

# SECTION 10.0500 HOME OCCUPATIONS

## Home Occupations

- 10.0501 Purpose
- 10.0502 Home Occupation General Requirements
- 10.0503 Home Occupation Considerations
- 10.0504 Home Occupation Review Exception Standards
- 10.0505 Performance Standards for a Home Occupation
- 10.0506 Home Occupation Prohibited Uses
- 10.0507 Home Occupation Time Limits and Renewal
- 10.0508 Home Occupation Enforcement and Revocation
- 10.0509 Variances to Standards
- 10.0510 Unsubstantiated Complaints

## Home Occupations

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### 10.0501 Purpose

The purpose of this section is to:

- A. Protect residential areas from adverse impacts created by home based business/commercial activities.
- B. Provide the alternative to residents to use their dwelling and any associated living quarters as a place of business or commercial activity when such complies with the standards and purpose of this section.
- C. Provide a process for reviewing home occupations so as to protect the rights of neighboring residents to the peaceful enjoyment of their neighborhood and dwellings.

### 10.0502 Home Occupation General Requirements

- A. Home based business or commercial activities may be allowed as a home occupation subject to the requirements of this section.
- B. An application for a home occupation shall be reviewed by the Manager under the Type II procedure of **Section 11.0400**, unless the home occupation meets the review exception standards of **Section 10.0504**, in which case the application process shall be under the Type I procedure of **Section 11.0300**, and will be processed as part of the Business License application. Application for the development permit shall be made by the person desiring to conduct the use, and, the owner or authorized representative of the property on forms provided by the City.
- C. Besides meeting the requirements of this section, the business or commercial use of any home for a home occupation must be supported by an active City business license.
- D. For the purposes of this section “home” refers to the residential location, including any type of dwelling unit and associated garage, of the home occupation. All “homes” as described here may seek approval of a home occupation.

In addition, a Home Occupation must cease its operation if the “permanent residents” do not reside in

the dwelling for more than 30 consecutive days.

- E. No home occupation permit is required in order to conduct short-term personal sales (such as a garage sale or the sale of an individual personal item such as a couch or bicycle) from a residence. The maximum duration of garage/yard type sales is three consecutive days and/or 10 days total in a calendar year.

No person shall carry on a home occupation without first obtaining a permit for such use in the manner provided by this section.

- F. An application for a home occupation subject to a Type II review procedure shall include a narrative that provides the following information:
  - 1. Whether the applicant’s business or commercial activity will be conducted entirely at the home or only partly at home.
  - 2. Whether the applicant’s use would be full-time or occasional and involve employees.
  - 3. Whether the customers of the home occupation come to the home to do business or not.
  - 4. Whether the home occupation requires any physical changes to the home that would not ordinarily be there if not for the presence of the business use.
  - 5. Whether the home occupation activity is similar to other in-home versus out-of-home businesses.
  - 6. Whether the home occupation activity is similar to non-commercial activities that routinely take place at home so as to ensure minimal to no impacts on the surrounding neighborhood.
  - 7. A statement from the applicant that the applicant has or has not reviewed any applicable deed covenants, conditions, and restrictions that might relate to the proposed home occupation.
- G. Application for a home occupation subject to a Type I review procedure shall include a signed statement that the applicant complies with the exception standards of **Section 10.0504**.

### **10.0503 Home Occupation Considerations**

All home occupations shall be reviewed pursuant to the purpose and standards of this section in consideration of the application information. A home occupation proposal need not comply with **Appendix 5.000**, Public Facilities Standards, of the Community Development Code.

### **10.0504 Home Occupation Review Exception Standards**

Home occupations which meet the following exception standards may be processed following a Type I review, must obtain a valid City business license, and must comply with the performance standards in **Subsections 10.0505(A)-(E) and (G)-(I)**:

- A. The home occupation does not involve customers or clients coming to the resident of the applicant.
- B. The home occupation does not include non-family members and/or non-residents as employees.
- C. No deliveries shall be made to the residence other than by traditional small-scale means normally found in a residential area, such as the United States Postal Service, United Parcel Service, Federal Express, messenger services, etc.
- D. Activities of or pertaining to the home occupation that occur at the home shall remain within the confines of the dwelling unit and/or garage, with the exception of those outdoor uses described in **Section 10.0504.E**.
- E. The growing of plants, vegetables, fruits, and flowers is allowed in “home” yards of home based businesses. Egg production that meets the requirements of the GRC Article 7.17 and honey production that meets the requirements of GRC Article 7.18 are also allowed.

Home occupations which do not meet the above standards must follow the Type II review process as described in **Section 10.0502**.

### **10.0505 Performance Standards for a Home Occupation**

All the following standards are established for Type II reviewed home occupations:

- A.** No signs shall be used indicating the existence of the home occupation.
- B.** There is no display or other evidence that will indicate from public rights-of-way or abutting residences that the dwelling unit is used in whole or in part for any purpose other than as a dwelling.
- C.** The home occupation shall not change the occupancy classification other than allowed in the residential Building Code.
- D.** No more than an area equivalent to 50% of the total floor area of the home may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Home occupation area may be located within a portion of the dwelling building and/or an attached or detached garage. However, home occupations shall not be located in other accessory structures. Outdoor uses are allowed pursuant to **Section 10.0504.E**.
- E.** With the exception of the uses described in **10.0504.E**, there shall be no outside storage of materials or equipment associated with the home occupation. Nor shall there be any storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Fire Code.
- F.** No more than one employee other than permanent residents of the dwelling shall be engaged in the home occupation at the dwelling site at any one time.
- G.** No commercially-licensed vehicle in excess of 3/4 ton manufacturer's rating shall be utilized or parked at the dwelling unit by any resident of the premises in connection with the home occupation.
- H.** No deliveries shall be made to the residence other than by traditional small-scale means normally found in a residential area, such as the United States Postal Service, United Parcel Service, Federal Express, messenger services, etc. Such deliveries shall not restrict traffic circulation on the public street and sidewalks.
- I.** The generation on a regular or ongoing time period of noise, vibrations, odors, heat, glare or visual or audible electrical interference detectable beyond any property line is prohibited.
- J.** No customers shall be on the premises between 10:00 pm and 7:00 am.
- K.** Two on-site parking spaces shall be provided for the home occupation in addition to those spaces already required for the dwelling. No more than two customer vehicles may visit the home occupation location at any one time and these must use the designated parking spaces onsite.
- L.** The proposed use is appropriate as a home occupation considering the purpose of this section, preceding standards, and the narrative informational items from **Subsections 10.0502(F) (1) – (6)** as provided with the application.

Upon approval of the home occupation development permit the applicant shall provide proof that he/she has obtained a current City business license.

### **10.0506 Home Occupation Prohibited Uses**

The following business uses shall be prohibited as home occupations: vehicle repair, maintenance or dismantling activities, vehicle sales, employee/crew staging, and industrial uses (including but not limited to

such activities as manufacturing, fabrication, warehousing, industrial services, and welding).

### **10.0507 Home Occupation Time Limits and Renewal**

The approval for a Type I reviewed home occupation shall be valid as long as an active business license is maintained and renewed annually. The development permit for a Type II reviewed home occupation is valid for a period of two (2) years, but must include the annual renewal of an active business license. Renewal of the Type II permit shall then follow the Type I review process. However, any home occupation for which the City of Gresham receives more than two (2) verified complaints from property owners or any occupants of property within a radius of 300 feet of the home occupation site, or, a verified complaint is received from the applicable neighborhood association as authorized at a neighborhood association meeting, or, the home occupation is subject to City enforcement action within a calendar year, that permit must be renewed following the Type II process in the same manner as an application for a new permit. In such a case, the complaints and/or enforcement action shall be considerations for renewal.

### **10.0508 Home Occupation Enforcement and Revocation**

The permit for a home occupation may be revoked by the Manager at any time for:

- A. A violation of any provision of this ordinance.
- B. A violation of any term or condition of the permit.
- C. Failure to renew the City business license when due.

Enforcement shall follow the Abatement and Penalty provisions of **Article 2**.

### **10.0509 Variances to Standards**

Variances to standards may be considered only for the performance standards of **Subsections 10.0505(A)-(K)** following the process and procedures of **Section 10.1500** of the City of Gresham Community Development Code.

### **10.0510 Unsubstantiated Complaints**

City Code Enforcement staff shall have the discretion to determine the appropriate follow-up for unsubstantiated complaints. Such may include non-action or recommendations for mediation to affected parties.