

Springbrook Hill Owners Association – Home Businesses Policy

Date of Adoption: January 18, 2024

Purpose

To provide the Executive Board with written guidance in making fair and just determinations about non-conforming home businesses.

This Guidance Document has six (6) parts:

PART 1: Springbrook Hill and the City of Belfast

PART 2: Definitions

PART 3: Results from Questionnaire and Research

PART 4: Recommendations to the Executive Board

PART 5: Cover Letter and Application for a Home Business at Springbrook Hill

PART 6: Checklist for Reviewing an Application for a Home Business at Springbrook Hill

PART 1: Springbrook Hill and the City of Belfast

This document will remain applicable to any future changes in the City of Belfast's zoning ordinances.

At the time of this writing, Springbrook Hill lies within the City of Belfast's residential zone (RES-4). A home business, other than an in-home office, may need to be reviewed by the City's Code Enforcement Officer (CEO) or the Planning Board.

Receiving a permit from the City does not guarantee that Springbrook Hill's Executive Board will approve an application for a home business. Springbrook Hill's policy on home businesses may be more restrictive than the City of Belfast's zoning ordinances but may not be more lenient.

Relevant Documents

Declaration of Condominium/Springbrook Hill

(Highlighted for clarity)

ARTICLE 7: RESTRICTIONS ON USE, SUBDIVISION AND TRANSFER OR LEASE OF UNITS
Section 7.1. Use. The following restrictions shall apply to the use of the Condominium: **(a) Use of Units. Except as permitted by Article 15 of this Declaration, all Units shall be used for single-family residential purposes exclusively and no business or business activity shall be carried on within any Unit at any time except with the written approval of the Executive Board. The foregoing notwithstanding, a home office shall be permitted in a Unit; provided that, unless the Executive Board otherwise permits, no signage shall be erected evidencing such home office or activities conducted thereon and such home office shall be used only by the residents of the Unit.** Leasing of a Unit for residential use shall not be considered a business or business activity. The driveways, walkways, patios or decks appurtenant to a Unit, shall be for the exclusive use of the Owner of the Unit served by the driveway, his or her family, guests, tenants or invitees. The walkways in front of and beside any Unit and entrance ways to the Unit shall not be obstructed or used for any purpose other than ingress and egress.

Rules and Regulations/Springbrook Hill

(May be abbreviated for clarity)

B. RESTRICTIONS ON USE

#1. No part of the Condominium property shall be used for any purpose except housing and the common purposes for which the Condominium was designed... each Unit shall be used as a single-family residence.

#3. Nothing shall be done or kept in any of the Common Elements which will increase the rate of insurance for the building or contents thereof applicable for residential use without the prior written consent of the Executive Board. No Unit Owner shall permit anything to be done or kept in his Unit or on the Common Elements which will result in the cancellation of insurance on the Building or contents thereof or which would be in violation of any public law, ordinance or regulation.

#7. No noxious or offensive activity shall be carried on in any Unit or on the Common Elements, nor shall anything be done therein which may be or become an annoyance or nuisance to the other Unit Owners or occupants.

#8. No Unit Owner shall cause or permit anything to be hung, displayed or exposed on the exterior of a Unit or the Common elements appurtenant thereto. This prohibition is intended to include without limitation: ... signs...

#9. No Unit shall be used for any unlawful purpose and no Unit Owner shall do or permit any unlawful act in or upon his unit.

Zoning Ordinances/City of Belfast, November 2023

(paraphrased for clarity)

Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 1.5, Home Occupations

The City of Belfast recognizes the desire and/or need of some citizens to use their residence for activities carried out for gain and allows the conduct of those activities that are compatible with the zoning districts in which they are located. Home occupations may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence.

The City of Belfast defines two classes of home occupations that are applicable to Springbrook Hill:

Class 1:

No permit is required from the City.

No visible outdoor evidence of the occupational use; no employees outside the immediate family-in-residence; no face-to-face sales or services except for single pupil instruction; examples: in-home office for authors, people involved with telecommunications, computer programming, single-pupil instruction.

Performance and use standards:

- No additional parking
- No signage other than identification of address
- Activities shall not create discernible vibrations, heat, glare, dust, odors, or smoke
- Activities shall not create excessive noise (decibel levels given)
- Activities shall occur within the resident's building with no changes to the exterior
- Deliveries shall be made by mail, UPS, or similar services

Class 2:

The Code Enforcement Officer issues a Class 2 permit in the RES-4 zone.

Very low impact on property or neighboring properties; occupations allowed as in Class 1, as well as single realtor, insurance broker, artisan, craftsman, or other professional. Clients may come to the home for face-to-face interaction; incidental sales of products produced on the site are allowed.

Performance and use standards:

- Limited to 20% of gross floor area
- Hours of operation are 8:00 AM to 6:00 PM
- Three on-site parking spaces for customers
- Restrictions on signage
- Activities shall not create any discernible vibrations, heat, glare, dust, odors or smoke
- Activities shall not create excessive noise (decibel levels given)
- Activities shall occur within the resident's building with no changes to the exterior
- Deliveries shall be made by mail, UPS, or similar services

PART 2: Definitions

Home Office

A home office is a location designated in a person's residence for official business purposes. It provides a space for those who are self-employed or work remotely for an employer. Essentials within a home office often include a desk, chair, computer or laptop, telephone, internet capability, and adequate software. The home office area may be used for other purposes.

Home Business

A home business is a business whose primary office is in the owner's home. Springbrook Hill Owners Association recognizes three categories of home businesses:

(1) Home Office: Does not require approval by the Executive Board

The business owner is self-employed or works remotely in a home office within the unit. The home office has no signage and is used only by the residents of the unit. The home business does not have walk-in or drive-in customers or clients.

(2) Home Business without walk-in/drive-in customers: Requires approval by the Executive Board

The business owner may produce goods for sale, modify articles for resale, purchase items for resale, or provide a service. Sales and customer contact may be conducted offsite, online, or through a carrier service.

(3) Home Business with walk-in/drive-in customers: Requires approval by the Executive Board

The business owner may produce goods for sale, modify articles for resale, purchase items for resale, or provide a service. Sales may be conducted onsite, offsite, online, or through a carrier service. Services may be conducted online or face-to-face with walk-in or drive-in clients or customers.

PART 3: Results of Questionnaire and Research

Questionnaire

In October 2023, the Home Businesses Committee sent a questionnaire to all owners and residents to ascertain the extent of current home businesses and to gather opinions about home businesses at Springbrook Hill.

The committee received completed questionnaires from approximately 75% of owners and residents. The following is a condensation of the information provided as of November 2023:

Current Home Businesses: Eight (8) owners of home businesses responded. The businesses include sharpening services; acrylic paintings; online art program, web design, structural and neuromuscular therapy; personal chef service; natural cleaning products (produced offsite); real estate office.

Two businesses (sharpening services, structural and neuromuscular therapy) allow walk-in customers. The other businesses function mainly as home offices, some with limited production.

Summary of Comments:

- Concerns: Impact on neighbors (smells, noise, traffic, parking, privacy); cost of utilities; increased liability insurance premiums; materials affecting air quality; strangers on property/safety of residents; excessive deliveries
- Approximately 20% favored home offices or internet businesses without walk-in or drive-in customers.
- A small number requested that no home businesses be allowed.
- A small number favored a limited number of businesses with walk-in clients.
- A small number favored a case-by-case approval process by the Executive Board.
- A small number favored a fast and simple approval process by the Executive Board.
- A small number favored encouraging entrepreneurial businesses as long as they don't impinge or intrude on other residents.

Other Research

Information provided by several multiple-dwelling communities in the Belfast area shows that small, inconspicuous home-based businesses are sometimes allowed, usually unofficially. These residential communities do not allow home businesses with walk-in or drive-in customers or clients.

PART 4: Recommendations to the Executive Board

Home Businesses Committee

Form a standing Home Businesses Committee consisting of at least one Board member and at least one other owner. Responsibilities:

- Keep track of current home businesses, including those with conditional approval by the Board.
- Send, receive, and review applications for home businesses and request more information as needed.
- Present applications to the Board if a completed application with accompanying documentation is received at least seven (7) days before a regularly scheduled meeting of the Executive Board.
- Notify applicants of the Board's decisions.
- Act as liaison if a business owner seeks redress on a decision by the Board.
- Act as liaison if the Board imposes a penalty or fine.
- Field questions, comments, and complaints from other owners and residents about home businesses.

Considerations

Consider these points when reviewing an application: The home business

- Is legal
- Conforms to requirements for Class 1 or Class 2 home businesses of the City of Belfast's zoning ordinances
- Does not negatively affect the residents' right to the quiet enjoyment of their homes
- Does not unreasonably increase vehicular traffic
- Does not increase insurance premiums paid by the Association or otherwise negatively affect the Associations' ability to obtain or retain insurance coverage
- Does not place an undue burden on the infrastructure of the buildings or Common Elements
- Is consistent with the residential nature of Springbrook Hill
- Does not constitute a hazardous or offensive use
- Does not threaten the privacy, security, or safety of other residents
- Does not result in a materially greater use of Association services or resources

Other Points

- Some home businesses may be more suitable for a particular class of housing; for example, what might be allowable in a Townhouse may not be suitable for a Garden unit.
- The approval process should be expedient, respectful, and user-friendly.
- The Board should consider each application on a case-by-case basis.
- The Board may quantify limitations or restrictions, ex. "The home business may ship no more than 25 packages per week."
- The Board should reach one of three decisions: Approved, Conditional Approval, or Not Approved.
- The Board should notify the applicant of reasons for a Conditional Approval or a Not Approved decision.
- The Board should reach a decision within thirty (30) days of reviewing an application at an Executive Board meeting.

PART 5: Cover Letter and Application for a Home Business

Application for a Home Business at Springbrook Hill

Dear Applicant: Thank you for your interest in developing a home business at Springbrook Hill.

According to Springbrook Hill's governing documents, any home business other than a home office must receive written approval from the Executive Board. This procedure allows the Board to apply the regulations fairly, reasonably, and consistently for the benefit of all owners and residents. Furthermore, this process provides written documentation in cases that might involve mediation, litigation, or changes in insurance coverage.

A home business is a business whose primary office is in the owner's home. Springbrook Hill Owners Association recognizes three categories of home businesses:

[1] Home Office: Does not require approval by the Executive Board

The business owner is self-employed or works remotely in a home office within the unit. The home office has no signage and is used only by the residents of the unit. The home business does not have walk-in or drive-in customers or clients

[2] Home Business without walk-in/drive-in customers: Requires approval by the Executive Board

The business owner may produce goods for sale, modify articles for resale, purchase items for resale, or provide a service. Sales and customer contact may be conducted offsite, online, or through a carrier service.

[3] Home Business with walk-in/drive-in customers: Requires approval by the Executive Board

The business owner may produce goods for sale, modify articles for resale, purchase items for resale, or provide a service. Sales may be conducted onsite with walk-in/drive-in customers,, offsite, online, or through a carrier service. Services may be conducted online or face-to-face with walk-in or drive-in clients or customers.

The application process is as follows:

[1] Business owner completes a written Application for a Home Business at Springbrook Hill.

[2] Business owner submits the application with any required documentation to the Home Businesses Committee via the management office.

[3] The Committee reviews the application using the Checklist for Reviewing an Application for a Home Business at Springbrook Hill and may request further information from the applicant.

[4] If the completed application is received at least seven (7) days before the next regularly scheduled meeting of the Executive Board, the Committee will present the application and its recommendation to the Board.

[5] The Board reviews the application and makes a decision within thirty (30) days. The decision may be Approved, Conditional Approval, or Not Approved. Reasons for Conditional Approval or Not Approved will be included with the decision.

[6] The Committee notifies the applicant of the Board's decision.

[7] If warranted, the applicant may re-apply or seek further guidance from the Committee.

You may find these resources helpful:

City of Belfast Planning Board 207-338-3370 ext. 125 <https://www.cityofbelfast.org/106/Planning-Board-Committee>

University of Maine Cooperative Extension Small Business Education
<https://extension.umaine.edu/business/>

Sincerely,

The Home Businesses Committee of the Springbrook Hill OA Executive Board

Application for a Home Business at Springbrook Hill

1] Business Name:

2] Business Owner,;

3] Business Name:

4] Is your business activity legal and does it conform to all zoning requirements of the city of Belfast and rules from the county, state, and federal governments? How have you accomplished this?

5] Do you take full responsibility for any actions caused by your business? Can you provide proof of liability or other insurance as required? Explain:

6] Is your business consistent with the residential nature of Springbrook Hill? Explain:

7] Does your business affect other residents' quiet enjoyment of their home or their safety and security in any way? Explain:

8] Does your business increase vehicular traffic in the complex? Explain:

9] Does your business have any effect on the insurance policy or legal liability of the Owners Association? Explain:

10] Does your business have any effect on the infrastructure of the complex or the use of Common Areas? Explain:

11] Do you create items for sale? Explain:

12] Do you modify items for the purpose of selling them? Explain:

13] Do you purchase items for resale? Explain:

14] Is the creation or modification process apparent or detectible by sight, sound, smell or any other way from the exterior of your unit? Explain:

15] Do you provide a service? Explain:

16] Is the service apparent or detectible by sight, sound, smell or any other way from the exterior of your unit? Explain:

17] Do customers or clients come into the complex because of your business? Explain:

18] Do you have a separate entrance they use? Is separate parking available to them?

19] What is the maximum and typical number of visitors in one day? One week?

20] Does your business involve shipping or receiving packages? If so, how many per day? Per week?

Name: _____ Unit: _____ Date: _____

Email: _____ Phone # _____

Please attach comments. Return to the Home Business Committee by way of the Property Manager's drop box in the mail kiosk or the office in the Clubhouse.

PART 6: Checklist for Reviewing an Application for a Home Business at Springbrook Hill

Checklist for Reviewing an Application for a Home Business at Springbrook Hill

1] Business Name:

2] Business Owner:

3] Nature of Business:

4] Is this business activity legal and does it conform to all zoning requirements of the City of Belfast and rules from the county, state, and federal governments?

___ Satisfactory ___ Unsatisfactory Notes _____

5] Does the owner take full responsibility for any actions caused by this business? Can the owner provide proof of liability or other insurance?

___ Satisfactory ___ Unsatisfactory Notes _____

6] Is this business consistent with the residential nature of Springbrook Hill?

___ Satisfactory ___ Unsatisfactory Notes _____

7] Does this business affect other residents' quiet enjoyment of their home or their safety and security in any way?

___ Satisfactory ___ Unsatisfactory Notes _____

8] Does this business increase vehicular traffic in the complex?

___ Satisfactory ___ Unsatisfactory Notes _____

9] Does this business have any effect on the insurance policy or legal liability of the Owners Association?

___ Satisfactory ___ Unsatisfactory Notes _____

10] Does this business have any effect on the infrastructure of the complex or the use of Common Elements?

___ Satisfactory ___ Unsatisfactory Notes _____

11] Does this business create items for sale?:

___ Satisfactory ___ Unsatisfactory Notes _____

12] Does this business modify items for the purpose of selling them?

___ Satisfactory ___ Unsatisfactory Notes _____

13] Does this business purchase items for resale?:

___ Satisfactory ___ Unsatisfactory Notes _____

14] Is the creation or modification process apparent or detectible by sight, sound, smell or any other way from the exterior of the owner's unit?

___ Satisfactory ___ Unsatisfactory Notes _____

15] Does this business provide a service?

___ Satisfactory ___ Unsatisfactory Notes _____

16] Is the service apparent or detectible by sight, sound, smell or any other way from the exterior of the owner's unit?

___ Satisfactory ___ Unsatisfactory Notes _____

17] Do customers or clients come into the complex because of this business?

___ Satisfactory ___ Unsatisfactory Notes _____

18] Does this business have a separate entrance for customers or clients? Is separate parking available to them?

___ Satisfactory ___ Unsatisfactory Notes _____

19] What is the maximum and typical number of customer or clients in one day? One week?

___ Satisfactory ___ Unsatisfactory Notes _____

20] Does this business involve shipping or receiving packages? How many per day? Per week?

___ Satisfactory ___ Unsatisfactory Notes _____

Decision Makers: _____ Date: _____

Comments:

Recommendation to Executive Board:

Approved

Conditional Approval

Not Approved

Follow-up:

Decision of Executive Board and date: _____

Date of contact with applicant: _____

Comments: