

## **9-10 [Home Occupations]**

### **9-10.01 [Introductory Provisions]**

#### **9-10.01-10 [Home Occupation-Purpose]**

The Home Occupation provision is in recognition of the needs of many people who are engaged in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or which, in the nature of the home occupation, cannot be expanded to a full-scale enterprise. [See definition- "Home Occupation," 9-01.01-30.N.]

#### **9-10.01-20 Regulatory Provisions**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses.

Review Procedure. Two types of home occupations are available by this Code:

- A. Type I Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has a current and annually updated business license, and all other uses and structures on the subject property are in conformance with the applicable zoning; and
- B. Type III Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Home Occupation Permit procedure under Section 6.010 Conditional Use Permit and Section 3.060.025 Home Occupation Permit.
- C. Type I Standards for Home Occupations.
  1. Appearance of Residence.
    - a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
    - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
    - c. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
    - d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
  2. Storage.
    - a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
    - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.
3. Employees.
  - a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
  - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
  - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. Advertising and Signs. Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed four (4) square feet of surface area on all sides.
5. Vehicles, Parking and Traffic.
  - a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
  - b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7:00 p.m. and 8:00 a.m.
  - c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 7:00 p.m. Monday through Saturday, subject to subsections 1 and 5, above.
7. Prohibited Home Occupation Uses.
  - a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
  - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
  - c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

- (1) Ambulance service;
- (2) Animal hospital, veterinary services, kennels or animal boarding;
- (3) Auto and other vehicle repair, including auto painting; and
- (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement. The City Manager or his/her designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Article VIII. The burden is on the applicant to report a change in the status or impact of the home occupation at the time of the annual business license renewal.

## **Home Occupation Permits.**

### **A. Purpose.**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the special standards in Section 9-10.01-20 Home Occupation. The standards referenced above allow home occupations as outright permitted uses that do not require a Conditional Use permit approval.

Section B. below provides a process for more intense home occupations to be allowed by a Conditional Use Permit approval from the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

### **B. Type III Approval Process and Criteria.**

1. Type III Home Occupation Permit. Applications for proposals that cannot meet all of the standards in Section 9-10.01-20C. shall be processed using a Type III procedure, as governed by Sections 9-01.06 Conditional Use Permit using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 9-01.06 CUP, the applicant shall provide:

- a. A written narrative or letter:
  - (1) describing the proposed home occupation;
  - (2) demonstrating compliance with those standards in Section 3.060.020 C. that can be met, and explaining why the other standards in Section 3.060.020 C. cannot be met, and
  - (3) demonstrating compliance with the criteria in subsection 2 below;
- b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:
  - (1) the property lines and their dimensions;
  - (2) outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the

- nearest property line;
- (3) boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
- (4) outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
- (5) identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

2. **Approval Criteria.** The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 250 feet of the subject property;
- b. Impacts to surrounding properties may exist but can be mitigated;
- c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Section 9-10.01C.

3. **Enforcement.** The City Manager or his/her designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance. The burden is on the applicant to report a change in the status or impact of the home occupation at the time of the annual business license renewal.

**9-01.10-30 [Appeals]**

- A. An appeal from a ruling of a City Administrative Officer regarding a requirement of this chapter may be made only to the Planning Commission.
- B. An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal.

**9-01.10-40 [Form of Petitions, Applications and Appeals]**

Petitions, applications, and appeals provided for in this code shall be made on forms provided by the City. Applications shall be accompanied by plans and specification, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of existing and proposed structures; the intended use of each structure; the number of families, if any to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this code. Fees shall be set by resolution of the City Council.

**9-01.10.60 [Public Hearings]**

- A. Each notice of hearing authorized by this chapter shall be published in a newspaper of general circulation in the city at least ten (10) days prior to the date of the hearing.
- B. In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to owners of property within two hundred and fifty (250)

feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of the hearing. If a proposed zone boundary or text amendment has been initiated by the Planning Commission or City Council, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the council shall be observed, unless otherwise required by state statute.

- C. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- D. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- E. Public Hearing procedures shall be followed in accordance with Oregon Land Use hearing statutes.