

City of Sherwood, Oregon  
Ordinance 2002-1130

**AN ORDINANCE APPROVING A PLAN TEXT AMENDMENT REGARDING HOME OCCUPATIONS TO THE SHERWOOD ZONING & COMMUNITY DEVELOPMENT CODE, ESTABLISHING REGULATORY STANDARDS FOR AT-HOME BUSINESSES, AND LIMITING THE IMPACTS OF THOSE BUSINESSES ON NEIGHBORING PROPERTIES.**

WHEREAS, the City proposed PA 02-01 Plan Text Amendment to replace the existing language in the Development and Zoning Code Section 2.203, establishing new definitions for home occupation types, providing general criteria to better define home occupations, applying separate standards to determine the necessity of additional permitting; and,

WHEREAS, the plan text amendment defines and lists prohibited uses; and,

WHEREAS, the plan text amendment provides and defines enforcement; and,

**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

**Section 1. Commission & Council Review.** The City Council finds that the application for a Plan Text Amendment of the Home Occupation Plan Text Amendment was subject to full and proper review, and a public hearing was held before the Planning Commission on July 2, 2002. After due and legal notice, the City Council held a public hearing on the amendment on July 9, 2002.

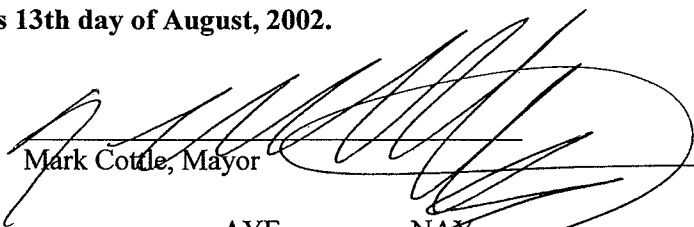
**Section 2. Findings.** After full and due consideration of the City Staff Report for PA 02-01, the record and Staff findings of fact, the Council adopts the findings and reasoning contained in the staff reports dated May 3, 2002 (to Planning Commission), and further finds that the proposed plan text amendment is consistent with the Statewide Planning Goals, and City's Comprehensive Plan.

**Section 3. Decision.** The Ordinance is approved and SECTION 2.203 amended per: ordinance language, Exhibit A.

**Section 4. Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Section 4. Manager Authorized.** The City Manager is directed to take such action as may be necessary to document these amendments, including producing a certified modification to the official City Zoning & Community Development Code.

Duly passed by the City Council this 13th day of August, 2002.

  
Mark Cottle, Mayor

Attest:

  
C.L. Wiley, City Recorder

	AYE	NAY
Heironimus	✓	
Durrell	✓	
Claus		✓
Weeks	resigned	08-13-02
Mays	✓	
Fox	✓	
Cottle	✓	

## **ORDINANCE 2002-1130 EXHIBIT A – 4 PAGES**

### **2.203 HOME OCCUPATIONS**

#### **2.203.01 Purpose**

It is the purpose of this chapter to permit residents an opportunity to use their homes to engage in small-scale business ventures. Home occupations are regulated to ensure that they do not alter the residential character of the neighborhood, nor infringe upon the rights of nearby residents to the peaceful enjoyment of their neighborhood and homes.

#### **2.203.02 Authority**

The provisions of this Code are intended to apply to those entities required to obtain a Sherwood business license under the provisions of the Sherwood Municipal Code Chapter 5.04. No person shall carry on a home occupation, or permit such use to occur on property, which that person owns or is in lawful control, contrary to the provisions of this ordinance. A person must first determine if a permit, for such use in the manner provided by this section, is required.

#### **2.203.03 Exemptions**

- A. 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.
- B. Short-term sales from a residence shall not be deemed to fall under the regulations for home occupations. Such sales shall not exceed one (1) week in duration and a two (2) week period in any given calendar year. Examples of such uses are, but not limited to; garage sales, estate sales, rummage and craft sales.

#### **2.203.04 Type I and Type II Home Occupations**

- A. Home occupations or professions shall be carried on wholly within the principal building and clearly secondary, in the City's determination, to the use of the building as a dwelling. All home occupations shall be administered as either Type I or II, distinguished by the potential impacts they represent to the neighborhood. Both Type I and Type II Home Occupations are required to apply for and maintain a City of Sherwood business license.
- B. Type I home occupations are exempt from the permitting process and defined by the listed criteria.

### **2.203.05 General Definition and Criteria for Home Occupations**

Home occupations or professions are businesses carried on wholly within a residential building, requiring a City Business License. Home occupations are clearly incidental and accessory to the use of the property as a dwelling, and they are not detrimental or disruptive in terms of appearance or operations to neighboring properties and residents. The occupation or profession does not require additional off-street parking nor upset existing traffic patterns in the neighborhood. All home occupations shall be in accordance with the following general criteria:

1. All business operations shall comply with the current City of Sherwood noise ordinance and shall not produce any offensive vibration; smoke; dust; odors; heat; glare or electrical interference detectable to normal sensory perception at the property line.
2. No exterior remodeling which alters the residential character of the structure shall be permitted.
3. The occupation or profession shall not occupy more than twenty-five percent (25%) of the total floor area of all habitable buildings on the property, including customary accessory buildings.
4. There shall be no storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the Fire Marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.
5. There shall be no exterior storage of vehicles of any kind used for the business with the exception of one commercially licensed vehicle of not more than one ton gross vehicle weight (GVW) that may be parked outside of a structure or screened area.

### **2.203.06 Type I Home Occupation Criteria Defined**

- A. Type I home occupations shall be conducted in accordance with the following defined criteria:
  - a. Only the principal occupant(s) of a residential property may undertake home occupations.
  - b. Storage of materials is confined to the interior of the residence with no exterior indication of a home occupation.
  - c. No exterior signs that identify the property as a business location.
  - d. No clients or customers to visit the premises for any reason.

- e. The address of the home shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other advertising media.
- f. Deliveries to the residence by suppliers may not exceed three per week and shall be prohibited on weekends.

### **2.203.07 Type II Home Occupation Permit Criteria Defined**

A. Type II home occupations require a permit and shall be conducted in conformance with the following criteria:

- 1. One non-illuminated exterior sign, not to exceed one (1) square foot.
- 2. The number of customers and clients shall not exceed 5 visits per day. Customers and clients may not visit the business between the hours of 10:00pm and 7:00am Monday through Friday and between 7:00pm and 8:00am Saturday and Sunday.
- 3. Storage of materials on the premises shall be screened entirely from view of neighboring properties by a solid fence. Exterior/outside storage of materials shall not exceed 5% of the total lot area and shall not encroach upon required set back areas of the zone.
- 4. Commercial pickup and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.
- 5. A maximum of one volunteer or one on site employee, who is not a principal resident of the premises.

### **2.203.08 Prohibited Uses**

A. Because of the potential adverse impacts they pose to residential neighborhoods, the following uses are not allowed as home occupations and must be conducted as allowed in a commercial or industrial zone:

- 1. Auto-body repair, restoration and painting;
- 2. Commercial auto repair, (auto repair for other than the property owners/tenants personal vehicles);
- 3. Junk and salvage operation;
- 4. Storage and/or sale of fireworks.

### **2.203.09 Permit Procedures for Type II Home Occupations**

An application for a Type II Home Occupation Permit shall be filed, according to the application procedures of Chapter 3.200, and in conjunction with the City business license accompanied by the appropriate fee as per Section 3.301. The application shall identify the type of use and address the conditions contained in Chapter 2.203 and other applicable sections of this Code. The Planning Director or his designee may impose additional conditions upon the approval of Type II home occupation permits to ensure

compliance with the requirements of this chapter. The action of the Planning Director may be appealed as per Section 3.400.

#### **2.203.10 Expiration and Revocation of Home Occupation Permits**

- A. Type II Home Occupation permit expiration. A Type II home occupation permit shall be valid for a period of one year. Renewal of the permit shall be accomplished in the same manner as an application for a new permit under this section.
  
- B. Grounds for revocation. The Planning Director may revoke a home occupation permit at any time for the following reasons:
  - 1. A violation of any provision of Chapter 2.203.
  - 2. A violation of any term or condition of the permit.
  - 3. Failure to pay the City business license fee in a timely manner.

When a Type II home occupation permit has been revoked, a new Type II home occupation permit will not be issued to the applicant or other persons residing with the applicant for a period of up to 24 months.

#### **2.203.11 Appeals**

The action of the Planning Director may be appealed per the provision of Section 3.400.