

ORDINANCE 1528

Exhibit "A"

Chapter 17.78 HOME OCCUPATIONS

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17.78.010 Purpose.

The purpose of this chapter is to:

- (1) Permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full-scale enterprise; and
- (2) Establish approval criteria and standards to ensure that a home occupation is conducted as a lawful use that is subordinate to the residential use of the property and is conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

17.78.020 Applicability and exemptions.

(1) A person shall not engage in a home occupation that does not comply with the provisions of this chapter. A person shall not permit a home occupation to occur on property that the person owns or is in lawful control of if the home occupation does not comply with the provisions of this chapter.

(2) Any business operating from a residential property must obtain a home occupation and a Gladstone business license unless specifically exempted by GMC 17.78.020(3), below.

(3) Exemptions from the provisions of this chapter are:

(a) Garage sales, yard sales, estate sales, and similar activities;

(b) Hobbies that do not result in payment to those engaged in the activity;

(c) Remote office workers who work for a business whose license is held outside of the City of Gladstone; and

(d) Family child care homes.

(4) A home occupation permit and the associated permit fee are required for each property on which a home occupation is undertaken.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1356 §1, 2004

17.78.030 Prohibited home occupations.

The following uses are not allowed as a home occupation in, or associated with, a dwelling unit:

(1) Any and all commercial services to automobiles, RV, Boat or the like. This may include washing and lubrication services, automobile and truck maintenance and repair, painting, body and fender work, and storage. Headquarters, office and/or administrative functions related to automobile-related businesses may be allowed as a home occupation with no automobile services conducted on the site of the home occupation.

(2) Animal breeding and kennels as defined in 17.06.240.

17.78.040 Approval criteria and standards.

All home occupations shall comply with the following:

(1) A home occupation may be conducted only at the primary residence of the permittee.

Persons, including employees, other than members of the permittee's family who also reside in the dwelling, shall not engage in the home occupation.

(2) Deliveries to a home occupation shall be similar to other residential deliveries within 250 feet of the property. Vehicles used for delivery and pick up may not include heavy trucks (i.e. two or more axles).

(3) Offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation are prohibited. A home occupation is subject to the provisions of Chapter 8.04 Nuisances.

(4) The home occupation shall be operated entirely within the dwelling unit and any conforming accessory structure on the same lot or parcel. All activities must be in completely enclosed, hard-sided structures. Exterior activities, storage or display of goods, equipment or materials is prohibited. The total area that may be used in an accessory building for the home occupation, including materials and product storage, shall not exceed 800 square feet or 25 percent of the combined residence and accessory structure gross floor area, whichever is smaller. Indoor storage of materials or products shall comply with the building, fire, health, and housing codes.

(5) A home occupation shall not require a change in the applicable building code use classification of the dwelling unit, as determined by the building official. Any accessory building that is used in the home occupation must meet the applicable building code requirements.

(6) More than one business activity constituting two or more home occupations is allowed on one property only if the combined floor space of the business activities does not exceed 800 square feet or 25 percent of the combined gross floor area of the residence and accessory structure, whichever is smaller. Each home occupation shall apply for a separate home occupation permit, if required by this chapter, and each shall also have a separate business license.

(7) Storage and/or distribution of toxic or flammable materials, and spray-painting or spray-finishing operations that involve toxic or flammable materials which in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties are prohibited. The person conducting the home occupation shall make available to the fire marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.

(8) A home occupation shall not require any on-street parking other than that normally required for the residence.

(9) Customers and clients of the home occupation shall not visit the business between the hours of 8:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or on-street parking.

(10) A dwelling shall not be used for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations.

(11) The dwelling or an accessory building may not be enlarged or altered in a way that requires a building permit for the primary purpose of conducting a home occupation.

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

(13) Signs advertising the home occupation or any aspect thereof shall be affixed directly to the dwelling. The total size of all combined signage not exceed a total of one square foot in area and shall be affixed directly to the dwelling.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1356, 2004

17.78.050 Procedure to establish and maintain a home occupation.

(1) A person engaging in a home occupation must use the dwelling as the person's primary residence, pay the one-time home occupation fee, comply with the provisions of this chapter, and maintain a valid business license.

(a) A home occupation permit will become invalid if the permittee applicant fails to renew the annual business license before the expiration period or moves from the residence.

(2) The city will send notice of a home occupation application to property owners/residents located within 100 feet of the proposed home occupation at least 15 days before the city issues a decision on the application.

(a) A person may submit any comments or concerns regarding the application to the City in writing, including identifying the relevant requirement(s) of this chapter.

(b) If the city determines that the application does not comply with the requirement(s) of this chapter, the proposed home occupation shall be modified to comply with the requirements of

this chapter before the home occupation will be approved or the home occupation request shall be denied.

(3) A permit for a home occupation may be revoked at any time if the requirements of this code are not being met.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131, 1990; Ord. 1356, 2004.

17.78.060 Action regarding complaints and violation of standards.

(1) A complaint may be filed by the City of Gladstone or the public. A complaint shall be filed with the City Administrator or designee. A complaint shall clearly state the objection to the home occupation, based on the criteria in this chapter.

(2) A complaint shall be reviewed by the Code Compliance Officer or designee. The City may approve the continuation of the home occupation use as it exists, revoke the home occupation permit, or compel measures to be taken to bring the home occupation into compliance with this chapter. The operator of the home occupation may appeal the decision in accordance with GMC 17.92.010.

(3) If it is determined, in exercise of reasonable discretion, the home occupation that is the subject of the complaint will negatively affect public health and/or safety, the City may order home occupation activities to cease pending exhaustion of all appeals. Violation of such an order shall be deemed a violation of this code.

17.78.070 Violations.

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.