

Town of Windham

Code Enforcement Office
8 School Road
Windham, ME 04062

Voice (207)894-5960 Ext. 1

Fax (207)892-1916

HOME OCCUPATION APPLICATION

Date: _____

Zoning District _____ Map _____ Lot _____

Physical Address of Property: _____

Property Owner: _____

Property Owner mailing address: e-mail _____

Applicant mailing address: e-mail _____

Applicant Telephone: _____ Property owner telephone: _____

In a cover letter please describe the home occupation and explain how it is in accordance with the Town of Windham's Ordinance Code Chapter 140

The written description shall provide reasonable evidence that the proposal will meet the performance criteria outlined below. If a proposal for a Home Occupation does not strictly meet the performance criteria the applicant may apply to the Zoning Board under criteria in order to achieve the spirit and intent of the Home Occupation definition.

Definitions:

Home Occupation 1

An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes. See "Home Occupation 1" in section 500 Performance Standards.

Home Occupation 2

An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home Occupation 2 uses must be approved by the Board of Appeals. (See Sec. 500 Performance Standards)

520 Home Occupation 1

A. Permit Required. A permit must be obtained from the Department of Code Enforcement prior to the installation of a Home Occupation 1.

1. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property.

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B. Permitted Uses.

The following uses, as defined in Section 300, shall be allowed as a Home Occupation 1:

1. Artist Studio
2. Auto Repair Services, Minor – Limited to “Small Engine Repair,” as defined.
3. Business and Professional Office
4. Service Business, Personal (*See Subsec. 520.C.1. below*)

C. Standards. In making its findings, the Department of Code Enforcement shall use the standards for a Home Occupation 2 in Section 521.F. and the following:

1. Service Business Personal. When authorized as a Home Occupation 1, this use shall not include laundry or dry cleaning services. (*Laundry and dry cleaning services may apply under Sec. 521 Home Occupation 2*)

D. Conditions. The Department of Code Enforcement may place conditions on the home occupation to minimize impacts on area properties. The conditions must be related to the Code Enforcement Officer’s findings on the standards listed in Subsection 521.F. Town of Windham Land Use Ordinance Sec. 500 Performance Standards 5 – 17

521 Home Occupation 2

A. Approval Required. The Board of Appeals must approve all applications for a Home Occupation 2.

1. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property and shall not be transferable to a subsequent resident of the property.

B. Public Notification. Notice shall be sent to all owners of abutting property at least seven (7) days prior to the Board’s initial consideration of an application.

C. Public Hearing. The Board of Appeals shall hold a public hearing on any application. Notice of the public hearing shall be:

1. Mailed to the owners of all abutting property at least seven (7) days prior to the hearing,
2. Advertised in a newspaper of general circulation at least seven (7) days prior to the hearing.

D. Permitted Uses. Home Occupation 2 uses shall be as follows:

1. Uses that meet the standards of Subsection 521.F,
2. Uses that are not prohibited by Subsection 521.E.

E. Prohibited Uses. The following uses are specifically prohibited as a Home Occupation

1. Auto Repair Services, Major
2. Auto Repair Services, Minor
3. Welding
4. Slaughterhouse
5. Smoke House.

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F. Standards

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.
 - (a) Not more than two (2) persons who are not family members residing in the dwelling unit shall be employed.
3. There shall be no exterior display, no exterior sign, other than those permitted in Section 705.D Signs, 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.
Sec. 500 Performance Standards Land Use Ordinance Town of Windham 5 - 18
5. 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 following:
 - (a) Vehicles of each employee, and
 - (b) Vehicles of the maximum number of users which the home occupation may attract during peak operating hours.
6. The home occupation shall not utilize more than twenty percent (20%) of the total floor area of the dwelling unit. The basement floor area and accessory structure floor area shall be excluded in the calculation of the twenty percent (20%).
7. Evidence shall be provided that the property's subsurface disposal system can accommodate the wastewater generated by the home occupation.
8. The home occupation shall not generate traffic of a substantially greater volume than would normally be expected in the neighborhood.
9. If renting or leasing, the tenant must demonstrate the property owner's approval.

G. Conditions. The Board of Appeals may place conditions on the home occupation to minimize impacts on area properties. The conditions must be related to the Board of Appeal's findings on the standards listed in Subsection 521.F.

Applicant's/ Representative's Signature: _____

Printed: _____

"I authorize appropriate staff within the Code Enforcement Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

For Staff Use Only

Approved Denied _____ Board of Appeals Yes _____ No _____

Signature of Approval/Code Enforcement Officer

Date