



CITY OF TUALATIN

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HOME OCCUPATION STANDARDS

Ordinance 1129-03
as of 03-26-03

Section 5.030 General Objectives

(18) Permit home occupations in a residence that do not detract from the residential character of an area.

Section 31.060 Definitions.

Home Occupation. A home occupation is a lawful business, occupation or activity undertaken for financial gain that:

- (a) Is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its principal place of business;
- (b) By a resident of the dwelling unit;
- (c) Who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and
- (d) Is secondary and incidental to the use of the dwelling for dwelling purposes.

Homeowners Association. A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscape, parking, maintenance and other activities provided for by the bylaws of the association.

Telecommuting. The act of an employee working at home by the use of an electronic linkup with a central office

Section 34.031 Definitions

For purposes of TDC sections 34.031 through 34.055 the following terms have the following meanings:

Employee. All persons, excluding the owner-operator, working on the premises in the home occupation.

Equipment. Physical assets of the home occupation, excluding motor vehicles.
Motor Vehicle. A self-propelled mechanical device moving or movable over the highways, roads and streets of the City, excepting devices that move exclusively on stationary rails.

Owner-operator. A person undertaking a home occupation; the proprietor of a home occupation.

Party Format. The presentation and sale of goods or services to a social gathering of invited guests.

Section 34.032 Intent and General Provisions

- (1) The intent of this Home Occupation Code, TDC 34.031 - 34.055, is:
 - (a) To allow residents an opportunity to use their residences to engage in small-scale business activities;
 - (b) To allow for small-scale business activities in a residence as a means to reduce commutes and traffic;
 - (c) To establish standards by which home occupations operate; and
 - (d) To ensure that home occupations are conducted subordinate to the residential use of the property, in a manner neither detrimental nor disruptive, in terms of appearance or operation, to neighboring properties and residents.
 - (e) It is not the intent of TDC 34.031-34.055 to prohibit telecommuting.
- (2) General Provisions
 - (a) No person shall operate a home occupation or allow a home occupation to occur on property he or she owns or controls in violation of TDC 34.031 through 34.055.
 - (b) TDC 34.031 to 34.055 apply to all home occupations in the City, including those in operation on the effective date of these regulations. Nothing in these sections shall be construed as imposing restrictions on the residential, non-home occupational, lawful use of the property.

Section 34.045 Allowed Home Occupations

The following occupations are permitted as home occupations so long as the home occupation operates within the standards set forth in TDC 34.055.

- (1) Professional occupations including, but not limited to: accounting, architecture, computer consulting, counseling, clergy, drafting, editing, engineering, financial advising, graphic design, immediate disposition company, landscape design, law, psychology, publishing, realty and writing.

- (2) Personal services including, but not limited to: haircutting, manicures and licensed massage therapy.
- (3) Instructional services including, but not limited to: arts, crafts, language, music and scholastic teaching.
- (4) Home craft businesses including, but not limited to: arts, catering, dressmaking, jewelry making, millinery, music, photography, pottery, sculpture, tailoring and weaving.
- (5) Trades, repair and service people who work off-site but maintain an office at home.
- (6) Repair services including, but not limited to: hand-held instruments, watch and clock repair.
- (7) Other home occupations may be allowed as determined by a code interpretation pursuant to TDC 31.070.

Section 34.055 Standards

The following standards apply to home occupations in the City of Tualatin:

- (1) A residence that houses a home occupation may have only one sign that must comply with 38.110(11).
- (2) A person operating a home occupation must obtain a business license from the City of Tualatin. This person must also maintain all other permits required by other agencies for the home occupation.
- (3) Home occupations may include the retailing of goods not produced by the home occupation but directly related to the home occupation if:
 - (a) The retailing is secondary and ancillary to the home occupation; or
 - (b) The retailing occurs in a party format no more than six times in a calendar year at the home occupation location.
- (4) All materials and equipment shall be stored inside built structures on the premises. Interior storage of materials and equipment shall be secondary to the residential use of the dwelling. Storage shall not be used as a material or equipment staging area. Equipment may be stored on the home occupation vehicle.
- (5) Noise, smoke and odors may not exceed those created by normal residential use.

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(6) The home occupation must be owned and operated by a resident at the home occupation site. The home occupation may employ one other on-site employee who is not a resident of the building. Off-site employees are permitted.

(7) The home occupation shall not be used as a headquarters or meeting location for the assembly of employees or subcontractors for any reason, including staging or dispatch of employees or subcontractors to other locations, except as specified under 34.055(14). Off-site employees and subcontractors may not keep their motor vehicles at the home occupation during a workday.

(8) The residence shall not be altered in a manner that will change its primary residential appearance or use. A home occupation shall not change the dwelling unit classification as a dwelling unit in the Uniform Building Code.

(9) Only one motor vehicle not exceeding 15,000 pounds GVW may be permitted for use in the home occupation at the home occupation location. No other motor vehicle storage is permitted for the home occupation. No commercial motor vehicle as defined in ORS 801.208 may be allowed as part of a home occupation.

(10) On-street parking may not prevent access to mailboxes, driveways, fire hydrants, garbage or recycling receptacle pick-up.

(11) The home occupation may generate no more than ten one-way client and subcontractor vehicular trips per day. For home occupations relating to instructional services, no more than 20 one-way client and subcontractor vehicular trips may be permitted per day. Trips attributable to the residential use shall not be attributed to the home occupation in determining compliance with this section.

(12) No employee, client, subcontractor or delivery trips to the home occupation may be made between 10:00 pm and 7:30 am.

(13) A person may not work on three or more motor vehicles per week at a residence. If a person is, the City will presume that the person is operating an unauthorized home occupation. This presumption may be rebutted by demonstrating that no money, goods or services are exchanged between the vehicle owner and the vehicle repairer.

(14) A board or staff meeting of the home occupation may be held quarterly at the site of the home occupation.