

ARTICLE 35

HOME-BASED OCCUPATION

SECTION 35.010, PURPOSE: The purpose of this article is to provide standards for establishment of Home-Based Occupations.

SECTION 35.015, REVIEW PROCEDURE: Applications for permits to allow Home-Based Occupations shall be subject to the public hearing process, except that:

01. Home-Based Occupation applications for zones where a Home-Based Occupation is an outright use shall be subject to Administrative Review.

SECTION 35.020, DEFINITION: Home-Based Occupation shall mean an activity carried on within a residence, within an accessory structure, or on the premise of a residence, which is intended to produce an income. The occupation must be accessory to the primary residential use and in compliance with the applicable requirements of this ordinance.

01. A Home-Based Occupation permit will not be required for:
 - A. Storage of tools used to generate off-premise income.
 - B. Farm and forest uses.
 - C. Activities which have no material negative impacts including:
 1. The making of objects in the residence which are sold elsewhere, including but not limited to: arts and crafts, quilting, sewing, or toys, or
 2. A mail order business, including but not limited to: selling Avon (or other cosmetics), Fuller Brush, toys, or other items, or
 3. A service which is conducted within the residence, including but not limited to: computer programming, data entry, consulting, accounting, and bookkeeping, if
 - a. The business does not have any employees.
 - b. The business does not have a sign.
 - c. Customers do not come to the residence to conduct business.

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- d. The business does not produce noise, dust, odor, or other nuisance that is in excess of that which is usual and customary in the zone where the property is located.

SECTION 35.025, REVIEW CRITERIA: Applications for Home-Based Occupations shall be found to comply with the following criteria:

- 01. **AREA:** A Home-Based Occupation shall be restricted to no more than 25 percent of the gross square feet of the principal residence and 2,000 square feet of accessory buildings normally associated with uses permitted in the zone in which the property is located EXCEPT:
 - A. Bed and Breakfasts are excluded from the square footage criteria.
 - B. Other uses that provide overnight accommodations in conjunction with a home-based occupation.
- 02. **PARTICIPATION/EMPLOYEES:** A Home-Based Occupation shall employ, on site, no more than three full-time or part-time persons.
- 03. **COMPATIBILITY OF ACTIVITY:** The residence, accessory buildings, or any new structures or reconstruction approved for use by the Home-Based Occupation shall conform to the area and shall not be non-conforming in terms of color, materials, design, construction, lighting, landscaping or the lack of landscaping. Also, the proposed use shall not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- 04. **TRAFFIC GENERATION:** The permitted activity should not generate a greater volume of vehicular traffic than is usual and customary in the zone where the property is located.
- 05. **NOISE:** The permitted activity shall not generate any noise that is in excess of that which is usual and customary in the zone where this property is located.
- 06. **EQUIPMENT/RESTRICTIONS:** Any equipment used in the activity and processes shall not create vibrations, glare, fumes, odors, or electrical interference that is detectable to normal sensory perception at the property lines.
- 07. **HAZARDS:** Within a residence; no equipment, process, or materials shall be used which will change the fire-rating or structure separation, fire wall, or ventilation requirements of the building shall be permitted. Attached garages shall not be considered part of the residence for the purpose of this ordinance. Accessory

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buildings, attached garages, or new structures permitted with the use shall meet all structural and life safety requirements for the use and activity. No hazardous materials shall be stored or used on the premise in quantities greater than customary for residential use unless specified and approved at the time of application. No Home-Based Occupation shall be permitted which presents a potential health or safety hazard to the area from discharges into the air, water, or ground; from surface run-off; or from increased need for vector control.

08. **STORAGE AND USE OF YARD:** All storage of materials and equipment associated with the Home-Based Occupation shall be enclosed unless specified and approved at the time of the application.
09. **SIGNS:** Signs shall conform to the provisions of Article 34, Signs.
10. **PARKING:** Parking shall be off-street and conform to the provisions of Article 33, Parking, Section 33.015(03).

NOTE: The existence of home-based occupations shall not be used as justification for a zone change [ors 215.448(4)].

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