

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Continued Discussion of Home Occupation Regulations
DEPARTMENT: Planning and Development Services
PRESENTED BY: Joseph W. Tovar, FAICP, Director of Planning and Development Services and Rachael Markle, AICP Asst. Director

PROBLEM/ISSUE STATEMENT:

Council requested a continuation of the discussion on the City's Home Occupation regulations.

FINANCIAL IMPACT:

This report is purely informational. There will be no new financial impacts associated with this agenda item at this time.

RECOMMENDATION

No action is required. Please inform staff if there is additional information the Council would like to receive regarding home occupation regulations.

Approved By: City Manager  City Attorney _____

INTRODUCTION

At the Council's request, staff gave a presentation on the City's Home Occupation regulations at the June 1, 2009 Council meeting. Subsequently, Council requested that the topic of home occupations be continued. This report contains the same information as the June 1, 2009.

A home occupation is defined as: "any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit." The purpose of this presentation is at the Council's request, to continue a discussion about the application of these regulations.

BACKGROUND

The primary use of residential structure is as residence, not a business. The City's regulations are designed to allow the incidental or accessory business use as opposed to a primary use. The existing regulations for home occupations were last modified on June 14, 2004. In 2004, Council made such changes as: adding the intent/purpose statement; increasing the percentage of floor area that can be devoted to the business; specifying that storage of goods must be located inside; and clarifying that online sales with off site delivery are allowed.

Home Occupation Regulations SMC 20.40.400

The purpose of the Home Occupation regulations is to allow people to operate businesses from their residence when the operation of the business will have no adverse impact on surrounding residential neighbors. The City requires home businesses to obtain a Home Occupation permit. However, no permit is required for businesses that:

- Operate entirely inside the home (or off site);
- Have no employees in addition to the residents(s);
- Have no deliveries associated with the occupation;
- Have no onsite clients;
- Do not create noise or odors;
- Do not have a sign; and
- Meet all the Code criteria for a Home Occupation.

The informational handout which includes the criteria for establishing a home occupation is included in Attachment A: Home Business/Occupation Hand Out.

The criteria are designed to insure that proposed home businesses/occupations will not result in adverse impacts to surrounding neighbors. The criteria address noise, traffic, appearance, odors, dust, and fire hazards.

Comparison to Other City's Home Occupation Regulations

Staff reviewed the home occupation regulations from the following Puget Sound area cities: Kirkland, Seattle, Redmond, Tukwila and Woodinville.

Kirkland

The following highlights additional or alternative standards contained in the City of Kirkland's Home Occupation regulations in comparison to the City of Shoreline's regulations:

- The location of the occupation must be the principal residence of the person operating the home occupation;
- Allows two nonresident business participants (non family employees and independent contractors); Shoreline allows one non resident employee;
- Specifies that equipment may not be stored on vehicles;
- Specifies that no alterations may be made to the interior or exterior of the dwelling that would change its residential character; Shoreline specifies that all activities shall be conducted indoors, but allows for interior modifications;
- Specifically precludes the use of heavy equipment, power tools, power sources, hazardous materials or anything else that might result in noise, vibration, smoke, dust, odors, heat, traffic, parking or other conditions that exceed such conditions normally produced at a residence; Shoreline restricts the use of mechanical or electrical equipment that result in emissions of odor, excess lighting or noise; prohibits auto, truck and heavy equipment repair; auto body work or painting;
- Limits pickups and deliveries to a combined total of three excluding US Mail per day and 10 per week between the hours of 8:00 a.m. and 6:00 p.m.; Shoreline has no limits on pickups and deliveries;
- Limits the amount of space that can be occupied by a home occupation in a residence and its accessory building(s) to 500 sq. ft.; Shoreline allows 25% of the floor area of the dwelling unit not including garages and storage buildings to be occupied by a home occupation;
- Limits the number of clients to 6 per day and no more than 2 clients per visit (exception a family arriving in one car equals one client) only between the hours of 8:00 a.m. and 8:00 p.m.; Shoreline does not allow sales on site and services are to be arranged by appointment or off site, but are not limited in number or by operating hours;
- Allows use of one vehicle in association with the business that weighs up to 10,000 pounds that does not exceed a height of nine feet and a length of 22 feet; Shoreline allows use of one vehicle in association with the business that weighs up to one ton (2,000 lbs.);
- Allows one non illuminated building mounted sign not to exceed two square feet; Shoreline allows one monument or building sign that may be externally illuminated (flood light shining on sign) not to exceed four square feet; and
- Allows home occupations that do not meet all of the standards to apply for a Process 1 permit (similar to Shoreline's Type B – Administrative permit process); Shoreline does not allow home occupations that do not meet all of the criteria.

Redmond

The following highlights additional or alternative standards contained in the City of Redmond's Home Occupation regulations in comparison to the City of Shoreline's regulations:

- Allows the Planning Director to impose conditions above and beyond the criteria on the home occupation business license including limiting hours of operation; Shoreline does not impose conditions beyond the scope of the criteria;
- Specifies that floor space may not be rented out to a non resident of the home to conduct a business; Shoreline's regulations do not specifically state this, but do state that the business or businesses are to be operated by residents of the dwelling;
- In addition to the restrictions Shoreline also places on home occupations in order to maintain residential character, Redmond prohibits any exterior alterations, expansion of parking, creation of a separate entrance, lighting, signs (other than on vehicles and emission of liquids that might compromise residential character;
- Limits visitors, customers, and/or deliveries to two per hour for up to a total of 8 per day; Shoreline does not directly regulate the number of visitors, customers and/ or deliveries. Shoreline does not allow sales on site and services are to be arranged by appointment or off site, but are not limited in number or by operating hours;
- Allows use of one vehicle in association with the business that weighs up to 10,000 pounds; Shoreline allows use of one vehicle in association with the business that weighs up to one ton (2,000 lbs.); and
- Redmond has a section related to allowing motor vehicle home businesses that existed prior to June 15, 1995; Shoreline does not have provisions for home businesses in motor vehicles.

Seattle

The following highlights additional or alternative standards contained in the City of Seattle's Home Occupation regulations in comparison to the City of Shoreline's regulations:

- Limits commercial deliveries and pickups to one per day Monday – Friday and no commercial deliveries and pickups on weekends and holidays; Shoreline does not limit commercial deliveries and pickups;
- Does not allow exterior alterations of the residence related to the home occupation; Shoreline's regulations do not address exterior alterations;
- Specifies that there shall be no more than one non resident employee coming to the residence. This limitation also pertains to persons working off site who come to the site for business purposes; Shoreline does not specifically address persons working off site, although Shoreline intends to limit the number of non resident employees on site to one;
- Specifies that the home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through the residential area; Shoreline's regulations do not specifically state this but strive to control impacts by limiting onsite employees, prohibiting on site sales, requiring a parking space for the one non resident employee and one patron (if applicable), requiring services to be arranged by appointment and limiting the number of vehicles used for pick up or distribution of materials and products for the home occupation to one;

- Allows the use of two passenger vehicles, vans or similar vehicles not exceeding 10,000 lbs. in association with the home business; Shoreline allows use of one vehicle in association with the business that weighs up to one ton (2,000 lbs.).

Tukwila

The following highlights additional or alternative standards contained in the City of Tukwila's Home Occupation regulations in comparison to the City of Shoreline's regulations:

- Prohibits conducting a home occupation in an accessory building; Shoreline allows storage of goods associated with the home occupation in accessory buildings.

Woodinville

The following highlights additional or alternative standards contained in the City of Woodinville's Home Occupation regulations in comparison to the City of Shoreline's regulations:

- Limits the total area of the residence used for the home occupation to 20%; Shoreline allows 25% of the residence to be used for the home occupation;
- Does not allow any nonresidents to be employed by the home occupation; Shoreline allows one (onsite) non resident to be employed by the home occupation; and
- Does not allow the storage of building materials for use on other properties; Shoreline does not preclude the storage of building materials as long as they are stored indoors.

Note: Woodinville and Shoreline basically have the same regulations.

DISCUSSION

Does Council need any additional information regarding Home Occupation regulations? If yes, how would you like to receive this information and when?

Would the Council like staff to draft any changes to the existing Home Occupation regulations? Would Council like staff to draft any changes to the existing Home Occupation regulations? If so, what types of changes would Council like staff to explore?

STAKEHOLDERS

- Single Family residents
- Multi Family residents
- Home occupation operators

RECOMMENDATION

No action is required. Please inform staff if there is additional information the Council would like to receive regarding home occupation.

ATTACHMENTS

A Home Occupation Hand Out

Attachment A



**Planning and
Development Services**

17500 Midvale Ave. N.
Shoreline, WA 98133-4921
(206) 801-2500
Fax (206) 546-8761
pds@shorelinewa.gov
www.shorelinewa.gov

**Shoreline
Development Code**
20.40.120
20.40.400

International Residential Code

1/2009

Home Business/Occupation

The City of Shoreline requires a permit for conducting a business out of your home in any zoning district, with some exceptions. Businesses conducted out of a home are referred to as a home occupation. More specifically, a home occupation is:

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Do I Need a Permit?

You do not need a permit if your business meets all of the following criteria:

- Operates entirely inside the home (or off-site);
- Has no employees in addition to the residents(s);
- Has no deliveries associated with the occupation;
- Has no on-site clients;
- Does not create noise or odors;
- Does not have a sign;
- Meets all requirements listed on the Home Occupation Criteria Sheet.

Permit Process

If your occupation does not meet the exemption criteria listed above:

1. Pick-up a permit application and checklist (available at the City of Shoreline Planning and Development Services Department, 1110 N. 175th St., Suite 107) or online at: <http://www.cityofshoreline.com/cityhall/permits>
2. Complete the permit application form and supply the information identified in the checklists as it applies to your project. You must include the square footage of the home and the square footage of the area where the occupation will take place.
3. Submit the application materials and fee to the Planning and Development Services Department.

We will review your application materials and contact you with any questions or to schedule a site visit to your home, if necessary. If the application materials are complete and it can be determined that the proposed home occupation complies with the applicable regulations, the permit will be issued.

NOTE: Additional permits and review may be required if modifications are made to the residence to accommodate the home occupation.

Note: This handout is for informational use only and is not to be substituted for the Shoreline Development Code or the International Residential or International Building Code.

HOME OCCUPATION CRITERIA

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

- A. The total area devoted to all home occupations(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.
- B. In residential zones, all the activities of the home occupations(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupations(s).
- C. No more than one non-resident shall be employed by the home occupation(s).
- D. The following activities shall be prohibited in residential zones:
 - 1. Automobile, truck, and heavy equipment repair;
 - 2. Auto body work or painting;
 - 3. Parking and storage of heavy equipment; and
 - 4. Storage of building materials for use on other properties.
- E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 - 1. One stall for a non-resident employed by the home occupation(s); and
 - 2. One stall for patrons when services are rendered on-site.
- F. Sales shall be limited to:
 - 1. Mail order sales; and
 - 2. Telephone sales with off-site delivery.
- G. Services to patrons shall be arranged by appointment or provided off-site.
- H. The home occupations(s) may use or store a vehicle for pickup of materials used by the home occupations(s) or the distribution of products from the site, provided:
 - 1. No more than one such vehicle shall be allowed;
 - 2. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 - 3. Such vehicle shall not exceed a weight capacity of one ton.
- I. The home occupation(s) shall not use electrical or mechanical equipment that results in:
 - 1. A change to the fire rating of the structure(s) used for the home occupations(s); or
 - 2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
 - 3. Fluctuations in line voltage off-premises; or
 - 4. Emissions of odor, bright lighting or noises greater than what is typically found in neighborhood setting.
- J. Home occupations that are entirely internal to the home; have no employees in addition to the residents(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign, and meet all other requirements as outlined in 20.40.400 may not require a home occupation permit.

17500 Midvale Avenue North, Shoreline, Washington 98133-4921

Telephone (206) 801-2500 Fax (206) 546-8761 pds@shorelinewa.gov

The Municipal Code (Title 15 Buildings and Construction) can be reviewed at mrsc.org



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