

## **22.58.013 Home occupations.**

(a) Purpose and Intent. It is the purpose and intent of this section to:

- (1) Protect residential areas from potential adverse impact of activities defined as home occupations;
- (2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and for the production or supplementing of personal and family income;
- (3) Establish criteria and standards for the use of residential structures for home occupations.

(b) Permit Requirement. A home occupation may be carried on upon the issuance of a business license pursuant to Chapter 5.04 FMC and the issuance of a home occupation permit by the director.

(c) Submittal Requirements. Application for a home occupation permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the home occupation activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Categories of Home Occupation.

- (1) Type I home occupations are those activities which comply with all performance standards set forth in subsection (f) of this section.
- (2) Type II home occupations are those activities which do not comply with one or more of the performance standards governing Type I home occupations as set forth in subsection (f) of this section but which do comply with the performance standards governing Type II home occupations as set forth in subsection (g) of this section.

(e) Processing Requirements.

- (1) The director shall approve a proposed home occupation, which complies with all Type I standards set forth in subsection (f) of this section. The director may impose conditions of approval to ensure that the business activity is conducted in a manner consistent with the standards and purpose and intent of this section.
- (2) A proposed home occupation which has been determined by the director to not comply with one or more Type I standards set forth in subsection (f) of this section may be permitted subject to conditional use permit approval by the planning commission in accordance with Chapter 22.68 FMC, if the home occupation complies with the Type II standards set forth in subsection (g) of this section.

(f) Type I Home Occupation Standards.

(1) Only residents of the premises on which the home occupation is located shall carry on the home occupation.

(2) The home occupation shall be carried on entirely within a residence. The home occupation shall occupy not more than 25 percent of the total floor area of the habitable portion of a residence. In no event shall such occupancy exceed 400 square feet.

(3) Any extension of the home occupation to the outdoors, including, but not limited to, paving of yards for parking, outdoor storage or activity, and indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited

(4) The home occupation shall not result in the elimination of required on-site parking.

(5) The home occupation shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business in terms of deliveries, parking, customer trips and other activities, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.

(6) The home occupation shall not result in structural alteration to the interior or exterior of the structure that changes its residential character.

(7) No equipment shall be used and no activities shall be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare or other conditions exceeding in duration or intensity those normally produced by residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

(8) The home occupation shall not include: (A) automobile, truck or heavy equipment repair; (B) body work or painting; (C) outdoor storage of used parts of vehicles and used machinery in an inoperable condition; or (D) outside storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials.

(9) The home occupation shall not include parking or storage of heavy equipment, including trucks of over one ton load capacity, unless within a fully enclosed building.

(10) Persons in building trades and similar fields using their homes or apartments as offices for business activities conducted off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the residential premises, or check in at the residential premises during the course of business.

(11) The home occupation may include limited on-premises sales of products or stock-in-trade, provided the applicant can clearly demonstrate that such sales will not be inconsistent with other Type I standards. Examples of allowable on-premises sales include cosmetics or similar products associated with a business where most products are delivered to a customer's address, hair care products associated with a barber/beauty shop and instructional materials pertinent to

the home occupation, e.g., music books. The display or storage of products or stock-in-trade outside a residence or in a window is prohibited, except that vegetables, fruits, flowers and other agricultural products grown on the premises may be offered for sale out-of-doors during the growing season.

(12) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage.

(13) The home occupation shall not generate significantly greater traffic volume than would normally be expected in the particular residential zone or neighborhood in which the home occupation is conducted. Generally, delivery and pickup of materials to and from the premises by a commercial vehicle should not exceed two trips per week. For the purpose of this section, commercial vehicles shall not exceed a gross vehicle weight of 20,000 pounds. Also, generally, traffic generated by a home occupation should not exceed four round trips per day.

(14) If the home occupation is the type in which classes are held or instruction given, there shall be no more than two students allowed in any one class or instruction period.

(15) Signage shall be limited to one nonilluminated nameplate not exceeding one and one-half square feet in area mounted to an exterior wall or window of the dwelling. Signage shall be consistent with the provisions of Chapter 22.26 FMC.

(g) Type II Home Occupation Standards.

(1) The home occupation will not harm the character of the surrounding neighborhood;

(2) The home occupation will not include storage, use or operation of building materials, machinery, commercial vehicles or tools, unless:

(A) The activity is wholly enclosed within a structure or building;

(B) The activity would not result in noise, vibration, smoke, dust, odors, heat, glare or other conditions exceeding in duration or intensity those normally produced by residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis;

(3) The home occupation will not create a condition which injures or endangers the comfort, repose, health and safety of persons on abutting properties or streets;

(4) The home occupation will not generate excessive traffic or necessitate excessive parking beyond that normally associated with residential use in the neighborhood in which the home occupation is located;

(5) The home occupation will include no more than two nonresident employees when nonresident employees are involved;

(6) The home occupation will not include the outdoor display and sale of products or stock in trade, unless the applicant can demonstrate that such on-premises sales will not result in

noncompliance with other applicable standards governing Type I and Type II home occupations;  
and

(7) The home occupation will comply with Chapter 22.26 FMC, Sign Regulations.

(h) Other Regulations.

(1) Home occupations shall comply with all other local, state or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this section shall not be construed as an exemption from these regulations.

(2) Home occupation permits are issued to an individual applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site or moves the business from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form.

(i) Exemptions. The following activities shall be exempt from the provisions of this section:

(1) Garage sales, yard sales, bake sales, occasional parties for the sale or distribution of goods or services, and other like uses; provided, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale. If the collective total of all such sales and/or parties exceeds four events or 12 days in any calendar year, then such sales and/or parties shall be considered a home occupation; and

(2) Family day-care facilities licensed by the Washington State Department of Social and Health Services. (Ord. 1512 § 4, 2011; Ord. 1246 § 15, 2000).