MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: May 6, 2019

RE: Small Parking Lots as a Primary Use

City Council, at the February 21, 2019 meeting, referred “to the Planning Board a proposed amendment to the Land Use Ordinance regarding regulation of small parking lots as a primary use.” The Land Use Ordinance defines parking, when it is the primary use on a property, to be a “services” land use, as defined below.

services: establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises. The sale of goods is permitted only when incidental to the providing of services. Examples of services include but are not limited to miscellaneous repair services (excluding automotive repair/services); parking services; rental services; animal boarding/riding services; motion-picture services; amusement and recreation services such as bowling centers, miniature golf courses, pool rooms, and campgrounds; cultural services such as art galleries and botanical and zoological gardens; and other service uses not specifically classified in the Table of Land Uses in the Base Zoning Districts.

In densely constructed areas of the City adequate parking, required by the Land Use Ordinance, may not be feasible to provide on the same property as the building. The Planning Board has the authority to approve off-site parking; however the parking itself (a service use) is not permitted to be a primary use in many places in the City.

The “services” use has a very broad definition, and permitting this use to more zoning districts could have broader reaching impacts than may be desired. As a solution, the below revision is proposed, as discussed at the Planning Board workshop on March 26, 2019:

§ 300-513.B. exceptions to on-site parking. All off-street parking shall be located on the same lot as the principal structure or use to be served except:

[1] As permitted by the Planning Board;
[2] Uses located in the Kennebec District 1 Zone in existence prior to the effective date of this chapter;
Requests for off-site parking in Subsection B(1)(d)[1] and [2] above must meet the following requirement: If not owned in fee by the applicant, the use of the land shall be legally bound to serve as a parking lot for the life of the building or use that is being permitted to serve.

[3] As permitted by the Planning Board, places of worship located in the BP and RC District, provided that the minimum number of spaces required for a development proposal by said places of worship shall be available on a public street within 1,000 feet of the place of worship.

[4] As a conditional use, and as permitted by the Planning Board, properties which have inadequate land on-site to meet parking requirements may, on a separate lot provide for up to six (6) parking spaces as a primary use. If not owned in fee by the applicant, the use of the land shall be legally bound to serve as a parking lot for the life of the building or use that is being permitted to serve.
MEMORANDUM:

TO: City Council
    William Bridgeo, City Manager

FROM: Matt Nazar, Director of Development Services

DATE: May 6, 2019

RE: Medical and personal use marijuana local regulation

The changes in the language below are what Kristin and I believe address most of the comments we heard at the meeting two weeks ago including comments made in the public section of the meeting near the end. This splits Medical Marijuana Retail Stores out, allows the Council to limit the number of licenses, and allows Medical Marijuana Registered Caregiver (Home Occupation) in residential zones, but only as delivery only businesses. This would allow some caregivers to remain where they are, serving the patients they serve, without the most significant impact on the neighborhood – traffic. No one would be coming or going from the property except the property owner. Caregivers in “commercial zones” would be allowed to operate out of their homes if they live in those zones and patients could visit those caregivers at their homes. So this becomes a 3 tier system – retail stores in limited areas, caregivers in commercial zones, and caregivers in residential zones.

Proposed Ordinance and Land Use Chart Changes

Add the following definitions to Section 300-202 (Other Definitions):

- Medical Marijuana Businesses. Includes Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Registered Caregivers, Medical Marijuana Caregiver Retail Store, Medical Marijuana Registered Caregiver (Home Occupation), and Registered Dispensaries.

- Indoor Medical Marijuana Cultivation Area. An indoor area used for medical marijuana cultivation in accordance with state law that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under state law.

- Outdoor Medical Marijuana Cultivation Area. An outdoor area used for medical marijuana cultivation in accordance with state law that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under state law.
• Medical Marijuana Manufacturing Facility. A registered tier 1 or tier 2 manufacturing facility, as designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS §2423-F.

• Registered dispensary. "Registered dispensary" or "dispensary" means an entity registered under 22 MRS §2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

• Marijuana testing facility. A public or private laboratory that is authorized and accredited in accordance with state law.

• Medical Marijuana Caregiver Retail Store. A location other than the permanent residence of a registered caregiver or a qualifying patient from which a registered caregiver provides marijuana for medical use to a qualifying patient.

• Medical Marijuana Registered Caregiver. A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law. A Medical Marijuana Registered Caregiver may operate in a variety of ways including operating one retail store, in accordance with state law and the standards of this ordinance.

• Medical Marijuana Registered Caregiver (Home Occupation). A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law and in accordance with the Home Occupation standards of this ordinance.

Alter and delete the following definitions to Section 300-202 (Other Definitions):

• Specialized Medical Clinic. A facility that dispenses methadone or medical marijuana to patients. A medical marijuana dispensary may also grow and process the product at the same facility. Typical accessory uses for a medical marijuana dispensary or grow facility may include, but are not limited to, counseling services associated with the medical conditions being treated with medical marijuana, processing and cooking facilities for preparing the marijuana, other treatments for the medical condition being treated with marijuana. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use.

• Medical Marijuana Grow Only Facility. A facility that engages only in the growing and processing of medical marijuana in accordance with state law, but does not dispense marijuana. Processing of medical marijuana may include, but is not limited to, the preparation of tinctures, ointments, and food products containing medical marijuana.

Add the following uses to the Land Use Table:

• Indoor Medical Marijuana Cultivation Area – Permitted in CB, CC, CD, IA, MED, PD, PD2, RRES, RPDS, RR, RV
• Outdoor Medical Marijuana Cultivation Area – Conditional Use in RR, RPDS, RRES
Medical Marijuana Testing Facility – Permitted Use in IA, PD, CC, CD, MED
Medical Marijuana Manufacturing Facility – Permitted Use in MED, IA, PD, CC, CD
Medical Marijuana Caregiver Retail Store – Conditional Use in CB, CC, CD, PD
Medical Marijuana Registered Caregiver (Home Occupation) – RA, RB1, RB2, RC
Medical Marijuana Registered Caregiver – Conditional Use in MED, IA, CB, CC, CD, KBD1, KBD2, PD, PD2, RD, RPDS, RR, RRES, RBV, RV
Registered Dispensary – Conditional Use in MED, IA, CC, CD, PD.

Include a new section in the LUO as follows:

§300-533 Medical Marijuana

This section regulates Medical Marijuana Businesses, as defined, uses within the City of Augusta. The permitting standards outlined here shall be adhered to for all medical marijuana businesses, in addition to other applicable standard in this and other ordinances or state law. Medical Marijuana Businesses, for the purpose of this section, include Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Registered Caregivers and Registered Dispensaries.

A. Medical Marijuana Businesses shall not locate within 500 feet of Religious Activities, a state licensed daycare of any size, or Educational Services. Measurement shall be from the exterior wall or fence of the Medical Marijuana Business to the property line of the protected use. This section shall not prohibit the activity of a caregiver or other authorized individual from administering medical marijuana to a qualified patient who is located within one of these protected areas.

B. Medical Marijuana Businesses shall not have any odor of marijuana detectible beyond the area controlled by the business, whether that be a lease or owned area that is a portion or all of a recorded parcel of land. Odors shall be controlled by whatever best-practices exist.

C. Any Medical Marijuana Business that is located in a zoning district where it is not a permitted or conditional use shall discontinue operation in that location by June 30, 2022.

D. Medical Marijuana Businesses are not permitted as a home occupation. See the Home Occupation section of this ordinance for limitations of Medical Marijuana Caregiver (Home Occupations)

§300-534 Marijuana for Personal Use

All marijuana cultivated for personal use under Title 28-B of the Maine Revised Statutes shall be grown on the property where the user is domiciled.
CITY OF AUGUSTA
MEDICAL MARIJUANA BUSINESS LICENSING ORDINANCE

Part 8, Article XI of the City of Augusta Code of Ordinances is hereby amended to add the following language, which shall be known and referred to as the Medical Marijuana Business Licensing Ordinance:

Part 8 Medical Marijuana Businesses

Article XI Licensing

§ 190-99 Medical Marijuana Businesses

A. Purpose and Authority

This Ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001 and 22 M.R.S. § 2429-D. The purpose of this Ordinance is to set forth procedures and standards for the issuance of local licenses for Marijuana Businesses in order to protect public health, safety and welfare.

B. Definitions

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definition as set forth in Section 300-202 of the City Code.

Applicant shall mean a person who has submitted an application for licensure as a Medical Marijuana Business pursuant to this Article.

Licensed Premises shall mean the premises specified in an application for a license pursuant to this Ordinance or within a license issued pursuant to this Ordinance.

Licensee shall mean a person licensed pursuant to this Article.

Local Licensing Authority shall mean the City Clerk or, if referral to the City Council is required pursuant to this Ordinance, the City Council.

Medical Marijuana Business shall include Indoor Medical Marijuana Cultivation Area, Outdoor Medical Marijuana Cultivation Area, Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Retail Store, Medical Marijuana Registered Caregiver (home occupation), or Registered Dispensary.

Owner shall mean a person whose beneficial interest in a Medical Marijuana Business is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of the Medical Marijuana Business and/or has a controlling interest in the Medical Marijuana Business.
Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

Premises shall mean the physical location at which a Medical Marijuana Business is to conduct its business.

State License shall mean any license issued by the State Licensing Authority.

State Licensing Authority shall mean the authority created or designated by the State for the purpose of regulating and controlling licensing for Medical Marijuana Businesses.

C. License Requirement

Effective August 1, 2019, a Medical Marijuana Business shall not begin or continue operations unless it has received and is in possession of a license issued pursuant to this Ordinance.

D. Licensing Procedures

(1) All license applications shall be submitted to the City Clerk in writing using a form prepared by the City for the purpose and must include all information required by this Ordinance and by the form.

(2) Prior to action on a license application, the Clerk shall give public notice of the application by having a sign posted in a conspicuous place on the Premises listed on the license application at least seven (7) days prior to action, and by publication in a newspaper of general circulation in the city of Augusta at least seven (7) days prior to action.

(3) The City Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article and to obtain recommendations from other City officials as required.

(4) No license shall be granted by the City Council until the Police Chief, Fire Chief, Health Inspector and Code Enforcement Officer have all made positive recommendations regarding the Applicant’s ability to comply with this Ordinance or any other applicable City ordinance or state or federal law enforced by such officials. The City Clerk shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval.

(5) The City Council may include any conditions of approval recommended by reviewing officials, as well as any other reasonable conditions deemed in the Council’s discretion to be warranted, on the issued license. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and of this Ordinance.
(6) Licenses shall be approved only for the type(s) of Medical Marijuana Business(es) identified in the application. A Licensee who intends to expand or convert the licensed Premises to a type of Medical Marijuana Business that is not specifically approved in a license must obtain a new license for that use.

(7) Any City official with authority to make recommendations under or enforce this or other municipal ordinances regarding Medical Marijuana Businesses shall have authority to enter the premises of an Applicant or Licensee without notice to make any inspection reasonably necessary to ensure compliance. This inspection authority shall not apply to the City Clerk.

(8) For renewal licenses, the application and review process shall be the same as for initial licenses, except that the City Clerk shall serve as the licensing authority unless any reviewing official recommends that existing conditions be added to or changed, or that the application be denied, in which case the application will be forwarded to the City Council for final action.

(9) An applicant wishing to appeal a denial or issuance of a renewal license by the City Clerk may do so in accordance with Section 190-6 of the City Code. An applicant wishing to appeal a denial or issuance of a new or renewal license by the City Council may do so by filing an appeal in Superior Court.

F. Application Submission Requirements

Each applicant for a Medical Marijuana Business license shall complete and file an application on the form provided by the City Clerk, together with the applicable license fee as set forth in the Master Schedule of Revenues, Charges, Fees and Fines. If multiple types of Marijuana Businesses are to be conducted on a single Premises, the applicant shall pay the application fee for each type of business. The following supporting materials shall also be provided with the application:

(1) A copy of the Applicant’s State License application and supporting documentation, as submitted to the State Licensing Authority.

(2) Evidence of all State approvals or conditional approvals required to operate a Medical Marijuana Business, including, but not limited to, a State License as defined by this Ordinance, a State retail certificate, or a State health license.

(3) If not included in the Applicant’s State License application, attested copies any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Medical Marijuana Business.

(4) If not included in the Applicant’s State License application, an affidavit that identifies all owners, officers, members, managers or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator’s license, motor vehicle registration, voter registration or utility bills shall be provided.
(5) A release for each Applicant and for each officer, owner, member, manager or partner of the Applicant seeking a license allowing the City of Augusta or its officials to obtain criminal records and other background information related to the individual.

(6) Evidence of all land use approvals or conditional land use approvals required to operate the Medical Marijuana Business, including, but not limited to building permit, conditional use approval, change of use permit and/or certificate of occupancy.

(7) Evidence of all other local approvals or conditional approvals required to operate the Medical Marijuana Business, including any applicable food or victualer’s license. Section ____ of the City Code (the “Food Sovereignty Ordinance”) does not apply to Medical Marijuana Businesses.

(8) A description of the premises for which the license is sought, including a plan of the premises.

(9) Certification from a licensed Master Electrician indicating the electrical system of the Premises is adequate for the use being proposed. That use shall be clearly outlined in detail so that the Master Electrician’s certification is easy to understand.

(10) If the City Clerk determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Clerk’s request, the application may be denied.

**G. License Term and Renewal; Limit on Medical Marijuana Retail Stores**

(1) Each license issued under this Ordinance shall be valid for the term of license granted by the State License Authority, if a state license is required. If no state license is required, the license shall be valid for two years from the date of issuance (“the license term”). Applications for renewal licenses shall be submitted at least 60 days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in the Master Schedule of Revenues, Charges, Fees and Fines.

(2) There shall be no more than (__) active licenses for Medical Marijuana Retail Stores at any given time. If this limit has been reached, a prospective applicant may submit an application meeting the submission requirements of this Ordinance, and such application will be held on a waiting list and processed, if complete, on a first-come-first-served basis as licenses become available. If a Licensee fails to timely submit a renewal license application by the deadline set forth in subsection (1), the prior license shall become available to those on the waiting list upon its expiration date. If a license for a Medical Marijuana Retail Store becomes available, the City Clerk shall notify the first applicant on the waiting list and that applicant shall have ten (10) business days to provide the applicable application fee and any updated information to the City Clerk. If the application fee is not timely provided the City Clerk shall process the next application on the list.
H. Denial, Suspension or Revocation of a License

In reviewing license applications, the Licensing Authority and any consulting City officials may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee’s record of compliance with the same.

A license application for a Medical Marijuana Business shall be denied by the licensing authority (City Clerk or City Council), and an existing license may be suspended or revoked by the City Council, after notice and hearing, if the applicant, or any Owner of the applicant or Licensee:

i. Fails to meet the requirements of this Ordinance or of any condition attached to the license.

ii. Is not at least twenty-one years of age.

iii. Is not a resident of the State of Maine.

iv. Has had a license for a Medical Marijuana Business or adult use “marijuana establishment” as defined by 28-B M.R.S. § 102(29) revoked by the City or by the State.

v. Has not acquired all necessary state and local approvals prior to issuance of the license.

vi. Has been convicted of a criminal violation arising out of operation of a Medical Marijuana Business or of any adult use “marijuana establishment” as defined by 28-B M.R.S. § 102(29).

vii. Has provided false or misleading application in connection with the license application.

I. Approval and Operating Requirements

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Clerk and all reviewing officials that the following requirements will be met. The Licensee shall comply with all of these requirements during the term of the license:

(1) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(2) All licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate Medical Marijuana Businesses in other than the licensed Premises, such as at farmer’s markets, farm stands or kiosks.
(3) Safety and Security.

(a) The licensed Premises shall have lockable doors and windows and shall be served by an alarm system which includes automatic notification to the City of Augusta Police Department.

(b) The licensed Premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

(c) The licensed Premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).

(d) Registered Caregiver (home occupation) uses shall not be required to meet paragraphs (b) and (c).

(4) Ventilation

(a) The licensed Premises shall comply with all odor and air pollution standards established by ordinance.

(b) All Medical Marijuana Businesses shall have an odor mitigation system installed that is sufficient to ensure that no odor of marijuana is detectible beyond the area controlled by the business, whether that be a lease or owned area that is a portion or all of a recorded parcel of land. The Code Enforcement Officer may request certification by a Maine licensed engineer that the odor control system is sufficient for these purposes.

(5) Loitering

The Licensee and all agents or employees shall make adequate provisions to prevent patrons or other persons from loitering on the Premises. It shall be the Licensee’s obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed Premises is ordered to leave.

(6) A Medical Marijuana Business shall meet all operating and other requirements of state and local law. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing Medical Marijuana Businesses that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.

J. Transfer of Ownership or Change of Location

Licensees issued under this Ordinance are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are
issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new license for that location.

K. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

L. Other Laws

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Medical Use of Marijuana Act, 28-B M.R.S. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of said Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

APPENDIX A

MARIJUANA BUSINESS LICENSING ORDINANCE

SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Marijuana Cultivation Facility</td>
<td>$600.00</td>
</tr>
<tr>
<td>Medical Marijuana Manufacturing Facility</td>
<td>$300.00</td>
</tr>
<tr>
<td>Medical Marijuana Retail Store</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>Medical Marijuana Testing Facility</td>
<td>$300.00</td>
</tr>
<tr>
<td>Medical Marijuana Caregiver (home occupation)</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

Late fee will be an additional 10% of the total license fee for 1 to 30 days past the due date, and an additional 10% for every 30 days thereafter the license remains late.
MEMORANDUM:

TO: Bill Bridgeo, City Manager
FROM: Matt Nazar, Director of Development Services
DATE: May 6, 2019
RE: Home Occupations

On December 11, 2018 and January 8, 2019 the Planning Board held workshops to discuss Home Occupations. On January 29, February 26, and March 26, 2019 Planning Board held public hearings and received feedback from the public.

Licensing of home occupations is proposed only for those home occupations which generate vehicular or pedestrian traffic. Lower impact home occupations, such as an author or telecommuter for example, would have no perceptible impacts from operations within a neighborhood environment. Home occupations which generate traffic, whether vehicular or pedestrian, could potentially have an impact on the character of the neighborhood, thus requiring a license. The license process would be reviewed and approved by the Code Enforcement Bureau. The Planning Board, through the Conditional Use Review process, would review home occupations classified as Auto Repair/Service or any other home occupation which exceeds any home occupation criteria.

The Planning Board recommendation does not include any discussion of Medical Marijuana Caregivers as a Home Occupation. However at the last Council Informational Meeting there was comment from the public about the importance of that use to patients. Staff has added language below in green that would allow this use in limited circumstances.

Below are the recommended amendments to the ordinance.

§ 300-202. Definitions
HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property meets the standards of § 300-510 Home Occupations, and which:

A. Is conducted by a resident of the property with a valid Home Occupation License;
B. A. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses;
B. Occupies no more than 30% of the floor area of all structures on the property;
C. Does not change the outside appearance of the residential dwelling unit or premises;
D. Is conducted entirely within the dwelling unit or accessory structure; and
E. Employs Operates with no more than one two persons other than family members residing in the home; and
F. Generates any vehicular or pedestrian traffic.


Commentary:
Traditionally, in zoning, certain occupational uses termed "home occupations" have been allowed in dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of home occupational uses is such that they are compatible with or even "belong" in the home, or that home occupational uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential uses.

Based on the previous paragraph, it is difficult to discern exactly which home-based businesses are to be permitted in residential districts. It is recognized, in Augusta, that certain limited home occupational uses can be useful to both the general community as well as the resident-proprietor. Also recognized is the difficulty of writing an ordinance dealing with home occupations in a "middle of the road" fashion, which is neither discriminatory or arbitrary. It is hoped that both the citizen and the courts will recognize these difficulties; that the former will not abuse the privileges granted within the following text and that the latter will aid in the enforcement of the sometimes seemingly arbitrary restrictions necessary to preserve residential character in an expedient manner.

With the above in mind, it is the intent and purpose of this section to provide for home occupations in residential districts subject to the following restrictions. (The preceding discussion was modified from Rockford, Illinois, Home Occupation Ordinance.)

A. The conduct of home occupations in residential dwelling units may be permitted under the following provisions:
   (1) License:
      a. Required only for home occupations which generate vehicular or pedestrian traffic.
      b. Are issued by a Code Enforcement Officer to a resident of a specific dwelling.
      c. Are non-transferrable.
      d. Are revocable, should the licensee fail to comply with the terms of the Home Occupation ordinance and/or operate in a manner other than that stated on the license application.
      e. Have a three-year renewal term from the date of license issuance. Licensee is responsible for renewal application.
      f. Home occupations meeting licensing criteria must apply for a license within one year of (insert the date of adoption), enactment of licensing standards.
   (2) See definition of "Home occupation."
   (3) Home occupations shall be carried on wholly within the principal dwelling unit building or within a building or other structure accessory to it.
4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; no more than 30% of the total existing floor area of the principal dwelling unit or volume, whichever is greater, shall be used for operating the home occupation.

5. There shall be no visible evidence of the operation of such home occupation outside of typical home uses and equipment, other than one sign, unless such sign is otherwise prohibited by this chapter.

6. A home occupation shall in no extent be carried on in a manner that alters the residential character of the structure, lot or neighborhood. There shall be no outside storage or display of materials or products or equipment or vehicles, nor any window display of any of the same.

7. The sign for a home occupation shall be limited to a property owner "name" sign with the street number and name clearly denoted. The "name" sign may include the type of occupation. The sign shall be non-illuminated and no larger than two square feet. See §300-516 for additional standards.

8. No traffic shall be generated by such home occupation in greater volumes than would ordinarily be expected in the neighborhood, and any need for parking generated by the operation of the home occupation shall be met on the lot, off the street in the driveway or designated parking spaces, in other than what is the required front yard; the burden of proof shall be on the applicant.

9. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. If the home occupation is conducted in a detached one-family home dwelling, or outside the dwelling unit if conducted in any other form of dwelling, in the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

10. The sale of products shall be limited to those which are grown, crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.

11. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than one person, including a business associate, who is not a resident, or two employees who are not residents of the dwelling unit. The owner's written permission is required for said home occupation if the resident is a tenant.

12. Licensed home occupations shall terminate when a licensee no longer resides at the location.

13. Only one home occupation is permitted per lot.

14. Initial and periodic inspections by a Code Enforcement Officer, or other city staff, are part of the licensing process.

15. Planning Board review, as a conditional use, shall be required for any applicant wishing to exceed the above-stated limitations.

16. All auto repair/service/repair home businesses proposed in the RA, RB1, RB2, and RC Zones shall be reviewed as a conditional use by the Planning Board.

17. Medical Marijuana Registered Caregiver (Home Occupation) shall meet all license requirements for a home occupation and the additional license requirements for a
Medical Marijuana Registered Caregiver (Home Occupation). This use shall be a delivery only operation, with no customers coming to the site for any purpose. All in-person caregiver operations shall be done at the patient’s home or other legal site.