

**CITY OF YACHATS
ORDINANCE NO. 323**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE TITLE 9 – ZONING AND
LAND USE CODE, SECTIONS 9.04.030 - DEFINITIONS AND SECTION 9.72.050.D –
STANDARDS FOR A HOME OCCUPATION**

WHEREAS, at the April 16, 2013 and May 21, 2013 Planning Commission work sessions the Commission reviewed and made recommended amendments to the Yachats Zoning & Land Use Code pertaining to ‘Home Occupations’; and

WHEREAS, a public hearing was held August 20, 2013 and based on public input the Planning Commission continued the public hearing to September 17, 2013; and

WHEREAS, the proposed changes to the Standards for a Home Occupation (Section 9.72.050.D) have been updated based on public input and Planning Commission discussion; and

WHEREAS, the City Council held a public hearing on November 12, 2013 to consider the recommended amendment to the Yachats Municipal Code Section 9.72.050 – Standards for a Home Occupation and Section 9.04.030 – Definitions;

NOW THEREFORE, the City of Yachats ordains the following Sections of the Yachats Municipal Code shall be amended, in part, to read as follows:

Section 1. – Section 9.04 - Definitions

"Home occupation" means ~~any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes, excluding direct sales to the public means~~ a business, profession or other economic activity conducted full or part-time in the principal resident residence and/or accessory structure of the person conducting the business.

Section 2 – Section – 9.72.050 (D) – Standards for a Home Occupation

D. Standards for a Home Occupation.

1. The home occupation shall be secondary to the main use of the property as a residence.

~~2. The home occupation shall be limited to either an accessory structure or not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.~~

~~3.~~ No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.

~~4.~~ No persons other than ~~members of the immediate family~~ those residing in the dwelling ~~is~~ are to be engaged in the home occupation unless authorized by the Planning Commission through a Conditional Use Permit.

~~5.~~ No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The

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sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard. ~~No signs shall be permitted; exception, the provisions provided under Section 9.44.030(C) or 9.44.050(F).~~

~~6. No stock in trade stored nor commodity kept for sale which is not produced on the premises shall be allowed.~~

~~75.~~ No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.

~~86.~~ No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.

~~97.~~ No parking of ~~customer's~~ vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents ~~or so as to necessitate off-street parking~~ shall be allowed.

~~108.~~ A valid business license from the ~~city~~ City shall be required.

~~119.~~ If the applicant ~~shall certify~~ certifies in writing that the home occupation ~~will be primarily conducted by electronic means or U.S. mail and that in the normal conduct of the business consumers, clients or patients shall not visit the premises and no shipment of materials or product shall be made by commercial means;~~ meets all of the above standards the ~~city planner~~ City Planner or designee may authorize the licensing of the home occupation and waive the conditional use permit requirement. Such license shall be subject to annual review.

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

APPROVED by the Mayor this ____ day of _____.

Attest:

Ronald L Brean, Mayor

Nancy Batchelder, City Recorder