

## **Current Home Occupation Sections – Castle Rock Municipal Code**

### **17.16.350 Home occupation.**

A. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

B. An accessory use of a dwelling unit for gainful employment which:

1. Is clearly incidental and subordinate to the use of the dwelling unit as a residence;
2. Is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwellings;
3. Is located in a residential district; and
4. Is created and operated as a sole proprietorship.

### **17.48.130 Home occupations – Required criteria.**

All permitted home occupations shall comply with the following criteria:

A. All home occupations shall be required to obtain a business license as provided for in Chapter [5.01](#) CRMC. Consideration of a home occupation business license requires a Type I development review process, the application materials and procedures for which are provided in CRMC [17.77.040](#). Thereafter all home occupations shall be required to renew the business license each year from the city clerk-treasurer's office and, upon review by an authorized representative of the city and/or fire department, shall:

1. Either be allowed to continue if found to be conforming to this title or any conditional use requirements;
2. Be allowed to continue with corrective modifications made by the applicant if found to be nonconforming to any requirements of this title or any conditional use requirements; or
3. Be discontinued for cause if found to be nonconforming to this title or any conditional use requirements and, despite modifications, the use is not capable of conformance.

B. During the required annual inspection it shall be determined if the current conditions of the home occupation comply with those that existed at the time of original approval and the other criteria of this section. Additionally, the city clerk-treasurer or designated representative may inspect the location of the home occupation at any time during the year if there is reason to believe that the provisions of this title are not being obeyed. For example, a complaint is made

against the home occupation or possible inappropriate activities are observed by city staff. If the home occupation is not in compliance with this section, then the alternatives listed in subsection (A) of this section shall apply.

C. Not over 30 percent of the total floor area of one floor or 400 square feet, whichever is less, of the residential building is to be used for the home occupation. Home occupations permitted as a conditional use in an accessory building may occupy not over 30 percent of the total floor area or 400 square feet, whichever is less, of one floor of the accessory building. These floor area requirements also apply to storage associated with or necessary for the home occupation.

D. The home occupation is to be secondary to the main use of the dwelling as a residence or a single residential accessory building.

E. No structural alterations, as defined in CRMC [17.16.700](#), shall be allowed to accommodate the home occupation except when otherwise required by law, e.g., construction of a fire wall required by the Uniform Building or Fire Code.

F. No entrance to the space devoted to the home occupation other than from within the dwelling or accessory building shall be allowed except when otherwise required by law.

G. A maximum of two persons may be engaged in the home occupation, provided the business owner resides in the dwelling unit associated with the home occupation.

H. Window displays or sample commodities displayed outside the building may be permitted as a conditional use.

I. Home occupation may have one sign, nonilluminated and attached to the principal building or on shingle attached to the principal building, no larger than eight square feet.

J. No materials or mechanical equipment shall be used which will be detrimental to or cause adverse effects to the residential use of the dwelling, accessory building, adjoining dwellings, or neighbors because of vibrations, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

K. No materials or commodities shall be delivered to or from the resident which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer, excluding such small delivery vehicles as UPS, American Express, Pony Express and other similar services.

L. The type of use, as determined by the city director of public works, shall not be one which generates frequent customer visits, creates street-side parking problems or inconveniences to adjacent and nearby residents, or creates potential or real traffic hazards to neighborhood residents.

M. Materials, products or commodities related to the home occupation may be stored and/or operated upon any yard area of the property as a conditional use.

N. Fees for home occupation business licenses, conditional use permits and required inspections shall be set forth in a fee schedule as determined by the city council and/or fire department.

**17.77.040 Development permit review procedures.**

D. Development Permit Application Requirements and Review Procedures.

1. Type I – Administrative I.

a. Type I – Administrative I. A Type I development review process is used to review a tenant improvement permit or home occupation business license (CRMC [17.48.130](#)), the uses of which are totally contained in an existing structure and require no expansion to the building footprint. The purpose of a Type I development review process is for the members of the development review committee to make a recommendation to the building official prior to making a decision on whether to issue an occupancy permit.

A use requiring a Type I development review process is usually relatively minor in scope and so few application materials are required and public notice is not provided. However, the project may trigger additional reviews such as compliance with Chapter [18.04](#) CRMC, Environmental Policy, or require submittal of additional materials such as a traffic impact analysis or, in the case of restaurants and/or catering services, a demonstration of compliance with Cowlitz County department of health requirements.

b. The application for a permit requiring a Type I development review process shall be submitted on forms obtained from the city clerk-treasurer’s office and shall be signed by the applicant and the owner of the property.

c. A complete application for a permit requiring Type I development permit includes:

i. One copy of the master application;

ii. One copy of the environmental questionnaire (an affirmative answer to any one question triggers the requirement to submit a SEPA checklist and undergo environmental review in accordance with Chapter [18.04](#) CRMC);

iii. One copy of a narrative describing the proposed use and the expected number of occupants and/or employees;

iv. One reproducible copy (eight and one-half inches by 11 inches or 11 inches by 17 inches) or seven oversized copies of a floor plan showing:

(A) All existing and proposed walls.

(B) Use(s) of adjacent tenant spaces, if applicable.

(C) Disability Access. Show how area of renovation/improvement complies with disabled access requirements including paths of travel to points of ingress/egress, restrooms, drinking fountains and public telephones.

(D) Occupancy. Indicate type of occupancy and describe the proposed use of the improved area (i.e., retail sales, woodshop, office, etc.).

(E) Doors. Show all door locations, fire rating (if applicable), direction of swing, self-closing mechanisms, required exit signage and lighting, etc.

(F) Plumbing specifications, such as types and locations of fixtures, drains, and grease traps.

(G) Restroom design and number of fixtures.

(H) Lighting type and locations of fixtures.

(I) Restaurant and/or catering uses shall include all information required by the Cowlitz County health department;

v. One reproducible copy (eight and one-half inches by 11 inches or 11 inches by 17 inches) or seven oversized copies of a plot plan showing:

(A) All property lines, labeled with dimensions;

(B) All existing structures;

(C) Accessible path of travel from public sidewalk and/or parking space to tenant space; and

(D) Off-street parking and loading requirements of Chapter [17.52](#) CRMC.

d. Within 10 working days of receipt of a complete application, the city clerk-treasurer's office shall transmit a copy of the application to the development review committee members for their comments or recommendations regarding the application. The city clerk-treasurer may also route the application to other jurisdictions or agency staff, and invite their participation in the development review process if determined appropriate. If applicable, this routing will be combined with circulation of the completed State Environmental Protection Act (SEPA) checklist and the timeline for that process will supersede these procedures.

e. Within 10 working days of receipt of the application materials, members of the development review committee shall forward a recommendation to the building

official whether to approve, approve with conditions or deny the underlying permit. If additional information is necessary to properly evaluate the proposal, staff shall provide in writing sufficient direction to explain what is being requested. When significant issues are raised, a meeting between the applicant and appropriate city representatives shall be held.

f. The building official shall consider the recommendation of the development review committee when deciding whether to issue the underlying permit.

g. Appeal of the building official's decision must be submitted to the city clerk-treasurer in writing no later than 10 business days following the building official's decision.