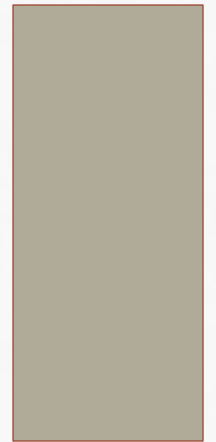


COTTAGE INDUSTRY

CODE TEXT AMENDMENT



PROPOSED LANGUAGE

- Cottage Industry: One of a list of identified limited business activities authorized to operate out of a person's home in a residential zone which is secondary to the residential use of the property and does not alter the character of the residential neighborhood. Employment is limited to legal residents of the home, clients and client vehicles are restricted in number, and all business activity must be conducted within the primary dwelling unit. A list of recognized cottage industries and applicable restrictions are set forth in this Chapter.

PROPOSED LANGUAGE

- Cottage industries include but are not limited to the following:
 - 1. Arts and crafts-making, such as pottery and jewelry.
 - 2. Tailoring or seamstress services.
 - 3. Music instruction and similar specialized tutorial or instructional endeavors provided no more than two (2) students are present at one time.
 - 4. Mail-order or internet sales where no retail occurs on-site.
 - 5. Computer-based services such as programming, web design, and other graphics.
 - 6. State licensed or certified hair, nail or similar beauty or barber services (limited to one (1) service chair).
 - 7. State licensed or certified counseling.

PROPOSED LANGUAGE

- A. The Planning Director, or his/her/their designee, may consider, approve or deny an application for a permit for a cottage industry. All permit applications shall meet the following minimum conditions:
 - 1. The cottage industry is permitted in the zone.
 - 2. The cottage industry is incidental, secondary, and subordinate to the residential use of the dwelling unit.
 - 3. The cottage industry is fully enclosed within the primary dwelling unit, is conducted entirely within such unit, and does not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor area of such dwelling unit, whichever is less. For the purposes of this Section, a garage, carport, patio, breezeway or any accessory building is not considered to be part of the dwelling.
 - 4. There shall be no more than one (1) cottage industry per dwelling.

PROPOSED LANGUAGE

- 5. The site of the cottage industry is the primary legal residence of the person(s) conducting the cottage industry. No persons other than those legally residing on the premises shall be engaged in the cottage industry.
- 6. There shall be no construction of or alteration to the outside appearance of the building or premises which would suggest or give visible evidence of the conduct of such cottage industry.
- 7. There shall be no more than two (2) customer/client vehicles parked in connection with the cottage industry at any one time.
- 8. There shall be no exterior storage on the lot, parcel or tract of land of material, equipment, or commodities associated with the cottage industry, and there shall be no exterior or window displays for the cottage industry.
- 9. Space outside the dwelling, including the yard, may not be used to conduct business.

PROPOSED LANGUAGE

- 10. Vehicles larger than 10,000 pounds gross weight may not be operated to or from the premises and may not be parked on the property or adjacent streets.
- 11. The hours of operation for visitors, loading and delivery of materials shall be limited to between 7:00 a.m. and 8:00 p.m., Monday through Saturday.
- 12. Retail sales are limited to products created in the cottage industry or incidental items associated with the cottage industry such as hair care products in beauty salons, sheet music offered by an instructor, implements for knitting, and other similar items.
- 13. There is no use of electrical or mechanical equipment which would change the fire rating of the structure, necessitate a change from a single phase electrical service in the structure, create visible or audible interference in radio or television receivers, or which would cause fluctuations in line voltage outside the dwelling.

PROPOSED LANGUAGE

- 14. There is no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond the boundary line of the lot, parcel or tract of land due to the cottage industry which would exceed that normally associated with a dwelling or which does not comply with the Midway City Code, including Title 5.
- 15. The cottage industry must comply with all applicable city building and fire safety regulations and any requirements of other permitting agencies.
- 16. No signs shall be permitted for cottage industries in residential zones except one (1) identification plaque no larger than four (4) inches by six (6) inches affixed to the residence next to the client entrance door, which shall be for identification purposes only.
- 17. If the applicant is leasing the property, the applicant shall provide written proof to the City that the applicant has the landowner's permission to operate the cottage industry business.

POSSIBLE FINDINGS

- The Cottage Industry classification allows an avenue for residents to work from home while ensuring consistency with residential character of neighborhoods by requiring use to be secondary and subservient to residential use, that structures look residential, that work be restricted to residents, and limited customer traffic.
- As more building occurs in Midway and density increases, deviations from residential use in residential zones logically may become more pronounced and bothersome to residents in these zones.