

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: June 18, 2025

Subject: Home Occupations

Attachments: None

Presented by: Andrew Hattori, CED Director

Approved For Agenda By: Andrew Hattori, CED Director

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. At the May 21, 2025 Planning Commission meeting, discussion was further had on if we should set parameters or specifically prohibit certain types of uses. Staff was directed to research and present parameters other jurisdictions have successfully implemented to present at a later meeting.

Discussion:

Currently, the parameters we have in place to determine if a business type may be permitted are contained in TMC 17.56.050 and can be briefly summarized as:

- A residence must exist on site.
- Service character/orientation only, no retail uses.
- Must be contained within a dwelling or accessory structure, no outdoor businesses.
- Can only occupy 500 sq. ft. of space or 30% floor area of a structure, whichever is less.
- Must be clean, quiet, and residential in appearance.
- One off-street parking stall must be provided in addition to other required parking.
- Uses that are unsightly or produce odors, dust, smoke, noise, glare, heat, and vibration are prohibited.

Staff first reviewed the codes of surrounding areas:

City of Sunnyside:

- Uses that are unsightly or produce odors, dust, smoke, noise, glare, heat, and vibration are prohibited.
- No more than two employees that do not reside in the residence.
- Cannot interfere with the residential use in the neighborhood.

City of Yakima:

The City of Yakima is unique in that it does not list parameters for prohibiting certain uses, but instead provides a list of specific uses that may be a Home Occupation including:

- Barbershop/Beauty Parlor (Admin. Permit)
- Business Administration (No Permit Needed)
- Day Care, Family Home 12 or less clients (No Permit Needed)
- Dentist (Admin. Permit)
- Dog Grooming (Hearing Examiner)
- Food Preparation (No Permit Needed)
- Home contractor (No Permit Needed)
- Home Instruction 1-5 Students (No Permit Needed)
- Home instruction 6-8 Students (Admin. Permit)
- Home Office (No Permit Needed)
- Locksmith/Gunsmith (No Permit Needed)
- Message Therapy (No Permit Needed)
- Physician (Admin. Permit)
- Product assemblage/service (Admin. Permit)
- Short Term Rental (No Permit Needed)
- Taxicab Operator (No Permit Needed)
- Wedding Service (Admin. Permit)

These uses are then regulated by further parameters in how they operate, which align with the parameters we currently utilize.

City of Zillah:

The City of Zillah utilizes parameters to determine if a use is acceptable, but also prohibits specific uses. The parameters include:

- Cannot occupy 25% of the dwelling floor area.
- No exterior evidence of the use is allowed.
- Uses that are unsightly or produce odors, dust, smoke, noise, glare, heat, and vibration are prohibited.
- No excessive parking or traffic is allowed.

Uses that are specifically prohibited include:

- Clinics and hospitals.
- Group Dancing and Music Schools.
- Mortuaries.
- Rental Vehicles or Trailers.
- Antique/Gift Shops.
- Restaurants and Cafes.
- Vehicle Repair Shops.

Examining these example codes provides us with different options and paths we may take with our code. We could bolster our parameters, specifically list allowed uses, and/or specifically prohibit certain uses. The trade off with specifically allowing or prohibiting certain uses is that the code requires consistent and constant updating with new and emerging type of businesses. Should we decide to bolster our parameters the following are some examples of additions that may meet our goals:

- No media or off-premises advertising shall give the address or location of the home occupation.
- May only be operated and staffed with residents of the property.
- Client visits may only occur during the hours between 8:00 AM and 8:00 PM.
- No more than eight customer vehicles visits to the site a day.
- No materials that are explosive, highly flammable, corrosive, radioactive or toxic may be utilized or discarded on premises.
- Services to patrons shall be arranged by appointment.
- All stock and goods must be produced on site.
- All stock and goods must be produced on site, by hand, without the use of automated or production line equipment.
- Delivery and shipments to and from the site with frequency that would involve commercial motor vehicles are prohibited.
- The home occupation cannot require the use of electrical or mechanical equipment that would change the fire rating of the structure.
- The home occupation does not require the use of electrical equipment that exceeds the FCC standards for residential use.
- The home occupation shall not increase the water or sewer use so that the combined total use of the dwelling and the home occupation is significantly more than the average for residences in the neighborhood.
- Any home occupation authorized under the provisions of the Municipal Code shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this code.

These examples were pulled from various other jurisdictions including Pasco, Marysville, Spokane, Union Gap, and Mosses Lake. It should be noted that other jurisdictions largely already have the same parameters that Toppenish currently uses, but has one or two additional codes which are listed above.

Staff is seeking discussion on the a path forward and the feasibility of adding additional parameters to the existing code. Following such guidance the proposed amendment will be brought back to Planning Commission for further considerations.

Recommendation: Not Applicable