

## Chapter 17.78

### HOME OCCUPATIONS

#### Sections:

- 17.78.010** Uses allowed as home occupations.
- 17.78.016** Type I and Type II home occupations.
- 17.78.020** Limitations on home occupations.
- 17.78.030** Procedure to establish and maintain a home occupation.

#### **17.78.010** Uses allowed as home occupations.

In all zones, home occupations in the same lot accessory to the principal residential uses shall be permitted only in the following categories:

- (1) Office for professional, personal or business services.
- (2) Studio for arts, handicrafts or tutoring.
- (3) Shop for limited or customer production or minor repair service.
- (4) Headquarters for a craftsman or salesman.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990.

#### **17.78.016** Type I and type II home occupations

(1) Except for a sign pursuant to 17.78.020 (9), a Type I home occupation may generate only incidental traffic, subject to the requirements of this chapter, and otherwise shall exhibit no evidence that a business is being conducted from the premises.

2) Type II home occupations may generate limited traffic from customers, clients and students, subject to the requirements of this chapter.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1356 §1, 2004

#### **17.78.020** Limitations on home occupations.

Any such home occupation shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building.

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations.

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential district.

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.

(5) Any home occupation which causes abnormal automobile or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited. Type I home occupations may generate no more than six (6) one-way trips per day, which shall be incidental to operation of the home occupation. Type II home occupations may generate no more than ten (10) one-way client and commercial trips per day, except home occupations relating to instructional services, where no more than twenty (20) one-way student trips may be permitted. As used in this chapter, "instructional services" are characterized by one or more persons leading another person or group of persons in a given course or subject of study. No more than four (4) student vehicles may be parked on the property and/or in the street right of way at any one time. No commercial motor vehicle that is subject to the state vehicle mile tax, such as long-haul trailers, as defined in ORS 801.208, may be allowed as part of a home occupation. In conformance with GMC 10.04.230 (1)(f), this standard does not preclude the parking of a truck (tractor) portion of such a commercial vehicle on private property.

(6) No significant enlargements or alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted.

(7) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

(8) Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.

(9) Signs advertising home occupations or any aspect thereof shall not exceed a total of one square foot in area and shall be affixed directly to the dwelling.

(10) Any materials used or any item produced or

repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.

(11) Tutoring, instructional, counseling or personal services which cannot be conducted except by personal contact may be permitted as a Type II home occupation and shall be by appointment only between the hours of 7:00 a.m. and 10:00 p.m. and shall not be oriented toward or attract passers by.

(12) An office for a physician or dentist may be permitted as a Type II home occupation primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(13) Retail activity shall be limited to the mail order type of business.

(14) Except as set forth in subsection (11) and (12) of this section, customer and client contact shall be primarily by telephone or mail and not on the premises.

(15) No more than twenty-five percent of the floor area as defined in GMC Section 17.06.195 (floor area) may be used for the operation of a home occupation including storage of equipment, materials, and completed products.

**Statutory Reference.** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990; Ord. 1356 (part), 2004

### **17.78.030 Procedure to establish and maintain a home occupation.**

(1) The establishment and maintenance of a Type I or Type II home occupation is subject GMC Division VII (administrative procedures) and the requirements below.

(2) Applicants for a Type II home occupation are subject to the following requirement. Notwithstanding subsection (a) of this section, no permit for a Type II home occupation shall be issued by the City Administrator or his designee until or unless the applicant has received favorable approval, as indicated by signatures on the authorized application form of owners or contract purchasers of not less than seventy-five (75%) of all property in the area bound by lines one hundred fifty feet (150') from and parallel to the boundary of lines of the lot proposed to contain each home occupation. The area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.

(a) An applicant for a Type II home occupation who resides in an apartment complex, mobile home park or other similar multi-family housing complex, may obtain the signed approval of a resident manager in

lieu of seventy-five percent (75%) of the property owners within one hundred fifty feet (150') of the proposed home occupation.

(3) Permits for home occupancy may be revoked at any time if the requirements of this code are not being met.

(4) If, in the opinion of the applicant, the City Administrator or his designee has acted arbitrarily and capriciously in withholding or revoking a permit for home occupation, he may request an interpretation of the code by the Planning Commission. In such cases, the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the Planning Commission on any day between eight a.m. to ten p.m.

(5) A home occupation permit shall remain valid indefinitely, subject to payment of annual business license fee, unless a substantial increase in intensity of the permitted use occurs, which shall require application for a new permit.

(6) The city shall not issue a business license until a home occupation permit is issued by the City Administrator or designee.

(7) A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 (part), 1990; Ord. 1356 (part), 2004.