

## 33.203 Accessory Home Occupations

# 203

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### **33.203.010 Purpose**

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

### **33.203.015 Adjustments and Modifications**

Adjustments and modifications to the requirements of this chapter are prohibited.

### **33.203.020 Description of Type A and Type B Accessory Home Occupations**

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

- A. Type A.** A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.
- B. Type B.** A Type B home occupation is one where the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.
- C. Accessory short-term rentals.** The regulations for accessory short-term rentals are stated in Chapter 33.207.
- D. Family child care homes.** Registered or certified family child care homes for up to 16 children, including the children of the provider that also meet the State's requirements of ORS 329A, are exempt from the regulations of this chapter.

### **33.203.030 Use-Related Regulations**

- A. Allowed uses.** The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a

specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.

**B. Prohibited uses.**

1. 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 is prohibited.
2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
3. A Type B accessory home occupation is prohibited in a residence with an accessory dwelling unit.
4. A Type B accessory home occupation is prohibited in a dwelling unit with any accessory short-term rental.

**C. Additional Type B home occupation regulations.** The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation provided no customers come to the site at any time. Home occupations that have customers coming to the site at any time are not allowed to have nonresident employees. For the purpose of this Chapter, the term "one nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. The term "one nonresident employee" does not allow employee shifts, with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time.
3. Customers. Only eight customers or clients may visit the site in a day.
4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

**33.203.040 Site-Related Standards**

**A. Outdoor activities.**

1. All activities associated with an accessory home occupation must be in completely enclosed structures on the site, excluding activities or services that, by their nature, must be conducted off site. Examples of accessory home occupations where activities or services must be conducted off site include house painting, landscape maintenance, or chauffeuring services.

2. Exterior storage or display of goods or equipment is prohibited.

- B. Appearance of structure and site.** The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

### **33.203.050 Impact-Related Standards**

- A. Nuisances.** Accessory home occupations are regulated by the standards contained in Chapter 33.262, Off-Site Impacts, except noise, which is regulated by Subsection C. below.
- B. Hazardous substances.** Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- C. Noise.** The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.
- D. Vehicles.** No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.
- E. Deliveries.** Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

### **33.203.060 Type B Home Occupation Permit**

- A. Purpose.** Permits for Type B home occupations must be obtained from BDS prior to their establishment, to ensure the following:
- That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
  - That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet code regulations; and
  - That the distribution and location of Type B home occupations can be documented.
- B. Procedure.** A home occupation permit for Type B home occupations will be issued by BDS for a two year period. It is the responsibility of the applicant to obtain the permit every two years. The review process requires the applicant to agree to abide with the requirements of this chapter and sign a form showing agreement to these conditions and documentation that the proposal is a Type B home occupation. The applicant must demonstrate compliance with the neighborhood notice requirement, described in Subsection C. below.
- C. Neighborhood notice.**

1. Purpose. The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.
2. Process.
  - a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.
  - b. Notice recipients. All recognized organizations whose boundaries include the site must receive the notice. In addition, all owners of the property abutting or across the street from the site must receive the notice. See Figure 203-1 for a description of the notice area. The applicant must submit to BDS a list of the addresses notified, a copy of the notice which was sent, and a signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

**Figure 203-1**  
**Home Occupation Notice Area**



- D. Revocation.** A Type B home occupation permit can be revoked for failure to comply with the regulations of this Chapter, through the procedures identified in Paragraph 3.30.040.B.5 of Title 3, Administration. When a Type B home occupation permit has been revoked, a new Type B home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

*(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15.)*

