

County Zoning Amendments
"Part 1 - Capital Changes"

#2 – Home Occupation Definition

The proposal is to replace the existing definition of Home Occupation in Section 1.05 42. Missoula County Zoning Regulations with the text shown in 40. below.

Proposed new definition of Home Occupation

40. Home Occupation - An accessory use of a dwelling unit or an residential accessory structure for business or commercial purposes. Home occupations are subjects to the standards in Chapter 4, Section 4.03 F.

Section 1.05 42. below is the current definition of Home Occupation. This section is proposed to be replaced by the language above.

1.05 Definitions

42. Home Occupation

Any activity involving the sale of goods or services conducted entirely within the primary residential structure which is clearly incidental and factually subordinate to the use of the primary residential structure and does not change the character thereof.

County Zoning Amendments
“Part 1 - Capital Changes”

#2 – Home Occupations

The proposal is to replace the existing Home Occupation Regulations,
Section 4.03 D. Missoula County Zoning Regulations
(shown at the end of this document), with the text shown in Section F. on pages 1 and 2.

F. Home Occupation

1. General

Home occupations are considered accessory uses to principal uses of a dwelling unit.

2. Purpose

The regulations of this section are primarily intended to ensure that home occupations will not adversely affect the character and livability of the surrounding residential neighborhood. These regulations are also intended to ensure that home occupations remain subordinate to the primary residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done as a home occupation with little or no effect on the surrounding neighborhood.

3. Applicability

Home occupations shall comply with all of the standards in this section.

4. Exemptions

The following uses are not regulated as home occupations and are exempt from the regulations in this section.

- a. Community Residential Facilities
- b. Day Care Homes and Centers

5. Standards

A dwelling unit or residential accessory structure building, such as a detached garage, may be use for one or more home occupations subject to compliance with all of the following minimum standards:

- a. The home occupation must be accessory and secondary to the primary residential use, and the home occupation must not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, traffic, or any exterior activity that is inconsistent with the character of a residential area.
- b. There may be no external structural alterations or construction that would change the residential character of the property upon which the home occupation is located. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, and the addition of commercial-like exterior lighting.
- c. No separate entrance from the outside of the building may be added to the front of a residential building for the sole use of the home occupation.
- d. The home occupation and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within a

- completely enclosed building, either the principal residential building or an allowed accessory building (e.g., detached garage.)
- e. ~~Residential accessory uses~~Home occupations conducted within garages may not take up space that provides space for meeting minimum off-street parking requirements.
 - f. No window display or other public display of any material or merchandise is allowed.
 - g. The owner or operator of the home occupation must reside on the property or in the dwelling unit in which the home occupation is located.
 - h. In addition to the resident business owner or operator, up to three nonresident persons, including employees, associates, and customers may be present on the property at any time. This three-person maximum limit per property applies regardless of the number of home occupations being conducted on the property. In order to accommodate occasional larger gatherings, the three-person limit may be exceeded ~~on~~ up to two days each calendar month.
 - i. The home occupation is limited to one non-illuminated, building-mounted ~~nameplate~~ sign, not exceeding one square foot (144 square inches) in area.
 - i. ~~Signs that are written upon, and temporarily or permanently placed upon or attached to a motor vehicle or trailer advertising the hours or price of any product or service, special business event, or sale are prohibited. This restriction is intended to prohibit the use of motor vehicles or trailers for on-premises or off-premises advertising. This restriction is not intended to be construed to prohibit signs on vehicles that carry a firm name, telephone number, address of business, major enterprise, principal products or service; and this restriction is not intended to be construed to limit political signs mounted on vehicles.~~
 - j. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the site of the home occupation only between 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up may not include semi-tractor trailers.
 - k. The following uses are expressly prohibited as home occupations:
 - i. any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;
 - ii. dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - iii. rental businesses;
 - iv. tow truck services;
 - v. material or equipment storage businesses;
 - vi. restaurants;

- vii. funeral or interment services; and,
- viii. animal boarding businesses.

Section 4.03 D. below is the current regulation of home occupations. This section is proposed to be replaced by the language above.

D. Home Occupation

An activity involving the sale of goods or services conducted entirely within the dwelling which is clearly incidental and factually subordinate to the use of the dwelling and does not change the character thereof shall comply with the following requirements:

1. No window display or other public display of any material or merchandise in connection with any home occupation.
2. No sign shall be displayed on the premises advertising the occupation carried on in the home, except one sign which shall not be more than two square feet in area, and which shall be attached, flush, to the house.
3. No outside display or storage of products, materials, or machinery.
4. Not be more than one (1) employee who is not a member of the immediate family.
5. The use shall not occupy more than twenty-five percent (25%) of the gross floor area of the main building.
6. The use shall not produce light, noise, odor, parking demand, traffic or any exterior activity inconsistent with the character of the neighborhood.
7. In particular, home occupations may include, but are not limited to, the following or similar activities which meet the intent of this section: art studio, dress and drapery making, music lessons, preparation of food for off-premise sale. However, a home occupation shall not be interpreted to include the following: barbershops and beauty parlors, real estate and insurance offices, restaurants, commercial stables and kennels, commercial cabinet making, any on-site retail sale of goods.