

**Chapter 18.760  
HOME OCCUPATIONS**

**Sections:**

- 18.760.010 Purpose**
- 18.760.020 Applicability**
- 18.760.030 Approval Process**
- 18.760.040 Approval Standards**
- 18.760.050 Conditions of Approval**
- 18.760.060 Revocation of Home Occupation Permits**
- 18.760.070 Nonconforming Uses**

**18.760.010 Purpose**

It is the purpose of this chapter to:

- A. Allow 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. 18-23 §2; Ord. 17-22 §2)

**18.760.020 Applicability**

- A. Applicability. The provisions of this chapter apply to any accessory commercial use associated with a primary Household Living use.
- B. Exemptions. The following activities and uses are exempt from the provisions of this chapter:
  - 1. Garage sales;
  - 2. For-profit production of produce or other food products grown on the premises that meet the Agriculture/Horticulture use category characteristics, as provided in Chapter 18.60, Use Categories. This may include temporary or seasonal sale of produce or other food products;
  - 3. Hobbies that do not result in payment to those engaged in such activity; and
  - 4. Proven nonconforming home occupations as provided in Section 18.760.070. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

**18.760.030 Approval Process**

- A. Type I home occupations. Applications for Type I home occupations are processed through a Type I procedure, as provided in Section 18.710.050, using the standards in Section 18.760.040 as approval criteria.
- B. Type II home occupation permit. Applications for Type II home occupations are processed through a

Type II procedure, as provided in Section 18.710.060, using the standards in Section 18.760.040 as approval criteria. (Ord. 18-23 §2; Ord. 17-22 §2)

#### **18.760.040 Approval Standards**

A. General. All home occupations except legal nonconforming home occupations must 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 a principal occupant of a dwelling unit.
2. Deliveries to the residence by suppliers are limited to 3 per week.
3. The home occupation may not generate any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
4. The home occupation must be operated entirely within the dwelling unit or a conforming accessory structure. The maximum square footage used for the home occupation and associated storage of materials and products is 25 percent of the combined residence and accessory structure floor area or 528 feet, whichever is smaller. All indoor storage of materials or products must meet the provisions of the building, fire, health, and housing codes.
5. A home occupation may not necessitate a change in the state building code use classification of a dwelling unit. Any accessory building that is used must meet building code requirements.
6. A dwelling unit may have more than one home occupation, provided that the combined floor space used for the home occupations does not exceed the square footage limitation imposed in Paragraph 18.760.040.A.4. Each home occupation must apply for a separate home occupation permit, if required by this chapter.
7. The following activities are prohibited as part of a home occupation:
  - a. Storage or distribution of toxic or flammable materials, and
  - b. 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.
8. Additional parking is not required for home occupations.
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 or sale of fireworks.
10. Exterior storage of commercial vehicles, as defined in the Oregon Vehicle Code, is prohibited,

except that 1 commercially licensed vehicle of not more than 0.75 ton gross vehicle weight (GVW) may be parked outside of a structure.

B. Type I home occupations. Type I home occupations must comply with the following:

1. Outside volunteers or employees are prohibited on the premises. Only members of the household may be engaged in the business activity;
2. Exterior signs that identify the property as a business location are prohibited;
3. Clients or customers are prohibited from visiting the premises for any reason; and
4. Exterior storage of materials is prohibited.

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

1. One non-illuminated sign not exceeding 1.5 square feet is allowed. The sign may be attached to the residence or an accessory structure, or be placed in a window;
2. Only 1 outside volunteer or employee who is not a member of the household is allowed on the premises;
3. Type II home occupations are not allowed on lots with cottage cluster, courtyard unit, or quad development, or on a lot with more than one accessory dwelling unit.
4. Up to 6 daily customers or clients are allowed. Customers and clients are prohibited from visiting the business between the hours of 10 p.m. and 8 a.m.; and
5. Storage areas for materials, goods, and equipment must be screened entirely from view by a solid fence. Storage must not exceed 5 percent of the total lot area and is prohibited within front or side setbacks. (Ord. 18-23 §2; Ord. 17-22 §2)

**18.760.050 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:

- A. Further limiting the hours, days, place, and manner of operation;
- B. Requiring site and building design features that minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- C. Requiring additional building setbacks, or increased lot area, depth, or width;
- D. 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;
- E. Designating the size, number, location, and design of vehicle access points;

- F. Requiring street right-of-way to be free at all times of vehicles parked in association with the home occupation;
- G. Requiring landscaping, buffering, or screening of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
- H. Requiring storm drainage improvements and surfacing of parking and loading areas;
- I. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
- J. Limiting or setting standards for the location and intensity of outdoor lighting;
- K. Requiring and designating the size, height, and location of fences and materials used for their construction;
- L. Requiring the protection and preservation of existing trees, vegetation, watercourses, slopes, wildlife habitat areas, and drainage areas;
- M. Limiting the type and number of vehicles or equipment to be parked or stored on the site; or
- N. Any other limitations that the approval authority considers to be necessary or desirable to make the use comply with the purposes of this chapter and the underlying base zone. (Ord. 18-23 §2; Ord. 17-22 §2)

#### **18.760.060 Revocation 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 may 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 must clearly state the objection to the home occupation, such as:
    - a. Generation of excessive traffic;
    - b. Exclusive use of on-street parking spaces; or
    - 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, the permittee must wait a minimum period of one year before another application for a home occupation on the subject lot will be considered.

- D. Invalidation of permit. A home occupation permit is valid only for the property designated on the application and is voided if the applicant moves from the residence. (Ord. 18-28 §1; Ord. 18-23 §2; 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. Allowed under county authority prior to annexation to the city and have been in continuous operation since initial approval; or
  2. Allowed 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 will be considered in violation of this chapter and must cease until the appropriate approvals have been obtained. (Ord. 18-23 §2; Ord. 17-22 §2) ■