



## HOME BUSINESS STANDARDS

### Albany Development Code

#### Article 3 - Residential Zoning Districts

**22.400 DEFINITION – Home Business.** A business carried on within a dwelling or residential accessory building provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Home businesses do not include hobbies as defined in this Code.

**3.090 PURPOSE.** The home business provisions recognize the needs of many persons who are engaged in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or which because of the nature of the activity would make it impractical to expand to a full-scale enterprise and that the business is incidental to the residential use. The purpose of these standards is to allow home businesses that can be compatible in scale and operating characteristics within a residential neighborhood without infringing on the right of neighboring residents to enjoy the peaceful occupancy of their homes. Home businesses do not include hobbies as defined in this Code.

**3.092 APPLICABILITY.** The provisions of this section apply to all home businesses except for the following:

- (1) Garage, yard or estate sales from the site that comply with Albany Municipal Code Section 7.84.190.
- (2) Open houses and other events involving the sale of goods or services as long as they comply with the frequency of garage sales allowed in Albany Municipal Code Section 7.84.190.
- (3) Hobbies.
- (4) Registered or certified family child care homes per ORS 657A.440.

**3.094 PROHIBITED USES.** The following uses are prohibited as home businesses:

- (1) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves 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.
- (2) Junk and salvage operations.
- (3) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.
- (4) Storage or display of more than one motor vehicle for sale.

**3.100 PROCEDURES.**

- (1) **Home Business Allowed Outright.** Home businesses shall be allowed outright as a permitted accessory use to a residence provided that the business or businesses cumulatively meet all of the standards in Section 3.110 and 3.120.
- (2) **Home Business as a Conditional Use.** Applications for a home business that cannot meet the standards in Section 3.120 will be processed as a Conditional Use Type III. The business shall meet the standards in Section 3.110 and the Conditional Use review criteria in Article 2, Section 2.250.

**3.110 STANDARDS THAT APPLY TO ALL HOME BUSINESSES.**

- (1) One window or wall sign is allowed, not larger than 12 inches by 18 inches.
- (2) There is no visible outside storage of materials or commodities other than plant materials.
- (3) There is no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a residential use.
- (4) No customers or employees may enter the premises between the hours of 8:00 p.m. and 7:00 a.m.

- (5) All required building and other permits pertaining to the proposed business must be obtained. A home business that is classified as commercial or industrial occupancies by the building codes must comply with the applicable requirements of the Uniform Building Code and Uniform Fire Code.

3.120 STANDARDS FOR HOME BUSINESSES ALLOWED OUTRIGHT. In order to be allowed outright, a home business shall meet all of the following standards. If more than one business is proposed at the same residence, then all businesses must cumulatively meet these standards.

- (1) Employees. The business is carried on only by residents and not more than two outside employees or volunteers.
- (2) Offsite Impacts. The business operation results in no vibration, smoke, dust, odors, heat, glare or noise more than 60 decibels noticeable at or beyond the property line sustained for more than 10 minutes between the hours of 7:00 a.m. and 6:00 p.m.
- (3) Deliveries. The business will not average more than three deliveries and pickups by trucks or other commercial vehicles per day, excluding deliveries from the post office.
- (4) Customer Vehicles. No more than three customer or client vehicles are permitted on the property or in the right-of-way at one time.
- (5) Sales. On-site sales shall be by appointment only.
- (6) Size and Scale. Home businesses located in accessory buildings may not exceed 1,000 square feet including storage.

3.125 HOME BUSINESSES REQUIRING CONDITIONAL USE APPROVAL. In addition to home business that cannot meet the standards to be allowed outright per Section 3.100 (2), the following uses may only be considered through a Conditional Use review and approval:

- (1) Auto body repair and painting for compensation.
- (2) Mechanical repair conducted outside of an entirely enclosed building.
- (3) Headquarters or dispatch center where employees and/or vehicles come to the site and are dispatched to other locations.

3.140 INITIATION OF COMPLAINTS. Complaints may be originated by the City of Albany or the public. Complaints from the public shall clearly state the objection to the home business based on the applicable standards in this Code.

3.150 REVIEW PROCEDURES FOR COMPLAINTS. An investigation of the complaint will be performed accordingly:

- (1) If the Director finds that a home business allowed outright does not meet the standards in Sections 3.110 and 3.120, the Director will:
  - (a) Require the business be brought into compliance with the applicable standards; or
  - (b) Require the business be processed as a Conditional Use; or
  - (c) Order the business to be terminated.
- (2) If the complaint is regarding a home business approved as a Conditional Use, the Director will review the complaint against the standards in Sections 2.250 and 3.110, and any conditions of approval in the notice of decision. If the Director determines the business is in violation of applicable standards or conditions of approval, the Director will:
  - (a) Require the business be brought into compliance with applicable standards and the conditions of approval; or
  - (b) Order the business to be terminated.

3.160 PENALTIES. Non-compliance with the orders of the Director, or his designee, Planning Commission, or Hearings Board, as referred to above, are an infraction punishable as per AMC Section 1.04.01. In addition, each violation of this Article shall bear an additional minimum civil penalty of \$50 per violation. The procedure for adjudication for infractions shall be as set forth at AMC Section 1.05.