

Chapter 19.57
HOME OCCUPATION PERMITS

Sections:

- 19.57.010 Purpose
- 19.57.020 Applicability
- 19.57.030 Exemptions
- 19.57.040 Ineligible Activities
- 19.57.050 Permit Conditions
- 19.57.060 Permit Procedure
- 19.57.070 Violations

19.57.010 Purpose.

The purpose of this chapter is to allow for home occupations which are limited commercial activity within residences while ensuring that all commercial activity remains incidental to the residential use and does not interfere with the residential character of the neighborhood through, noise, traffic, safety hazards, or any other public nuisances not typical to the neighborhood.

19.57.020 Applicability.

- A. The Planning Director is authorized to approve home occupation permits consistent with the regulations of this chapter.
- B. Home occupations shall be permitted as an accessory use to residential single family and residential multi-family uses in all zones, provided that the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes.
- C. Home occupations shall be conducted wholly within the primary structure or existing accessory building on the premises. The primary use of the premises shall be residential and at no time shall the home occupation become the predominate use.
- D. The home occupation must be conducted by a resident of the dwelling unit. Only one home occupation permit may be in effect at any one time on the premises.

19.57.030 Exemptions.

The following activities are exempt from the permit requirements of this chapter, and shall be considered an accessory use and permitted outright with no permit required. However, exempt activities are subject to all conditions of this chapter specifically 19.57.050. In addition, complaints on any exempt activity will cause review of exempt status.

- A. Those activities which involve office work for a business primarily conducted elsewhere, has no outward manifestation of the business and has no customers or employees visiting the premises; shall be considered exempt.

- B. Part-time instructional activities such as but not limited to, tutoring, fine arts and music lessons provided that there is no negative impact to the neighborhood and surrounding areas.

19.57.040 Ineligible Activities

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

- A. Retail store fronts with set hours.
- B. Rental of products;
- C. Vehicle repair, automobile detailing or automobile servicing activities;
- D. Medical or professional clinics;
- E. Hospitals and mortuaries;
- F. Eating and/or drinking establishments;
- G. Stables and kennels;

19.57.050 Permit Conditions

The following standards shall apply to all home occupations. An applicant wishing to apply for a business license for a home occupation must demonstrate compliance with these standards prior to obtaining a business license. The home occupation shall be conducted in a manner which will not alter the normal residential character of the premises or the surrounding neighborhood.

- A. The home occupation does not involve equipment or processes that introduce noise, smoke, dust, fumes, vibrations, odors, or any other hazardous substance in excess of those normally common to residential areas.
- B. Business visitors or customers shall be limited to a combined total of ten (10) visits per week with no more than a combined total of five (5) visits per day.
- C. Materials, goods or commodities shall be delivered to or from the premises where the home occupation is located between the hours of 8:00 a.m. to 7:00 p.m. Truck delivery or pick-up not common to a residential neighborhood is not allowed.
- D. The home occupation shall not exceed twenty-five percent of the floor area of the primary structure or fifty percent of an accessory building on the premises.
- E. There shall be no exterior modification of the primary structure or accessory building in order to accommodate the home occupation, nor shall there be any outward manifestation of the home occupation. The home occupation shall not be visible or audible from any property line.
- F. No more than one assistant or employee, in addition to the resident(s), may engage in the home occupation on the premises. However, for home occupations that do not generate business visitors, additional employees may be allowed at the

sole discretion of the Planning Director. Non-resident working hours must take place between 7:00am and 7:00pm to avoid neighborhood disruption.

- G. Adequate on-site parking shall be provided for all employees of the home occupation and under no circumstances shall such parking cause negative traffic or parking impacts for the neighborhood.
- H. A flat unlighted sign flush against the primary structure or accessory building is allowed. Such sign shall not exceed four square feet in area. The sign shall state only the name, address and phone number of the occupant and the home occupation.

Any variance to the above conditions or restrictions must be approved by the Planning Commission through a hearing process outlined in this chapter.

19.57.060 Permit Procedure.

- A. For home occupations that are not exempt from the permit requirements of this chapter, the following process and procedures apply:
 - 1. Permanent Permit
 - a) An application may be filed on forms provided by the Planning Department for a permanent home occupation permit. A fee as established by resolution of the City Council shall accompany the application.

A list of property owners within three hundred (300) feet of the applicant's parcel shall be submitted as part of the application and shall reflect the latest available records of the Whatcom County Assessor's office.
 - b) Within seven days of the submittal, a copy of the application shall be mailed to the list of property owners, other departments within the City, and any other affected government agency. The notice shall state the proposed action of the Planning Director, comments will be considered and final action taken within fifteen days of the date of the notice. Any affected party may request a hearing in front of the Planning Commission to determine if the home occupation will be detrimental to the neighborhood.
 - c) If a hearing is requested or required it shall be published and held before the Planning Commission in accordance with Title 17 of the Lynden Municipal Code. In addition, the Planning Commission shall use the standards and criteria found in Lynden Municipal Code 19.49.020 to determine whether the application will be detrimental to the neighborhood for its recommendation on the application. The City Council shall make the decision on the application in accordance with Lynden Municipal Code 19.49.020.

- d) If no public hearing is required or requested, the Planning Director shall have the authority to approve, deny or to place additional conditions on the application as deemed necessary to protect the surrounding neighborhood from any detrimental impact which may arise from the proposed use. In approving the application the Planning Director shall find:
- 1) The application is consistent with the conditions of section 19.57.050 above, and
 - 2) The application meets the standards and criteria listed in Lynden Municipal Code 19.49.020 and the request will not cause detrimental effects to the surrounding neighborhood.

Once a home occupation permit has been issued, it shall not be transferable to another person, entity, business or location, nor shall the specified conditions be changed in any manner except upon reapplication.

19.57.070 Violations.

- A. If the Planning Director finds that the home occupation use violates the conditions of a home occupation use permit or this chapter, the Planning Director shall notify the permit holder or licensee in writing of the decision that the home occupation use permit or business license shall be suspended or revoked unless the violation is abated. The permit holder or licensee may request a hearing within fourteen (14) days of receipt of the notice. Should no hearing be requested, the Planning Director's decision shall be the final decision of the City of Lynden. If a hearing is requested, the Planning Commission shall issue its recommendation to the City Council on the Planning Director's decision which may include additional conditions consistent with this chapter, after a public hearing of which, notice is provided pursuant to Lynden Municipal Code 17.07.030 and the City Council shall make the final decision for the City of Lynden.