

Lane Code  
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## GREENWAY DEVELOPMENT PERMIT

### 10.322-01 Purpose.

To establish Greenway Development Permit procedures for Greenway Development Permits for certain land use activities as required by the Statewide Willamette River [Greenway] Goal and [the] Lane County Willamette River Greenway Plan. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)*

### 10.322-05 Definitions.

For the purpose of this subchapter, except as otherwise provided below, the definitions provided in LC 10.020 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used.

(1) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in character in the soil; destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

(2) Ordinary Low Water. The low water mark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

(3) Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

(4) Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in public loss of quality in the goods or services offered.

Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

(5) Greenway Development Permit. A permit authorized pursuant to this subchapter or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinances 4-76 and 11-76.

(6) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of this subchapter.

(7) Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

(8) Develop. To construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels or to create or terminate rights of access.

(9) Development. To act, process or result of developing

(10) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)*

### **10.322-10 Uses and Activities Subject to Greenway Development Permits.**

Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zoning districts, including public improvements and including partitions and subdivisions as defined in LC Chapter 13, which are proposed for land within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

(1) Where the location is within areas designated as "urban" on Greenway maps adopted by the Oregon Land Conservation and Development Commission and is beyond 150 feet of the ordinary low waterline.

(2) Customary dredging and channel maintenance conducted under permit from State of Oregon.

(3) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(4) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(5) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public land shall require review as provided by this subchapter.

(6) Erosion control operations.

(7) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use, provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(8) Farm Use.

(9) Reasonable emergency procedures necessary for the safety or protection of property.

(10) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(11) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use or where the harvest is consistent with an approved permit under the Forest Practices Act:

- (a) for a farm woodlot of less than 20 acres, or
- (b) consistent with recommendations made by Oregon Department of Transportation to Oregon Department of Forestry which are designed to address criteria set forth in Statewide Goal 15, sections c-h.

(12) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(13) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of LC 10.322-15 and notification requirements of LC 10.322-30

- (a) Planned Unit Developments, as provided in LC 10.700.

- (b) Unzoned Area Development Permits, as provided in LC 9.700.

*(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82; 18-07, 12.27.18)*

### **10.322-15 Greenway Development Permit Approval.**

A decision to approve a Greenway Development Permit shall require findings that the proposed intensification, change of use or development conforms to the following criteria, guidelines and setback requirements:

- (1) Criteria.

- (a) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river.

- (b) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

- (2) Guidelines. Affirmative findings of compatibility with the Willamette River Greenway based upon due consideration and the relative importance of the following applicable guidelines.

- (a) Preservation and maintenance of land designated "agriculture" in the adopted Willamette River Greenway Plan for farm use and minimize interference with the long-term capacity of lands for farm use.

- (b) Protection, conservation or preservation of significant scenic areas, viewpoints and vistas.

- (c) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

- (d) Preserve areas of annual flooding, floodplains and wetlands.

- (e) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

- (f) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and non-consumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

- (g) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses such as: domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

- (h) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons. provide habitat, food and shade for wildlife, protect natural areas;

anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass, and to control pollution sources to the river.

(i) Harvesting of timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(j) Minimize vandalism and trespass.

(k) Location of non-water dependent and non-water related development away from the river.

(l) Protection from erosion.

(m) Compatibility with the site and surrounding area.

(n) Protection of significant fish, wildlife habitat and natural areas.

(o) Protection and conservation of lands designated aggregate resources within the adopted Willamette Greenway Plan.

(3) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, except for those in conjunction with a water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings are made to satisfy the following criteria.

(a) The proposal would provide better protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway than would occur by observance of the setback requirement; or

(b) The protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway are not applicable to the proposal. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)*

### **10.322-20 Conditions.**

Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this subchapter. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(1) Special yards and spaces.

(2) Fences and walls.

(3) Special off-street parking and loading requirements.

(4) Street and road dedications and improvements (or bonds).

(5) Control of points of vehicular ingress and egress.

(6) Special provisions on signs.

(7) Landscaping and maintenance thereof.

(8) Maintenance of grounds.

(9) Control of noise vibration, odors or other similar nuisances.

(10) A time period within which the proposed use shall be developed.

(11) A limit on total duration of use.

(12) Control of scale, bulk and coverage of proposal. *(Revised by Ordinance No. 1-80, Effective 3.30.80)*

### **10.322-25 Application and Review Procedure.**

Application for a Greenway Development Permit shall be made, and reviewed by the Hearings Official, pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82; 16-83, 9.14.83; 19-03, 10.29.19)*

**10.322-30 Additional Notice.**

Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)*

**10.322-60 Conflicting Provisions.**

In the case of any conflict between the provisions of this subchapter and other provisions in Lane Code, the more restrictive provisions shall apply. *(Revised by Ordinance No. 1-80, Effective 3.30.80)*

**10.322-85 Non-Authority for Public Use of Private Property.**

Nothing in this subchapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use. *(Revised by Ordinance No. 1-80, Effective 3.30.80)*

**10.322-95 Nonconforming Uses.**

Except as modified in this section, LC 10.305- to -40 shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 10.322-05(6) and (7) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 1-80, Effective 3.30.80)*

## TEMPORARY PERMITS

**10.325-05 Purpose.**

The purpose of the Temporary Permit procedure is to allow on an interim basis:

- (1) Temporary uses in undeveloped areas of the County not otherwise allowable in the applicable Zoning District,
- (2) Use of existing structures designed and intended for a use not allowable in a Zoning District and not otherwise a Nonconforming Use, and
- (3) Erection of Temporary structures for activities necessary for the general welfare of an area, provided such uses and activities are consistent with the intent of this chapter.

No Temporary Permit can be granted which would have the effect of permanently rezoning and granting a special privilege not shared by other property in the same District. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.325-15 Allowable Temporary Uses, Criteria, and Limitations.**

(1) The following are allowable Temporary Uses and may be permitted in any Zoning District, subject to the following criteria and limitations:

(a) A different use for existing structures or structures and premises in a combination which are occupied or have been occupied by a Nonconforming Use provided it is determined by the Hearings Official that the character and nature of the proposed use will be less incompatible to the surrounding vicinity than the existing or previous Nonconforming Use.

(b) Use of existing structures and premises which are designed and intended for a use which is not allowable in the applicable Zoning District and new structures and premises and use thereof necessary for the physical and economic welfare

of an area, provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use and new structure, if applicable:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(c) Open land uses which do not involve structures with a combined value in excess of \$1000, provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(2) In applying the criteria for allowable Temporary Uses provided in LC 10.325-15(1) (b) and (c) above, consideration may be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and roads, and to any other relevant impact of the use.

(3) No structural alternations may be made to a Nonconforming structure to be utilized by a Temporary Use which would materially prolong the economic life of the structure.

(4) Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. A performance bond shall be required, if determined necessary by the Hearings Official, at the time of approval in sufficient amount to cover the estimate cost of such restoration.

(5) Temporary Permits for any one Permit shall be approved for a maximum of five years. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77)*

### **10.325-30 Conditions.**

Reasonable conditions may be imposed in connection with the Temporary Permit as necessary to meet the purposes of this section.

Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (1) Special yards and spaces.
- (2) Fences and walls.
- (3) Control of points of vehicular ingress and egress.
- (4) Special provisions on signs.
- (5) Landscaping and maintenance thereof.
- (6) Maintenance of the grounds.
- (7) Control of noise, vibration, odors, or other similar nuisances.
- (8) Limitation of time for certain activities
- (9) A time period within which the proposed use shall be developed.
- (10) A limit on total duration of use. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81)*

**10.325-35 Application.**

Application for a Temporary Permit shall be made pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83; 19-03, 10.29.19)*

**10.325-55 Review Procedure.**

Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83; 19-03, 10.29.19)*

**VARIANCES****10.330-05 Purpose.**

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

The power to grant variances does not extend to use regulations. In other words, no variance can be granted which would have the effect of rezoning and granting a special privilege not shared by other property in the same district. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.330-20 Criteria.**

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted, the following expressly written findings are made:

(a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter; or

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zoning district; or

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district; and

(d) That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner.

(2) Variances to requirements of this chapter with respect to off-street parking and loading facilities may be authorized as applied for or as modified, if, on the basis of the application, investigation, and the evidence submitted, the following express written findings, in addition to those prescribed in LC 10.330-20(1) above, are made:



(a) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this chapter.

(b) That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets.

(c) That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### **10.330-25 Effect on Substantially Identical Variances and Modification to Other County Ordinances.**

(1) A Variance granted by authority of this section eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to LC Chapters 11, 13 and 15 (Buildings, Land Divisions and Roads), respectively, and constitutes a Variance or modification of those Chapters as applicable.

(2) A Variance shall not be required to the area, width, depth, frontage, or setback requirements of this chapter for any subdivision area developed as a unit and receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be varied are specifically incorporated within the finally approved subdivision plat.

(3) A Variance shall not be required to the setback requirements of this chapter where a substantially identical or more extensive Variance has been approved in accordance with LC Chapter 15 (Roads) requirements. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75; 10-76, 1.1.77)*

### **10.330-30 Conditions.**

Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### **10.330-35 Application.**

Application for a Variance shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83; 19-03, 10.29.19)*

### **10.330-50 Review Procedure.**

Applications for Variances shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 6-82, 4.16.82; 16-83, 9.14.83; 19-03, 10.29.19)*

## **SITE REVIEW PROCEDURES**

### **10.335-05 Purpose.**

It is the purpose of this section to establish a Site Review Permit Procedure for specified uses or applications requiring comprehensive review of proposed site development in order to maintain or improve the character and attractiveness of the general area, to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or congestion, to reduce adverse impacts upon public facilities and services, and to provide a healthful, stable,

efficient and pleasant on-site environment. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73)*

### **10.335-15 Site Review Permits Required.**

A Site Review Permit shall be required when:

(1) Nonresidential uses, except those customarily provided in conjunction with farm uses, are proposed for properties where the proposed uses and/or structures are within 200 feet of the boundaries of an AGT, RR, RA, R-1, RG or RP zone.

(2) Incidental to an "Order of Intent to Zone or Rezone" as provided in this chapter.

(3) Incidental to any Zoning or Rezoning Application approval when it is determined by the Board of Commissioners, Planning Commission or Hearings Official that a Site Review Permit would be necessary to ensure that such approval would be consistent with the intent and purposes of this chapter.

(4) Incidental to an expansion of a Nonconforming Use of land and structures as permitted in this chapter.

(5) Superseded provisions of this chapter for property zoned with an Architectural Control ("X") suffice require approval of initial plans, or approval of a modification of or addition to approved plans.

(6) A District in this chapter specifically requires a Site Review Permit for uses permitted outright or conditionally in said District.

Any properties requiring a Site Review Permit pursuant to LC 10.335-15(3) above shall be designated "SR" in the amending Ordinance or Order, on a map attached as an exhibit to the Ordinance or Order, and on the Zoning Map, as applicable.

No Building Permit shall be issued until a Site Review Permit has been obtained as required by this section. Further, said Building Permit can be issued only for development as approved according to the Site Review Permit requirements. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 3-76, 4.7.76; 5-82,4.16.82)*

### **10.335-18 Site Review Permits Not Required.**

It is not necessary to require a Site Review Permit when:

(1) The proposed uses or improvements are for a residential use or a use customarily provided in conjunction with a farm use.

(2) A Conditional Use Permit or Special Use Permit is required for the proposed uses or improvements.

(3) The proposed uses or improvements are located at least 200 feet from all exterior boundaries of the subject property.

(4) The proposed improvement is a sign for a use permitted by the parent zone and such sign is not illuminated, does not occupy more than 100 square feet in sign surface area on one side, is of no greater height than the primary buildings on the same property, and is not within the structural setback area designated by LC Chapters 10 and 15.

(5) When the proposed use or improvement is a minor addition to an existing commercial or industrial use or improvement where the minor addition does not exceed 25 percent of the area of the existing use and will not be closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. For purposes of this section, the area of the existing use shall be calculated by including all improvements, on-site private drives and outside areas which are a part of the use (such as off-street parking and loading areas and outside storage areas.)

(6) The proposed use is a transportation facility or use listed in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 5-82, Effective 4.16.82; 10-04, 6.4.04)*

### **10.335-20 Criteria for Site Review Evaluation.**

The following minimum criteria should be considered in evaluating Site Review Applications.

(1) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposal intent and are compatible with the surrounding vicinity.

(2) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(3) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(4) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(5) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(6) That, based on anticipated traffic generation, adequate additional right-of-way, road improvements, and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads", and also to the necessity for such additional improvements as lighting, sidewalks, bicycle lane and path connections, and turn and deceleration/acceleration lanes. Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15.

(7) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(8) That there are adequate off-street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping.

(9) That all signs and illumination are in scale and harmonious with the site and area.

(10) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc., that are required by Site Review Permit. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 6-75, 3.26.75; 5-81, 4.8.81; 5-82, 4.16.82; 10-04, 6.4.04)*

### **10.335-30 Conditions.**

Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82)*

**10.335-35 Application.**

Application for a Site Review shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82; 16-83, 9.14.83; 19-03, 10.29.19)*

**10.335-50 Review Procedure.**

Applications for Site Reviews shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83; 19-03, 10.29.19)*

## HOME OCCUPATIONS

**10.340-05 Purpose.**

Home Occupations are intended to allow individuals the opportunity to conduct those types of small-scale business activities within their homes which are conducive to and not incompatible with the normal functions of the home and at the same time are not detrimental to or in conflict with the nature and character of a residential neighborhood.

It is the intent of this chapter that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such districts and not at home. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.340-15 Allowable Home Occupations.**

The following home occupations are listed as examples of those that might meet the criteria provided in LC 10.340-20:

(1) Headquarters for babysitting bureau, craftsman, and salesman, excluding real estates, provided that the operation of the activity is conducted primarily by telephone or mail.

(2) Custom sewing services including hemstitching, dressmaking, pleating, quilting, seamstress, stitching, and tucking, provided that all of these activities use material owned by individual customers.

(3) Minor repair services including watches, jewelry, electric razors, radios, TVS and clocks.

(4) Business locations for large household appliance repair services (e.g., washing machines, refrigerators) provided there is no repair activity on the property.

(5) Studios for instruction in arts, handicrafts, music, and tutoring. Instruction in music is to be limited to two students at a time. Tutoring and instruction in arts and handicrafts are to be limited to five students.

(6) Rug, upholstery, and furniture cleaning provided all articles are cleaned upon the customer's premises.

(7) Beauty salons, provided that the activity is limited to three customers at a time.

(8) Small pet grooming, provided that the activity is limited to no more than two pets at any one time and operated only between 8 a.m. and 6 p.m. No pets may be kept overnight.

(9) Other personal services similar to the above. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.340-20 Limitations.**

Home Occupations may not be established, conducted or continued if to do so will cause:

- (1) Generation of excessive traffic.

- (2) Monopoly of on-street parking spaces.
  - (3) Frequent deliveries and pick-ups by motor freight trucks.
  - (4) Noise, smoke, fumes, odors, or traffic in excess of that created by normal residential use. (Either in terms of volume or hours of occurrence.)
  - (5) The dwelling to have the characteristics of other than a residence.
  - (6) Other offensive activities not in harmony with a residential neighborhood.
- (Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### **10.340-30 Requirements.**

(1) Not more than one unlighted nameplate for each dwelling unit; attached flat against the main building, not exceeding one (1) square foot; containing only the name and/or business or profession of the occupant of the premises shall be permitted. In those zoning district classifications where these sign regulations conflict with the general sign regulations of the district, the sign requirements for home occupations herein take precedence.

(2) Employees shall be limited to the residents of the home for which the permit is issued. No outside employees shall be allowed.

(3) No dwelling shall be used as headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work at other locations.

(4) All aspects of the conduct of a home occupation shall be contained and conducted within the dwelling or within a completely enclosed accessory building.

(5) There shall be no display, other than the permitted name plate, that will indicate from the exterior that the property or dwelling is being utilized in whole or in part for any purpose other than for residential purposes.

(6) There shall be no commodity sold upon the premises, except that products made or sold may be disposed of by delivery from the premises to the homes or places of business of customers.

(7) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business, except for those home occupations which, by their very nature, cannot otherwise be conducted except by personal contact upon the premises.

(8) The aggregate of all space within any dwelling devoted to a home occupation shall not exceed 300 square feet in floor area or an area equal to twenty-five (25) percent of the floor area of the dwelling, whichever is lesser.

(9) Not more than one (1) truck of not more than three-quarter (3/4) ton capacity, and no trailer or other wheeled equipment incidental to a home occupation shall be kept on the site. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### **10.340-70 Establishment and Adherence to Limitations.**

Any Home occupation conforming to the limitations and requirements of this chapter may be allowed in the zoning districts so provided. Failure to adhere to the limitations of LC 10.340-20 above shall not constitute a violation of this chapter unless the alleged violator has been sent by certified mail, handed in person, or had posted on his front door written notice by the Planning Director of the failure to adhere to the limitations of LC 10.340-20. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### **RURAL HOME OCCUPATIONS**

#### **10.342-05 Purpose.**

The purpose of this section is to permit the operation of certain small-scale business activities, hereinafter described as "Rural Home Occupations" in districts specified in this

chapter, where such Rural Home Occupations are not incompatible with or detrimental to surrounding uses and are operated in accordance with the provisions of this section.

It is the intent of this section that any full-scale commercial or professional activity ordinarily required to be conducted in a commercial or industrial district be conducted in such a district. *(Revised by Ordinance No. 9-75, Effective 7.2.75)*

#### **10.342-10 Requirements and Limitations.**

The following requirements and limitations shall apply to all Rural Home Occupations. These requirements may be made more restrictive as a part of any conditional use approval by the establishment of reasonable conditions deemed necessary to meet the purpose and intent of this section:

(1) Where a Rural Home Occupation is conducted wholly or partly within a dwelling, no more than 50% of the floor area of the dwelling shall be devoted to that accessory use.

(2) All materials, products, parts, tools and other equipment, excluding operable vehicles, associated with a Rural Home Occupation shall be stored entirely within the dwelling or an accessory building, or behind an opaque fence, screen or hedge.

(3) No more than two signs with a total combined area on all surfaces of 40 square feet shall be permitted. Such signs shall not be used for the purpose of advertising any product or service not associated with a Rural Home Occupation. Such signs shall be unlighted. All other displays, lights, noise-making or musical devices, and other on-site advertising or attractions shall not be permitted.

(4) The operation or use of the equipment or processes producing or causing the emission of gases, dust, odors, noise or light in violation of Federal, State or County laws or regulations controlling such emissions shall not be permitted.

(5) Parking space of sufficient area to accommodate all vehicles associated with the accessory use shall be provided on the premises.

(6) A Rural Home Occupation may involve the activity of the assembly of employees for instructions and the dispatching of residents and employees to work at other locations.

(7) A Rural Home Occupation may involve activities in conjunction with other activities conducted away from the premises.

(8) No caustic chemicals, explosives or other hazardous materials shall be stored on the premises in violation of Federal, State or County laws or regulations controlling such substances.

(9) The Rural Home Occupation shall be incidental to the residence as a land use activity on the property, and shall be operated by a resident of the subject property.

(10) No Major Rural Occupation shall be approved which would have the effect of rezoning property for full-scale commercial, professional or industrial activities ordinarily required to be conducted in a commercial or industrial district. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 3-79, 2.8.80)*

#### **10.342-15 Minor Rural Home Occupations Defined.**

Any use established and operated in accordance with the purpose and provisions of this section and which does not exceed any of the following standards shall be defined as a Minor Rural Home Occupation.

(1) One person employed who is not a resident of the dwelling with which the Rural Home Occupation is associated.

(2) Two vehicles or trailers used in the operation of the Rural Home Occupation (including the assembly of employees for instruction and the dispatching of

employees and residents to work at other locations) or repaired, serviced, modified or assembled in conjunction with the Rural Home Occupation on the site at one time.

(3) 750 square feet of total accessory building floor area and outside storage area, exclusive of parking area for vehicles used in the operation, devoted to the operation of the Rural Home Occupation. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 3-79, 2.8.80)*

**10.342-20 Major Rural Home Occupations Defined.**

Any use operated in accordance with the purpose and provisions of this section and which exceeds any of the standards specified above for Minor Rural Home Occupations (LC 10.342-15) shall be defined as a Major Rural Home Occupation. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 3-79, 2.8.80)*

**10.342-22 Non-Variance to Definitional Standards.**

The numerical values used in this section to define Minor Home Occupation are not subject to general provisions of variance provided in LC 10.330-50 of this chapter. *(Revised by Ordinance No. 3-79, Effective 2.8.80)*

**10.342-23 Rural Home Occupation Conditional Use Permit Approval Considerations.**

In the interest of compatibility with adjacent properties and the vicinity where conditional use permit approval is required, such approval shall include consideration for the following (in addition to other applicable conditional use permit criteria).

- (1) Adequate property line setback of the total activity (including parking, loading and storage areas).
- (2) The need for landscaping and vegetative and ornamental screening.
- (3) Hours of operation. *(Revised by Ordinance No. 3-79, Effective 2.8.80)*

**10.342-25 Expansion of Rural Home Occupations.**

Nothing in this section shall be construed to authorize the expansion, alteration or other change of any Rural Home Occupation in such a manner as to exceed the requirements and limitations of this section. *(Revised by Ordinance No. 9-75, Effective 7.2.75)*

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