DCLU

Director's Rule 8–87

Applicant	Page of	Supersedes
CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	1 2	NA
	Publication June 1, 1987	Effective July 1, 1987
	Code and Section Reference Land Use Code Sections 23.44.50 and 23.45.152 SMC	
Subject HOME OCCUPATIONS	Type of Rule Code Interpretation	
	Ordinance Authority 3.06.040 SMC	
Index LAND USE CODE/TECHNICAL REQUIREMENTS	Approved Holly Miller	Date 6/19/87

Sections 23.44.50 and 23.45.152 regulate the conditions under which home occupations are permitted in single-family and multi-family zones, respectively. The regulations are intended to allow flexibility in the use of one's home, make home occupations fit the residential character of the areas where they are located, and to provide clear rules for what is permitted. This Rule provides further clarification for three provisions for home occupations.

I. Level of Activity

Subsection A of Section 23.44.50 states the following:

A. The occupation shall be clearly incidental and accessory to the use of the property as a dwelling.

Subsection A of Section 23.45.152 states the same language for multi-family zones.

Rule: An occupation shall be considered a "home occupation" rather than a "hobby" by the need for a business license, or state tax registration, or by the declaration of income for federal income tax purposes.

Reason: The level of activity for home occupations, and therefore their impacts on the neighborhood, are likely to be greater than hobbies and should be subject to the applicable development standards of the Land Use Code. While hobbies are clearly incidental to residences, even when somewhat intrusive, "occupations" are non-residential uses usually permitted only in commercial zones unless limited so as to be compatible with residential uses. Hobbies are not regulated by the Land Use Code.

II. Exterior Evidence

Subsection E of 23.44.50 states the following:

> "To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure, except outdoor play areas for daycare programs, and other outdoor activities normally associated with residential use. No outdoor storage shall be permitted in connection with a home occupation."

Subsection D of Section 23.45.15 states the same language for multi-family zones, except that one permitted sign is also allowed.

Rule: For the purposes of development standards for home occupations, "outdoor activities normally associated with residential use" shall include gardens, housing of domestic animals, beekeeping and similar activities. Permitted outdoor activities shall be subject to the applicable provisions of the Land Use Code. The outdoor storage of firewood for resale purposes is prohibited as a home occupation. Also prohibited is the outdoor storage of mechanical and other equipment, gardening supplies, and similar items when associated with a home occupation.

Reason: Gardening, housing of domestic animals, and similar activities are normally associated with the residential use and character of a neighborhood. It is generally the sale or distribution of the products associated with these activities that constitutes an "occupation". For example the cultivation of flowers, in and of itself, is neither storage nor a commercial activity. The sale of the flowers is, however, subject to the home occupation standards of the Land Use Code. Outdoor storage of mechanical equipment, and the outdoor storage of any item for sale, are evidence of a commercial use and do not fit the character of a residential area.

Rule: "No evidence of the occupation from the exterior of the structure" shall not include signs on vehicles associated with the home occupations. Each vehicle in operable condition and currently licensed associated with the home occupation may have one sign indicating the business name and phone number only. This shall be in addition to the one permitted sign allowed in multi-family zones.

Reason: Allowing signs on vehicles assumes those vehicles will be traveling to off-site locations for business purposes. Restricting the size of the sign, and permitting only a business name and phone number, reduces their effectiveness in attracting the attention of passing motorists and/or pedestrians, and thus the impacts of unscheduled customers at the site of the home occupation.