

ORDINANCE NO. 957
AN ORDINANCE OF THE CITY OF CHEWELAH ADOPTING ZONE TEXT
AMENDMENTS RELATIVE TO HOME OCCUPATIONS

WHEREAS, the City initiated an amendment to *Title 18 – Zoning* of the Chewelah Municipal Code in order to provide greater flexibility to property owners by allowing home occupations to reside in either the residence or an accessory structure on the same property; and

WHEREAS, the proposed amendment was referred to and a Public Hearing was held by the Hearing Examiner on April 6, 2021; and

WHEREAS, the Hearing Examiner after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council approve ZTA-02-2021; and

WHEREAS, a Public Hearing was held by the City Council on June 2, 2021.

NOW THEREFORE, the City Council of the City of Chewelah finds as follows:

THAT the facts stated in the above recitals are true; and

THAT all procedural requirements for a Zone Text Amendment (ZTA) in accordance with Chewelah Municipal Code Chapter 18.20 regarding the present ZTA have been properly complied with; and

THAT the City Council of the City of Chewelah adopts the findings and conditions of the Hearing Examiner as presented in the "Findings, Conclusions, and Decision - File No. ZTA-02-2021" dated April 27, 2021 as the basis for this Ordinance.

NOW THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: The following existing definition in CMC Section 18.04.040 is amended to read as follows (**Deletions are denoted by strikeout; Additions are denoted by underline**; remaining text is unchanged):

"Home occupation" means any ~~activity~~ business or professional enterprise conducted ~~for financial gain or profit~~ in a dwelling unit or accessory structure, which is not generally or customarily characteristic of activities for which dwelling units are intended or designed. Such activity is clearly incidental or secondary to the residential use of a ~~dwelling unit~~ the premises, and is conducted only by persons residing in the dwelling unit.

*all
pjm*

SECTION 2: *Section 18.12.080 Home Occupation* is amended to read as follows (~~Deletions are denoted by strikeout; Additions are denoted by underline~~; remaining text is unchanged):

18.12.80 Home Occupation

- A. Purpose and Intent. Home occupations are businesses conducted in a residence or accessory structure, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the ~~dwelling property~~ is maintained. The provision for home occupations allows for the gainful employment ~~in the at~~ home so long as the enterprise does not disrupt or reduce the surrounding residents' enjoyment of their neighborhood.
- B. Standards.
1. Home occupations may be conducted in any zone provided that the home occupation complies with the following standards:
 - a. The home occupation shall be conducted entirely within the residence or an accessory structure;
 - b. No more than ~~twenty-five percent of the floor area within a dwelling or five hundred square feet, whichever is less,~~ five hundred square feet within a dwelling or accessory structure shall be devoted to the business;
 - c. No structural alteration or construction to accommodate the home occupation which would, upon the vacation of the home occupation, be of a character indicating a nonresidential use or which would not lend itself to the ordinary residential occupancy of this space formerly devoted to the home occupation, ~~and no entrance to the space devoted to the home occupation from other than within the dwelling except when otherwise required by law~~ will be allowed;
 - d. The home occupation shall employ a maximum of two persons, provided the persons permanently reside in the dwelling;
 - e. The home occupation shall not generate vehicular traffic which will interfere with residential traffic circulation or have more vehicles parked than there are parking spaces;
 - f. Appointments shall be scheduled so that no more than ~~one two~~ customers is are at the residence at any given time;
 - g. No retail sales, directly to the public, are permitted from any residence;
 - h. The home occupation shall not create or cause hazards or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference, or other adverse impacts; and
 - i. The home occupation shall not involve the use or storage of explosive, toxic, combustible or flammable materials in a quantity that exceeds the amounts incidental to normal residential use.
 2. The number of home occupations at any one address is limited to one.

*del
pjm*

(Ord. No. 900, § 7, 8-3-2016)

SECTION 3: SEVERABILITY CLAUSE. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.



Mayor Dorothy L. Knauss



AUTHENTICATE: Pamela McCart, Clerk/Treasurer

Approved as to form:



Michael D. Waters, WSBA #46497
McGrane & Schuerman, PLLC
City Attorney

Introduced: June 2, 2021
Adopted: June 2, 2021
Published: June 10, 2021