

**Chapter 18.760
HOME OCCUPATIONS**

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18.760.010 Purpose

It is the purpose of this chapter to:

- A. Permit residents an opportunity to use their homes to engage in small-scale business ventures that 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
- B. Establish approval standards to ensure that home occupations are conducted as lawful uses that are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents. (Ord. 17-22 §2)

18.760.020 Applicability and Exemptions

- A. Compliance. All home occupations shall comply with the provisions of this chapter.
- B. Exemptions. Exemptions from the provisions of this chapter are:
 - 1. Garage sales;
 - 2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises. Farming activities shall be consistent with the definition of Agriculture/Horticulture provided in Chapter 18.60, Use Categories;
 - 3. Hobbies that do not result in payment to those engaged in such activity;
 - 4. Proven nonconforming home occupations as provided in Section 18.760.070. (Ord. 17-22 §2)

18.760.030 Approval Process

- A. Type I home occupations. An application for a Type I home occupation shall be processed through a Type I procedure, as provided in Section 18.710.050, using the standards in Section 18.760.040.
- B. Type II home occupation permit. An application for a Type II home occupation shall be processed through of a Type II procedure, as provided in Section 18.710.060, using the standards in Section 18.760.040. (Ord. 17-22 §2)

18.760.040 Approval Standards

- A. General. All home occupations except those that have proven nonconforming status shall comply with all of the following in addition to the standards for Type I and Type II home occupations provided in Subsections 18.760.040.B and C.
1. Home occupations may be undertaken only by the principal occupant(s) of a dwelling unit.
 2. There shall be no more than 3 deliveries per week to the residence by suppliers.
 3. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the operation.
 4. The home occupation shall be operated entirely within the dwelling unit and a conforming accessory structure. The total area that may be used in the accessory building for either material product storage or the business activity shall not exceed 528 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25 percent of the combined residence and accessory structure gross floor area, but in no case shall the portion of the home occupation occupying the accessory use exceed 528 feet. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes.
 5. A home occupation shall not make necessary a change in the state building code use classification of a dwelling unit. Any accessory building that is used shall meet state building code requirements.
 6. More than one business activity constituting two or more home occupations shall be allowed on one property only if the combined floor space of the business activities does not exceed the limitation of space imposed in Paragraph 18.760.040.A.4. Each home occupation shall apply for a separate home occupation permit, if required by this chapter.
 7. There shall be no storage or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials that in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, or surrounding properties. Those individuals that are engaged in home occupations shall make available to the fire marshal for review the material safety data sheets that pertain to all potentially toxic or flammable materials associated with the use.
 8. No home occupation shall require any on- or off-street parking other than that normally required for a residence.
 9. The following uses are not allowed as home occupations:
 - a. Auto-body repair and painting;
 - b. Ongoing mechanical repair conducted outside of an entirely-enclosed building;
 - c. Junk and salvage operations; and
 - d. Storage and/or sale of fireworks.

10. There shall be no exterior storage of vehicles of any kind used for the business except that 1 commercially licensed vehicle of not more than 0.75 ton gross vehicle weight (GVW) may be parked outside of a structure or screened area.

B. Type I home occupations. The following characteristics of a Type I home occupation shall be prohibited:

1. Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;
2. Exterior signs that identifies the property as a business location;
3. Clients or customers to visit the premises for any reason; and
4. Exterior storage of materials.

C. Type II home occupations. Type II home occupations shall comply with the following:

1. One non-illuminated sign not exceeding 1.5 square feet may be permitted. The sign may be attached to the residence, an accessory structure, or placed in a window;
2. No more than 1 outside volunteer or employee who is not a principal resident of the premises;
3. No more than 6 daily customers or clients. Customers and clients may not visit the business between the hours of 10 p.m. and 8 a.m. and shall not generate excessive traffic or monopolize on-street parking; and
4. Storage of materials, goods, and equipment that is screened entirely from view by a solid fence. Storage shall not exceed 5 percent of the total lot area and shall not occur within the front yard or the required side yard setback. (Ord. 17-22 §2)

18.760.050 Conditions of Approval

A. Conditions of approval. The approval authority may impose conditions upon the approval of a Type II home occupation permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:

1. Further limiting the hours, days, place, and manner of operation;
2. Requiring site and building design features that minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
3. Requiring additional building setbacks, or increased lot area, depth, or width;
4. Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
5. Designating the size, number, location, and design of vehicle access points;
6. Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;

7. Requiring landscaping, buffering, or screening, of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
8. Requiring storm drainage improvements and surfacing of parking and loading areas;
9. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
10. Limiting or setting standards for the location and intensity of outdoor lighting;
11. Requiring and designating the size, height, and location of fences and materials used for their construction;
12. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas, and drainage areas;
13. Limiting the type and number of vehicles or equipment to be parked or stored on the site; and
14. Any other limitations that the approval authority considers to be necessary or desirable to make the use comply with the purposes stated in Sections 18.320.040 and 18.760.040. (Ord. 17-22 §2)

18.760.060 Revocation and Expiration of Home Occupation Permits

A. Grounds for revocation. The director may:

1. Revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter.
2. The director shall approve the use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter after reviewing a complaint. Complaints may be originated by the City of Tigard or the public. Complaints from the public shall clearly state the objection to the home occupation, such as:
 - a. Generation of excessive traffic;
 - b. Exclusive use of on-street parking spaces; and
 - c. Other offensive activities not compatible with a residential neighborhood.

B. Cessation of home occupation pending review. If it is determined by the director in exercise of reasonable discretion, that the home occupation in question will affect public health and safety, the use may be ordered to cease pending hearings officer review or exhaustion of all appeals.

C. Waiting period for re-application. When a home occupation permit has been revoked due to violation of these standards, a minimum period of 1 year shall elapse before another application for a home occupation on the subject parcel will be considered.

D. Invalidation of permit. A home occupation permit shall become invalid if the applicant moves his or her residence. (Ord. 17-22 §2)

18.760.070 Nonconforming Uses

- A. Nonconforming home occupations. Ongoing home occupations may be granted nonconforming status provided that they were:
1. Permitted under county authority prior to annexation to the city and have been in continuous operation since initial approval; or
 2. Permitted under city authority prior to 1983 and have since been in continuous operation.
- B. Governing regulations. Nonconforming home occupations will be regulated as a nonconforming circumstance.
1. A nonconforming circumstance is further regulated by Chapter 18.50, Nonconforming Circumstances. Such use may continue until the use is expanded or altered so as to increase the level of noncompliance with this title;
 2. The burden of proving a home occupation's nonconforming status rests with the property owner or tenant.
- C. Violations. Home occupations without city or county approval that cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been obtained. (Ord. 17-22 §2) ■