

September 10, 2013

To: Yachats Planning Commission
From: Larry Lewis, City Planner
Re: Proposed Code Amendments – Home Occupations

At the April 16, 2013 and May 21, 2013 Planning Commission work sessions the Commission reviewed and made recommended amendments to the Yachats Zoning & Land Use Code pertaining to 'Home Occupations'. A public hearing was held August 20, 2013 and based on public input the Planning Commission continued the public hearing to September 17, 2013.

A Home Occupation is permitted in residential zones (R-1, R-2, R-3, R-4) as a conditional use. Proposed amendments to the definition of 'Home Occupation' (Section 9.04.030) and to the Standards for a Home Occupation (Section 9.72.050.D) have been updated based on public input and Planning Commission discussion. A summary of proposed changes made following the August 20, 2013 Planning Commission are provided below.

Section 9.04.030 Definitions: "Accessory structure" is added to the proposed definition which would allow a home occupation to be conducted in the primary residence or in an accessory structure.

Section 9.72.050 Standards & Procedures Governing Conditional Uses

D. Standards for a Home Occupation.

#3 Persons Engaged in the Home Occupation: A person that does not reside in the dwelling may be engaged in the home occupation if authorized by the Planning Commission through a Conditional Use Permit.

#4. Signs: The existing language allowing one sign, with restrictions, is maintained.

#7. Parking: Reference to "customer" parking is deleted therefore the proposed standard is that "No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents shall be allowed."

#9. Waiver of Conditional Use Requirement: Clarification that applicant certifies in writing if all of the home occupation standards are met.

The proposed amendments are on the following pages.

Yachats Zoning & Land Use Code
DRAFT AMENDMENTS TO “HOME OCCUPATIONS”

Existing language proposed to remain is shown in plain text.

Language proposed to be deleted is shown in ~~strike through text~~.

New proposed language is shown in ***bold italic text***.

Updated draft language (based on August 17th input) is highlighted in gray.

Section 9.04.030 Definitions

~~“Home occupation” means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes, excluding direct sales to the public.~~

A home occupation is a business, profession or other economic activity conducted full- or part-time in the principal residence and/or accessory structure of the person conducting the business.

Section 9.72.050 Standards & Procedures Governing Conditional Uses

D. Standards for a Home Occupation.

1. The home occupation shall be secondary to the main use of the property as a residence.
- ~~2. The home occupation shall be limited to either an accessory structure or not over twenty five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.~~
- ~~3.~~ **2.** No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
- ~~4.~~ **3.** No persons other than members of the immediate family ***those*** residing in the dwelling is ***are*** to be engaged in the home occupation ***unless authorized by the Planning Commission through a Conditional Use Permit.***
- ~~5.~~ **4.** No window display and no sample commodities displayed outside the building shall be allowed. **One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard. No signs shall be permitted; exception, the provisions provided under Section 9.44.030(C) or 9.44.050(F).**
- ~~6. No stock in trade stored nor commodity kept for sale which is not produced on the premises shall be allowed.~~
- ~~7.~~ **5.** No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.
- ~~8.~~ **6.** No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.

97. No parking of ~~customer's~~ vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents ~~or so as to necessitate off-street parking~~ shall be allowed.
108. A valid business license from the eCity shall be required.
119. If the applicant ~~shall~~ certifies *in writing* that the home occupation ~~will be primarily conducted by electronic means or U.S. mail and that in the normal conduct of the business consumers, clients or patients shall not visit the premises and no shipment of materials or product shall be made by commercial means~~ *meets all of the above standards*, the eCity Planner or designee may authorize the licensing of the home occupation and waive the conditional use permit requirement. Such license shall be subject to annual review.