



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
January 24, 2024 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's website at cityoflewiston.org.

I. CALL TO ORDER

II. CITIZENS COMMENTS

An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each. Citizen comments and testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's website at cityoflewiston.org

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 10, 2024 MEETING MINUTES (ACTION ITEM)

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING CONDITIONAL USE PERMIT APPLICATION CUP23-6 BY STEVE CARLTON (ACTION ITEM): The applicant requests conditional use permit approval for multi-family dwelling, adding one (1) detached dwelling unit to a 0.462 acre parcel that currently contains two (2) dwelling units (duplex) at 3431 7th Street, in the Low Density Residential, R2A, zoning district. Multi-family dwellings meeting the standards of Lewiston City Code 37-124.1 are allowed as a conditional use in the Low Density Residential, R2A, Zone. - Action Item

C. PUBLIC HEARING- ZONING CODE AMENDMENT ZA-03-23 TO CHANGE SEC 37-193, PENALTY (ACTION ITEM): The Commission will make a recommendation to City Council on whether or not to approve an amendment to change the term "petty misdemeanor" to

“misdemeanor” and to add the punishment. - Action Item

- D. PUBLIC HEARING- ZONING CODE AMENDMENT ZA-04-23 TO CHANGE SEC 37-140.1 HOME OCCUPATION GENERAL PROVISIONS (ACTION ITEM):** The Commission will make a recommendation to City Council on whether or not to approve an amendment to add reference to the Sign Code in the home occupation general provisions. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

- A. QUERY OF COMMISSIONERS FOR THE FEBRUARY 14, 2024 MEETING.**

V. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

January 10, 2023

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 “D” Street. Chair Busch called the meeting to order at 5:30 p.m.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Chair; Gabriel Iacoboni, Vice Chair; Maureen Anderson; Cynthia Ball; Kevin Kelly; Kathy Branson

COMMISSIONERS EXCUSED: None

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney

II. ELECTION OF CHAIR AND VICE CHAIR FOR 2024 (ACTION ITEM)

Commissioner Branson nominated Commissioner Ball for Chair.
Chairperson Busch nominated Commissioner Kelly for Chair.

Upon roll call, the vote was as follows:

Commissioner Maureen Anderson voted for Cynthia Ball
Commissioner Kathy Branson voted for Cynthia Ball
Commissioner Gabriel Iacoboni voted for Cynthia Ball
Commissioner Michael Busch voted for Kevin Kelly
Commissioner Kevin Kelly voted for Cynthia Ball
Commissioner Cynthia Ball voted for Cynthia Ball

Commissioner Busch nominated Commissioner Iacoboni for Vice Chair.

Upon roll call, the vote was as follows:

Commissioner Maureen Anderson voted for Gabe Iacoboni
Commissioner Kathy Branson voted for Gabe Iacoboni
Commissioner Gabriel Iacoboni voted for Gabe Iacoboni
Commissioner Michael Busch voted for Gabe Iacoboni
Commissioner Kevin Kelly voted for Gabe Iacoboni
Commissioner Cynthia Ball voted for Gabe Iacoboni

III. CITIZEN COMMENTS

None

IV. ACTIVE AGENDA

PLANNING AND ZONING COMMISSION MINUTES

January 10, 2024

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A. APPROVAL OF DECEMBER 27, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Busch and Anderson moved and seconded, respectively, approval of the December 27, 2023 meeting minutes. The motion carried 6-0.

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-6 BY STEVE CARLTON (ACTION ITEM):

Chair Ball explained the public hearing process, opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Ball asked for clarification that the lot cannot be separated.

Staff Hollingshead stated the lot does not qualify to be split.

There being no further questions for staff, Chair Ball asked the applicant for testimony.

Applicant Steve Carlton, 1103 Bryden Ave, Lewiston Id, stated that he received a letter from the City a few years back recommending adding an additional unit. The back portion of the lot is currently a mess and this is a great time to clean it up and add a unit. He feels this is a good spot for a unit and to clarify that the shop is used for the rentals upfront.

Commissioner Anderson asked if there would be an ample amount of parking.

Applicant Carlton stated parking should not be a problem plus tenants cannot block the drive because it is a fire access road.

There being no further questions for the applicant, Chair Ball asked for public testimony.

Rich Casey, 229 7th St stated Steve has been a good neighbor and he has no problem with this conditional use permit.

Staff Ortiz read state that was received via email from Tim Kasper, Lewiston Id. Mr. Kasper stated "Steve has done extremely nice work, but this is an email to express my concern about parking at this location. More and more vehicles are ending up parked in the street and I know that it is public parking, but it makes it extremely difficult to park a trailer at my house when there are vehicles parked in the street. I have a toy

hauler that I use quite regularly and I want to make sure I can get it out or parked. If there are 3 or more vehicles across the way from me I can't get it parked or out as it is long. So I want to make sure parking is addressed and more cars aren't ending up in the street."

There being no further testimony, Chair Ball asked the applicant for their rebuttal.

Applicant Carlton the front unit does park on the street and he is going to have a conversation with them about where they park.

There being no further rebuttal from the applicant, Chair Ball closed the public hearing.

After discussion of relevant criteria, Commissioners Kelly and Branson moved and seconded, respectively, to direct staff to draft Reasoned Statement approving CUP23-6. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS:

Staff Hollingshead stated that the City has received an application for the vacant seat, and she needs 1 or 2 volunteers to attend the interview. Vice Chair Iacoboni and Commissioner Branson volunteered to attend.

A. Query of Commissioners for January 24, 2024 meeting.

All current commissioners present besides Kelly plan to be in attendance for the January 24, 2024 meeting. Commissioner Kelly can attend via Zoom if needed.

VI. ADJOURN

There being no further business, Commissioners Busch and Kelly moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:08 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR GRANTING OR DENIAL OF CONDITIONAL USE PERMIT**

This document shall serve as memorialization of the rationale for the granting or denial of a Conditional Use Permit, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See* I.C. § 67-6535.

I. APPLICATION NUMBER:

CUP23-6

II. APPLICANT'S NAME AND ADDRESS:

Steve Carlton
1103 Bryden Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

3431 7th Street
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:

January 10, 2024

V. NAME OF HEARING BODY:

Lewiston Planning and Zoning Commission

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:

The applicant requests Conditional Use Permit approval for multi-family dwelling, adding one (1) detached dwelling unit to a .462 acre parcel that currently contains two (2) dwelling units (duplex) at 3431 7th Street, in the Low Density Residential, R2-A, zoning district. Multi-family dwellings meeting the standards of Lewiston City Code 37-124.1 are allowed as a conditional use in the Low Density Residential, R2-A, Zone.

VII. DECISION:

The Lewiston Planning and Zoning Commission **APPROVES CUP23-6.**

VIII. CONDITIONS OF APPROVAL:

Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

None.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

Tim Kasper, a property owner and neighbor whose property is located within three hundred (300) feet of the subject property, emailed his comment to Dawn Ortiz, Community Development Specialist. He expressed concern about parking in that area, because he believes more vehicles are being parked on 7th Street in general. He stated this makes it hard for him to park his trailer at his house, since if there are too many cars parked on the street, he cannot pull it in and out of his driveway.

In response, the applicant noted that the proposed additional dwelling will have a garage of its own and will be in compliance with City standards for parking spaces (2 for this dwelling). Commissioner Ball also noted that the comment was not necessarily specific to the proposed CUP, but more of a general concern.

XI. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this conditional use permit:

1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:

The Commission received information in the staff report, as well as testimony from the applicant regarding the amount of existing and additional off street parking that would be present on the property for use by the residents. Lewiston City Code Sec. 37-149 requires at least two (2) parking spaces per dwelling unit for single family or two-family dwellings. The staff report notes that the subject property already has 2-car garages for the duplex. The same code section states that multifamily dwellings outside the central business district require two (2) parking spaces per dwelling unit. The proposed 3rd dwelling unit will have a single car garage and a concrete apron that meets the parking stall standards for an additional two (2) vehicles. The Commission felt that the amount of off-street parking would mitigate the concern of additional cars taking up on-street parking that was mentioned in the email from Tim Kasper. The Commission also noted that the amount of parking that was to be provided was above and beyond the amount required by Lewiston City Code for the number of dwelling units on the property.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP23-6

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The applicant noted that the proposed 3rd dwelling unit would be attached to the existing detached accessory building on the east end of the subject property. Both city staff and the Commission noted that this portion of the property is currently being used by the applicant for the storage of construction materials, which could be an attractive nuisance. The Commission discussed how the addition of a third dwelling unit would actually reduce existing nuisances on the subject property as it would eliminate the area where construction materials were being stored and would instead utilize that space for the dwelling unit.

2. The proposed use **is** a public necessity **and is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

Staff presented information that the maximum allowable density allowed by right in the Low Density Residential, R2-A, Zone is 8.73 dwelling units per acre (a duplex on a 10,000 square foot lot). The application proposes a new density on the subject property of 6.49 dwelling units per acre. The Commission stated that additional housing, and specifically rental housing, is a public necessity and will be a benefit to the community. They specifically pointed out how the additional dwelling unit at the subject property is an infill development that will utilize space on an already developed lot that could not otherwise be subdivided and developed separately. The applicant provided testimony that his interest was piqued about adding the additional dwelling unit to the subject property following the receipt of a letter from the Community Development Department that had identified the subject property as one that could support additional dwelling units. The Commission appreciated the applicant's willingness to invest in the property and provide additional housing to the neighborhood.

3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary:

The subject property is located in a residential neighborhood in the Low Density Residential, R2-A, zoning district. Surrounding properties are a mix of single family dwellings and duplexes. The Low Density Residential, R2-A, Zone requires 10,000 square feet of lot space for a duplex and an additional 4,000 square feet for each additional unit over two (2). Since the proposed 3rd dwelling unit is detached from the existing duplex, Lewiston City Code Sec. 37-124.1 also applies, requiring that the lot meet minimum square footage for a duplex (10,000 square feet) and an additional single family dwelling (7,500 square feet), which the subject property does meet. The subject property is more than twice the minimum lot size for the R2-A zone at 20,136 square feet. Staff presented information regarding the size of the existing duplex and the proposed third dwelling unit, as well as the total lot coverage, which, at 27.8 % is well under the 40% maximum lot coverage in the zone. The Commission discussed the site plan submitted with the application and noted that the existing duplex was a clean and tidy unit. The Commissioners also noted that the proposed third dwelling unit's location behind the existing detached accessory structure would easily blend in with the rest of the residential neighborhood. The Commission also discussed how the area the proposed third dwelling unit would be located in is an area that is currently being used for construction material storage. The Commission felt that adding the third dwelling unit would further improve the subject property, thereby using it at its highest and best use.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

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4. The proposed use **will not** endanger the environment or the public health or safety. Applicable commentary:

The subject property is currently serviced by Lewiston Orchards Irrigation District water and City of Lewiston sewer. Services for a third dwelling unit will tie into the existing utility services. Political subdivisions were notified of the application and no comment from either of these purveyors was received. It is not anticipated that one (1) additional single family residence with two (2) bedrooms and one (1) bathroom will endanger the environment, the public health, or safety.

The City's Engineering Division of the Public Works Department provided comment to city staff that "Engineering has no objections to the CUP request." The Lewiston Fire Marshal also provided comment, which stated "Access road signage and fire hydrant installation/relocation to be completed prior to building permit approval."

5. The proposed use **will** be in substantial conformance with the Comprehensive Plan. Applicable commentary:

The Comprehensive Plan future land use designation for the subject property is low density residential. The Commission received information from staff that the proposed density of the subject property with three (3) dwelling units is 6.49 dwelling units per acre, which is less than the maximum dwellings per acre (8.73) that is provided for in the Comprehensive Plan for low density residential. The Comprehensive Plan provides in Chapter 6, Land Use, that Goal LU-14-.0 is to "Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods" and in Chapter 6, Neighborhood Number Five, West Orchards, that "Larger interior parcels of land should be identified for future infill residential development in a density consistent with that of surrounding homes." The subject property is a long, skinny parcel that would not otherwise meet the standards to be subdivided into a standard lot or a flag lot. The Commission agreed that the application was in conformance with the Comprehensive Plan because it permits the proposed development with an approved conditional use permit. The Commission noted how it was the City who initially reached out to the applicant to suggest he consider additional development of the subject property. Therefore, the Commission felt that both the infill development of the subject property, the density level, and the rental housing status of the proposed project all were in compliance with the Comprehensive Plan.

6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

The subject property is currently serviced by Lewiston Orchards Irrigation District water and City of Lewiston sewer. The City's Engineering Division of the Public Works Department provided comment to city staff that "Engineering has no objections to the CUP request." The Lewiston Fire

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

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Marshal also provided comment, which stated "Access road signage and fire hydrant installation/relocation to be completed prior to building permit approval."

The Commission received information from the Assistant Planner that political subdivisions were notified of the application and only City departments provided comments. No objections were received regarding ability to provide services from any other political subdivision. The Commission noted that had other political subdivisions wanted to object, they would have provided comment to that effect.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could not take actions to obtain approval, the explanation is: Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include: Not applicable.

NOTICE TO APPLICANT: An applicant or affected person may file a written request for reconsideration with the City Clerk to request that the Planning and Zoning Commission reconsider its final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the Planning and Zoning Commission has adopted this Reasoned Statement of Relevant Criteria and Standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result of the decision, all in accordance with Lewiston City Code § 37-185(b)(1). A form may be obtained from the City Clerk. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of the Planning and Zoning Commission's decision to the City Council.

Within fourteen (14) calendar days after the Planning and Zoning Commission has adopted its written decision on reconsideration, an applicant or affected person may file with the City Clerk a written notice of appeal to the City Council, in accordance with Lewiston City Code § 37-185(c). A form may be obtained from the City Clerk. The written notice of appeal shall include, at a minimum, the following information: (1) the name and address of the applicant or affected person, (ii) identification of the section(s) of the Lewiston City Code or applicable state or federal law(s) that has been incorrectly applied or violated and a description of how they have been incorrectly applied or violated, and (iii) a description of the real or potential prejudice to a substantial right of the applicant or affected person. The fee required by Lewiston City Code § 37-188 shall be deposited with the City Clerk within the fourteen (14)-day period. If an appeal is not filed and/or the fee required by Lewiston City Code § 37-188 is not deposited within the fourteen (14)-day period, then the decision of the Planning and Zoning Commission shall be final.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this Reasoned Statement of Relevant Criteria and Standards by the City to

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP23-6

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the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, as described above, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday January 24, 2024 at 5:30 pm.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Youtube page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 746-1318 ext 7265 and leaving a message.

This public hearing will be to determine approval or denial of the following proposal:

ZONING CODE AMENDMENT ZA-03-23: A proposal to amend Lewiston City Code Sec. 37-193, Penalty, to make the language for a Zoning Code violation more consistent with Idaho Code and other city code violation provisions in Lewiston City Code.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7202.

Hearing notice publication date: Sunday January 7, 2024.

CITY ORDINANCE NO. 4907

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-193 OF THE LEWISTON CITY CODE RELATED TO PENALTIES UNDER CHAPTER 37, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 37-193 is hereby amended as follows:

Sec. 37-193. Penalty.

Unless otherwise provided, a ~~A willful~~ violation of any provision of this chapter shall be a petty misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000), or imprisonment not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense:

SECTION 2: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____, 2024.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke, City Clerk

NOTICE OF PUBLIC HEARING

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This public hearing will be to determine approval or denial of the following proposal:

ZONING CODE AMENDMENT ZA-04-23: A proposal to amend Lewiston City Code Sec. 37-140.1(a), General Provisions for Home Occupations, to add reference to signage allowed by the Sign Code.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7202.

Hearing notice publication date: Sunday January 7, 2024.

ZA-04-23
initiated 12-27-23

Sec. 37-140.1. General provisions.

(a) A home occupation is an activity, profession, or craft carried on entirely within a residence or associated accessory buildings by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of it; is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, except as may otherwise be the case from any related signage allowed by Chapter 30 of this code; so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence; and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.