

Title 21A.30.085 and 21A.30.090 Home occupations and Home Industry

Existing Code	Proposed Revised Code	Rationale
<p>21A.30.085 Home occupations in the A, F and RA zones. In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:</p>	<p>21A.30.085 Home occupations in the A, F and RA zones. In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:</p>	
	<p><u>A. The dwelling unit is the primary residence of the owner and operator of the home occupation business.</u></p>	<p>NEW. This clause is designed to put the "Home" back in Home Occupation activities. There are numerous cases of an entity buying or leasing a <u>residential property</u> and using it to site a <u>commercial business</u>, at which the owner/operator does not live. Sometimes the house is rented to an employee to satisfy existing code. In some these cases, this appears to be an arrangement on paper only to satisfy the "residents" clause. Standards would need to be identified for what proof of residency is required to meet this condition.</p>
<p>A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.</p>	<p><u>AB.</u> The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit. <u>Attached garages are not considered part of the dwelling unit ground floor area for purposes of the provisions for home occupations.</u></p>	<p>SOME NEW. This clarifies what portion of a house may be used for the calculation of total floor area.</p>
	<p><u>C. In addition to the provisions in 21A.30.085 B., one garage or outbuilding can be used for activities associated with the home occupation(s). The floor area of the garage or outbuilding used for all home occupation activities shall not exceed fifty percent of the ground floor area of the dwelling unit.</u></p>	<p>NEW. In addition to what is allowed inside the dwelling unit, this clause allows for "activities" to be conducted in a garage or detached structure. It ties the scale of activities to the size of the dwelling unit to keep activities in scale with the developed property.</p>
<p>B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;</p>	<p><u>BD. Additional</u> areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for <u>storage of goods</u> associated with the home occupation. <u>Areas used for storage shall not exceed fifty percent of the ground floor area of the dwelling unit.</u></p>	<p>SOME NEW. This clause allows for additional space to be used for storage of goods. It ties the scale of activities to the size of the dwelling unit to keep storage area in scale with the developed property.</p>
	<p><u>E. Services to patrons shall be by appointment only or provided off-site;</u></p>	<p>NEW. This was taken directly from <i>pre-existing</i> code. It was removed in the 2000's along with other changes which we warned would result in negative unintended consequences, as indeed they did. This provision should be added back in to avoid allowing drive-up retail sales businesses to pop up in residential neighborhoods.</p>

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<p>C. Total outdoor area of all home occupations shall be permitted as follows:</p> <ol style="list-style-type: none"> 1. For any lot less than one acre: Four hundred forty square feet; and 2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet. 	<p>C.F. Total outdoor area of all home occupations shall be permitted as follows:</p> <ol style="list-style-type: none"> 1. For any lot less than one acre: Four hundred forty square feet; and 2. For lots one acre <u>to five acres, one percent of the area of the lot, up to a maximum of two thousand square feet;</u> and <u>3. For lots five acres</u> or greater: One percent of the area of the lot, up to a maximum of five thousand square feet. 	<p>SOME NEW. Lots under 5 acres tend to be located in neighborhoods which are more residential in character. This provision will reduce the visual intrusion on neighbors and works in harmony with subsection O.</p>
<p>E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site;</p>	<p>E.H. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three <u>two</u> who work on-site at the same time and no more than three who report to the site but primarily provide services off-site;</p>	<p>SOME NEW. The number of employees has a direct effect on the scale and intrusiveness of a business activity. It is very difficult to monitor the number of employees in any case, but even more so with such fuzzy distinctions as to who works primarily on-site, who's there on what day, etc. Reducing the number and simplifying the distinctions will improve accountability.</p>
<p>L. The home occupation or occupations may use or store vehicles, as follows:</p> <ol style="list-style-type: none"> 1. The total number of vehicles for all home occupations shall be: <ol style="list-style-type: none"> a. for any lot five acres or less: two; b. for lots greater than five acres: three; and c. for lots greater than ten acres: four; 2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and 3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section. (Ord. 19030 § 22, 2019: Ord. 17710 § 11, 2013: Ord. 17539 § 61, 2013: Ord. 17191 § 48, 2011: Ord. 16323 § 2, 2008: Ord. 15606 § 20, 2006). 	<p>L.O. The home occupation or occupations may use or store vehicles, as follows:</p> <ol style="list-style-type: none"> 1. The total number of vehicles for all home occupations shall be: <ol style="list-style-type: none"> a. for any lot five acres or less: two; b. for lots greater than five acres: three; and c. for lots greater than ten acres: four; 2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and 3. The parking area for the <u>storage of</u> vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section. (Ord. 19030 § 22, 2019: Ord. 17710 § 11, 2013: Ord. 17539 § 61, 2013: Ord. 17191 § 48, 2011: Ord. 16323 § 2, 2008: Ord. 15606 § 20, 2006). 	<p>SOME NEW. Storage of vehicles can be the most visually intrusive elements of a business. As the use of outdoor spaces is permitted for "activities and storage," vehicle storage is often the most impactful outdoor evidence of a business. This works in harmony with subsection F.</p>

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21A.30.090 Home industry. A resident may establish a home industry as an accessory activity, as follows:	21A.30.090 Home industry. A resident may establish a home industry as an accessory activity, as follows:	
A. The site area is one acre or greater;	A. The site area is one acre or greater;	No change.
	<u>B. The dwelling unit is the primary residence of the owner and operator of the home occupation business.</u>	NEW. This clause is designed to put the "Home" back in Home Industry activities. There are numerous cases of an entity buying or leasing a <u>residential property</u> and using it to site a <u>commercial business</u> , at which the owner/operator does not live. Sometimes the house is rented to an employee to satisfy existing code. In some these cases, this appears to be an arrangement on paper only to satisfy the "residents" clause. Standards would need to be identified for what proof of residency is required to meet this condition.
B. thru K.	Simply <i>re-letter</i> to C. thru L.	