

17.44.090 Home occupations.

A. Purpose. The purpose of this section is to provide standards in order to allow residents of single- or multifamily dwelling units to conduct business within their primary place of residence while still maintaining the residential appearance of the structure and the residential nature of the neighborhood, and inflicting no negative impacts on the neighboring properties or neighborhood.

B. Applicability.

1. Homeowners whose primary residence is at the subject residence, or renters whose primary residence is at the subject residence, who have written and notarized permission from the owners, may apply for a home occupation permit. Owners retain the enforcement requirements of the renters who apply.

2. All business activities that meet the definition of a home occupation shall require a home occupation permit from the community development department; provided, that they (a) are not otherwise exempt from business licensing requirements pursuant to MMC Title [5](#), and (b) do not regularly receive visits from clients or customers at their home.

3. The provisions of this section shall not apply to commercial and family child day cares, adult day care facilities, and adult family homes. Said uses shall be reviewed in accordance with this title.

C. Submittal Requirements. In addition to those submittal requirements associated with MMC Title [5](#), the applicant shall submit an application for home occupation to the community development department. The director may require additional submittal materials in order to determine that a proposed home occupation will be in compliance with the requirements of this section.

D. Permit Required. All home occupations require a home occupation permit from the community development department.

E. Prohibited Uses as Home Occupations. Due to the intended residential nature of home occupations there are inherently uses that cannot be located in a neighborhood without impacting the area. Those uses include, but are not limited to:

1. Commercial kennel or stable.
2. Restaurant.
3. Medical clinic.
4. Minor or major vehicle repair.
5. Vehicle detailing.
6. Storage yard.

7. Those uses defined in the industrial use category in Chapter [17.14](#) MMC.

F. Exempt Uses as a Home Occupation. There are certain business activities that are small enough in scale, intensity, and duration to be exempt from the requirements of this section. Those uses include, but are not limited to:

1. Garage sales, yard sales, bake sales, temporary home bazaars for hand crafted items or parties for the display of clothing, gifts, and household products, and other such uses shall not be subject to the requirements of a home occupation permit, provided:

- a. Such use shall not exceed four occurrences not to exceed 12 days per calendar year.
 - b. Such use is not in violation of other sections of the municipal code.
 - c. Such sales are limited to the sale of household goods and were not purchased for the purpose of resale.
2. Sale of seasonal produce and other food products which are grown or produced on site.
 3. Hobbies, which are not undertaken for profit or compensation.
 4. Those business activities exempted by MMC [5.04.040](#).

G. Performance Standards. In accordance with this section all home occupations shall meet the following performance criteria:

1. General Criteria.
 - a. A home occupation permit shall be obtained prior to commencing business.
 - b. A city business license shall be obtained prior to commencing business.
 - c. The home occupation shall not be evident from the exterior of the residence, with exception of those activities allowed by this section, and shall be clearly secondary and incidental to the residential use of the property.

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d. The home occupation shall not unreasonably undermine the residential nature of the residence and surrounding neighborhood.

e. The home occupation shall not create any odor, vibration or noise that extends beyond the property line.

f. The home occupation shall not cause the fire rating or occupancy type of the structure to change pursuant to the currently adopted building and/or fire code.

g. No storage of business material outdoors including but not limited to merchandise, equipment, tools, supplies, waste, displays, or raw materials, with the exception of those related to the growing or storing of plants used by the home occupation.

h. No highly explosive or combustible material shall be used or stored on the premises in violation of the currently adopted building and/or fire code.

i. The home occupation shall not interfere with radio, television, or wireless phone or data transmission or reception in the immediate vicinity.

j. The home occupation shall comply with all other applicable requirements of the Milton Municipal Code, applicable state and federal requirements, along with requirements of any legally recognized body holding regulations over the property or neighborhood. Requirements or permission granted or implied by this section shall not be construed as an exemption from such regulations.

k. Home occupations are subject to inspection by city staff insofar as permitted by law. Permit holders shall execute a notarized affidavit agreeing to allow appropriate city staff the ability to conduct an inspection of the residence, after reasonable notice is given, to determine compliance with the home occupation permit; provided, that said authorization may be revoked at any time by a permit holder by relinquishing his/her home occupation permit and discontinuing all home occupation activities at the residence.

l. Signs advertising the home occupation are not permitted.

2. Numerical and Size Criteria.

a. Not more than one unrelated person, not permanently residing at the subject property, may be employed on site by the home occupation.

b. The home occupation shall not occupy more than 40 percent of the principal structure on the property.

c. There shall be no expansion of existing parking or creation of new parking, including on- and off-street parking, to accommodate the home occupation.

d. There shall be not more than three daily additional deliveries/pick-ups, beyond regular postal service, associated with the home occupation.

H. Enforcement. Any person conducting a home occupation without a valid permit shall be subject to the enforcement and penalty provisions of Chapter [17.78](#) MMC, Notice and Orders to Correct and/or Abate. Any person violating any provision of the required compliance statement or the specific conditions of the home occupation permit shall also be subject to the enforcement and penalty provisions of Chapter [17.78](#) MMC, Notice and Orders to Correct and/or Abate.

I. Appeal. All decision and determinations made by the director under this section are designated as a Process Type II decision and are appealable to the hearing examiner under a Process Type II permit type.

J. Expiration and Transferability. Home occupation permits are issued to an individual applicant and shall not be transferred or otherwise assigned to another person. The permit will automatically expire when the applicant named on the permit application moves from the site or moves the business from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form. (Ord. 1762 § 3, 2010; Ord. 1579 § 3, 2003).