



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: July 8, 2021

Subject: FFL in residential neighborhoods

Council Member Goodboe-Bisschoff asked that this item be discussed at the July 12 City Council meeting. She inquired if the City could prohibit future FFLs from locating in residential districts.

The City Council has latitude in this area. The City Council could establish a performance standard under the home-based businesses section of the Code that specifically prohibits FFLs from being headquartered in a home.

The City Council could also consider requiring FFLs to obtain City Council approval prior to being permitted. This could potentially be in the form of a City license or an interim use permit. An interim use permit is similar to a conditional use permit except that the interim use permit lasts for a specific time frame rather than running with the land. Staff would recommend not using the conditional use permit process for regulating FFLs for that specific reason. If there is interest in this option, staff could research this further and bring a proposed ordinance forward for City Council review.

A third option would be to establish performance standards within the City Code relating to FFLs. They would then be a permitted home occupation so long as the property owner met the requirements set forth in City Code. This is how the City is presently regulating other home occupations since the 2015 ordinance rewrite. Those performance standards are outlined in Section 16.36.010(F) of the Zoning Code.

F. Home occupations.

1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood
3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.

6. Home occupations shall not include employment of persons not residing on the premises.
7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

Possible performance standards could include storing weapons in a federally approved security safe; installing a video surveillance system, installing a home monitored security system, and provide evidence of license renewal to the City.

If you have any questions, please don't hesitate to contact me at 763-784-6491.