, limitation on the hours of winter snow removal or plowing, time of deliveries and office hours, and the amount and location of on-street and off-street parking.

Home Occupation Requirements from the State Building Code
(The 2009 International Building Code)

419.1 General. A live/work unit is a *dwelling unit* or *sleeping unit* in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

Exception: *Dwelling* or *sleeping units* that include an office that is less than 10 percent of the area of the *dwelling unit* shall not be classified as a live/work unit.

419.2 Occupancies. High-hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

419.1.1 Limitations. The following shall apply to all live/work areas:

1. The live/work unit is permitted to be a maximum of 3,000 square feet.
2. The nonresidential area shall be limited to the first or main floor only of the live/work unit.
3. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

419.3.3 Spiral stairways. *Spiral stairways* that conform to applicable code requirements shall be permitted.

419.4 Vertical openings. Floor openings between floor levels of a live/work unit are permitted without enclosure.

419.5 Fire protection. The live/work unit shall be provided with a manual fire alarm system if there is a dwelling unit or sleeping unit three or more stories above the lowest level of egress discharge, or more than one story below the highest level of egress discharge serving the dwelling unit or sleeping unit, or if the building has more than 16 dwelling units in it.

Live/work units must be provided with an automatic sprinkler system.

419.6 Structural. Floor systems must be adequate to support the applicable floor loads.

419.8 Ventilation. The applicable requirements of the *International Mechanical Code* shall apply to each area within the live/work unit for the function within that space.

If you have questions about any of these requirements, let the Codes Office staff know.

2-9-11