



Updates to Home Occupations and ACU Research

City Planning Commission
Ordinance Revision Committee

10-22-2024



Introduction

- Home Occupations recently updated in 2021
 - Ordinance No. ORD-21-24; Home Occupations; approved September 7, 2021, effective September 26, 2021
- On September 3, 2024, City Council passed Resolution 24-368, first introduced on August 19, a resolution to consider allowing more flexibility for home occupations in residential neighborhoods. (Attached to agenda)



Definitions

Home Occupation An *accessory use* of a nonresidential nature that is performed within a *dwelling unit* or within an *accessory building*, and conducted by members of the *family* residing in the *dwelling unit*, and not more than one additional employee.

Use, Accessory A land use that is subordinate in use, area, or purpose to a principal land use on the same *lot* and serving a purpose naturally and normally incidental to such principal land use.

Building, Accessory A *building* that is subordinate in use, area and purpose to the *principal use* and *principal building* in which an *accessory use* is contained or conducted on the *lot*. *Accessory buildings* can be attached or detached to a *principal building*. When attached, the *accessory building* shall be considered part of the *principal building* for setback purposes.

5.15.2 Accessory Uses



TABLE 5.15-2: ACCESSORY USE TABLE

See Table Notes (at bottom) for Important Information.

Key: A = accessory | E = special exception | Blank = prohibited

USES (BY TYPE)	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS						NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS						USE SPECIFIC STANDARDS			
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE		ORL	M1 (ALL)	M2
ALL ACCESSORY BUILDINGS																						5.16.6A
<i>Bed and Breakfast, Accessory</i>		A	A	A	A	A																
<i>Community Recreation</i>					A	A																
<i>Dish Antenna</i>		A	A	A	A	A	A															5.16.6B
<i>Drive-Through Facility</i>								E		E	E	E	E									5.16.6C
<i>Dwelling Unit, Accessory</i>		A																				5.16.6D
<i>Dwelling Unit, Manager's</i>																				A	A	5.16.6E
<i>Family Day Care Home</i>	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6F
<i>Group Day Care Home</i>	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6G
<i>Home Occupation</i>	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6H
<i>Incidental Sales and Services</i>								A							A				A			5.16.6I
<i>Management/Maintenance Office and Storage</i>					A	A	A	A	A	A	A	A	A				A	A	A			
<i>Medical Marijuana Home Occupation</i>	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.3G
<i>Medical Marijuana Use or Cultivation</i>	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.3G



Resolution 24-368

Directive to consider (but not limit review to):

- maximum permissible floor area
- number of customers per day
- number of customers at a time
- number of allowed non-resident employees
- allowing uses that are not customarily incidental and secondary to a residential use



Resolution Areas of Interest

Performance Standard	Current Regulation
(c + i) max permissible floor area	25% of floor area of principal dwelling unit or up to 2,000 sf in accessory building (*can't exceed dwelling unit sf)
(e) # of customers per day	24 client visits per day
(e) # of customers at a time	Maximum of six clients at a time between 8a-8pm
(d) # allowed non-resident employees	One non-resident employee
(a) allowing uses not customarily incidental and secondary to a residential use	Follows logic of other accessory uses: subordinate in use, area, or purpose to a principal land use on the same <i>lot</i> and serving a purpose naturally and normally incidental to such principal land use.

More Performance Standards (5.16.6H)



- b. Any storage of goods, materials, and equipment shall be entirely within the interior of a *building*.
- e. ... Hours for visits shall be between 8:00 a.m. and 8:00 p.m.
- f. No truck or van with a gross vehicle weight greater than 10,000 pounds shall be parked on the site or in front of the site on a regular basis.
- g. Mechanized equipment shall be used only in a completely enclosed *building*.
- h. No generation of dust, odors, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.
- i. ... All *home occupation* performance standards apply to *home occupations* located in *accessory buildings*.
- j. *Home occupations* shall be conducted in conformance with all applicable federal, state, and local laws.
- k. *Home occupation* performance standards in this section shall apply to the total number of *home occupations* in a *dwelling unit* and *accessory structure*.



“Accessory Commercial Units”

Discussion:

- Front Setbacks
- Signage
- Connection to Comprehensive Plan
- Goals and Economics

