



**STAFF REPORT
CITY OF BROWNSVILLE PLANNING COMMISSION**

Report Date: January 25th, 2023

Hearing Date: February 6th, 2023

PROPOSAL: CONDITIONAL USE REQUEST TO ALLOW NEW CONSTRUCTION IN THE
OLD TOWN COMMERCIAL ZONE (OTC)

APPLICANT(S) SUZANNE CLARKE
PO BOX 54
BROWNSVILLE, OREGON 97327

LOCATION: T13S, R02W, SEC. 31BC TAX LOT 7701

ZONING: OLD TOWN COMMERCIAL

COMPREHENSIVE PLAN
DESIGNATION: COMMERCIAL

EXHIBITS: A. VICINITY MAP
B. LOCATION MAP
C. APPLICATION
D. ORDINANCE

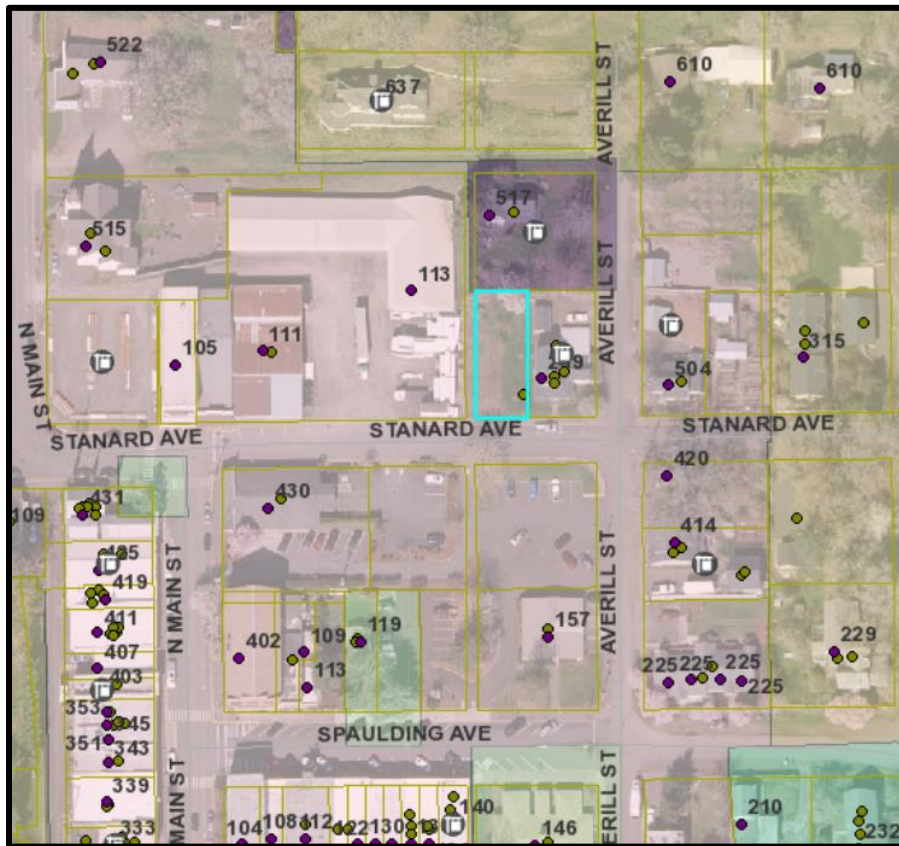
ATTACHMENTS: BUILDING PLANS



SUMMARY:

Applicant is requesting approval of a Conditional Use Permit to allow construction of a two-story mixed-use building, located in the Old Town Commercial Zone. The applicant proposes to construct a building with first floor commercial space and a second-floor unit for residential rental or owner occupancy. New construction in the Old Town Commercial Zone requires a Conditional Use Permit. A residence in the Old Town Commercial Zone is only allowed secondary to the primary commercial use. The applicant proposes to construct the building and market to future buyers.

Exhibit A -Vicinity Map



Surrounding land uses and zoning are as follows:

North:	Medium Density Residential Zone	Single-Family Dwelling
East:	Old Town Commercial Zone	Single Family Dwellings (Constructed prior to Code)
South:	Public & Old Town Commercial Zone	Post Office, Public Parking, Medical Center, Single Family Dwellings (Constructed prior to Code)
West:	Old Town Commercial	Carlson’s Hardware

None of the property is located in the 100-year flood plain.

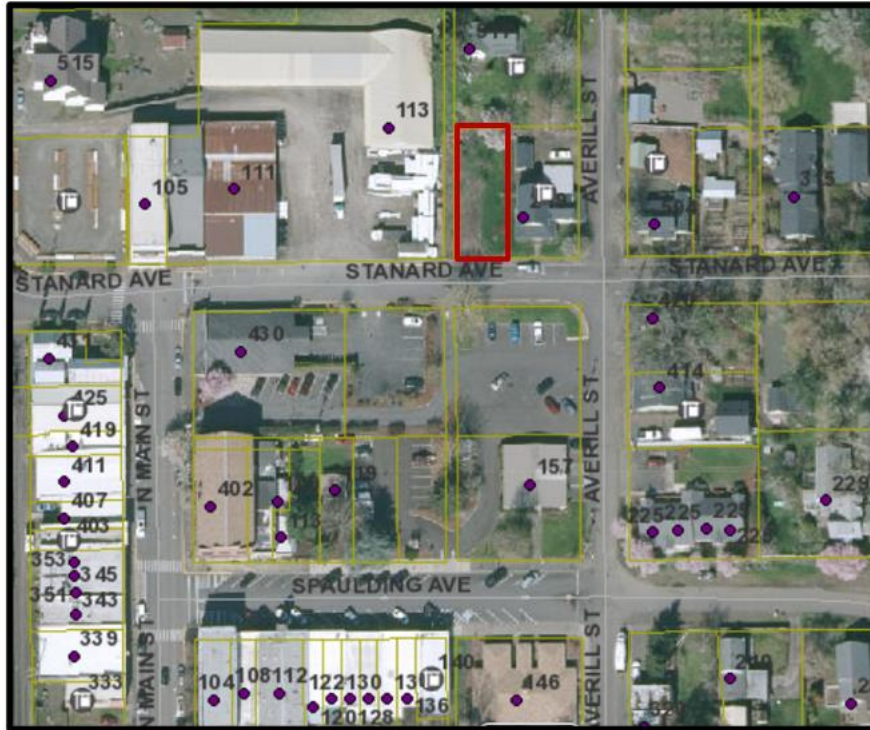


WRITTEN PUBLIC COMMENT

As of January 25th, 2023, no written public comment has been submitted regarding the applicant’s Conditional Use application. All written public comments received after January 25th, 2023, will be submitted into the record at the Planning Commission hearing.

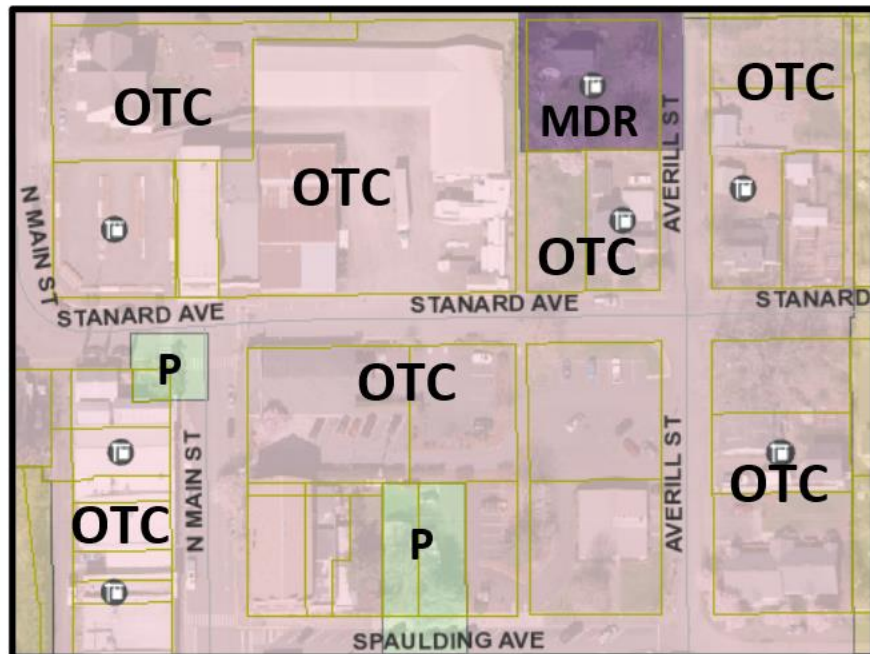
Exhibit B – LOCATION MAP & ZONING MAP

MAP & TAXLOT 13S02W31BC07701



ZONING LEGEND

OTC: Old Town Commercial | P: Public | MDR: Medium Density Residential





APPLICABLE CRITERIA AND REQUIREMENTS

Brownsville Municipal Code Chapter 15.125.010 through Chapter 15.125.050 provides procedures and criteria for considering a Conditional Use request.

BMC 15.125.010

In judging whether a Conditional Use should be approved, approved with modifications, or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability for the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed. In making its decision, the Planning Commission must adopt Findings of Fact addressing the following decision criteria listed in Chapter 15.125:

- 1. The proposal shall be consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning code and other applicable policies, regulations and standards adopted by the City of Brownsville.**

Consistency with the Comprehensive Plan:

Findings: Comprehensive Policies that apply to this proposal are **Land Use P-L55 & Commercial Lands P-L9 and P-L10.**

Comprehensive Plan Policy P-L55 states The City of Brownsville "shall review all ... conditional uses for the following factors:"

A. Will all public facilities (water, sewer, streets) be built to City standards?

Finding: The proposed new construction fronts Stanard Avenue. A public water line is available in Stanard Avenue to service the property. A public sewer line is available in the alley west of the proposed development and can be utilized to serve the property. The installation of any other public utilities related to the Conditional Use Permit (if applicable) shall be built to Public Works Standards and reviewed by the City Engineer & the Public Works Superintendent.

B. Will the proposed development adversely impact the surrounding uses?

Finding: The parcel is surrounded by Commercial uses (i.e., hardware store, post office, medical center) that encourage walk-in traffic. Other surrounding uses are a public parking lot and residences that were constructed prior to adoption of the Development Code in the 1980s, which provides criteria for new construction in the Old Town Commercial Zone. As the applicant proposes to construct the building to sell, no data can be provided to determine potential adverse impacts to the surrounding uses at this time.

Chapter 15.80.080 Old Town Commercial Zone provides guidance on the intent and purpose of the OTC Zone, which is to enhance the historic character, business vitality & allow for moderate expansion. Additionally, the Code indicates that due to limited parking, appropriate uses for the OTC Zone are those providing walk-in services & retail goods, and factors that may impact surrounding residential areas (traffic, noise, etc.) will be considered during the review process. As the applicant cannot provide commercial details for this new construction, staff asks the Planning Commission to take this into consideration when reviewing the application and staff recommended conditions of approval.



C. Will the proposed development adequately meet pedestrian and non-motorized vehicle needs?

Finding: The subject property is an interior lot, flanked by a residence & a business, all of which have an existing continuous sidewalk. The application meets these criteria.

D. Will all private utilities be available to the entire development?

Finding: Water & sewer mains are available to service the development. The developer will be responsible for ensuring all utilities necessary to operate the conditional use are constructed to local, state, & federal standards, if applicable.

E. Will adequate fire protection be available? (Functional hydrants, proper water pressure and vehicle access.)

Finding: The subject property fronts Stanard Avenue, which provides adequate emergency vehicle access to the property. However, a future proposed use will be dependent on an approved review from Public Works & the BRFD (Brownsville Rural Fire Department) regarding compliance with these criteria.

F. Will the proposed development meet all requirements of the zone in which it is located?

Finding: The proposed development requires a conditional use permit to operate, Conditions of Approval can be imposed, and zone requirements shall be followed. The proposed use and its accessory uses are allowed under the Brownsville Municipal Code, Old Town Commercial Zone requirements.

G. Is landscaping a part of the site plan?

Finding: The applicant states: "Landscaping will be large decorative planters with flowers for minimal upkeep yet added attractiveness." The subject property is located in the Old Town Commercial Zone, where the majority of structures are constructed on the property line. The submitted site plan shows an 11' (eleven foot) setback from the front (south) property line to the building. The applicant has not provided a plan for that area. Staff has recommended a condition of approval addressing this space.

H. Is drainage and erosion addressed in the site plan?

Finding: Per Brownsville Standards for Public Improvements & the Brownsville Municipal Code, drainage & erosion plans (if applicable) are reviewed by the City Engineer and/or Public Works prior to construction. The applicant is responsible for compliance with this criterion.

I. Will the proposed development remove, damage, or be detrimental to any identified historic or prehistoric structure, object, site or city landmark?

Finding: The City has no record of identified historic, prehistoric structures or objects or city landmarks at this site.

J. What effect will the proposed development have on existing traffic circulation?

Finding: The proposed construction is located in the Old Town Commercial Zone, where pedestrian traffic is encouraged, and parking spaces are limited. The applicant provides that on-street parking in front of the property is available, as well as the city parking lot across the street. The width of the subject property is approximately 46' (forty-six feet). The proposed structure is a two-story, 36'X34', 1224 square ft mixed use building. If off-street parking spaces were required for this location, two and one-half on-street public parking spaces would be lost. Chapter 15.115.030 (A) Parking Standards states:

A. *Parking spaces in a public street, alley or parking lot shall not be eligible to fulfill any part of the parking requirements, except that they may be considered in the OTC zone.*



Staff finds the proposed development will not negatively affect existing traffic circulation.

K. Will the proposed development have a negative visual impact on the community or the immediate vicinity?

Finding: Brownsville Municipal Code Chapter 15.80.080 Old Town Commercial describes this zone as a compact small-town core, and the functional, historic & geographic town center. A number of buildings in the Old Town Commercial Zone have been altered to blend with Brownsville’s historic period of 1860 to 1920.

Chapter 15.80.080 (1). (2) of the Brownsville Municipal Code requires review of all new construction in the Old Town Commercial Zone. All new construction must be compatible with the historic motif of the zone. The Historic Review Board is to review the building and site plans and make a written recommendation to the City Administrator.

As the HRB is not currently a functioning advisory board, Mayor Ware (in office at the time of the application) appointed the City Administrator, Scott McDowell & Mrs. Coleman, Planning, the task of reviewing the design plans for compliance with the Code. **Staff has reviewed this proposal and finds the conceptual design complies with the 1860 to 1920 historic motif requirements set forth by the Brownsville Municipal Code, Old Town Commercial Zone.** The applicant stated the building will be white with black trim with construction similar to 420 Averill & 133 Sage Street. The Linn County Assessment & Taxation indicates the Year Built on these homes are 1880 & 1868, respectively.

L. Can water and sewer lines be extended to the proposed development economically?

Finding: Water & Sewer services are available to the property, however, it will be the responsibility of the applicant to determine the feasibility of extending sewer lines to the proposed development, if needed, prior to construction. If public utility extensions are required, the applicant must submit plans in accordance with the Brownsville Standards for Public Improvements to be reviewed by Public Works & the City Engineer.

M. Will sufficient lighting be provided?

Finding: The applicant has not provided a conceptual lighting plan for the proposed development. A lighting plan shall be submitted to staff for review and approval prior to development.

N. Are there any possible geologic or flood hazards?

Finding: The proposed development is not located in the 100-year Floodplain. There are no known geological or flood hazards in the proposed development location.

Staff finds that the applicant’s proposal is consistent with the applicable policies of the Brownsville Comprehensive Plan.

Consistency with the Zoning Ordinance

BMC 15.80.080 (D)1 & BMC 15.80.080 (D)3

Chapter 15.80.080 Old Town Commercial Zone (D)1 of the Brownsville Municipal Code states:

D. Conditional Uses Permitted. In the OTC zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter [15.125](#) BMC:

1. Residences which are secondary to the primary commercial use of the property, including the use of second story space in commercial buildings for owner occupancy or residential rental purposes.



Chapter 15.80.080 Old Town Commercial Zone (D)3 of the Brownsville Municipal Code states:

D. Conditional Uses Permitted. In the OTC zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter [15.125](#) BMC:

2. All new construction.

Finding:

The applicant is proposing to construct a mixed-use two-story commercial building. The applicant proposes a commercial first floor area and a second-floor space for owner-occupancy or rental purposes, in the Old Town Commercial Zone. The applicant has properly applied for a Conditional Use Permit for said purposes.

Staff finds the request for a conditional use permit to allow new commercial construction as a primary use and a residential upstairs unit, secondary to the primary Commercial use is consistent with the Zoning Ordinance.

2. **The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area, considering such factors as:**
 - A. **Location, size and bulk of buildings.**
 - B. **Location, size and design of parking areas.**
 - C. **Screening, landscaping, exterior lighting, hours of operation, vehicular access and similar factors.**

Finding:

The applicant has provided a site plan showing a two-story building, white with black trim, & design elements from the historic era of the late 1860s to late 1880s.

Off-street parking is proposed for this location, along Stanard Avenue and across the street in the city parking lot. **Brownsville Municipal Code Chapter 15.115** imposes parking and loading requirements for development in the City of Brownsville. **Brownsville Municipal Code Chapter 15.115.030 Standards (A)** allows the applicant to utilize on-street parking to fulfill parking requirements in the Old Town Commercial Zone.

As the applicant is constructing the commercial building to sell, hours of operation cannot be determined at this time. Staff has recommended a condition of approval to address this factor.

Staff finds the proposed construction can have minimal adverse impact on the livability, value or appropriate development of abutting properties and surrounding areas if conditions of approval are met.

The proposal will preserve those historical, archeological, natural and scenic assets of significance to the community.

Finding:

Archeological, natural & scenic assets of significance do not apply to this proposal. The Old Town Commercial Zone design requirements for new construction are specific to the historic period of 1860s – 1920s. The Applicant has submitted a design plan with the Brownsville “Old Town” historic presence in mind.



The proposal will not place an excessive burden on streets, sewage, water supply, drainage systems, parks, schools or other public facilities to the area.

Finding:

The property will be served by City water and sewer. As the lot is approximately 46'WX109'D, and construction is not located in an Industrial or Volume Commercial Zone, staff finds any proposed use will not place an excessive burden on streets. However, as a proposed use has not been determined, no data can be found to determine whether an excessive burden may be placed on water, sewer, or drainage. Staff has recommended condition of approval #7 to ensure compliance with this criterion.

Parks & schools will not be impacted by this proposal.

RECOMMENDED CONDITIONS OF APPROVAL

If the Planning Commission elects to approve this request, Staff recommends the following condition(s) of approval:

1. The Applicant shall comply with all requirements of applicable laws, ordinances and development regulations, Uniform Building Code requirements & applicable State regulations.
2. The Applicant shall file and record the Notice of Decision and any information deemed necessary by staff & the Planning Commission with the Linn County Clerk's office to ensure any potential buyer of the building is aware of these Conditions of Approval prior to purchase of the property. A copy of the recorded document shall be provided to the City within 60 days (sixty days) of the Notice of Decision.
3. The Applicant shall provide exterior lighting that is visually compatible with the traditional architectural character of the zone.
4. The Applicant shall provide a landscaping plan to the city for review addressing the front setback prior to construction.
5. The second-floor residential space is permitted strictly secondary to the primary commercial use of the site. Should the primary use be discontinued, the secondary use shall be null & void.
6. Planning Commission approval does not constitute engineering approval. All construction plans must be reviewed and approved by staff & the City Engineer prior to construction.
7. The new Property owner shall submit a Conditional Use Permit Application for Administrative Review by the City Administrator, Planning, Public Works & City Engineer (if applicable) to determine compliance with the Brownsville Municipal Code & Public Works Standards. Administrative Review does not constitute automatic approval of the proposed commercial use or secondary, second-floor residential use.
8. The Property owner shall comply with the provisions of the sign code.



POSSIBLE ACTIONS BY THE PLANNING COMMISSION

In considering the proposed amendments, the Planning Commission may take the following actions:

1. Leave the public hearing open to a certain date and time.
2. Close the public hearing but provide the applicant and public an opportunity to submit additional written testimony by a certain date and time.
3. Close the hearing and make a decision:
 - a. Approval.
 - b. Approval subject to conditions of approval.
 - c. Deny the application.
4. Propose Conditions of Approval. If the Planning Commission elects to approve the application, Staff recommends conditions of approval are a part of the decision.

MOTIONS

APPROVAL: To grant the Conditional Use Permit Application and Site Plan for Construction to Suzanne Clarke, subject to Conditions of Approval and to adopt the Findings of Fact in the staff report dated January 25th, 2023.

DENIAL: To deny the application because the applicant’s proposed request for a Conditional Use Permit to construct a commercial building in the Old Town Commercial Zone, with a second-story residence, secondary to a primary commercial use fails to meet Criteria # _____, for the following reason.



Exhibit C – APPLICATION



City of Brownsville
255 N Main Street, P.O. Box 188
Brownsville, OR 97327
P: 541.466.5666 F: 541.466.5118
TT/TDD 800.735.2900

Commercial Conditional Use Application
Fee: \$750.00

DATE October 10, 2022

Application Submittal Includes:

- 1 Hard Copy Electronic Submittal Fee
- Site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.

Office Use Only

Submittal Date 10.17.22 Receipt # 359831 Hearing Dates: PC Council
Date Approved Date Denied

APPLICANT INFORMATION

Name of Applicant: Suzanne Clark Phone: 541.228.8194

Mailing Address: P.O. Box 54, Brownsville, OR 97327

Applicant is: Legal Owner Contract Purchaser Agent Renter

DESCRIPTION OF SUBJECT PROPERTY

Legal Owner: Suzanne Clark Phone: 541.228.8194

Mailing Address: P.O. Box 54, Brownsville, OR 97327

Township 13S Range 02W Section 31BC Tax lot No 7701

Address of Property: Stanard Avenue

General Location: Fronting Stanard Avenue Side of Between Carlson's & 219 Stanard Avenue
Name of Street

DESCRIBE THE PROPOSED CONDITIONAL USE

Mixed use. Residence upstairs, commercial use downstairs. Purpose of commercial use to be determined by buyer.



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EXISTING CONDITIONS

Zone: OTC (Old Town Commercial) Comprehensive Plan Designation _____

Present Use of Property _____
 Vacant lot - unimproved.

Is the property serviced by city sewer and water? Yes No

SUPPORTING REASONS FOR A CONDITIONAL USE REQUEST

The Brownsville Zoning Ordinance, Section 7.010 specifies criteria that must be addressed before granting a conditional use. Applicants must respond to the following criteria (refer to your site plan where appropriate):

1. The proposal is consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning ordinance and other applicable policies, regulations, and standards adopted by the City of Brownsville.

Yes.

2. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value, or appropriate development of abutting properties and surrounding area, considering such factors as:

A. Location, size, and bulk of buildings.

Yes. Upstairs residential living quarters is 864 sq. ft. and the downstairs commercial use space is 920 sq. ft. Upstairs has a balcony and downstairs has a front porch.



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B. Location, size, and design of parking areas.

5 parking spaces on Stanard Avenue in front of structure and a community parking lot is across the street. Sidewalk in front of structure for pedestrian use and handicap access to sidewalk is on the northwest side of Averill.

C. Screening, landscaping, exterior lighting, hours of operation, vehicular access, and similar factors.

Landscaping will be large decorative planters with flowers for minimal upkeep yet added attractiveness. Exterior lighting is on structure as well as city lighting that is provided in the OTC area. Hours of operation TBD by buyer. Vehicular access is from street and community parking.

- 3. The proposal will preserve those historical, archeological, natural, and scenic assets of significance to the community and the surrounding area.

Yes. Picture is attached of proposed exterior colors of the structure. This building project is also in compliance with safety regulations (firewalls as well as sprinklers both upstairs and downstairs) and fully handicap accessible downstairs. The plans are engineer approved and stamped. This new-build will be visually appealing and an asset to the OTC community.

- 4. The proposal will not place an excessive burden on street, sewage, water supply, drainage systems, parks, schools or other public facilities in the area.

It will not.



City of Brownsville
 255 N Main Street, P.O. Box 188
 Brownsville, OR 97327
 P: 541.466.5666 F: 541.466.5118
 TTY/TDD 800.735.2900

STATEMENT

I (we) hereby certify that the foregoing statements and answers and any other information (such as maps and drawing) attached hereto are true and accurate to the best of my (our) knowledge and belief.

APPLICANT:

Suzanne Clarke _____ October 10, 2022
 (Name printed) (Signature) (Date)

 (Name printed) (Signature) (Date)

OWNER:

Suzanne Clarke _____ October 10, 2022
 (Name printed) (Signature) (Date)

 (Name printed) (Signature) (Date)



Chapter 15.125 Conditional Uses

Sections:

- [15.125.010](#) Authorization to grant or deny conditional uses.
- [15.125.020](#) Conditions which may be placed on a conditional use permit.
- [15.125.030](#) Procedure for taking action on a conditional use application.
- [15.125.040](#) Time limit on permit for conditional use.
- [15.125.050](#) Standards governing conditional uses.
- [15.125.010](#) Authorization to grant or deny conditional uses.

A conditional use listed in this division shall be permitted, altered or denied in accordance with the standards in this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this chapter and classified in this chapter as a conditional use, a change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use and is subject to review, application and fee in the same manner as a newly proposed conditional use. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability for the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. Home occupations are required to obtain a conditional use permit in the event they generate noise, traffic or other factors which reasonably affect neighboring properties in a negative manner. The City Administrator shall make a determination as to whether a conditional use is required. The City Administrator's decision may be appealed to the City Council.

A. The proposal shall be consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning code and other applicable policies, regulations and standards adopted by the City of Brownsville.

B. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area, considering such factors as:

1. Location, size and bulk of buildings.
2. Location, size and design of parking areas.
3. Screening, landscaping, exterior lighting, hours of operation, vehicular access and similar factors.

C. The proposal will preserve those historical, archeological, natural and scenic assets of significance to the community and the surrounding area.

D. The proposal will not place an excessive burden on streets, sewage, water supply, drainage systems, parks, schools or other public facilities to the area. [Ord. 717, 2009; Ord. 644 § 1, 1996; Ord. 618 § 11, 1993; Ord. 567A § 10, 1987; Ord. 504 § 7.010, 1980; 1981 Compilation § 8-5:7.010.]



15.125.020 Conditions which may be placed on a conditional use permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this division, additional conditions which it finds necessary to enforce the Comprehensive Plan and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include but are not limited to the following:

- A. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and establishing restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size or location of a building or other structure.
- D. Designating the size, number, location and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- I. Designating the size, height, location and materials for fences, walls or screening.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- K. Requiring ongoing maintenance of buildings and grounds and specifying procedures for assuring maintenance.
- L. Providing internal property improvements, such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, recreation areas, landscaping, fencing and screening, in order to enhance the area and protect adjacent properties. [Ord. 504 § 7.020, 1980; 1981 Compilation § 8-5:7.020.]

15.125.030 Procedure for taking action on a conditional use application.

The following procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application with the City.
- B. Two weeks prior to the Planning Commission hearing, the City Administrator shall post notice of the meeting at City Hall, the post office, and the City library. Twenty days prior to the hearing date, notice of the hearing shall be mailed to all owners of record of property within 200 feet of the exterior boundaries of the property for which the conditional use has been requested. The hearing notice shall also be published in a newspaper of general circulation in the City at least twice within the two weeks prior to the hearing. Failure to receive notice does not invalidate any proceedings in connection with this application. If it is required that a state, federal, local or private agency review the conditional use permit, the agency shall be given a minimum of 20 days to submit its comments.



C. The Planning Commission shall hold a public hearing on the conditional use application. The hearing shall be scheduled within 60 days after the request for conditional use is received.

D. Within five days after a decision has been rendered on a conditional use application, the City Administrator shall provide the applicant with written notice of the decision.

E. An action or ruling of the Planning Commission may be appealed to the City Council as provided in BMC [15.75.020](#). [Ord. 618 § 12, 1993; Ord. 504 § 7.030, 1980; 1981 Compilation § 8-5:7.030.]

15.125.040 Time limit on permit for conditional use.

Authorization of a conditional use shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year on request. [Ord. 504 § 7.040, 1980; 1981 Compilation § 8-5:7.040.]

15.125.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located, and the other standards of this division, conditional uses shall meet the following standards:

A. Home Occupations. A decision for approval of a home occupation shall be based on findings related to the following:

1. The building may be constructed, altered, or changed internally to accommodate the requirements of the home occupation, but the external features of the building shall be the same as those of a residence or accessory building and shall in no way be constructed, altered or changed to resemble a commercial or industrial building.
2. There shall be no exterior storage of materials associated with the home occupation.
3. A home occupation may serve as the base or headquarters of any operation, profession, occupation or business which takes place at any location, or uses or employs no more than two persons other than the members of the family residing on the premises, provided the residential character of the building is maintained and does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
4. No home occupation shall be allowed which requires special permits from the Department of Environmental Quality or any other state, federal or local governmental agency having appropriate regulatory jurisdiction related to air or water quality or to noise.
5. Any existing home occupation operating without a conditional use permit issued by the City will be a nonconforming use which may not expand or otherwise operate beyond or above the present level. [Ord. 618 § 14, 1993; Ord. 567A § 9, 1987; Ord. 504 § 7.050, 1980; 1981 Compilation § 8-5:7.050.]