

Chapter 17.142

HOME OCCUPATIONS

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17.142.010 Purpose. It is the purpose of this chapter to permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters and to establish approval criteria and standards to ensure that home occupations are conducted as lawful uses which are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents. (Ord. 634 §1 Exh. A (part), 1995)

17.142.020 Applicability and exemptions. A. No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

B. Exemptions from the provisions of this chapter are:

1. Garage sales (limited to twelve days per year);
2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises;
3. Hobbies which do not result in payment to those engaged in such activity;
4. Proven nonconforming home occupations as per Section 17.142.030.

C. Type I Home Occupations. A Type I home occupation shall exhibit no evidence that a business is being conducted from the premises. A Type I home occupation shall not permit:

1. Exterior signs which identify the property as a business location;
2. Clients or customers to visit the premises for any reason;
3. Exterior storage of materials.

D. Type II Home Occupations. Property on which, a Type II home occupation is located may show evidence that a business is

being conducted from the premises. The following is allowed for Type II home occupations:

1. One nonilluminated sign, not exceeding 1.5 square feet, which shall be attached to the residence or accessory structure or placed in a window;

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2. No more than six daily customers or clients. Customers and clients may not visit the business between the hours of ten p.m. and eight a.m. and shall not generate excessive traffic or monopolize on-street parking;

3. Storage of materials, goods and equipment which is screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback. Any storage of materials, goods, and equipment shall be reviewed and approved by the public works director, chief of police and fire chief. (Ord. 634 §1 Exh. A (part), 1995)

17.142.030 Nonconforming uses. A. Ongoing home occupations may be granted nonconforming status, provided that they were:

1. Permitted under county authority prior to annexation to the city and have been in continuous operation since initial approval;

2. Permitted under city authority prior to adoption of this title and have since been in continuous operation.

B. A nonconforming situation is further governed by Chapter 17.132. Such use may continue until the use is expanded or altered so as to increase the level of noncompliance with the present title. The burden of proving a home occupation's nonconforming status rests with the property owner or tenant.

C. Home occupations without city or county approval which cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been granted. (Ord. 634 §1 Exh. A (part), 1995)

17.142.050 General approval criteria and standards. All home occupations shall observe the following criteria:

- A. There shall be no outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises.

- B. There shall be no more than three deliveries per week to the residence by suppliers.

- C. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation. Home occupations shall

observe the provisions of Chapter 17.90.

D. The home occupation shall be operated entirely within the dwelling unit or a conforming accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed six hundred square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than twenty-five percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes.

E. A home occupation shall not make necessary a change in the Uniform Building Code use classification of a dwelling unit. Any accessory building that is used must meet Uniform Building Code requirements.

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F. More than one business activity constituting two or more home occupations may be allowed on one property only if the combined floor space of the business activities does not exceed twenty-five percent of the combined gross floor area of the residence and accessory structure. Each home occupation shall apply for a separate home occupation permit, if required as per this chapter, and each shall also have separate business license certificates.

G. There shall be no storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the fire marshal for review the material safety data sheets which pertain to all potentially toxic and/or flammable materials associated with the use.

H. The following uses shall not be allowed as home occupations:

1. Auto-body repair and painting;
2. Ongoing mechanical repair conducted outside of an entirely enclosed structure;
3. Junk and salvage yards;
4. Storage and/or sale of fireworks.

I. There shall be no exterior storage of vehicles of any kind used for the business except that one commercially licensed vehicle may be parked outside of a structure. (Ord. 634 §1 Exh.

A (part), 1995; Ord. 810 §1, 2010)

17.142.060 Permit procedures. A. Type I. A person wishing to engage in a Type I home occupation must be a principal occupant of the property, agree to abide by the provisions of this chapter, and acquire an annual business license. The planner shall determine whether an application for a business license also requires an application for a Type II home occupation. Type I home occupations do not require a separate application from the business license.

B. Type II. A person wishing to engage in a Type II home occupation must be a principal occupant of the property, agree to abide by the provisions of this chapter, acquire an annual business license certificate and receive planning commission approval for a Type II home occupation.

1. The planning commission shall approve, approve with conditions, or deny any application for a Type II home occupation. The decision to approve, approve with conditions, or deny an application for a Type II home occupation permit shall be made by the planning commission upon findings of whether or not the proposed use:

a. Is in conformance with the standards contained in this chapter;

b. Will be subordinate to the residential use of the property;

c. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents;

d. All Type II home occupations are subject to Chapter 17.130. (Ord. 634 §1 Exh. A (part), 1995)

17.142.070 Type II applications. An application for a Type II home occupation shall be made on forms provided by the planner and shall be accompanied by:

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A. One copy of the applicant's statement or narrative which explains how the proposal conforms to the approval criteria in Sections 17.142.050;

B. A site plan of the property drawn to scale with a north arrow indicated. The site plan shall show all major features of the property including buildings, major vegetation, access for public streets, sidewalks, etc.;

C. One floor plan of all structures on the property which are to be used for the home occupation(s);

D. One title transfer instrument;

E. One assessor's map;

F. Property owner's signature(s) or written

authorization. (Ord. 634 §1 Exh. A (part), 1995)

17.142.090 Revocation and expiration of home occupation permits.

A. The planning commission may revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter.

B. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a home occupation on the subject parcel will be considered.

C. A home occupation permit shall become invalid if the applicant moves his or her residence. (Ord. 634 §1 Exh. A (part), 1995)

17.142.100 Action regarding complaints. A. Complaints may be originated by the city or the public. Complaints from the public shall clearly state the objection to the home occupation, such as:

1. Generation of excessive traffic;
2. Exclusive use of on-street parking spaces;
3. Other offensive activities not compatible with a residential neighborhood.

B. Complaints shall be reviewed by the planner. The planner shall either approve the use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter. The operator of the home occupation may appeal the planner's decision to the planning commission.

C. Cessation of Home Occupation Pending Review. If it is determined by the planning commission in exercise of reasonable discretion, that the home occupation in question will affect public health and safety, the use may be ordered to cease pending planning commission review and/or exhaustion of all appeals.

D. Notice of Appeal Hearing. Written notice of a hearing on an appeal of the planner's decision to either revoke or not revoke a home occupation permit, shall include its date, time and place and shall be given to the property owner(s) and the person(s) undertaking the use if other than the owner(s). Written notice shall also be given to property owners within two hundred feet of the use, the affected neighborhood planning organization, if any, and the complainant(s).

E. Planning Commission Appeal. The planning commission shall either approve the use as it exists, revoke the permit, or compel suitable restrictions and conditions to ensure compatibility with the neighborhood. (Ord. 634 §1 Exh. A (part), 1995)

17.142.130 Business license required. The city requires a business license to operate a home occupation. A business license shall not be issued for a home occupation until the person wishing to engage in a Type I home occupation agrees to comply with the provisions of this chapter; or the application for a Type II home occupation has been approved by the planning commission and the application certifies that the home occupation will be operated in strict compliance with the provisions of this chapter and any conditions of approval. (Ord. 634 §1 Exh. A (part), 1995)

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