



CITY OF PORTLAND
Permitting and Inspections Department

Home Occupation Application Checklist

A Home Occupation is a change of use and requires a permit. The Land Use Ordinance (see attached) outlines the criteria to be considered a home occupation. Please check with the Business Licensing Division in Room 307, City Hall to see if a business license is required.

All applications shall be submitted online via the Citizen Self Service portal. Refer to the attached documents for complete instructions. The following items shall be submitted (please check and submit all items):

Home Occupation Application Checklist (this form)

For all home occupations, a cover letter explaining your occupation and how it meets the criteria of Section 14-410 of the City Code (see sample letter and attached regulations).

For Small-Scale Marijuana Caregivers, your cover letter must also explain how you will be meeting the Section 14-47 definition of a small-scale marijuana caregiver and the location and supplemental standards of Section 14-411 (see attached regulations).

Dimensioned floor plans of the entire dwelling indicating the specific area to be used for the proposed home occupation

A letter from the owner (if applicable), granting permission to conduct the specific home occupation

A plot plan showing the shape and dimensions of the lot, shapes and dimensions of all existing and proposed structures including distance from property lines, location and dimension of all parking areas and driveways

If any additions or alterations to the building are proposed, relevant drawings and documents shall be provided (refer to the One- and Two-Family Addition/Alteration Submission Checklist).

Fees:

The total fee to be paid upon invoicing, shall include the following (refer to Fee Schedule for current fees):

- Change of Use for Home Occupation fee
- General Building Permit fee (based on the cost of work)

A Certificate of Occupancy (CO) is required prior to occupying the proposed space for use as a Home Occupation. The CO may be applied for with the Permitting and Inspections Department once the work is complete and all inspections have passed. An additional fee of \$100 is required for a CO and will be invoiced after the CO is applied for.



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Sample Letter

Zoning Administrator
Permitting and Inspections Department
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Zoning Administrator:

I am requesting a permit to allow me to use my residence at 221 Main 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 (6) of Section 14-410(b) of the Portland Zoning Ordinance. The following is an explanation of how my home occupation meets the criteria listed under Section 14-410(a):

1. My home occupation will occupy approximately 176 square feet (11%) of floor area of the residence.
2. No goods will be stored displayed or be visible from outside the residence.
3. Storage of the material necessary to perform my occupation is minimal and included in the 200 square feet of floor space mentioned above.
4. There will be no external signage related to my home occupation.
5. No exterior alterations to the residence are necessary.
6. Since I will not be meeting clients at my residence, no additional parking is necessary.
7. No objectionable effects will result from my home occupation.
8. I will not require the services of any employees.
9. Since I will not be meeting clients at my residence and will not have any employees, no additional traffic will be generated by my home occupation.
10. No vehicles even nearing a gross vehicle weight of 6,000 pounds are necessary for my home occupation.

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 the floor plans showing my entire dwelling 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.



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Regulations for All Home Occupations

City of Portland, City Code – Chapter 14, Article III, Division 24

Sec. 14-410. Home occupation

Purpose. The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (a.) In connection with the operation of a home occupation within a dwelling unit, the following requirements shall be met:
1. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) percent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;
 2. There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods visible from the outside;
 3. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (a)1 above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;
 4. Exterior signs shall be limited to one (1) non-illuminated sign not exceeding a total area of two (2) square feet, affixed to the building and not projecting more than one (1) foot beyond the building;
 5. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;
 6. Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article;
 7. The home occupation shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects;
 8. There shall be no more than one (1) nonresident employed in the home occupation, provided, however, family day care or home babysitting services shall have no nonresident employees;
 9. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood;
 10. No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.
- (b.) No residence shall be occupied, altered or used for any home occupation except the following:
1. Accountants and auditors
 2. Answering services (telephone)
 3. Architects



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4. Artists and sculptors
5. Authors and composers
6. Computer programming
7. Custodial services
8. Custom furniture repair and upholstery
9. Dentists, doctors, therapists, and health care practitioners
10. Direct mail services
11. Dressmakers, seamstresses and tailors
12. Engineers
13. Family planning services
14. Hairdressers (limited to no more than two (2) hair dryers)
15. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics
16. Interior decorators
17. Lawyers, justices of the peace and notary publics
18. Licensed family day care, home or babysitting services
19. Musicians or music teachers, including group instruction not to exceed six (6) students at any time but not including performances or band rehearsals, which shall meet the following requirements in addition to those set forth in subsection (a) of this section:
 - a. Electronic amplification is prohibited;
 - b. The applicant shall demonstrate that noise attenuation is provided which minimizes perception of sound at property lines at all times during the use.
 - c. Noise attenuation measures may include, but are not limited to, insulation, double-pane windows, air conditioners or any combination of these or similar noise attenuation measures;
- d. Hours of operation shall be limited to 8:30 a.m. to 9:30 p.m.
20. Office facility of a minister, rabbi, or priest
21. Photographic studios
22. Professional counseling and consulting services
23. Professional research services
24. Sales persons provided that no retail or wholesale transactions are made on the premises
25. Small appliance repair
26. Snow plowing provided that only one (1) snow plow vehicle is stored on or generated from the site
27. Special tutoring or instruction (not to exceed three (3) pupils at any given time)
28. Stenographic and other clerical services
29. Small-scale marijuana caregiver, except that no more than one small-scale caregiver may operate out of any one dwelling unit.



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- (c.) A home occupation that is not listed in paragraph (b) of this section but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of paragraph (a) of this section and section 14-474 (conditional use) of this article. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

Additional Regulations for Small-Scale Marijuana Caregivers

City of Portland, City Code – Chapter 14, Article III, Division 1

Sec. 14-47. Definitions

Small-scale marijuana caregiver: A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

City of Portland, City Code – Chapter 14, Article III, Division 1

Sec. 14-410. Marijuana Use Regulations

(a) Location Criteria

1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store or registered dispensary may be located within 500 feet of a preexisting public school, private school, or a public preschool program, as defined by 20-A M.R.S.A. §1. Distance shall be measured from nearest property line of the respective marijuana-related use and the property line of the lot containing the public school, private school, or public preschool program.
2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of the following residential zones: R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-6A, or R-7. Distance shall be measured from the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility to the nearest applicable residential zone boundary. If the marijuana related facility leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility.

(b) Supplemental Standards

1. Marijuana-related uses may only be permitted within a fully enclosed building.
2. No outside storage of marijuana, marijuana products, or related supplies is permitted.
3. No drive-through service is permitted for marijuana related uses.



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4. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises where sold.
5. An operating plan for marijuana cultivation facilities and marijuana manufacturing facilities shall be provided that at a minimum addresses the following: a. wastewater; b. disposal of waste; and c. security at the premises.
6. A ventilation plan shall be included for marijuana cultivation facilities, marijuana manufacturing facilities, and small-scale marijuana caregivers that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.
7. Marijuana-related uses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the marijuanarelated use. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.



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How to Apply for a Permit

All permit applications shall be submitted online through the City of Portland's [Citizen Self Service](#) (CSS) portal. Online submissions will streamline the application intake process and will allow for greater transparency for applicants during the permit review process. You will be able to view the progress of your permit application, pay invoices, resubmit files and request inspections through CSS. Before submitting an application, please read the instructions below:

1. To begin, review the [Permit Type Guide](#) to determine the appropriate permit type and work class for your project.
2. Once you have determined the correct permit type, refer to the corresponding submission checklist and instructions for that permit type.
3. Compile all the required drawings and documentation as listed on the checklist into two PDF files (one file containing all drawing sheets and one file for all supporting documentation).
4. Go to the [CSS website](#) to apply for your permit. If you have not registered with CSS, see the instructions for registering, [here](#).
5. Once you have logged in to CSS, go to Apply and select the correct permit type. For a full list of all permit types, select All, under Permits.
6. Select Apply, next to the correct permit type. This will take you to the online application form.
7. Complete the form. All fields with a red asterisk are required.
 - a. To add a location, click on the plus sign and search for the project address. If the address cannot be found in the search, go to the City's [Parcel Map Viewer](#), to find the correct parcel address (this may be different than your street address or mailing address. Please input a parcel address that is recognized by the system to avoid delays in the intake process). For the Search function, entering less in the Search box will return more results.
 - b. To add a Contact, click the plus sign under the appropriate contact type and search.
 - c. Complete all other relevant and required fields and click Next. Once you've completed all pages of the form, you will have the opportunity to review the information before submitting. Once submitted, you cannot change your application information.
8. After reviewing your application information, click Submit. You will receive an email confirming receipt of your application.
9. Permitting staff will review your application for completeness. You will be notified via email if any items are missing. Upload requested items via CSS Attachments.
10. When the application is complete, you will receive an email directing you to CSS to pay your invoice.
11. Once payment is received, your permit will go into review.



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Requirements for Electronic Submissions

In order to ensure a timely review of the application, please read and follow the requirements below for all submissions:

- **Initial submission files shall be submitted via the Citizen Self Service portal. Before submitting an application, review [How to Apply for a Building Permit](#).**
- **Submissions should include two PDF files—one file containing all drawing sheets and one file containing all other supporting documents.** Only PDF files are acceptable for plan review. Files should be labeled either “Drawings” or “Documents” with the project address included in the file name.
- **Drawing files shall be bookmarked with names based on the drawing sheet number and name.** It is recommended to include a Category/Discipline letter (such as A for Architectural), a sheet number and a descriptive title (e.g., A1 Existing Exterior Elevation).
- **A graphic scale or a scale to reference shall be included on each drawing sheet.**
- **Plans prepared by a design professional shall include a Code Analysis sheet,** referencing the Maine Uniform Building and Energy Code and Portland City Code, Chapter 10 – Fire Prevention and Protection, which includes NFPA 1, Fire Code and NFPA 101, Life Safety Code. Chapter 10 of the City Code can be viewed at: <http://www.portlandmaine.gov/citycode/chapter010.pdf>.
- **Submissions should include all required documents and drawings as listed on the appropriate Submission Checklist sheet specific to the type of work being performed.**
- **Corrections made by City of Portland plan reviewers will be available for the applicant to view by logging into CSS and selecting “eReviews”.**
- **Revisions submitted in response to plan review comments should be uploaded directly in eReview by logging into CSS, going to the permit record and selecting eReviews.**

For further information and to access PDF versions of this and other forms, visit the Permitting and Inspections Department online at <http://portlandmaine.gov/1728/Permitting-Inspections>.