

BEFORE THE BOARD OF COMMISSIONERS

OF THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending and Updating the Yamhill)
County Zoning Ordinance, Ordinance 310, as Amended,) ORDINANCE 746
Planning Docket G-03-04, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on September 2, 2004, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

IT APPEARING TO THE BOARD that the Planning Department submitted a number of small changes to the Yamhill County Zoning Ordinance to the Planning Commission at a duly noticed public hearing on June 3, 2004, which heard from interested parties voted to forward the application to the Board for review, and

IT APPEARING TO THE BOARD that the matter was heard by the Board at duly noticed public hearings on July 15 and August 12, 2004. The Board heard testimony, considered the evidence from interested parties and staff, then deliberated and voted 3-0 to approve the changes. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD that the Yamhill County Zoning Ordinance is amended as detailed in Exhibit "A", incorporated herein by this reference. The purpose of these amendments is to update the ordinance and make it consistent with state statutes and the Oregon Administrative Rules. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 2nd day of September, 2004, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: *Anne Britt*
Deputy Anne Britt



Kathy George
Chair KATHY GEORGE

Mary P. Stern
Commissioner MARY P. STERN

Leslie Lewis
Commissioner LESLIE LEWIS

APPROVED AS TO FORM:

Rick Sanai
Rick Sanai
Assistant County Counsel

ORDINANCE 746

Exhibit "A"

Note: New Language is **underlined and bold**; language to be deleted is noted with ~~strikeout~~.

1. Section 202, Definitions, shall be amended as follows:

BED AND BREAKFAST INN: A single-family dwelling where lodging is offered for compensation, having no more than ~~five (5)~~ **nine (9)** sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator.

2. Sections 401.03(C) and (D) shall be amended as follows:

C. Principal forest template dwelling, except as provided in subsection D of this Section, subject to the following standards and criteria:

1. There are no other dwellings on the subject tract; and
- ~~2. The subject tract was lawfully created on or before November 4, 1993 and has not been reconfigured pursuant to applicable law after that date, the effect of which was to qualify the lot, parcel or tract for the siting of a dwelling. Reconfigured means any change in the boundary of the lot, parcel or tract, or any conveyances which have the effect of qualifying an otherwise ineligible lot, parcel or tract for the siting of a dwelling; and~~
23. When the lot or parcel on which the dwelling will be sited is part of a tract, the remainder of the subject tract shall be consolidated into a single lot or parcel when the dwelling is allowed, which shall not be eligible for an additional dwelling; and
34. The lot or parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - (a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a circle with a circle with a 1489.46 foot radius **or a 160-acre square** centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or

- 45. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a circle with a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or

 - 56. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels.

 - 67. If the tract on which the dwelling will be sited abuts a public road that existed on January 1, 1993, the measurement under subsections 4.a, 5.a, or 6.a may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. ~~In determining alignment for the purposes of this subsection, a minimum of two adjacent corners of the rectangle shall be equidistant from the center of the road.~~

 - 78. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
- D. Principal forest template dwelling on a tract of 60 or more acres that abuts a road or perennial stream, subject to the following standards and criteria:
- 1. There are no other dwellings on the subject tract; and
 - 2. ~~The subject tract was lawfully created on or before November 4, 1993 and has not been reconfigured pursuant to applicable law after that date, the effect of which was to qualify the lot, parcel or tract for the siting of a dwelling. Reconfigured means any change in the boundary of the lot, parcel or tract; or~~

~~any conveyances which have the effect of qualifying an otherwise ineligible lot, parcel or tract for the siting of a dwelling; and~~

23. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed, and the tract shall not be eligible for an additional dwelling; and
34. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and
45. The lot or parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
- (a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
56. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
- (a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
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 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.

- ~~78.~~ The measurement under subsections 5.a, 6.a, or 7.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream. ~~In determining alignment for the purposes of this subsection, a minimum of two adjacent corners of the rectangle shall be equidistant from the center of the road or stream.~~
89. The one dwelling required to be on the same side of the road or stream pursuant to subsections 5.b, 6.b, or 7.b of this section may be outside the width of the rectangle described in subsection 8 of this section if it is within one-quarter mile of the subject tract.
- ~~910.~~ If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

3. Section 402.11(C) shall be amended as follows:

- C. Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5).

"Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products.

"Products or by-products raised on such land" means the those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring on land being used for

the primary purposes of obtaining a profit in money from the farm use of the land.

4. Sections 402.11(D) shall be amended as follows:

D. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. A "non-regulation golf course" means a golf course or golf course-like development that does not meet this definition of golf course, including but not limited to executive golf courses, par three golf courses, pitch and putt courses, miniature golf courses, and driving ranges. Non-regulation golf courses are not permitted by this section.
4. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:
 - a. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course or golf tournament.
 - b. Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
 - c. A use is accessory to a golf course only when limited in size and

orientation to serve the needs of persons and their guests who patronize the golf course to golf.

- d. Commercial activities such as food and beverage service and a pro shop are accessory to a golf course only when located in the clubhouse.
- e. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

5. Sections 403.03(P) and (Q) shall be amended as follows:

- P. Principal forest template dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, except as provided in subsection Q of this Section, subject to Sections 403.09, 403.10, 403.11 and the following standards and criteria:
 - 1. There are no other dwellings on the subject tract; and
 - 2. ~~The subject tract was lawfully created on or before November 4, 1993 and has not been reconfigured pursuant to applicable law after that date, the effect of which was to qualify the lot, parcel or tract for the siting of a dwelling. Reconfigured means any change in the boundary of the lot, parcel or tract, or any conveyances which have the effect of qualifying an otherwise ineligible lot, parcel or tract for the siting of a dwelling; and~~
 - 23. When the lot or parcel on which the dwelling will be sited is part of a tract, the remainder of the subject tract shall be consolidated into a single lot or parcel when the dwelling is allowed, which shall not be eligible for an additional dwelling; and
 - 34. The lot or parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - (a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and

- (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or
- 45. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or
- 56. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels.
- 67. If the tract on which the dwelling will be sited abuts a public road that existed on January 1, 1993, the measurement under subsections 4.a, 5.a, or 6.a may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. ~~In determining alignment for the purposes of this subsection, a minimum of two adjacent corners of the rectangle shall be equidistant from the center of the road.~~
- 78. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
- Q. Principal forest template dwelling on a tract of 60 or more acres predominantly devoted to forest use on January 1, 1993, that abuts a public road that physically existed on January 1, 1993 or a perennial stream, subject to Sections 403.09, 403.10, 403.11 and the following standards and criteria:
 - 1. There are no other dwellings on the subject tract; and

- ~~2.~~ ~~The subject tract was lawfully created on or before November 4, 1993 and has not been reconfigured pursuant to applicable law after that date, the effect of which was to qualify the lot, parcel or tract for the siting of a dwelling. Reconfigured means any change in the boundary of the lot, parcel or tract, or any conveyances which have the effect of qualifying an otherwise ineligible lot, parcel or tract for the siting of a dwelling, and~~

23. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed, and the tract shall not be eligible for an additional dwelling; and

34. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and

45. The lot or parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - (a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or

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 - (a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or

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 - (a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and

(b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.

~~78.~~ The measurement under subsections 5.a, 6.a, or 7.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream. ~~In determining alignment for the purposes of this subsection, a minimum of two adjacent corners of the rectangle shall be equidistant from the center of the road or stream.~~

~~89.~~ The one dwelling required to be on the same side of the road or stream pursuant to subsections 5.b, 6.b, or 7.b of this section may be outside the width of the rectangle described in subsection 8 of this section if it is within one-quarter mile of the subject tract.

~~910.~~ If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

6. Section 403.12(E) shall be amended as follows:

E. Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5).

"Preparation" of products or by-products includes but is not limited to the

cleaning, treatment, sorting, composting or packaging of the products or by-products.

“Products or by-products raised on such land” means the those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring on land being used for the primary purposes of obtaining a profit in money from the farm use of the land.

7. Section 403.12(G) shall be amended as follows:

G. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. A "non-regulation golf course" means a golf course or golf course-like development that does not meet this definition of golf course, including but not limited to executive golf courses, par three golf courses, pitch and putt courses, miniature golf courses, and driving ranges. Non-regulation golf courses are not permitted by this section.
4. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:
 - (a) An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course or golf tournament.

- (b) Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
- (c) A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.
- (d) Commercial activities such as food and beverage service and a pro shop are accessory to a golf course only when located in the clubhouse.
- (e). Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

4. Section 501.03(Q) is added as follows:

Q. Community Centers

R. Residential facility as defined in ORS 197.660.

9. Section 501.06(B) is amended as follows:

B. Parcel Size and Dimension.

1. Newly-Created Parcels.

Except as provided in Subsection 4 below, the The minimum size of any newly-created parcel shall be ten (10) acres, except in the case of parcel size averaging the minimum parcel size shall be five (5) acres.

2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1.

4. Division of Pre-existing Dwellings. A division of a lot or parcel may be allowed if:

(a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);

(c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size; and

(d) At least one dwelling is located on each lot or parcel created under this paragraph.

10. The following conditional uses are added as 502.03(L) and (M).

L. Community Centers.

M. Residential facility as defined in ORS 197.660.

11. Section 1004 is amended as follows:

SECTION 1000 – SPECIAL USE REQUIREMENTS

1004 HOME OCCUPATIONS

1004.01 Standards and Limitations.

Except as provided in the Minor Home Occupation standards listed in Subsection 1004.02, the The following standards and limitations shall apply to home occupations:

A. The home occupation will be operated by a resident of the property on which the business is located.

B. The home occupation will employ on the site no more than five full or part-time employees.

C. The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property

is located.

- D. The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- E. No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.
- F. A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.
- G. The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.
- H. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.
- I. A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.
- J. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.
- K. Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.
- L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.
- M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.
- N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.

- O. A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval.
- P. Pursuant to the nonconforming use provisions of Section 1205 of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.

1004.02 **Minor Home Occupations**

Minor Home Occupations may be established within an existing dwelling provided it satisfies the following standards.

- A. A Minor Home Occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.**
- B. There shall be no visible evidence of the conduct of a Minor Home Occupation from any road or adjacent property, other than permitted signs.**
- C. There shall be no outside storage associated with a Minor Home Occupation.**
- D. A maximum of two full or part time employees, in addition to members of the immediate family residing on the premises, shall be employed in the operation of the Minor Home Occupation.**
- E. There shall be no display of products visible from outside an enclosed building space.**
- F. The maximum number of client vehicles that are associated with a home occupation and located on the subject property shall not exceed two at any time.**
- G. A maximum of two off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.**
- H. A Minor Home Occupation shall not create noise, vibration, glare, fumes or odor detectable to normal sensory perception off the subject property.**
- I. A Minor Home Occupation shall not create visual or audible electrical interference in any radio or television off the subject property or cause**

fluctuation in line voltage off the subject property.

- J. A Minor Home Occupation does not allow the repair of motor vehicles.
- K. A bed and breakfast does not qualify as a Minor Home Occupation.
- L. A Minor Home Occupation is limited to one on-premise sign of up to six square feet.

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