

CITY OF WHITE SALMON
ORDINANCE NO. 2013-05-915

AN ORDINANCE OF THE CITY OF WHITE SALMON ALLOWING CERTAIN HOME OCCUPATIONS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of White Salmon formerly permitted home occupations within residential areas; and

WHEREAS, it the City's recent land use updates home occupations were not included as permitted uses; and

WHEREAS, the Council finds that allowing certain home occupations in residential areas can benefit the City's economy and encourage family values without adversely impacting the residential character of neighborhoods within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1 – Adding a new Chapter 17.56:

17.56 Home Occupations.

Sections:

- 17.56.010 Purpose.
- 17.56.020 Permit required.
- 17.56.030 Application process.
- 17.56.040 Exemptions.
- 17.56.050 Ineligible activities.
- 17.56.060 Minimum standards.
- 17.56.070 Required conditions.
- 17.56.080 Permit administration and enforcement.

17.56.010 Purpose.

A. The intent of this chapter is to ensure that home occupations are properly permitted, are undertaken only within a dwelling unit or associated accessory structure located in a residential use district, are incidental to the primary residential use of the structure and land and are compatible with the residential character of the neighborhood.

B. In addition, the intent of this chapter is to ensure that business activities that are allowed in residential neighborhoods are regulated as home occupations, and that activities not able to meet the requirements of this chapter are performed in mixed use, commercial, or light industrial zoning districts.

C. This chapter is not intended to regulate typical family or personal activities, or occasional visits by business associates and outside service providers, except as otherwise provided.

D. It is not the intent of this chapter to involve the city in the enforcement of private restrictive covenants.

17.56.020 Permit required.

A. Applicability. No home occupation shall be operated within the city except in accordance with the provisions of this chapter. A home occupation permit is required for all home occupations except those exempted pursuant to WSMC 17.56.040.

B. Transferability. A home occupation permit is not transferable to another person, entity or business and is valid only for the property address set forth on the permit.

17.56.030 Application process.

A. Applications. The application for a home occupation permit shall be submitted on forms obtained from the City Planning Director (hereinafter referred to as “the director”), and shall be acknowledged by the property owner, if other than the applicant. The application shall contain all of the information required by the director. The applicant shall also include with his/her request a scaled plot plan detailing the property, improvements to the property, and the location of the home business.

B. Procedure. The director shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a city business license.

C. Approval Process. Home occupations shall be processed as Type I permits, in accordance with the administrative approval procedures of Chapter 19.10 WSMC.

D. Limitation. Only one home occupation permit may be in effect at any one time with regard to any residential dwelling unit, including any accessory building, and the home business will under no circumstance be subdivided from the residential property for the purpose of sale, lease or rent.¹

17.56.040 Exemptions.

The following activities are exempt from the permit requirements of this chapter, but shall otherwise comply with the substantive requirements of this chapter:

A. Any activities that involve no more than five vehicle visits per week, no nonresident employees, and which are incidental to the residential use of the property;

B. Instructional activities involving up to 10 nonresidents, which occur not more than one time per week; and

C. Child care services involving 12 or fewer children, including children who reside in the home.

17.56.050 Ineligible activities.

The following activities are not eligible for a home occupation permit because of their incompatibility with the maintenance of residential neighborhood character:

- A. Retail activities, except for merchandise crafted on-site or items clearly accessory to a service (e.g., sales of paintings, crafts or art work, and sales of hair care products incident to a beauty salon);
- B. Stables, kennels, animal husbandry or farming activities except as provided in Title 6 WSMC;
- C. Vehicle repair, automobile detailing or automobile servicing activities;
- D. Any activities involving more than five customer or business visits per day; and
- E. Any use of a nature that is similar to those listed in this section or which creates impacts on the surrounding neighborhood similar to those created by the uses listed in this section.

17.56.060 Minimum standards.

Every home occupation shall meet all of the following minimum standards:

- A. No variation from the residential character of the dwelling or neighborhood shall be permitted, and no physical change shall be made to the exterior of the structure solely to accommodate the home occupation;
- B. All activities shall be conducted entirely within the principal or accessory structure;
- C. Maximum floor area devoted to the home occupation shall not exceed 50 percent of the floor area, or 800 square feet, whichever is less;
- D. There shall be no outside display of any goods or material associated with the home occupation;
- E. Except for the purchase of merchandise crafted on-site or items clearly accessory to a service (e.g., paintings, crafts or artwork, and hair care products incident to a beauty salon) no retail customers shall visit the home premises at any time;
- F. There shall be no business visits or nonresident worker arrivals or departures permitted before 8:00 a.m. or after 9:00 p.m.;
- G. One sign identifying the home business shall be permitted, which shall be no larger than three square feet in size, without illumination, and mounted flat to the main wall of either the principal or accessory structure;

H. Except for three nonresident workers, and except for occasional visits by business associates and outside service providers, persons who do not reside on the premises shall be prohibited from working at the home occupation;

I. Materials, goods or commodities shall be delivered to or from the home occupation only from 8:00 a.m. to 6:00 p.m. Monday through Friday; truck delivery or pick-up not common to a residential dwelling is not allowed;

J. No more than one worker vehicle may be parked on-street, and under no circumstances shall parking for the home occupation cause traffic hazards or parking problems on adjacent rights-of-way;

K. Heavy equipment, large power tools or noise or power sources not compatible with residential areas shall not be allowed, and no electrical or other similar interference shall be perceptible beyond the property boundary;

L. No production, generation of any hazardous substance, or storage of any hazardous waste shall be permitted; and

M. The home occupation shall comply with all other applicable requirements contained within the White Salmon Municipal Code.

17.56.070 Required conditions.

The director may issue a permit for a home occupation provided that the following affirmative findings are made:

A. The home occupation does not involve equipment or processes that introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or hazards in excess of those normally found in residential areas;

B. The home occupation does not significantly increase local vehicular or pedestrian traffic;

C. The home occupation is not materially injurious or detrimental to adjoining or abutting properties;

D. The home occupation does not endanger the public health, morals, safety and welfare;

E. The home occupation complies with all applicable local, state and federal laws and regulations;

F. At least one person residing on the premises is engaged in the operation;

G. The home business does not adversely affect the use or enjoyment of adjacent properties, and maintains the character of the area in which it is located;

H. The home occupation is fully enclosed within the primary residence or an accessory structure that is architecturally and aesthetically compatible with the surrounding residential area; and

I. The home business does not involve any outside storage of materials, goods, supplies or equipment, or an outside display of any kind.

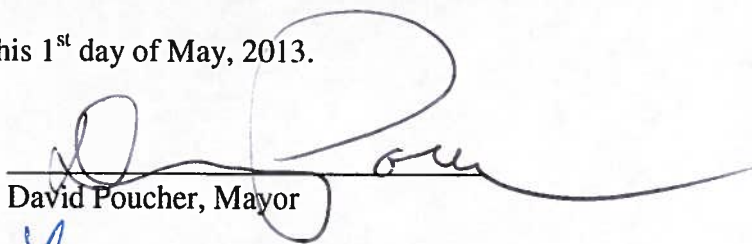
17.56.080 Permit administration and enforcement.

Home occupations shall be processed as Type I permits in accordance with Chapter 19.01 WSMC, and enforced in accordance with the procedures detailed in Chapter 1.16 WSMC.

SECTION 3 - SEVERABILITY: If any section, sentence, or phrase of this Chapter is 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 or phrase of this Chapter.

SECTION 4 - EFFECTIVE DATE. This ordinance shall become effective following passage and publication as provided by law.

PASSED in regular session this 1st day of May, 2013.

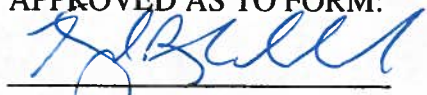


David Poucher, Mayor



Leana Johnson, Clerk-Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney