

## **REQUEST FOR PLANNING COMMISSION REVIEW**

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**Meeting Date:** May 21, 2025

**Subject:** Home Occupations

**Attachments:** Proposed Code Language

**Presented by:** Andrew Hattori, CED Director

**Approved For Agenda By:** Andrew Hattori, CED Director

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### **Background:**

Planning Commission discussed the potential modifications to Home Occupancies at the April 16, 2025 Planning Commission meeting, directing staff to revise the code to make it easier to understand and include provisions for a slight increase in allowable square footage. These modifications were made, and staff additionally presented the preliminary work for Council consideration at the May 5, 2025 City Council Study Session meeting. City Council relayed some concerns over the removal of neighbor considerations and the potential of excluding certain types of businesses.

### **Discussion:**

A summary of proposed code modifications from the April 16, 2025 Planning Commission meeting:

- Repeal TMC section 17.56.050.
  - o TMC chapter 17.56 is for Special Property Uses that are heard by the Hearing Examiner, the intent of this code was to be administrative and should be removed entirely and placed elsewhere.
- Creation of TMC chapter 17.54.
  - o Creating a separate chapter for the home occupations provides ease when searching for this code and increased clarity to potential applicants.
- Remove conflicting language related to approvals and notices.

A summary of proposed additional code modifications after the April 16, 2025 Planning Commission meeting:

- Rewording TMC chapter 17.54 to be more user friendly.
- Increase allowable floor area for the home occupancy from 30 percent to 35 percent.

Staff presents this updated code for further discussion on additional amendments to the code to fit Toppenish's needs. Should this code amendment inevitably receive recommendation for approval, and City Council approval, extensive education opportunities for this amendment shall be implemented, including but not limited to:

- Public building postings.
- Social media postings.
- Pamphlets and fliers.
- Open house events to assist existing and potential business owners.

Staff is seeking guidance on the approval criteria and proposed amendments. Following such guidance the proposed amendment will be brought back to Planning Commission for further considerations.

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**Recommendation:** Not Applicable

## **Chapter 17.54**

### **Home Occupations**

Sections:

#### **17.54.010 Purpose**

#### **17.54.020 Application**

#### **17.54.030 Administrative decision**

#### **17.54.040 Approval Criteria**

#### **17.54.050 Appeal**

#### **17.54.060 Revocation of license and appeal**

#### **17.54.010 Purpose**

This chapter is established to provide a means to provide a means for the conduct of business to be permitted as an accessory to an established residence within a residential district. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing and planned residential environment.

#### **17.54.020 Application**

Applications for a home occupation shall be submitted to the City on forms provided by the Development Services department with a fee as required, that may be amended from time to time, contained with the City's fee schedule.

#### **17.54.030 Administrative decision**

~~Special Property~~Home occupation permits may be issued as defined in TMC 17.08.170, by the zoning administrator or ~~his/her~~ their designee, within the R1 and R2 residential districts only.

#### **17.54.040 Approval criteria**

Applications for a home occupation shall be approved following the review by the zoning administrator or their designee once the applicant has shown that their business conforms with all of the following criteria:

- A. There must be a residence on site, and the ~~proprietor of the home occupation business must reside in that residence~~ property owner must provide approval for the home occupation business.
- B. The home occupation must be of a service character or service-oriented only. Retail sales of goods are permissible only if incidental and directly pertaining to the service being offered.
- C. The home occupation shall be allowed in any attached portion of the dwelling unit or in a detached accessory building. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.

D. The aggregate of all space within any or all buildings devoted to a home occupation shall not occupy more than the lesser of: (1) 500 square feet in floor area; or (2) ~~30~~35 percent of the residence's floor area.

~~E. Only one accessory building, including detached garages, shall be allowed on the premises. One storage structure of 120 square feet or less shall be excluded from this provision.~~

F. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

G. Where customers are served on the premises of the home occupation a minimum of one off-street parking space shall be provided in addition to any and all spaces required for the principal use as provided by this title.

H. Any home occupation which is objectionable due to unsightliness or an emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.

I. One unlighted sign not exceeding two square feet in area pertaining to the home occupation shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yards setback areas.

~~J. A home occupation special property use permit may contain such other conditions as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.~~

~~K. The city shall notify the adjacent property owners and applicant of its intent to approve or deny a home occupation special property use permit, together with any conditions. Notification shall be made by mail only. The notice shall include:~~

- ~~1. A description of the proposal and decision of the city, including any conditions of approval;~~
- ~~2. A place where further information may be obtained; and~~
- ~~3. A statement that the decision of the city will be final, unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice.~~

#### **17.54.050 Appeal**

Appeals of the zoning administrator's decision to the conditions of approval or the denial of a home occupation shall be submitted to the zoning administrator and reviewed by the Hearing Examiner in accordance with TMC 2.50.080. Appeals may only be filed by the applicant.

#### **17.54.060 Revocation of license and appeal**

A home occupation permit may be revoked by the zoning administrator if the zoning administrator find the home occupation no longer complies with the approval criteria set forth in 17.54.040 or the home occupation permit's approval criteria. The permit holder may file a written appeal to the revocation in accordance with TMC 17.54.050.