

ORDINANCE NO. 2561

AN ORDINANCE amending Chapter 18.39 of the Camas Municipal Code by revising the regulations for home occupations.

WHEREAS, at the annual planning conference in January of 2009, the City Council requested that staff undertake modifications to the home occupation code, and

WHEREAS, a revised code was drafted and reviewed by staff at several meetings, and

WHEREAS, the Planning Commission held workshops on the code revisions in May and June of 2009, and

WHEREAS, the City issued a SEPA determination of non-significance in May, and the proposed changes were forwarded to the Washington Department of Community, Trade and Economic Development on May 18, 2009, and

WHEREAS, the Planning Commission held a public hearing on August 18, 2009 to discuss the code revisions, and thereafter forwarded its recommendation to City Council, and

WHEREAS, on October 6, 2009, the City Council held a public hearing to consider the revisions,

NOW, THEREFORE, be it resolved by the Council of the City of Camas as follows:

Section I

Chapter 18.39 of the Camas Municipal Code is modified to provide as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 19th day of October, 2009.

SIGNED: Paul J. De
Mayor

ATTEST: John M. Auger
Clerk

APPROVED as to form:

Shirley D. Marple
City Attorney

Exhibit "A"

Chapter 18.39

HOME OCCUPATIONS

Sections:

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18.39.010 Purpose.

A. The purpose of the home occupation chapter is to address the need for small scale home based businesses, and to ensure they are suitable to the characteristic of the surrounding neighborhood or the area. The regulations are designed to:

Protect the individual characteristics of neighborhoods in the city of Camas, and maintain the quality of life for all residents of the city.

B. The intent of this chapter is to ensure that business activities that are allowed in residential neighborhoods are regulated as home occupations, and that activities not able to meet the requirements of this chapter are directed to appropriate mixed use, commercial, or manufacturing zoning districts.

C. This chapter is not intended to regulate typical family or personal activities, or occasional visits by business associates and outside service providers, except as otherwise provided.

D. It is not the intent of this chapter to involve the city in the enforcement of private restrictive covenants.

E. Join in an effort to reduce vehicle miles traveled, traffic congestion, and air pollution in the state of Washington.

18.39.020 Definitions.

As used in this chapter:

A. "Commercial vehicle" means a semi-truck and/or trailer used in any commercial enterprise.

B. "Employee" means a full or part time non-resident participant.

C. "Normal delivery services" means deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.

D. "Customer, client" means any person visiting the site for business purposes that is not an employee of the home occupation or a resident of the home.

E. "Home occupation" means any accessory activity customarily conducted in a dwelling, or in a building or structure accessory to a dwelling, for gainful employment involving the manufacture, provision or sale of goods and/or services, and where the residential character of the dwelling and neighborhood is maintained.

F. "Outdoor storage" means the outdoor holding of any materials or merchandise used or associated with a home business, whether covered or uncovered.

G. "Vehicles or motors" mean vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other engines).

Exhibit "A"

18.39.030 Minor home occupations.

- A. A minor home occupation permit is required for any business operated in a dwelling unit or accessory building which has no external indication of commercial activity, including no non-resident employees, no client visits, no business-related deliveries, and no vehicle signage.
- B. No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.
- C. Minor home occupation permits shall be subject to a Type I review in accordance with the administrative approval procedures of CMC Chapter 18.55.
- D. Applicant shall submit a completed Minor Home Occupation permit to the city for review and approval.

18.39.040 Major home occupation.

Major home occupation permits shall be subject to a Type II review in accordance with the administrative approval procedures of CMC Chapter 18.55.

A. Owner/operator, Employees.

- 1. Only members of the family residing on the premises, and no more than two non-residents may be continuously employed at any one time on the site.
- 2. A home occupation permit issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the permit.

B. Alterations, Residential Character.

- 1. No dwelling or accessory structure shall be constructed, modified, or altered to accommodate a home occupation which alters the residential character of the property in such a way so as to render its appearance incompatible with neighboring properties.
- 2. Home occupations shall be allowed to be conducted in accessory buildings detached from the principal dwelling unit, provided that if the home occupation use occurs in an accessory building, it shall be subject to the same rules and regulations for home occupation uses within the principal dwelling unit.
- 3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered, or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.

C. Location of Use, Size.

- 1. Where an accessory dwelling unit exists, a home occupation must be conducted either in the primary dwelling unit, the accessory dwelling unit, or an accessory structure on the property, but not in more than one.
- 2. The business shall utilize no more than 25% of the gross floor area or 500 square feet, whichever is less, of the structure, including storage of any inventory or incidental supplies which are necessary to the home occupation.

D. Signs.

Signs shall be in conformance with CMC Chapter 18.15.

E. Hours of Operation.

Business visits and non-resident employee arrivals or departures shall occur between 7:00 a.m. and 10:00 p.m.

F. Traffic.

- 1. Traffic generated by the home occupation shall not noticeably affect the residential character of the neighborhood.
- 2. Deliveries or pick ups by normal delivery services shall not exceed two trips per day, and occur only between 7:00 a.m. and 10:00 p.m.
- 3. Traffic which exceeds eight clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

Exhibit "A"

G. Parking.

Notwithstanding CMC Section 18.11.030, Table 18.11-1,

1. The site shall have adequate on-site parking to accommodate any additional traffic resulting from the use.
2. Adequate on-site parking shall be provided for all non-resident employees, and shall be used by those employees at all times.
3. Under no circumstances shall parking for the home occupation cause traffic hazards.
4. With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.

H. Sales.

Except for the purchase of merchandise crafted on-site or items clearly accessory to a service (e.g., crafts or artwork, or hair care products incidental to a beauty salon for example) no retail customers shall visit the home premises at any time.

I. Outdoor Storage.

There shall be no outdoor storage or display of any items pertaining to the home occupation allowed.

J. Equipment.

No mechanical equipment shall be used except as is commonly or customarily used for domestic household or personal purposes for a dwelling (or as deemed similar in terms of power, quantity, noise, emissions, and type) shall be allowed.

K. Disturbing Influences.

1. No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling.
2. Any noise generated by the home occupation shall be consistent with the requirements in CMC Section 9.32.050.
3. No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

18.39.050 Appeals.

Any person aggrieved by a denial of an application for a home occupation, or seeking relief from the strict application of the requirements in Section 18.39.040 above, may appeal such decision to the Board of Adjustment. The home occupation may be approved by the Board of Adjustment if the Board finds that the home occupation:

- A. Will not be materially detrimental to the public welfare;
- B. Will not have adverse impact on adjacent properties in the zone or vicinity in which the subject property is located;
- C. Will be consistent with the spirit and purpose of this chapter and code.
- D. Will not include storage, display of goods, building materials, and/or the operation of building machinery, commercial vehicles, or other tools, unless it meets the following criteria:
 1. Is wholly enclosed within a structure or building,
 2. Does not emit noise, odor, or heat,
 3. Does not create glare or emit light from the site, and
 4. Does not create a condition which injures or endangers the comfort, or pose health or safety threats of persons on abutting properties or streets.

In addition, the Board of Adjustment may impose such requirements and conditions with respect to location, installation, construction, maintenance, operation and extent of open spaces in addition to those expressly set forth in this chapter and code, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

Exhibit "A"

18.39.060 Exemptions.

A. Any of those uses allowed in Residential and Multi-family zones consistent with CMC Section 18.07.040 Table 2.

B. Garage sales, yard sales, bake sales, and other like uses do not need to comply with the requirements of this chapter as long as the use does not operate for more than twenty days in any one calendar year, or would be in violation of any other provisions of the Camas Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale. Garage and yard sales are also subject to CMC Chapter 8.48.

18.39.070 Prohibited. The following uses shall not be permitted as home occupations:

A. Motor vehicle, trailer, boat, and heavy equipment repair, body work, or painting;

B. Vehicle services, including stereo and car alarm installation, and detailing;

C. Medical or professional clinics;

D. Retail activities of any type, except as allowed in ~~item 8~~ 18.39.040(H), above;

E. Commercial kennel or stable;

F. Veterinary clinic or hospital;

G. Any activities involving more than eight customer or business visits per day.

H. Production of any type of fuels for use, storage, dispensing, or sales.

18.39.080 Termination, Revocation, Suspension.

A. A home occupation may be terminated, revoked, or suspended for a violation of any requirements as listed in CMC 18.39.040.

B. Notwithstanding any other provisions of this chapter of the city code, a home occupation may be immediately terminated if the city finds that the home occupation is being conducted in a manner which is detrimental to the public health or safety. In the event of such immediate termination, the operator of the home occupation shall be advised that he or she shall have the right to appeal on the propriety of such immediate termination as provided in CMC 18.55.200.

18.39.090 Complaints, Enforcement.

Any complaint made that a home occupation is being conducted in violation of this chapter shall be enforced pursuant to Article VIII of Chapter 18.55.