

EXHIBIT A

DRAFT ORDINANCE: CHAPTER 18.104 HOME OCCUPATIONS & BUSINESSES

18.104.010 Purpose.

The purpose of this chapter is to allow certain occupations and businesses to be conducted in the home while at the same time regulating those businesses to ensure that there are no unreasonable impacts on adjacent properties or the residential character of the neighborhood.

18.104.020 Zoning Certificate or Permit Required.

No home occupation or business shall be established unless either a zoning certificate or a home occupation/business permit has first been issued by the City.

18.104.030 Requirements to Obtain a Zoning Certificate.

Where the home business or occupation meets all of the following requirements, the zoning administrator may issue a zoning certificate:

- A. No customers shall come to the residence in connection with the occupation or business.
- B. No employees, other than those living at the residence, shall work on site.
- C. The business (including the storage of equipment, supplies, or goods for sale) may only be conducted in one room within the residence and in the garage;
- D. If business is conducted in the garage, it shall not interfere with the ability of vehicles to be parked in the garage;
- E. No signs advertising the business shall be allowed on the property;
- F. The business shall be incidental and subordinate to the use of the residence as a dwelling; and
- G The existence of the business shall not be apparent visually, audibly, or by smell beyond the boundaries of the property.

18.104.040 Procedure for Obtaining a Zoning Certificate.

The business owner shall submit an application along with the applicable fee to the zoning administrator. The application shall include a narrative that thoroughly describes the proposed home occupation or business and identifies how it meets all of the requirements of section 18.104.030. If the zoning administrator finds that all of the requirements of section 18.104.030 have been met, he/she will issue a zoning certificate.

18.104.050 Occupations or Businesses that Require a Permit.

All occupations and businesses that do not meet the standards set forth in section 18.104.030 must obtain a home occupation/business permit from the zoning administrator.

18.104.060 Procedure for Obtaining a Home Occupation or Business Permit.

- A. The business owner shall submit an application, with the applicable fee, to the zoning administrator. The application shall include all of the following:
 - 1) a narrative that thoroughly describes the proposed home occupation or business including planned hours of operation, number of employees, estimated number and frequency of customers that may visit the home;
 - 2) a site plan of the parcel that includes lot dimensions and shows neighboring parcels;
 - 3) a diagram that demonstrates how parking for the business will be handled in order to prevent an impact to the residential character of the neighborhood;
 - 4) a floor plan of the home, including square footage measurements, that indicates what rooms will be used for the business and in what capacity, e.g., office, storage of goods or materials, etc.; and
 - 5) a description of any other issues that may affect the residential character of the neighborhood, e.g., noise, traffic, aesthetics.
- B. The zoning administrator shall review the application for completeness and upon finding the application complete shall schedule an administrative hearing. The City shall mail notice of the hearing to all properties within 300 feet of the parcel no less than ten days prior to the date of the hearing.
- C. At the hearing, the zoning administrator shall consider whether the home occupation or business can be conducted in a manner that will avoid unreasonable impacts to adjacent properties and the residential character of the neighborhood. The zoning administrator may approve, conditionally approve, or deny the application and may do so at the hearing or may issue a written decision within 10 days of the hearing. The zoning administrator also has the option of foregoing the hearing and forwarding the application directly to the planning commission.

18.104.070 Prohibited Home Businesses.

Gunsmiths and sellers of firearms are prohibited.

18.104.080 Suspension and Revocation.

Upon violation of any provision of this chapter, or upon failure to comply with the conditions of approval, the home occupation permit may be suspended immediately and a hearing shall be scheduled before the zoning administrator or planning commission. The zoning administrator or planning commission has the authority to revoke the permit or add new conditions to the permit.

18.104.090 Appeals Process.

With regard to home occupation/business permits, any person may appeal a decision of the zoning administrator or the planning commission in the manner set forth in Section 18.144. Decisions related to Zoning Certificates are not subject to appeal.

EXHIBIT B
EXISTING CHAPTER 18.104 HOME OCCUPATIONS, UNCHANGED

18.104.010 Purpose.

In order to allow the conduct of those types of occupations which traditionally take place in residences and which do not create the potential for changing the residential character of the neighborhood, the zoning administrator is empowered to grant home occupation permits. Home occupation permits can be granted by the zoning administrator only where all conditions listed in Section 18.104.030 of this chapter can be met. However, the planning commission, on appeal, can modify the conditions if it finds that such modifications will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. (Prior code § 2-10.15)

18.104.020 Exempt Occupations.

Where the following regulations are met, no permit shall be required for the conduct of an occupation in the home:

- A. No one other than one resident of the dwelling shall be employed in the conduct of the home occupation.
- B. The home occupation shall consist of office-type activities only (phone use, bookkeeping, drafting, etc.) and the production of minor arts and crafts items such as macramé, painting, tole painting, etc., if the proper safety equipment is provided.
- C. No clients or customers shall come to the premises in connection with the home occupation.
- D. The home occupation shall be conducted only in the dwelling and shall be clearly incidental and subordinate to the use of the structure as a dwelling.
- E. There shall be no signing employed on the premises in conjunction with the home occupation.
- F. The existence of the home occupation shall not be apparent beyond the boundaries of the site.
- G. The residence address shall not be used in any advertising done in conjunction with the home occupation.
- H. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a home occupation except by the permittee.
- I. Equipment, materials and supplies used for the home occupation shall consist of office-type items (typewriter, desk, files, etc.) and those used in the production of minor arts and crafts items (yarn, hemp, watercolors, oil paints, etc.) and shall not occupy more than one room of the dwelling.
- J. The home occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district. (Prior code § 2-10.16)

18.104.030 Required Conditions.

Except as stipulated in Section 18.104.070 of this chapter, home occupations in A and R districts shall comply with the following regulations:

- A. No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
- B. Materials, equipment, stock or supplies used for a home occupation shall not occupy more than one room of a dwelling or more than 50 square feet of an accessory building or garage.
- C. Nothing in connection with a home occupation shall inhibit the use of a garage for the storage of motor vehicles.
- D. No manufacturing shall take place in conjunction with a home occupation except for the production of handmade objects otherwise consistent with the conditions of this chapter.
- E. The home occupation shall be clearly incidental and subordinate to the use of the structure as a dwelling.
- F. A home occupation shall not create any radio or television interference, or create noise in excess of that normally created by residential uses allowed in the district.
- G. A home occupation shall not emit smoke, odor or liquid or solid waste in excess of the amount normally created by residential uses allowed in the district.
- H. A home occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district.
- I. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a home occupation except by the permittee.
- J. No vehicle exceeding one ton in size shall be used in conjunction with a home occupation.
- K. Except as stipulated in Section 18.96.040 of this title, no signing shall be employed on the site in conjunction with a home occupation.
- L. The existence of a home occupation shall not be visually apparent beyond the boundaries of the site. (Ord. 1738 § 1, 1998; prior code § 2-10.17)

18.104.040 Prohibited Home Occupations.

- A. Gunsmiths.
- B. Firearm sales, provided, however, that federally licensed firearm dealers with home occupation permits approved prior to the effective date hereof shall be given one year from the effective date hereof to comply with the ordinance codified in this chapter. (Ord. 1738 § 1, 1998)

18.104.050 Zoning Certificate Required.

Application for a zoning certificate for a home occupation shall be made to the zoning administrator on a form supplied by the city. The zoning administrator shall issue a certificate upon determining that the proposed home occupation meets all of the requirements of this chapter. (Ord. 1738 § 1, 1998; prior code § 2-10.18)

18.104.060 Planning Commission Review.

The planning commission may review any decision made by the zoning administrator in conjunction with a home occupation. Such review may be either at the request of the planning commission, the zoning administrator, the applicant, or other aggrieved party in the form of an appeal. An appeal to the planning commission shall be as prescribed in Sections 18.144.020 and 18.144.030 of this title. (Ord. 1738 § 1, 1998; prior code § 2-10.19)

18.104.070 Modification of Required Conditions.

The planning commission may approve or deny an appeal and in approving an application, may impose additional conditions or may modify any of the conditions required in Section 18.104.030 of this chapter if it determines that such additional conditions or modifications will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 1738 § 1, 1998; prior code § 2-10.20)

18.104.080 Suspension and Revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a home occupation permit shall be suspended automatically. The planning commission shall hold a public hearing within 40 days, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the home occupation permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within 10 days following the date of a decision of the commission revoking a home occupation permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission. (Ord. 1738 § 1, 1998; prior code § 2-10.21)