

## REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: June 7, 1996

TO: Bob Derrick  
Greg Kipp  
Tom McDonald  
Mark Carey  
Gary Kohler  
Lisa Pringle

Pam Dhanapal  
Ken Dinsmore  
Harold Vandergriff  
Terry Brunner  
Anna Nelson  
Mike Sinsky

FM: Jerry Balcom

Present: Jerry Balcom, Rick Bautista, Pam Dhanapal, Ken Dinsmore, Martha Goodlett, Priscilla Kaufmann, Gary Kohler, Harold Vandergriff

1. Do the floor area limits for home occupation and home industry contained in K.C.C. 21A.30.080 and K.C.C. 21A.30.090 apply if the home occupation or home industry is located in a building which is separate from the residence? Can a farm without a residence have a home industry? When a Veterinary Clinic is operated as a home occupation under K.C.C. 21A.08.050, what constitutes the office space for the clinic? (Martha Goodlett/Gary Kohler)

K.C.C. 21A.30.080 and K.C.C. 21A.30.090 set floor area limits for both home occupation and home industry based on the size of the residence. Even if the home occupation or home industry is located in a building which is separate from the residence, the floor area limits of K.C.C. 21A.30.080 and K.C.C. 21A.30.090 still apply.

By definition, a home occupation is subordinate to the primary use of the premises as a residence. It is clear that a residence is required in order to have a home occupation. It is less clear that a residence is required for a home industry because a home industry is subordinate to the primary use of the premises as a

residence or a farm. " Farm" is not defined in K.C.C. Title 21A. However since the size of the home industry is based on the size of the residence, it follows that the premises must contain a residence in order to establish the floor area limitation of K.C.C. 21A.30.090. Therefore both home occupation and home industry are allowed only if there is a residence on the site.

A Veterinary Clinic is permitted outright in the Rural (RA) and Urban Reserve (UR) zones subject to footnote #9 in K.C.C. 21A.08.050. This footnote limits the use as a home occupation only, provided the square footage limitation in K.C.C. 21A.30 for home occupations applies only to the office space for the clinic. The committee agreed that the office space was something less than the entire clinic, but lacking a definition for " office" or " office space" in K.C.C. Title 21A, was unable to determine specifically what the code considered to be the office space of the clinic. The consensus of the group was to use the common dictionary definition of " office."

Webster's Third New International Dictionary defines " office" as " a place where a particular kind of business is transacted or a service is supplied: as **a**: a place in which the functions (as consulting, record-keeping, clerical work) of a public officer are performed **b**: the directing enterprise of an enterprise or organization **c**: the place in which a professional man (as a physician or lawyer) conducts his professional business." For a veterinary clinic operated as a home occupation, the office space would be the area devoted to " office functions" such as making appointments, keeping records and ordering supplies.

The committee concluded that K.C.C. 21A.08.050.B.9. should be amended to clearly define what constitutes the office space of a veterinary clinic. About half the committee believed that the office space should be defined as areas accessible to the public, while the remainder of the committee felt that all portions of the clinic where work is conducted should be included, but not areas used for storage, animal wards, stairwells, or bathrooms.

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cc: Priscilla Kaufmann, Code Development Planner  
Rick Bautista, Code Development Planner  
Martha Goodlett, Environmental Educator