

## 5.090 STREET SIDE SALES REGULATIONS



Street side sales of products including, but not limited to, flowers, fruits, vegetables, firewood, arts and crafts,

seafood, fireworks, and Christmas trees may be permitted within commercial or industrial zoning districts, or on sites with a community service use, subject to the following provisions:

- A. All activity related to street side sales, including signage, must be within the boundaries of the property, and is not permitted on any public right-of-way, including sidewalks.
- B. Signage shall be limited to one sign per street frontage of the property on which the street side sales is located. Signs shall not exceed 24 square feet in size.
- C. A business license for street side sales is valid for a period not to exceed 60 days. At the end of the 60-day period, the structure (including any mobile unit) from which the street side sales is conducted, shall be removed from the property.
- D. Written permission of the property owner must be submitted with the business license application.
- E. Street side sales are not permitted to have automobile drive-up window service.
- F. An application for a street side sales business may be denied on the grounds that the nature or location of the business activity would endanger persons or property such that the business activity is a menace to the health, safety, and general welfare of the city.
- G. Denial of a street side sales business may be appealed in accordance with Chapter 5.04, Business Licenses, of the Troutdale Municipal Code. *[Adopted by Ord. 653, ef. 9/12/97]*

## Home Occupation and Street Side Sales Regulations



**Troutdale Development Code**  
Chapter 5 Section 5.100 through 5.210  
Chapter 5 Section 5.090



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## 5.100 HOME OCCUPATION IN A RESIDENTIAL DISTRICT

### 5.110 PURPOSE

The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A business license may be granted for a home occupation, provided the use is not inconsistent with, or disruptive to, the normal residential usage of the premises; will not cause external effects which are detrimental to neighboring properties; and is compatible with the characteristics of the residential district. Special regulations govern home occupations classified as certified group day care, family day care provider, licensed adult foster home, residential home, residential facility, or residential care facility. *[Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]*



### 5.120 HOME OCCUPATIONS GENERAL REQUIREMENTS

- A. There shall be no exterior indication of the home occupation, no exterior signs shall be used, and no on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- B. No home occupation shall be permitted which is objectionable due to noise, smoke, dust, odor, glare, traffic attraction, vibration, or other disturbing influences greater than that of other residential properties in the vicinity.

- C. If hazardous materials are used or stored on the premises of a home occupation, Materials Safety Data Sheet shall be provided with the business license application.
- D. Use and storage of hazardous materials in conjunction with a home occupation must be approved by the local fire and emergency service agency. *[Adopted by Ord.550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]*

### 5.130 BUSINESSES

Business home occupations shall be limited to those activities which are customarily carried on within a dwelling or accessory structure, and which are operated entirely within a building by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such property. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No nonresidential employees or any persons other than members of the family residing within the dwelling shall engage in a home occupation therein except as provided for under sections 5.140 through 5.190 of this chapter.
- B. Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business, and not on the premises of the home occupation. No sale of merchandise shall be made on the premises.
- C. No more than 25% of the gross floor area of the residence shall be used for the home



occupation. If a home occupation is conducted within an accessory structure, the home occupation shall not exceed the gross floor area of the residence.

- D. Must comply with all other City, County, and State requirements. [Adopted by Ord.550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.140 CERTIFIED GROUP DAYCARE

A certified day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care for no more than 12 children.
- B. Be located in a building constructed as a single-family dwelling.
- C. Be licensed by Children's Services Division as a day care provider.
- D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.150 FAMILY DAYCARE

A family day care facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care in the provider's home in the family living quarters for six or fewer children full-time, with up to four additional full- or part-time children when school is not in session during the regular school year.



- B. During the summer when school is not in session, have no more than four additional part-time children of any age in care.
- C. The four additional children shall be in care no more than four hours per day.
- D. There shall be no more than ten children at any given time, including the provider's children.
- E. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.160 LICENSED ADULT FOSTER HOME

An adult foster home (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care for five or fewer adults who are not related to the provider by blood or marriage, with exclusions as noted in applicable state law .
- B. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.170 RESIDENTIAL HOME

A residential home (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for five or fewer unrelated physically or mentally handicapped persons.



- B. May include residential space for staff persons who are not related to each other or to any other home resident.
- C. Comply with all other applicable City, County, and State requirements. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.180 RESIDENTIAL FACILITY

A residential facility (as defined under applicable state law) may be established in any residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide care in a residential facility for six to fifteen unrelated physically or mentally handicapped, or elderly, persons.
- B. Staff members may not exceed two in number. These staff members need not be related to each other or to any other facility resident.
- C. Be authorized by the Planning Commission through a conditional use permit.
- D. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]



### 5.190 RESIDENTIAL CARE FACILITY

A residential care facility (as defined under applicable state law) may be established in any medium-density residential district. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Provide residential care for six or more physically handicapped or socially dependent individuals in one or more buildings on contiguous properties.

- B. Be authorized by the Planning Commission through a conditional use permit.
- C. Comply with all other applicable City, County, and State standards. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.200 ESTABLISHING AND MAINTAINING

A. Issuance of Business License. A home occupation shall be required to have a business license in order to operate within the City.

B. If, in the opinion of the applicant, the Director has acted arbitrarily or capriciously in withholding or revoking a business license for a home occupation, the applicant may request an interpretation of the code by the Planning Commission. In such cases, the dwelling to be used for home occupation shall be open for inspection to the staff or Planning Commission on any day between 8:00 a.m. and 10:00 p.m. during the review of the decision.

- C. The City shall not issue a business license until the Home Occupation is approved by the Director. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

### 5.210 REVOCATION & EXPIRATION

Home occupations are renewed annually in conjunction with business licenses. Business licenses for home occupations may be revoked at any time for noncompliance with the provisions of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]

