

Dembowski moved Amendment 12.
The motion carried.

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12/9/24

Zahilay – home occupations/
industries
(PO)

[E. Auzins]

Sponsor: Zahilay

Proposed No.: 2023-0440.2

1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**

2 **2023-0440, VERSION 2**

3 On page 680, line 13056, after "D." insert "The dwelling unit shall be the primary
4 residence of the owner of the home occupation business."

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6 On page 684, line 13140, after "E." insert "The dwelling unit shall be the primary
7 residence of the owner of the home occupation business."

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9 On page 687, line 13206, after "resident" insert "of a dwelling unit"

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11 On page 687, line 13213, after "D." insert "The dwelling unit shall be the primary residence
12 of the owner of the home industry business."

13

14 **EFFECT prepared by E. Auzins:** Would require, for home occupations and home
15 industries, that the dwelling unit be the primary residence of the owner of the business.

16

17 The language in blue would be added:

18

19 SECTION 298. Ordinance 10870, Section 536, as amended, and K.C.C.
20 21A.30.080 are hereby amended to read as follows:

21

22 In the R, UR, NB, CB, and RB zones, residents of a dwelling unit may conduct
one or more home occupations as accessory activities, (~~only if~~) as follows:

- 23 A. The total floor area of the dwelling unit devoted to all home occupations shall
 24 not exceed twenty percent of the floor area of the dwelling unit((-));
- 25 B. Areas within garages and storage buildings shall not be considered part of the
 26 dwelling unit and may be used for activities associated with the home occupation;
- 27 C. All the activities of the home occupation or occupations shall be conducted
 28 indoors, except for those related to growing or storing of plants used by the home
 29 occupation or occupations;
- 30 D. The dwelling unit shall be the primary residence of the owner of the home
 31 occupation business. A home occupation or occupations is not limited in the number of
 32 employees that remain off-site. No more than one nonresident employee shall be
 33 ~~((permitted))~~ allowed to work on-site for the home occupation or occupations;
- 34 E. The following uses, by the nature of their operation or investment, tend to
 35 increase beyond the limits ~~((permitted))~~ allowed for home occupations. Therefore, the
 36 following shall not be ~~((permitted))~~ allowed as home occupations:
- 37 1. Automobile, truck, and heavy equipment repair;
 - 38 2. Auto body work or painting;
 - 39 3. Parking and storage of heavy equipment;
 - 40 4. Storage of building materials for use on other properties;
 - 41 5. Hotels, motels, or organizational lodging;
 - 42 6. Dry cleaning;
 - 43 7. Towing services;
 - 44 8. Trucking, storage, or self service, except for parking or storage of one
 45 commercial vehicle used in home occupation;
 - 46 9. Veterinary clinic;
 - 47 10. Recreational ~~((marijuana))~~ cannabis processor, recreational ~~((marijuana))~~
 48 cannabis producer, or recreational ~~((marijuana))~~ cannabis retailer; and
 - 49 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,
 50 except that home occupation adult beverage businesses operating under an active
 51 Washington state Liquor and Cannabis Board production license issued for their current
 52 location before December 31, 2019, and where King County did not object to the location
 53 during the Washington state Liquor and Cannabis Board license application process, shall
 54 be considered legally nonconforming and allowed to remain in their current location
 55 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this
 56 section as of December 31, 2019. Such nonconforming businesses shall remain subject
 57 to all other requirements of this section and other applicable state and local regulations.
 58 The resident operator of a nonconforming winery, brewery or distillery home occupation
 59 shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;
- 60 F. In addition to required parking for the dwelling unit, on-site parking is
 61 provided as follows:
- 62 1. One stall for each nonresident employed by the home occupations; and
 - 63 2. One stall for patrons when services are rendered on-site;
- 64 G. Sales are limited to:
- 65 1. Mail order sales;
 - 66 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 67 and
- 68 3. Items accessory to a service provided to patrons who receive services on the
 69 premises;
- 70 H. On-site services to patrons are arranged by appointment;

71 I. The home occupation or occupations use or store a vehicle for pickup of
72 materials used by the home occupation or occupations or the distribution of products
73 from the site, only if:

- 74 1. No more than one such a vehicle is allowed; and
- 75 2. The vehicle is not stored within any required setback areas of the lot or on
76 adjacent streets; and
- 77 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of
78 one ton;

79 J. The home occupation or occupations do not:

- 80 1. Use electrical or mechanical equipment that results in a change to the
81 occupancy type of the structure or structures used for the home occupation or
82 occupations; or
- 83 2. Cause visual or audible interference in radio ~~((\emptyset))~~ receivers, television
84 receivers, or electronic equipment located off-premises or cause fluctuations in line
85 voltage off-premises;

86 K. There shall be no exterior evidence of a home occupation, other than growing
87 or storing of plants under subsection C. of this section or an ~~((permitted))~~ allowed sign,
88 that would cause the premises to differ from its residential character. Exterior evidence
89 includes, but is not limited to, lighting~~((\emptyset))~~ and the generation or emission of noise,
90 fumes, or vibrations as determined by using normal senses from any lot line or on
91 average increase vehicular traffic by more than four additional vehicles at any given time;

92 L. Customer visits and deliveries shall be limited to ~~((the hours of))~~ 8:00 a.m. to
93 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

94 M. Uses not allowed as home occupations may be allowed as a home industry
95 under K.C.C. 21A.30.090.

96 SECTION 299. Ordinance 15606, Section 20, as amended, and K.C.C.
97 21A.30.085 are hereby amended to read as follows:

98 In the A, F₂ and RA zones, residents of a dwelling unit may conduct one or more
99 home occupations as accessory activities, ~~((under the following provisions))~~ as follows:

100 A. The total floor area of the dwelling unit devoted to all home occupations shall
101 not exceed twenty percent of the dwelling unit~~((\emptyset))~~;

102 B. Areas within garages and storage buildings shall not be considered part of the
103 dwelling unit and may be used for activities associated with the home occupation;

104 C. Total outdoor area of all home occupations shall be ~~((permitted))~~ as follows:

- 105 1. For any lot less than one acre: Four hundred forty square feet; and
- 106 2. For lots one acre or greater: One percent of the area of the lot, up to a
107 maximum of five thousand square feet~~((\emptyset))~~;

108 D. Outdoor storage areas and parking areas related to home occupations shall be:

- 109 1. No less than twenty-five feet from any property line; and
- 110 2. Screened along the portions of such areas that can be seen from an adjacent
111 parcel or roadway by the:

- 112 a. planting of Type II landscape buffering; or
- 113 b. use of existing vegetation that meets or can be augmented with additional
114 plantings to meet the intent of Type II landscaping;

115 E. The dwelling unit shall be the primary residence of the owner of the home
116 occupation business. A home occupation or occupations is not limited in the number of
117 employees that remain off-site. Regardless of the number of home occupations, the
118 number of nonresident employees is limited to no more than three who work on-site at

119 the same time ~~((and no more than three who report to the site but primarily provide~~
120 ~~services off site));~~

121 F. In addition to required parking for the dwelling unit, on-site parking is
122 provided as follows:

- 123 1. One ~~((stall))~~ space for each nonresident employed on-site; and
- 124 2. One ~~((stall))~~ space for patrons when services are rendered on-site;

125 G. Sales are limited to:

- 126 1. Mail order sales;
- 127 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 128 3. Items accessory to a service provided to patrons who receive services on the
129 premises;
- 130 4. Items grown, produced, or fabricated on-site; and
- 131 5. On sites five acres or larger, items that support agriculture, equestrian, or
132 forestry uses except for the following:
 - 133 a. motor vehicles and parts ~~((North American Industrial Classification System~~
134 ~~("NAICS" Code 441)))~~ SIC Major Group 55);
 - 135 b. electronics and appliances ~~((NAICS Code 443))~~ SIC Industry Groups and
136 Industries 504, 506, 5731, 5734, 5722, and 5946); and
 - 137 c. building material and garden equipment~~((s))~~ and supplies ~~((NAICS Code~~
138 ~~444))~~ SIC Major Group 52);

139 H. The home occupation or occupations do not:

- 140 1. Use electrical or mechanical equipment that results in a change to the
141 occupancy type of the structure or structures used for the home occupation or
142 occupations;
- 143 2. Cause visual or audible interference in radio or television receivers, or
144 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 145 3. Increase average vehicular traffic by more than four additional vehicles at any
146 given time;

147 I. Customer visits and deliveries shall be limited to ~~((the hours of))~~ 8:00 a.m. to
148 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

149 J. The following uses, by the nature of their operation or investment, tend to
150 increase beyond the limits ~~((permitted))~~ allowed for home occupations. Therefore, the
151 following shall not be ~~((permitted))~~ allowed as home occupations:

- 152 1. Hotels, motels, or organizational lodging;
- 153 2. Dry cleaning;
- 154 3. Automotive towing services, automotive wrecking services, and tow-in
155 parking lots;
- 156 4. Recreational ~~((marijuana))~~ cannabis processor, recreational ~~((marijuana))~~
157 cannabis producer, or recreational ~~((marijuana))~~ cannabis retailer; and
- 158 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,
159 except that home occupation adult beverage businesses operating under an active
160 Washington state Liquor and Cannabis Board production license issued for their current
161 location before December 31, 2019, and where King County did not object to the location
162 during the Washington state Liquor and Cannabis Board license application process, shall
163 be considered legally nonconforming and allowed to remain in their current location
164 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this
165 section as of December 31, 2019. Such nonconforming businesses shall remain subject
166 to all other requirements of this section and all applicable state and local regulations. The

167 resident operator of a nonconforming home occupation winery, brewery or distillery shall
168 obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;

169 K. Uses not allowed as home occupation may be allowed as a home industry
170 under K.C.C. chapter 21A.30; and

171 L. The home occupation or occupations may use or store vehicles, as follows:

172 1. The total number of vehicles for all home occupations shall be:

173 a. for any lot five acres or less: two;

174 b. for lots greater than five acres: three; and

175 c. for lots greater than ten acres: four;

176 2. The vehicles are not stored within any required setback areas of the lot or on
177 adjacent streets; and

178 3. The parking area for the vehicles shall not be considered part of the outdoor
179 storage area provided for in subsection C. of this section.

180 SECTION 300. Ordinance 10870, Section 537, as amended, and K.C.C.
181 21A.30.090 are hereby amended to read as follows:

182 A resident of a dwelling unit may establish a home industry as an accessory
183 activity, as follows:

184 A. The site area is one acre or greater;

185 B. The area of the dwelling unit used for the home industry does not exceed fifty
186 percent of the floor area of the dwelling unit((:));

187 C. Areas within attached garages and storage buildings shall not be considered
188 part of the dwelling unit for purposes of calculating allowable home industry area but
189 may be used for storage of goods associated with the home industry;

190 D. The dwelling unit shall be the primary residence of the owner of the home
191 industry business. No more than six nonresidents who work on-site at the time;

192 E. In addition to required parking for the dwelling unit, on-site parking is
193 provided as follows:

194 1. One ((stall)) space for each nonresident employee of the home industry; and

195 2. One ((stall)) space for customer parking;

196 F. Additional customer parking shall be calculated for areas devoted to the home
197 industry at the rate of one stall per:

198 1. One thousand square feet of building floor area; and

199 2. Two thousand square feet of outdoor work or storage area;

200 G. Sales are limited to items produced on-site, except for items collected, traded,
201 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

202 H. Ten feet of Type I landscaping are provided around portions of parking and
203 outside storage areas that are otherwise visible from adjacent properties or public rights-
204 of-way;

205 I. The department ensures compatibility of the home industry by:

206 1. Limiting the type and size of equipment used by the home industry to those
207 that are compatible with the surrounding neighborhood;

208 2. Providing for setbacks or screening as needed to protect adjacent residential
209 properties;

210 3. Specifying hours of operation;

211 4. Determining acceptable levels of outdoor lighting; and

212 5. Requiring sound level tests for activities determined to produce sound levels
213 that may be in excess of those in K.C.C. chapter 12.88;

214 J. Recreational (~~(marijuana)~~) cannabis processors, recreational (~~(marijuana)~~)
215 cannabis producers, and recreational (~~(marijuana)~~) cannabis retailers shall not be allowed
216 as home industry; and

217 K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
218 not be allowed as home industry, except that home industry adult beverage businesses
219 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
220 application before December 31, 2019, shall be considered legally nonconforming and
221 allowed to remain in their current location subject to K.C.C. 21A.32.020 through
222 21A.32.075. Such nonconforming businesses remain subject to all other requirements of
223 this section and all applicable state and local regulations. The resident operator of a
224 nonconforming winery, brewery or distillery home industry shall obtain an adult
225 beverage business license in accordance with K.C.C. chapter 6.74.