

ORDINANCE NO. 159

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTION 19.35.060 OF THE UNIVERSITY PLACE ZONING CODE TO EXEMPT CERTAIN HOME OCCUPATIONS FROM THE PERMIT APPLICATION REQUIREMENTS; ALLOW HOME OCCUPATIONS IN MULTI-FAMILY AND SINGLE FAMILY RESIDENCES; DELETE REGULATIONS PERTAINING TO HOURS OF OPERATION, NUMBER OF CLIENTS AND CUSTOMERS ALLOWED AT ONE TIME; ELIMINATE THE EXEMPTION FOR TEMPORARY LODGING FACILITIES; ADD LANGUAGE ON TRAFFIC AND PARKING IMPACTS; AND LIMIT COMMERCIAL VEHICLE PARKING. ALSO AMENDING ORDINANCE 130 TO CHANGE PUBLIC NOTIFICATION REQUIREMENTS TO ONLY THOSE PROPERTIES ABUTTING PROPERTY LINES OF THE SUBJECT PROPERTY FOR SINGLE FAMILY AND DUPLEX DWELLINGS, AND NOTIFYING APARTMENT MANAGERS AND/ OR OWNERS FOR MULTI-FAMILY DWELLINGS.

WHEREAS, home business owners from the community have expressed concern regarding the restrictive home occupation regulations and have requested relief; and

WHEREAS, on January 27, 1997 the City Council referred the matter to the Planning Commission for consideration; and

WHEREAS, on February 19, 1997 the Planning Commission held a public hearing to consider an amendment to the zoning code which modifies the home occupation regulations to make them less restrictive; and

WHEREAS, the Planning Commission unanimously approved the proposed revisions finding that there was benefit to the community in facilitating home occupations, while managing potential impacts; and

WHEREAS, the City Environmental Official has reviewed the proposed amendment and issued a Determination of Nonsignificance; and

WHEREAS, on March 17, 1997 the City Council held a public hearing to consider the proposed amendment and referred the matter back to staff for minor revisions; and,

WHEREAS, on June 9, 1997 the City Council held a public hearing to consider the proposed amendment; now therefore,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1 **AMENDING THE ZONING CODE.** The University Place Zoning Code is amended as follows:

19.35.060 HOME OCCUPATIONS

- A. Purpose
- B. Applicability
- C. Exemptions
- D. Performance Standards
- E. Conditions and Decision Criteria
- F. Revocation of Permits
- G. Required Permit and Review
- H. Procedures

- A. **Purpose.** The purpose of this section is to provide standards which allow a resident of a ~~single-family dwelling~~ unit to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.
- B. **Applicability.** Home Occupations are ~~only~~ permitted as an accessory use in conjunction with a ~~detached single-family dwelling~~ Dwelling Unit.
- C. **Permit Exemptions.**
 - 1. Home Based Day Care activities are exempt from the regulations of this Chapter. The regulations governing day care facilities are stated in **Section 19.35.070, Day Care Facilities.**
 - 2. ~~Temporary Lodging Facilities (Lodging House), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this Chapter.~~
 - 3. Businesses which are exempt from the City business license registration requirements.
 - 4. Businesses with no outside employees, no customers or clients visiting the business, no outward manifestation of the business, and no outside display or storage of materials, merchandise, or equipment.
- D. **Performance Standards.**
 - 1. **Intent.** It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when

incidental to a residential use. Activities which exceed these performance standards should refer to **Chapter 19.25, Zone Classifications and Use Tables**, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions and standards. The following general provisions and standards shall apply to all home occupation activities, whether a permit is required or not.

- a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;
- b. External alteration inconsistent with the residential character of the structure is prohibited;
- c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment.
- d. The activity does not create significant traffic and parking impact, or noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;
- e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;
- f. Manufacturing shall be limited to the small-scale assembly of already manufactured parts but does not preclude production of small, individually hand-crafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;
- ~~g. Customers/clients are prohibited on the premises prior to 6:00 a.m. and after 9:00 p.m.;~~
- ~~h.g. Except for exempt home occupations which are not allowed signs, one advertising sign not exceeding 2 square feet in size is permitted which shall be attached to the residence or accessory structure or placed in a window;~~
- ~~i.h. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting;~~
- ~~j. No more than two customers or clients at any one time are allowed.~~

- k.i.** The activity shall be limited to an area less than 500 square feet or a size equivalent to 50% of total floor area of the living space within the residence, whichever is less;
- l.** ~~One vehicle, up to 10,000 gross vehicle weight, is permitted in connection with the activity;~~ The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
1. No more than one such vehicle 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.
- m.j.** The activity shall be performed completely inside the residence; an accessory structure or a combination of the two.
- n.k.** There shall be no outside display or storage of materials, merchandise, or equipment.
- o.l.** Vehicle repair, alteration, or rebuilding shall not be permitted as a home occupation.

- E. Conditions and Decision Criteria.** In addition to the standards set forth in **Section 19.35.060.D**, the Director shall have the authority to impose additional conditions or to deny a Home Occupation permit based upon the following decision criteria:
1. Activities which are potentially harmful or hazardous and may adversely affect the surrounding residential character or the environment may be modified or denied;
 2. Activities which are not clearly incidental and secondary to the use of the property for residential purposes shall be denied; and
 3. A Home Occupation, where the ~~single-family~~ dwelling is not occupied for residential use, shall be denied.
- F. Revocation of Permits.** A Home Occupation permit may be revoked pursuant to **Section 19.85.060**, Revocation and Expiration, if applicant is found to be in noncompliance with any standards or conditions imposed upon the issuance of said permit.
- G. Required Permit and Review.**
1. Home Occupation. Activities which do not exceed the standards identified in Section 19.35.060 are allowed in all land use classifications with a Home Occupation Permit and

are subject to administrative review, with public notice to adjacent property owners. Appeals shall be to the Hearings Examiner.

SECTION 2 **AMENDING ORDINANCE 130.** Section .01.006 of Ordinance 130 of the City of University Place is amended as follows:

.01.006 Notice of Application.


A. Notice of Application. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Notices for Home Occupation Applications will be sent to only those property owners abutting the property lines of the subject property for single family and duplex dwellings, and to apartment managers and/ or owners for multi-family dwellings. Such notice shall be mailed not more than fourteen (14) working days from the submittal of a complete application. Parties receiving notice shall be given at least fourteen (14) days, from the mailing date, to provide any comments to the Department.

SECTION 3 **COPY TO BE AVAILABLE.** One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

SECTION 4 **SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

SECTION 5 **PUBLICATION AND EFFECTIVE DATE.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 16, 1997



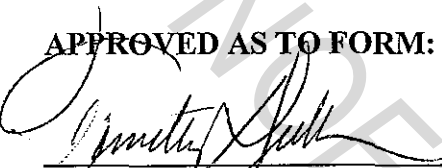
Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy Sullivan, City Attorney

Date of Publication: June 18, 1997

Effective Date: June 23, 1997

UNOFFICIAL DOCUMENT