



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/26/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, April 11, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Paul Hintz, City of Roseburg
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days** after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
DEPT OF
ST
LAND CONSERVATION
AND DEVELOPMENT
M
P

MAR 22 2013

For Office Use Only

Jurisdiction: **City of Roseburg**Local file number: **LUDO-12-2**Date of Adoption: **3/11/2013**Date Mailed: **3/21/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/30/2012☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive revisions to the City's Land Use and Development Ordinance (LUDO). The revisions are intended to clarify language, reformat the presentation of LUDO, help facilitate land development by providing certain exceptions to standards as well as adding new types of permitted development (e.g. townhouses). The revisions have been carefully crafted with the intent of not limiting or prohibiting land uses currently allowed by LUDO, thereby not requiring Measure 56 notification requirement.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 006-12 (19612) [17397]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Paul Hintz**

Phone: (541) 492-6876 Extension: 0

Address: 900 SE Douglas Ave.

Fax Number: - -

City: Roseburg

Zip: 97470-

E-mail Address: phintz@cityofroseburg.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 3408

**AN ORDINANCE AMENDING THE ROSEBURG LAND USE AND DEVELOPMENT
ORDINANCE BY ADOPTING CHANGES TO REORGANIZE AND SIMPLIFY THE
ORDINANCE**

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a public hearing on January 7, 2013, February 4, 2013 and February 25, 2013; and,

WHEREAS, Article 53, Section 3.53.000 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to meet changes in circumstances and conditions;

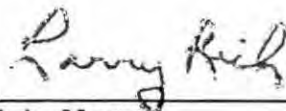
NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Finding of Fact of the Planning Commission which are included herein by this reference.

SECTION 2: Land Use and Development Ordinance No. 2363, originally adopted June 28, 1982 and amended at various times thereafter, is hereby amended to read and provide as set forth in Exhibit 1 attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.

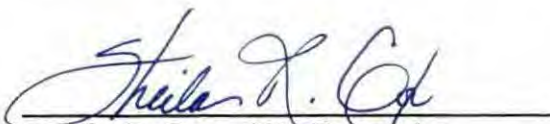
PASSED BY THE COUNCIL THIS 11TH DAY OF MARCH 2013.

APPROVED BY THE MAYOR THIS 11TH DAY OF MARCH 2013.



Larry Rich, Mayor

ATTEST:


Sheila R. Cox, City Recorder

ORDINANCE NO. 3409

**AN ORDINANCE AMENDING ROSEBURG MUNICIPAL CODE SECTION 11.04.010,
CHANGING THE ADOPTION DATE OF THE LAND USE AND DEVELOPMENT
ORDINANCE FROM JUNE 28, 1982 TO APRIL 11, 2013**

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a public hearing on January 7, 2013, February 4, 2013 and February 25, 2013; and,

WHEREAS, Article 53, Section 3.53.000 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to meet changes in circumstances and conditions;

WHEREAS, the City Council has adopted Findings of Fact supporting amendments to the Land Use and Development Ordinance;

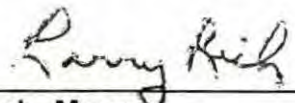
NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1: Roseburg Municipal Code Section 11.04.010 is hereby amended as follows:

"The Land Use and Development Ordinance including the zoning map which implements the Comprehensive Plan for the Roseburg Urban Area which was originally adopted by the Council on June 28, 1982, and was substantially revised and reorganized by the Council by Ordinance No. 3408, adopted March 11, 2013, and all subsequent and future amendments thereto, is hereby adopted and incorporated herein by reference as if it were set forth verbatim."

PASSED BY THE COUNCIL THIS 11TH DAY OF MARCH 2013.

APPROVED BY THE MAYOR THIS 11TH DAY OF MARCH 2013.



Larry Rich, Mayor

ATTEST:



Sheila R. Cox, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Legislative Public Hearing – Code Text Amendment (LUDO-12-2)

Meeting Date: February 25, 2013
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing (Legislative)
Staff Contact: Brian Davis *Brian Davis*
Contact Telephone Number: 492-6750

ISSUE STATEMENT AND SUMMARY

The City Council will consider amendments to the Land Use and Development Ordinance (LUDO). Adoption of the proposal will amend numerous Sections of LUDO as well as the overall organization of the document.

BACKGROUND

A. Council Action History.
None

B. Analysis.

LUDO has not had significant revisions since its adoption in 1982 and is considered by many to be poorly organized, overly verbose, and difficult to use. The original goals of this comprehensive update to LUDO were to reorganize its structure, clarify and simplify the text, provide consistent indexing and pagination, improve standards for landscaping and signs, review Central Business District (CBD) uses and development standards regarding Professional Offices on Jackson Street, improve and incentivize the establishment of sidewalk cafés in the CBD and establish an effective method of creating open space during the subdivision process as well as any other topic of LUDO that had become substandard.

Additional amendments are also proposed that allow new uses (such as townhouses) and create specific exemptions to select development standards. The intent of these amendments is to increase housing options for the community and to foster economic development by limiting costly development standards when minor modifications or changes are proposed.

The proposed amendments constitute a first phase of LUDO updates that is generally oriented around reformatting and simplifying language. The second phase will make proposed improvements to development standards that will likely require notification to all affected property owners.

C. Financial and/or Resource Considerations.
None

D. Timing Issues.

None

COUNCIL OPTIONS

1. Proceed with adoption of Findings of Fact, followed by first reading of the Ordinance
2. Delay action and continue the matter for further consideration
3. Decline to proceed with the proposed action

STAFF RECOMMENDATION

Staff recommends the Council adopt Planning Commission's Findings of Fact and proceed with first reading of the Ordinance.

SUGGESTED MOTION

I MOVE TO ADOPT THE FINDINGS OF FACT APPROVED BY THE PLANNING COMMISSION FOR FILE NO. LUDO-12-2.

Proceed with first reading of the two Ordinances provided. No motion is needed, only consensus to proceed by the Council.

ATTACHMENTS

1. Planning Commission Approved Findings of Fact
2. Ordinance documents (2)
3. Draft City Council LUDO Text Ordinance:
http://www.cityofroseburg.org/index.php/download_file/view/2658/201/

In the matter of the legislative action
by City of Roseburg

) Text Amendment
) File # LUDO-12-2

BEFORE THE ROSEBURG PLANNING COMMISSION ORDER OF APPROVAL

I. NATURE OF AMENDMENTS

In an effort to improve Roseburg's Land Use and Development Ordinance (LUDO), foster economic development and increase housing options for Roseburg's citizens, Community Development Staff have made proposed text amendments to LUDO. Proposed amendments are not specific to any one Section or topic of the Ordinance. LUDO has not had significant revisions since its adoption in 1982 and is considered by many to be poorly organized, overly verbose, and difficult to use.

Staff assessed the Ordinance in its entirety and began the extensive updates by determining a more appropriate organizational structure that progressed in a logical fashion. Staff then carefully reviewed each Section for language that could be removed, added or clarified in an effort to simplify LUDO without eliminating standards that promote quality land development.

Articles governing Zoning Districts were consolidated based on commonalities, and information pertaining to use and development within the consolidated Articles was transferred into tables for a more simplified and easily comparable presentation. Townhouses and Zero Lot-Line housing is proposed in order to increase housing options for the community and fulfill a goal of the Comprehensive Plan.

Some exceptions to development standards are proposed based on common occurrences that tend to place unreasonable and cost-prohibitive requirements on area businesses when strict compliance with current LUDO standards are unavoidable.

The proposed changes conform to the Comprehensive Plan and Statewide Planning Goals, accomplish the intent of the Department's efforts and prepare LUDO for future modifications that will help promote quality land development within the City.

II. PUBLIC HEARING

A public hearing was held on the proposed amendments before the Roseburg Planning Commission on January 7, 2013. At that hearing the Planning Commission reviewed Land Use File LUDO-12-2 for legislative text amendments and it was made part of the record.

III. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance # 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance # 2363, as

originally adopted July 1, 1982, and re-adopted in Ordinance # 2981 on December 9, 1996, as both may have been amended from time-to-time.

2. Notice of the public hearing was given by publication in the News-Review, a newspaper of general circulation, at least 20 days prior to the hearing. Opportunities were provided for all interested parties to be involved in the planning process through the public hearing.
3. The proposal is to legislatively amend text within the city of Roseburg's Land Use and Development Ordinance.

B. **PROPOSAL**

Amends the entire organization of the Ordinance, allows new types of housing development, and creates exceptions for certain standards based on quantitative thresholds of new development of changes in use.

C. **AGENCY COMMENTS**

No agency comments were received.

D. **PUBLIC COMMENTS**

No public comments were received.

E. **ANALYSIS**

Text Amendments are required to satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Section 2.00.010 through Section 2.00.080.

F. **REVIEW CRITERIA**

Pursuant to LUDO 2.00.060(2) all legislative action proposals shall be analyzed for consistency with the policies of the Comprehensive Plan, Statewide Planning Goals, and other provisions of LUDO.

Comprehensive Plan

Pertinent policies that apply to the proposal have been evaluated as follows:

Housing Policy #1

Owner occupied multi-family dwelling units (condominium and townhouse) shall be encouraged. Commonly accepted ownership patterns such as condominiums or townhouses shall be an outright permitted use in multi-family zones of the Zoning Ordinance.

Finding: The development of townhouses has been added as an outright permitted use in all multi-family zones, and a conditional use in single-family zones. Although LUDO has had minor amendments since its adoption in 1982, this comprehensive update that assessed every aspect of the Ordinance presented the first opportunity to add townhouses as a permitted use.

Housing Policy # 2

The Zoning Ordinance shall specify density ranges which are consistent with the density categories established in the Comprehensive Plan.

Finding: Density ranges for multi-family residential zones have been slightly modified in order to provide a consistent map symbol method by referencing the minimum square feet required for each dwelling unit in a multi-family development as opposed to the number of dwelling units permitted per acre, which is similar to the map symbols of single-family zones. For example, the current map symbol for the High-Density Multiple-Family Residential zoning district is MR40, which is a shorthand reference to the highest allowed density, 40 dwelling units per acre. Whereas, the map symbols for single-family districts, such as Low Density Residential (R-1-10), reference the minimum square footage of a lot for each single-family house.

The conversion of the map symbols for multiple-family districts to reference the minimum square footage of each dwelling unit yields numbers that do not accommodate shorthand references. For example, MR40 would be converted to MR1089. Therefore, the minimum square footages have been rounded to the nearest whole number: MR1089 to MR1; MR1502 to MR1.5; MR2420 to MR2.4; and MR3111 to MR3. The revised density ranges remain consistent with the density categories established in the Comprehensive Plan.

Commercial Development Policy # 3

The outdoor storage areas shall be suitably screened from view of the public road and especially from adjacent residential uses.

Finding: Outdoor storage areas are required to be suitably set back and screened per Section 3.1.040(9) when a site plan review is triggered. However, Zoning standards do not require storage areas to be screened. Secondhand Stores are now allowed to store merchandise outside. The Plan does not define whether or not "storage" is merchandise accessible by the public or merchandise that is only accessible by employees. By way of a recent decision, City Council recognizes that "storage" does not refer to merchandise and therefore is not required to be screened.

Economic Growth Policy #4

The City shall encourage economic activities which strengthen the urban area's position as a regional distribution, trade, and service center.

Finding: "Data Center" has been added as an allowed use in the Mixed Use and Light Industrial zoning districts. Establishing this type of use removed any uncertainty that may arise during a site analysis with regard to zoning. This type of use is now fairly common in Oregon.

Historic Preservation Policy #5

The City shall explore and consider the use of various incentives to encourage individuals to identify, restore, maintain, and utilize historic resources.

Finding: The addition of Section 3.2.050(5) affords the Director the discretion to grant exceptions to off-street parking requirements for buildings contributing to or

located within Historic Districts. This addition of this provision will create an incentive to use, restore and therefore maintain historic resources.

Commercial Development Policy # 6

Adequate off-street parking and buffer strips shall be provided for all commercial development. When appropriate, transit services and shelters may be provided in lieu of some off-street parking. Parking and loading facilities shall be designed so that ingress and egress driveways do not disrupt the efficient flow of traffic on arterial streets, intrusion into abutting uses is minimized, and safe and convenient pedestrian circulation is provided.

Finding: The addition of Section 6.1.050(6)(b)(v) may reduce the number of access (ingress) points for commercial development which minimizes disruptions of traffic flow.

Statewide Planning Goals

Pertinent Statewide Planning Goals that apply to the proposal have been evaluated as follows:

Statewide Planning Goal # 1 - Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City of Roseburg and Douglas County have an adopted and acknowledged Comprehensive Plan for the Roseburg Urban Area. The Comprehensive Plan is implemented via the adopted Roseburg Land Use and Development Ordinance (LUDO). Within LUDO the City identifies procedural requirements for processing land use actions, including notification and hearing procedures. The notice procedures guide the general public through the land use process within the City as well as through provisions that meet Oregon Revised Statutes (ORS).

Roseburg also has an established Planning Commission that has the responsibility to act as the conduit to the City Council on land use matters. The Planning Commission is selected through an open, well-publicized public process and the Commission may include one member who resides outside the city limits. In addition, a non-hearing Planning Commission meeting took place on August 6, 2012 to facilitate citizen input and participation regarding a significant portion of the proposed revisions presented at this hearing.

The City of Roseburg provided notice of this application as mandated through ORS and LUDO requirements, as well as publishing the notice in the News-Review, a newspaper of general circulation. A public hearing(s) is held in order to provide an opportunity for interested citizens to be involved, provide comments and present issues, influence the Commission and eventually the Council, provide technical information, and/or provide information regarding conditional approval.

Statewide Planning Goal # 2 - Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

As noted above the City of Roseburg has adopted a Comprehensive Plan, which is "acknowledged" by the State of Oregon. This Plan was again acknowledged through Periodic Review in 1992 and is coordinated and adopted by Douglas County for the unincorporated area located within the City UGB. (Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.) Implementation of the Comprehensive Plan is accomplished through the adopted LUDO. LUDO has been acknowledged by the State of Oregon and has been amended from time-to-time in order to comply with ORS. (Roseburg Land Use and Development Ordinance No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 2981 on December 9, 1996.) Both the Comprehensive Plan and LUDO have been amended from time-to-time.

Statewide Planning Goal # 9 - Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed LUDO amendments will increase economic opportunities by establishing new standards for commercial uses and providing reasonable exceptions to development standards that would otherwise present cost-prohibitive redevelopment requirements.

Statewide Planning Goal # 10 - Housing

To provide for the housing needs of citizens of the state.

The proposed LUDO amendments will make townhouses an outright permitted use. Townhouses are more affordable than single-family houses and offer the option for home ownership as opposed to renting an apartment. This proposed amendment increases housing options for low-income persons.

Statewide Planning Goal # 11 - Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City has an adopted Capital Improvements Plan that outlines the timely, orderly and efficient arrangement of public facilities for urban development. The amendments proposed will not adversely affect this Plan.

Statewide Planning Goal # 12 - Transportation

To provide and encourage a safe, convenient and economic transportation system.

The City has an adopted Transportation System Plan, Bicycle/Pedestrian Plan and Airport Master Plan that provides policies and guidelines for future improvements that will improve upon the safe, convenient and economic movement of people and goods. The amendments proposed will not adversely affect these Plans.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in LUDO Section 2.00.010 through Section 2.00.080.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends approval of this application to the City Council.



Ron Hughes, Chair

FEB. 4, 2013
Date



Brian Davis, Community Development Director

2/4/13
Date

Planning Commission Members:

Ron Hughes, Chair
John McDonald, Vice Chair
Patrick Parson
Knut Torvik
Scotty Ingeman
Matthew Powell



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 3 Planning

3500 NW Stewart Parkway

Roseburg, OR, 97470-1687

Phone: 541.957.3692 / Fax: 541.672.6148

Thomas.Guevara@odot.state.or.us

Paul Hintz, Community Planner
City of Roseburg Planning
900 SE Douglas Avenue
Roseburg, OR 97470



February 7, 2013

Re: Proposed LUDO Amendments

Mr. Hintz:

Thank you for sending agency notice of the proposed Land Use and Development Ordinance (LUDO) amendments. Many development proposals affect state transportation facilities, especially when a state highway also serves as a community's major arterial. We experience success in working with local governments when ODOT is consulted during the pre-application process. This enables us to assess potential impacts to state highways and recommend necessary mitigation, identify state permits for access and signage, and provide technical assistance to assure a safe and efficient transportation system consistent with state and local standards. I reviewed the draft amendments and provide the following comments/recommendations to help improve inter-agency coordination.

- Section 2.7.010 auto wrecking and salvage yards visible to state highways should be required to submit a screening plan consistent with ORS 377.605 and OAR 734-040-000.
- Section 3.1.040 (2) should require proof of a valid ODOT Road Approach Permit for any development project proposing access to a state highway. This language could cross reference with Section (3)(b).
- Table 3-1 should refer to the minimum access spacing standards for state highways consistent with OAR 734-051-000. The City may want to add a note that the more restrictive of state or local standards shall apply.
- Section 3.1.040 (4) should require a TIS for negative effects to state highways by the Community Development Director after a recommendation from ODOT.
- Section 3.1.040 (6) should require ODOT approval for drainage of surface waters and erosion control onto state highways.
- Section 3.1.040 (7) should require proof of an ODOT Utility Permit and/or Miscellaneous Permit prior to any work within highway right of way.
- Section 3.2.100 (1) should require driveways accessing state highways to comply with state highway design specifications.
- Section 4.2.050 should require an ODOT Outdoor Advertising Sign Permit for signs (e.g. Billboards) visible to state highways consistent with OAR 734-059-0100. An Outdoor Advertising sign is described as a sign not at the location of any business or activity open to the public or that has any compensation exchanged for either a land lease (right to place the sign at the site) or for a sale of ad copy.
- Section 4.2.060 should require all signs visible to state highways to meet basic requirements consistent with ORS 377.720.
- Section 4.4.060 clear vision triangles at state highway intersections with city streets should be coordinated with ODOT.

You may contact me if you have questions or require additional information.

Sincerely,

THOMAS GUEVARA JR.
Development Review Planner

CC: SWDRT

LAND USE AND DEVELOPMENT ORDINANCE



ORDINANCE No. 2363
ADOPTED: JUNE 28, 1982
REVISED: _____

Updated: _____
Updated: September 2008
Ordinance No. 3289

Updated:
Updated: September 2008
Ordinance No. 3289

CHAPTER 1: INTRODUCTION

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| | |
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CHAPTER 1 INTRODUCTION

ARTICLE 1

INTRODUCTORY AND GENERAL PROVISIONS

SECTION 1.1.010 AUTHORITY

This Ordinance is enacted pursuant to the provisions of The Roseburg City Charter and Oregon Revised Statutes (ORS) Chapters 92, 197, and 227.

SECTION 1.1.020 TITLE

This Ordinance shall be known as the Roseburg Urban Area Land Use and Development Ordinance.

SECTION 1.1.030 PURPOSE

This Ordinance is designed to provide and coordinate regulations in the Roseburg Urban Area governing the development and use of lands, and to implement the Roseburg Urban Area Comprehensive Plan. To these ends, it is the purpose of this Ordinance to:

- 1) Ensure that the development of property within the Roseburg urban area is commensurate with the character and physical limitations of the land, and, in general, to promote and protect the public health, safety, convenience, and welfare.
- 2) Protect the economy of the Roseburg urban area.
- 3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.
- 4) Encourage the provision of affordable housing in quantities adequate enough to allow all citizens some reasonable choice in the selection of a place to live.
- 5) Conserve all forms of energy through sound economical use of land and land uses developed on the land.
- 6) Provide for the orderly and efficient transition from rural to urban land use.
- 7) Guarantee the ultimate development and arrangement of efficient public services and facilities within the Roseburg urban area.
- 8) Provide for and encourage a safe, convenient, and economic transportation system within the Roseburg urban area.

- 9) Protect the quality of the air and water resources of the Roseburg urban area.
- 10) Protect life and property in areas subject to floods, landslides, and other natural disasters and hazards.
- 11) Provide for the recreational needs of the residents of the Roseburg urban area and visitors to the area.
- 12) Provide for adequate open space and protect historic, cultural, natural, and scenic resources.

SECTION 1.1.040 SCOPE AND COMPLIANCE

- 1) A parcel of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy, or otherwise only as this Ordinance permits.
- 2) In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards published by the Director of Public Works.
- 3) The requirements of this Ordinance apply to the person undertaking a development, or the user of a development, and to the person's or user's successors in interest.

SECTION 1.1.050 USE OF A DEVELOPMENT

A development may be used only for a lawful use. A lawful use is a use that is not prohibited by law, and for which the development is designed and arranged, as permitted or approved, or which is nonconforming, pursuant to ~~Chapter 3 of this~~ Ordinance.

SECTION 1.1.060 COMPLIANCE REQUIRED

- 1) No person shall engage in, or cause to occur, a development which does not comply with these regulations.
- 2) Neither the Building Official nor any other State or local official shall issue a permit for a use or the construction, reconstruction, or alteration of a structure or a part of a structure which has not been approved.
- 3) A development shall be approved by the Director or other approving authority according to the provisions of this Ordinance. The Director shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of a development proposal.

- 4) Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal, or, if appealed, upon rendering of the decision by the reviewing body.

SECTION 1.1.070 EFFECT ON AGREEMENTS BETWEEN PARTIES

This Ordinance shall not interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided that where this Ordinance imposes a greater restriction than that imposed by the agreement, the provisions of this Ordinance shall control.

SECTION 1.1.080 INTERPRETATION

- 1) When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance or the suitability of uses not specified, the Director may request an interpretation of the provision by the Commission. The Commission shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this Ordinance. Any interpretation of the Ordinance by the Commission shall be deemed an administrative action, shall be subject to review by the Governing Body pursuant to Sections 5.1.240 2-500 and 5.1.250 2-700, and shall be based on the following considerations:
 - a) The Roseburg Urban Area Comprehensive Plan;
 - b) The purpose and intent of the Ordinance as applied to the particular Section in question; and
 - c) The opinion of the appointed legal counsel of the approving authority.
- 2) Meanings and Intent: Words and terms expressly defined in this Ordinance have the specific meanings assigned, unless the context expressly indicates another meaning. Where words are not expressly defined in this Ordinance, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Words used in the present tense include the future; the singular includes the plural; and the word "shall" is mandatory and not discretionary. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments hereto as may hereafter from time to time be adopted.
- 3) Headings and Illustrations: Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text controls.
- 4) Delegation of Authority: Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation

of authority is not allowed when the provisions of this Ordinance expressly prohibit such a delegation.

SECTION 1.1.090 RESTRICTIVENESS

Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by other provisions of this Ordinance, the provisions which are more restrictive shall govern.

SECTION 1.1.100 SEVERABILITY

If any Section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, and the effect thereof shall be confined to the Section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the Governing Body to enact the remainder of this Ordinance notwithstanding the parts so declared unconstitutional or invalid. Further, should any Section, paragraph, subdivision, clause, sentence, or provision of this Ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such Section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use.

SECTION 1.1.110 DEFINITIONS

a. ~~Words used in the present tense include the future; the singular includes the plural; and the word "shall" is mandatory and not discretionary. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments hereto as may hereafter from time to time be adopted.~~

Comment [PH1]: moved to 1.1.060(2)

Comment [PH2]: moved to 1.1.060(7)

b. ~~For the purposes of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:~~

Comment [PH3]: this provision is provided above in 1.1.060(2)

- 1) **ABUT OR ABUTTING.** Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two (2) parcels measures less than eight (8) feet in a single direction. Synonymous with adjoining.
- 2) **ACCESS.** The place means, or way by which pedestrians or vehicles shall have adequate and usable ingress and egress to a property, use, or parking space.
- 3) **ACCESS EASEMENT.** A private street, approved pursuant to Chapter 6 4 of this Ordinance, which is not a part of the lot, parcel, or unit of land, and which provides access to one (1) or more lots, parcels, or units of land.
- 4) **ACCESSORY BUILDING.** Any subordinate building or portion of a main building; the use of which is incidental, appropriate, and subordinate to that of the main

building. No building shall be considered accessory if it is the only building on a lot, parcel, or unit of land.

- 5) **ACCESSORY USE.** A use incidental, appropriate, and subordinate to the main use of a lot or building.
- 6) **ACCRETION.** The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.
- 7) **ADJUSTED LOT.** A unit of land created by a lot line adjustment. Once created, the term "adjusted lot" is synonymous with "lot" and "parcel" for purposes of this Ordinance.
- 8) **ADULT DAY CARE.** Community-based group programs designed to meet the needs of functionally and cognitively impaired adults through individual plans of care that are structured, comprehensive, and provide a variety of health, social, and related support services in protective settings during part of the day but provide less than twenty-four (24) hour care. These facilities must be registered with the State of Oregon and meet local jurisdiction requirements. (Ord. 3005, 10/97)
- 9) **ADMINISTRATIVE ACTION.** A proceeding pursuant to this Ordinance which is a land use decision or a limited land use decision under state law, in which the legal rights, duties, or privileges of specific parties are determined, and any appeal or review thereof.
- 10) **ALLEY.** A public or private way having a maximum width of 20 feet affording only a secondary means of access to abutting property. (Ord. No. 3289, 9/2008)
- 11) **ALTERATION.** ~~Any change, addition or modification in construction, occupancy or use. A change in the use of no greater adverse impact than the existing use to the neighborhood; or a change in the structure or physical improvements of no greater adverse impact than the existing structure or physical improvements to the neighborhood.~~
- 12) **AMBULANCE SERVICE.** A use providing for only emergency and non-emergency transportation of injured or infirm persons, including a dispatching office and living units for a caretaker resident and/or on-duty personnel and excluding retail sales.
- 13) **AMENDMENT.** A change in a portion of the Roseburg Urban Area Comprehensive Plan Maps pursuant to Chapter 5 6 of this Ordinance; a change in the wording, text, or substance of this Ordinance, or a change in the district boundaries or overlay boundaries upon the zoning maps.
- 14) **APPROVING AUTHORITY.** The person or body given authority to decide applications for development approval under the provisions of this Ordinance.

- 15) **AUTOMOBILE REPAIR GARAGE.** A use providing for the major repair and maintenance of motor vehicles, and including any mechanical and body work, straightening of body parts, painting, welding, or temporary storage of motor vehicles pending such repair or maintenance.
- 16) **AUTOMOBILE SERVICE STATION.** A use providing for the retail sale of motor fuels, lubricating oils, and vehicle accessories, and including the servicing and repair of motor vehicles as an accessory use, but excluding all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station shall not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage of motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. An automobile service station shall not be deemed to include a repair garage or a body shop.
- 17) **AUTOMOBILE WRECKING YARD.** Any area of land used for the storage, wrecking, or sale of two or more inoperable motor vehicles, trailers, farm equipment, or parts thereof. Where such vehicles, trailers, equipment, or parts are stored in the open and are not being restored to operating condition, and including any land used for the commercial salvaging of any other goods, articles, or merchandise.

~~18. BABYSITTER.~~ ~~A person who provides day care services.~~

- 18) **BASEMENT.** A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurements where more than one-half (1/2) of its height is above the average level of the adjoining ground.
- 19) **BLOCK.** An area of land within a subdivision, which area may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, or water courses.
- 20) **BOARDING HOUSE.** A single family dwelling where lodging and meals are provided to guests, for compensation, for time periods of at least 16 consecutive nights.
- 21) **BOUNDARY LINE.** The property line bounding a lot or parcel. (Ord. No. 3005, 10/97);
- 22) **BOUNDARY LINE ADJUSTMENT.** The relocation of a common boundary line between lots or parcels. (Ord. No. 3005, 10/97)
- 23) **BUILDING.** For the purposes of this Ordinance, the terms "building" and "structure" shall be synonymous. See "Structure."
- 24) **BUILDING HEIGHT.** The vertical distance from the average finished grade ~~at the front of the building~~ to the highest point of a building, exclusive of chimneys.
- 25) **BUILDING SITE.** The ground area of a building or buildings, together with all open

spaces required by this Ordinance.

- 26) **CAMPGROUND.** An area where facilities are provided to accommodate the temporary use of tents, campers, recreational vehicles, and motor homes by the traveling public.
- 27) **CARE.** The provision of room and board, assistance with personal care and activities of daily living, provision of protection, transportation, or recreation, and assistance in time of crisis.
- 28) **CARPORT.** A stationary structure consisting of a roof with its supports and no more than two (2) walls or storage cabinets substituting for walls used for sheltering a motor vehicle.
- 29) **CEMETERY.** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes; including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
- 30) **CHANGE OF USE.** A change from an existing use to another permitted use according to the applicable zoning.
- 31) **CHILD.** An individual child under 13 years of age, or eighteen years of age for those with special needs or disabilities as defined by State law. (Ord. No. 3289, 9/2008)
- 32) **CHURCH.** A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory uses, is maintained and controlled by a religious body organized to sustain public worship.
- 33) **CLEAR VISION AREA.** See Section 4.4.060.
- 34) **CLUB OR LODGE.** A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.
- 35) **COMMISSION.** The Planning Commission of the City of Roseburg, Oregon.
- 36) **COMMUNICATION FACILITY.** A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.
- 37) **COMMUNITY CENTER OR HALL.** A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

- 38) **COMMUNITY SANITARY SEWER SYSTEM.** A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.
- 39) **COMMUNITY WATER SUPPLY SYSTEM.** A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.
- 40) **COMPREHENSIVE PLAN.** The generalized, coordinated land use map and policy statement for the urban area that interrelates all functional and natural systems and activities relative to the use of lands, including but not limited to sewer and water systems; transportation systems, education systems, recreational facilities, and natural resources and air and water quality management programs.
- 41) **CONDOMINIUM.** Property, any part of which is submitted and approved in accordance with the provisions of ORS 91.500 to 91.671.
- 42) **CONTIGUOUS.** Touching at least one (1) point or that which would be so except it is separated only by a public right-of-way or a body of water.
- 43) **CONTINUOUS NURSING CARE.** Nursing care that is required by, and provided to resident on a twenty-four (24) hour each day, round-the-clock basis.
- 44) **COUNCIL.** The City Council of the City of Roseburg, Oregon.
- 45) **DATA CENTER.** Data storage and processing facilities, electronic products - manufacture, storage and assembly, together with all related and supporting uses and facilities.
- 46) **DAY CARE.** Supervision provided to a child during a part of the 24 hours of the day, with or without compensation. Day Care does not include care provided: by the child's parent, guardian, or person acting in loco parentis; by providers of medical services, in the home of the child; by a person related to the child by blood or marriage within the fourth degree as determined by civil law; on an occasional basis; or by a school.
- 47) **DAY CARE FACILITY.** A facility which provides day care for six (6) or more children on either a full or part-time basis and other than in the home of the provider. (Ord. No. 3289, 9/2008)
- 48) **DENSITY.** The number of dwelling units to be contained within a specified land area.
- 49) **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction, alteration, or use of buildings,

division of land, creation of private or public streets, construction of public and private utilities and facilities, mining, excavation, grading, installation of fill, open storage of materials, or any other activity specifically regulated by the provisions of this Ordinance. Except when in conjunction with other development, installation of less than 3,000 square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

- 50) **DIRECTOR.** The Director of Community Development for the City of Roseburg, Oregon, or such other person as said Director or the City Manager may designate.
- 51) **DIRECTOR OF PUBLIC WORKS.** The Director of Public Works for the City of Roseburg, Oregon, or his/her duly authorized representative.
- 52) **DISTRICT.** A portion of the Roseburg Urban Area, whether unincorporated or incorporated, within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, as set forth and specified in this Ordinance.
- 53) **DUPLEX.** See "Dwelling, Two-Family" definition.

~~**DWELLING.** A building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, but excluding hotels and motels. This definition shall not include mobile homes and manufactured dwellings.~~

- 54) **DWELLING, MULTIPLE-FAMILY.** A building designed and used for occupancy by three (3) or more families, each within a separate dwelling unit. Multiple-Family Dwelling is synonymous with "multi-family dwelling/development," ~~all living independently of each other, and have separate housekeeping facilities for each family.~~
- 55) **DWELLING, SINGLE-FAMILY.** A building or portion thereof designed and used exclusively for and containing facilities for the occupancy of one (1) family, and having house-keeping facilities for only one (1) family, which either: (Rev. Ord. No. 3289, 9/2008)
 - a) Has passed inspection for compliance with the International Building Code (IBC) standards; or
 - b) Is a manufactured home constructed after June 15, 1976, which also meets all of the following standards:
 - i) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

- ii) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.
- iii) The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each 12 feet in width.
- iv) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
- v) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of the single-family dwellings constructed under the state building code as defined in ORS 455.010.
- vi) The manufactured home shall have a garage or carport constructed of like materials. The Director may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
- vii) Unless inconsistent with the above, the manufactured home and the lot upon which it is sited shall also be subject to all other development standards, architectural requirements, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject.

Part **b 2** of the foregoing definition shall not apply to any area designated in the Comprehensive Plan or in this Ordinance as a historic district, or to any residential land immediately adjacent to a historic landmark. The foregoing definition shall not be construed as abrogating any recorded restrictive covenant (see Family).

- 56) **DWELLING, TWO-FAMILY (DUPLEX).** A building or portion thereof designed or used exclusively for the occupancy of two (2) families living independently of each other, and having separate housekeeping facilities for each family, and passing inspection for compliance with the International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings. (Rev. Ord. No. 3289, 9/2008)
- 57) **DWELLING UNIT.** One (1) or more habitable rooms that includes provisions for which are occupied or which are intended or designed to be occupied by one (1) family with housekeeping facilities for living, sleeping, cooking, and eating and sanitation for one family ~~and passing inspection for~~ in compliance with

International Building Code (IBC) standards. This definition shall not include mobile homes and manufactured dwellings.

EXERCISE. ~~To secure a development permit, or the commencement of construction when a development permit is not required.~~

- 58) **FACILITY.** A structure that is constructed, placed, or erected for the purpose of furthering a permitted ~~or~~ conditional use.
- 59) **FAMILY.** An individual, or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen, and providing meals, or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one (1) kitchen; or a group of six (6) or more persons living together as one (1) housekeeping unit using one (1) kitchen, if said persons are handicapped persons as defined in the federal Fair Housing Amendments Act of 1988.
- 60) **FAMILY DAY CARE HOME.** A facility which provides day care in the home of the provider to fewer than 17 children, including children of the provider, regardless of full-time or part-time status.
- 61) **FAMILY DAY CARE PROVIDER.** For the purposes of this Ordinance, the terms "Family Day Care Home" and "Family Day Care Provider" shall be synonymous. See "Family Day Care Home."
- 62) **FAMILY HARDSHIP DWELLING.** A mobile home ~~or recreational vehicle~~ used temporarily during a family hardship situation, pursuant to Chapter ~~5 3~~ of this Ordinance, when an additional dwelling is allowed to house aged or infirmed persons or persons physically incapable of maintaining a complete separate residence apart from their family.
- 63) **FISH AND WILDLIFE MANAGEMENT.** The protection, preservation, propagation, promotion, and control of wildlife by either public or private agencies or individuals.
- 64) **FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, or basement if the floor above is less than six (6) feet above grade.
- 65) **FOSTER HOME.** See "Residential Home."
- 66) **GARAGE, PRIVATE PARKING.** A publicly or privately-owned structure having one (1) or more tiers or heights used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage as required by this Ordinance, and which is not open for any

use by the general public.

- 67) **GARAGE, PUBLIC PARKING.** A publicly or privately-owned structure having one (1) or more tiers or heights used for the parking of automobiles, and open garages may include parking spaces for customers, patrons, or clients which are required by this Ordinance, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).
- 68) **GOVERNING BODY.** The City Council of ~~the City of~~ Roseburg, Oregon.
- 69) **GRADE.** For the purpose of the determining building height, grade is the average of the finished ground level at the center of all walls of a building. When the walls are parallel to and within five (5) feet of a sidewalk, the grade shall be measured at the sidewalk.
- 70) **HABITABLE FLOOR.** Any floor usable for living purposes, which includes working, eating, cooking, or recreation, or a combination thereof. A basement, as that word is defined in the Oregon State Structural Specialty Code and Fire and Life Safety Code, is a habitable floor.
- 71) **HARDSHIP.** A substantial injustice which deprives the landowner of beneficial use of his/~~her~~ land. "Hardship" applies to the property itself, including structures, and not to the owner or applicant, and is applicable to property which is unique or unusual in its physical characteristics so that the regulations render the property substantially unusable.
- ~~**HEIGHT.** The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.~~
- 72) **HELIPORT.** An area used or intended to be used for landing or takeoff of helicopters or other vertical takeoff and landing (VTOL) aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.
- 73) **HILLSIDE DEVELOPMENT.** The development of lands which may be planned and developed as a single unit or subdivision, or developed as individual lots, identified on the City Slope Map and/or having areas of slope greater than 12%, being subject to the provisions of Article 10 of Chapter 2 Section 3.35.700 providing flexibility from traditional siting and land use regulations. (Ord. No. 3274 8/2007)
- 74) **HOSPITALS.** Institutions devoted primarily to the rendering of healing, curing, and nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two (2) or more non-related individuals suffering from illness, injury, or deformity, or where obstetrical or other healing, curing, and nursing care is rendered over a period exceeding 24 hours.

- 75) **HOTEL.** A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation, and in which no provision is made for cooking in individual rooms or suites of rooms.
- 76) **IMMEDIATE FAMILY MEMBER.** Family member of the first degree of kinship or equivalent thereof.
- 77) **INTERMEDIATE CARE FACILITY.** See "Nursing Home."
- 78) **INTERNATIONAL BUILDING CODE (IBC).** The currently adopted and applicable International Building Code and any amendment thereto, including the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC) as applicable.
- 79) **KENNEL.** A use providing for the accommodation of four (4) or more dogs, cats, at least four (4) months of age, where such animals are kept for board, propagation, training, or sale.
- 80) **KITCHEN.** Any room, all or any part of which is designed, built, equipped, or used for the preparation of food and/or the washing of dishes.

~~**LIVESTOCK.** Animals of the bovine species, and horses, mules, asses, sheep, goats, and swine.~~

- 81) **LOAD SPACE.** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
- 82) **LOT.** A unit of land created by a subdivision of land. Once created, the term "lot" is synonymous with the term "parcel" for the purposes of this Ordinance.
- 83) **LOT AREA.** The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.
- 84) **LOT, CORNER.** A lot abutting ~~on~~ two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- 85) **LOT COVERAGE.** The total horizontal area within the vertical projection of the exterior walls of the buildings on a lot, expressed as a percentage of the lot area.
- 86) **LOT FRONTAGE.** ~~The portion of a lot line or lines abutting any kind of a street (public or private) other than an alley. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a street other than an~~

~~alley shall be considered frontage and yards shall be provided as indicated under "Yards" in this Section.~~

- 87) **LOT, INTERIOR.** A lot other than a corner lot with only one frontage on a street.
- 88) **LOT LINE.** The property line bounding a lot or parcel. (Ord. No. 3005, 10/97);
- 89) **LOT LINE ADJUSTMENT.** The relocation of a common boundary between lots or parcels or the elimination of a common boundary between lots or parcels. (Ord No. 3005, 10/97);
- 90) **LOT LINE, FRONT.** The lot line or lines common to the lot and a street other than an alley, and in case of a corner lot, the shortest lot line along a street other than an alley.
- 91) **LOT LINE, REAR.** The lot line or lines opposite and most distant from the front lot line. In the case of ~~an~~ irregularly, triangular, or other shaped lot, ~~the rear lot line shall be a line or lines ten (10) feet in length within the lot connecting the side lot lines that is parallel to and at maximum distance from the most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line ten (10) feet in length located entirely within the lot, connecting the side lot lines and that is parallel to the front lot line.~~
- 92) **LOT LINE, SIDE.** Any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot, or to the lot and an alley; an exterior side lot line is a lot line common to the lot and a street other than an alley.
- 93) **LOT, THROUGH.** A lot having frontage on two streets that are approximately parallel, other than an alley, and are not identified as intersecting street corners. Yards shall be provided as indicated under "Yards" in this Section, unless lots do not comply with the depth requirements for double frontage lots as provided in Chapter 6 4, Section ~~6.1.130~~ 4.300, in which case the "Front Yard" shall be defined as the street for which address is assigned with the other frontage being a "Rear Yard" area.
- 94) **LOT MEASUREMENTS.**
- a) ~~Depth~~ of a lot shall be ~~considered to be~~ the distance ~~from~~ between the midpoints of ~~the front lot line to the midpoint of the rear lot line.~~ straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b)a) ~~Width~~ of a lot shall be considered to be the average distance between ~~side lot lines~~ straight lines connecting front and rear lot lines at each side of the lot, measured parallel to the front lot line. ~~—, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot~~

~~width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply. The "flagpole" of flag lots is not included when computing lot width.~~

95) **LOT OF RECORD.** A unit of land created as follows:

- a) A lot in an existing and duly recorded subdivision.
- b) A parcel in an existing, duly recorded ~~major or minor~~ land partition; or
- c) An adjusted lot resulting from an approved lot line adjustment; or
- d) An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
- e) Any unit of land created prior to zoning and partitioning regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Ordinance shall be considered one (1) lot of record.

~~**MAJOR PARTITION.** A partition which includes the creation of a road or street, excepting private streets created for forestry, mining, or agricultural purposes which do not or will not serve as access to homesites.~~

96) **MANUFACTURED DWELLING.**

- a) "Manufactured Dwelling" for purposes of this Ordinance is synonymous with "manufactured home" and "mobile home" and means:
 - i) A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy.
- b) "Manufactured Dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450.

97) **MARINA.** Public or private piers, docks, boat launching, and moorage facilities used for both commercial and pleasure craft, including fueling and other similar service activities, but not including industrial activities.

98) **MINING OPERATIONS.** ~~Processes conducted for the exploration, mining and processing of aggregate and mineral resources or other sub-surface resources.~~

99) **MINISTERIAL DECISION.** A decision by the Community Development Director that is not a limited land use or land use decision per State law. (Ord. No. 3289, 9/2008)

- 100) **MINI-RETAIL BUSINESS (MRB).** A commercial operation from a small structure within the parking lot or a vacant parcel of an existing business location within the C-3, M-1, or MU zones subject to requirements of the International Building Code and development standards of the zone in which it is located. A certificate of occupancy shall not be issued until all conditions of approval from various departments are satisfactorily met. A business registration shall not be issued prior to the issuance of the Certificate of Occupancy. (Ord. No. 3072 10/11/00)

~~**MINOR PARTITION.** A partition which is subject to approval under this Ordinance, and which does not include the creation of a road or street.~~

- 101) **MOBILE HOME.** For purposes of this Ordinance, "mobile home" is synonymous with "manufactured home" and "manufactured dwelling."
- 102) **MOBILE HOME PARK.** Any place where four (4) or more mobile homes are located within 500 feet of one another on a lot, parcel, or unit of land under the same ownership, the primary purpose of which is to rent or lease space or mobile homes for a charge or fee paid or to be paid for the rental, lease, or use of facilities, or to offer space free in connection with securing the trade, patronage, or employment of such persons.
- 103) **MODULAR HOME.** A building which is not framed onsite in the conventional manner but which does meet the definitional criteria for a single-family dwelling under this Ordinance.
- 104) **MOTEL.** A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.
- 105) **NONCONFORMING LOT OF RECORD.** A unit of land which lawfully existed in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to the lot dimension requirements for the zoning district in which it is located.
- 106) ~~**NONCONFORMING STRUCTURE OR NONCONFORMING USE.** Any building which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning or development standards, no longer conforms to current standards (e.g. height limits, yard setbacks, coverage limits, off-street parking requirements, etc.). Use of structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to the dimension or use requirements for the zoning district in which it is located.~~
- 107) ~~**NONCONFORMING USE.** Use of a structure or land, or in combination, which was lawfully established in compliance with all applicable Ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to use restrictions of this Ordinance.~~

- 108) **NURSING CARE**. The performance by a licensed nurse of observation, care and counsel of the ill, injured or infirm, which requires substantial specialized skill and judgment as prescribed by a physician. Nursing care does not include periodic treatment such as changing dressings or injections provided by a visiting licensed nurse.
- 109) **NURSING HOME**. Any home, place, or institution which operates and maintains facilities providing convalescent and/or chronic care, for a period exceeding 24 hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.
- 110) **OVERLAY DISTRICT**. A set of zoning requirements described in the zoning regulations, mapped on the zone maps, and applied in addition to the zoning requirements of the underlying districts.
- 111) **OWNER**. The owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under recorded contract.
- 112) **PARCEL**. A unit of land created by a partition of land. Once created, the term "parcel" is synonymous with the term "lot" for the purposes of this Ordinance.
- 113) **PARK**. An open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light, and air for the general public.
- 114) **PARKING AREA, AUTOMOBILE**. Space within a ~~lot public parking area~~ or a building, exclusive of driveways, ramps, columns, office, and work area, for the temporary parking or storage of ~~one~~ automobiles.
- 115) **PARKING AREA, PRIVATE**. Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Ordinance, and which is not open for use by the general public.
- 116) **PARKING SPACE**. An area within a private or public parking area, building or structure, for the parking of one automobile.
- 117) **PARTITION**. An act of partitioning land or an area or tract of land partitioned, as defined in this Section.
- 118) **PARTITION LAND**. To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from foreclosure; divisions of land resulting from foreclosure of recorded contracts for the sale of

real property; divisions of land resulting from the creation of cemetery lots; the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by applicable zoning or other provisions of this Ordinance; and "partition land" does not include a sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right of way complies with the applicable comprehensive plan.

- 119) **PARTY.** With respect to administrative actions and quasi-judicial hearings, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:
- a) The applicant and all owners or contract purchasers of record, as shown in the files of the Douglas County Assessor's Office, of the property which is the subject of the application.
 - b) All property owners of record, as provided in (a) above, within 300 feet of the property which is the subject of the application.
 - c) Any affected unit of local government or State or Federal agency which has entered into an agreement with the Governing Body to coordinate planning efforts and to receive notices of administrative actions.
 - d) Any other person, or his/her representative, who is specially, personally, adversely, and substantially affected in the subject matter, as determined by the approving authority.
- 120) **PERSON.** ~~An individual, natural person,~~ his/her heirs, executors, administrators, or assigns, or a firm, partnership, association, or corporation, its successors, or assigns, or any political subdivision, agency, board, or bureau of the State of Oregon, or the agent of any of the aforesaid.
- 121) **PHARMACY.** A dispensary for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, to handle merchandise primarily of a nature customarily prescribed.
- 122) **PLANNED UNIT DEVELOPMENT (PUD).** ~~A unit of land planned and developed as a single unit, rather than an aggregate of individual lots,~~ with design flexibility from traditional siting regulations or land use regulations, and subject to the provisions of Chapter 6.5 of this Ordinance.
- 123) **PLANNING COMMISSION.** See "Commission."

- 124) **PLANNING DEPARTMENT.** The City of Roseburg Department of Community Development or such other department designated by the City Manager.
- PLANNING DIRECTOR.** See "Director."
- 125) **PLAT.** A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, ~~or a major or minor partition~~ or a common boundary line adjustment.
- 126) **PROFESSIONAL OFFICE.** The place of business of ~~a~~ persons engaged in a profession, such as accounting, architecture, ~~attorney at~~ law, estate brokerage, landscape architecture, and medical or dental practice.
- 127) **PUBLIC AND SEMI-PUBLIC BUILDINGS AND USES.** A building or use operated by a governmental agency or a religious, charitable, or other non-profit organization; a public utility; a church, school, auditorium, meeting hall, grange hall, hospital, stadium, library, art gallery, museum, fire station, utility substation; or uses such as a park or playground or community center, community halls, or pumping stations.
- 128) **PUBLIC UTILITY.** Any corporation, company, individual association of individuals, or its lessees, trustees, or receivers, that owns, operates, manages or controls all or any part of any plat or equipment for the conveyance of telegraph, telephone messages, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery, or furnishing of heat, light, water, ~~or~~ power, or sanitation services, directly or indirectly to the public.
- 129) **RECREATIONAL VEHICLE.** A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes.
- 130) **RECREATIONAL VEHICLE PARK.** A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers, and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing, or recreating.
- 131) **RESIDENTIAL CARE CENTER.** A dwelling for 16 or more elderly, handicapped, mentally or emotionally disturbed persons, or children. Accessory commercial uses, serving primarily residents, of which are incidental and subordinate to the main residential use are allowed up to a maximum ~~of the lesser~~ of 15% of the gross floor area of the facility or 1,500 square feet. Providers must be licensed, certified, or registered as required by state law.
- 132) **RESIDENTIAL CARE HOME.** See "Residential Facility."
- 133) **RESIDENTIAL CARE FACILITY.** A facility that provides, for six (6) or more physically disabled or socially dependent individuals, residential care in one or more

buildings on contiguous properties.

- 134) **RESIDENTIAL FACILITY.** A dwelling for up to 15 elderly, handicapped, mentally or emotionally disturbed persons, or children, plus staff which provides care and supportive services. Providers must be licensed, certified, or registered as required by state law.
- 135) **RESIDENTIAL HOME.** A dwelling unit used by an individual, or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one (1) housekeeping unit, using one (1) kitchen and providing meals or lodging for not more than five (5) additional persons, excluding servants. Such additional persons shall be limited to those under the age of eighteen (18), or physically or mentally handicapped persons as defined in state law. "Residential Home" shall also mean a dwelling unit occupied exclusively by five (5) or fewer physically or mentally handicapped persons, as defined above, plus staff. "Residential Home" shall also mean a dwelling unit occupied by a family day care provider as defined under this Ordinance. Providers must be licensed, certified, or registered as may be required by State law. No "Residential Home" shall admit persons requiring continuous nursing care.
- 136) **RETAINING WALL.** An engineered structure designed to maintain an earthen bank.
- 137) **ROOMING HOUSE.** A single-family dwelling where lodging, but not meals, is provided to guests for compensation, for time periods of at least 16 consecutive nights.
- 138) **SALVAGE YARD.** Any property where scrap, waste material, or other goods, articles or second-hand merchandise are dismantled, sorted, stored, distributed, purchased, or sold in the open.
- 139) **SCHOOL.** Any public or private institution for learning meeting State of Oregon accreditation standards.
- 140) **SETBACK.** The required minimum distance between a property line and the buildable area of a lot. Within the setback, certain development is restricted (e.g. buildings, parking and auto maneuvering areas, fence height, etc.). See "Lot Lines" and "Yards."
- 141) **SIDEWALK CAFÉ.** Any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen. (Ord. No. 3048, 9/99)
- 142) **SIGN.** See Article 2 of Chapter 4. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter, or illuminating device which is constructed, attached, erected, fastened, or

~~manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise display. However, the term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem, or insignia of a nation, government unit, school, or religious group, except that such emblems shall conform to illumination standards set forth in this Ordinance.~~

~~**SIGN AREA.** The entire area within a single, continuous perimeter formed by lines joint at right angles which encloses the extreme limits of such sign, and which in no case passes through or between any adjacent elements of the same, . . . However, such perimeter shall not include any structural elements lying outside and below the limits of such sign and not forming an integral part of the display.~~

- 143) **SPECIAL HOUSEHOLD.** A household containing an individual such as an elderly or handicapped person with special housing needs.
- 144) **STAND.** A pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and is used for the displaying, sorting, or transporting of articles offered for sale by a vendor. (Ord 3048, 9/99)
- 145) **STORY.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. (See Basement.)
- 146) **STREET, PRIVATE.** Any street or road, ~~or right-of-way~~ which is not a public street as defined in this Ordinance.
- 147) **STREET, PUBLIC.** A street or road which has been dedicated or deeded for the use of the public. For the purposes of this Ordinance, public street may include "alley," "lane," "place," "court," "avenue," "boulevard," and similar designations, and any County roads and State highways.
- 148) **STRUCTURE.** That which is built or constructed. An edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some manner and which requires location on or in the ground. This definition shall include, for the purpose of this Ordinance, a mobile home and accessories thereto.
- 149) **SUBDIVIDE LAND.** To divide an area or tract of land into four (4) or more lots within a calendar year when such areas or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- 150) **SUBDIVISION.** Either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.
- 151) **SWIMMING POOL.** Any constructed or prefabricated pool used for swimming or

bathing, 24 inches or more in depth.

- 152) **TOWNHOUSE.** A residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. No more than one dwelling unit may be located on a single parcel. There are two types of townhouses: two-unit townhouses and three+-unit townhouses (buildings containing three or more dwelling units).
- 153) **UNIT OF LAND.** An area of contiguous land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street or such other access approved by the approving authority under provision of this Ordinance. A unit of land may be:
- a) A single lot of record;
 - b) A lot or adjusted lot as defined herein;
 - c) A parcel as defined herein;
 - d) A series of contiguous units of land, including lots and parcels.
- 154) **URBAN AREA.** All territory, whether incorporated or unincorporated, located within the Roseburg Urban Growth Boundary.
- 155) **USE.** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
- 156) **USE, PERMITTED.** A building, structure, or use permitted outright in a zoning district, and which complies with all of the regulations applicable in that district.
- 157) **USE, PRINCIPLE.** The primary use of a lot or site, and includes a permitted or conditional use.
- 158) **VARIANCE.** A deviation from the strict application of standards established by this Ordinance with respect to lot area and dimensions, setbacks, building height, and other such standards. The authority to grant a variance does not extend to use regulations.
- 159) **VENDING.** The sale of food or merchandise from a stand operating on private property within the Downtown area. (Ord. No. 3048, 9/99)
- 160) **VETERINARY CLINIC.** A business establishment in which veterinary services are rendered to domestic animals.

~~**VISION CLEARANCE.** A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner, and containing no planting, walls, structures, or~~

temporary or permanent obstruction exceeding three (3) feet in height above the curb level.

- 161) **YARD, (REQUIRED).** ~~An~~ The required minimum open space on a property, determined by required setbacks, which is unobstructed from the ground upward, except as otherwise provided in this Ordinance, ~~these regulations~~.
- 162) **YARD, FRONT.** A yard ~~extending between side lot lines~~ measured horizontally at right angles from the front lot line, which intersect a street line, the depth of which is the minimum horizontal distance between the street line and a line parallel thereto on the lot.
- 163) **YARD, REAR.** A yard between side ~~property lot~~ lot lines measured horizontally at right angles from the side ~~rear lot~~ property line, to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.
- 164) **YARD, SIDE.** A yard between the front and rear yard measured horizontally at right angles from the side ~~property lot~~ lot line. Side yard widths shall be determined based on setback requirements for interior and exterior side lot lines. See "Lot Line, Side." to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.
- 165) **ZERO-LOT LINE HOUSE.** A principal residential building containing one dwelling unit located on a single lot that is either unattached to another dwelling unit, or attached to only one other dwelling unit by a common wall. The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side. Zero-lot line houses are subject to the parcel and building standards of the applicable Zoning District except as modified or supplemented by the zero-lot line house standards of this definition. No more than one zero-lot line dwelling may be located on a single parcel.
- a) A zero-lot line house development must consist of at least two contiguous parcels with frontage on the same street.
 - b) Zero-lot line house developments require that the planning for all house locations be done at the same time.
 - c) The interior side setback on one side of the lot containing a zero-lot line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot line house may not abut a street and may not abut a lot that is not part of the zero-lot line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.
 - d) Driveways may not be located in the required side setback.

- e) Eaves on the side of a house with a reduced setback may not project over the property line.
- f) When the zero-lot line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot line house.
- g) The side of the house which faces the reduced or zero-lot line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

CHAPTER 2

ZONING REGULATIONS

ARTICLE 1

INTRODUCTORY PROVISIONS

SECTION 2.1.010 PURPOSE

In order to achieve the purposes outlined in Chapter 1 of this Ordinance, and to assure that the development and use of land in the Roseburg Urban Area conforms to the Roseburg Urban Area Comprehensive Plan, zoning classifications have been established for all incorporated and unincorporated lands within the Roseburg Urban Growth Boundary. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Official Zoning Maps jointly adopted by Douglas County and the City of Roseburg.

SECTION 2.1.020 LOCATION OF ZONES

The boundaries for the zones listed in this Ordinance are indicated on the official zoning maps which are hereby adopted by reference and incorporated herein.

SECTION 2.1.030 ZONING MAPS

The zoning maps consist of one (1) or more sheets or pages, which pages shall be listed on a cover page, together with the date and name of each page. The zoning maps shall be certified by the Governing Body as being the official zoning maps adopted by reference in Section ~~2.1.020~~ ~~3.1.030~~. The certification of the official zoning maps shall appear on the cover page.

SECTION 2.1.040 AMENDMENT OF MAPS

Whenever it is necessary to amend the zoning maps to conform with an amendment to the text or maps of this Ordinance, the Director shall so change the maps and annotate the cover sheet to show the Ordinance or administrative action number and the date of the change. The Director shall certify that the official maps have been changed in conformance with the amending Ordinance or administrative action.

There shall be only one (1) set of official zoning maps which shall be located in the offices of the Roseburg City Community Development Director as long as this Ordinance remains in effect.

SECTION 2.1.050 ZONING DISTRICTS

For the purpose of this Ordinance, the following zones are hereby established to implement the Comprehensive Plan Land Use Designations:

TABLE 2-1: ZONING DISTRICTS

| COMPREHENSIVE PLAN LAND USE DESIGNATION | ZONING CLASSIFICATION | MAP SYMBOL |
|---|--|------------|
| Public, Semi-public | Public Reserve | PR |
| | Airport District | AP |
| Parks/Open Space and | Public Reserve | PR |
| Residential Open Space | Residential Open Space | RO |
| Low Density Residential | Low Density Residential | R10 |
| | Single-Family Residential | R7.5 |
| | Single-Family Residential | R6 |
| | Limited Commercial | C1 |
| Medium Density Residential | Limited Multiple-Family Residential | MR3 |
| | Medium Density Multiple-Family Residential | MR2.4 |
| | Limited Commercial | C1 |
| High Density Residential | Multiple-Family Residential | MR1.5 |
| | High Density Multiple-Family Residential | MR1 |
| | Limited Commercial | C1 |
| Professional Office | Professional Office | PO |
| Commercial | Limited Commercial | C1 |
| | Community Commercial | C2 |
| | General Commercial | C3 |
| | Mixed Use | MU |
| Industrial | Light Industrial | M1 |
| | Medium Industrial | M2 |
| | Heavy Industrial | M3 |
| | Mixed Use | MU |

SECTION 2.1.060 INTERPRETATION OF ZONE BOUNDARIES

Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning maps, the following rules of interpretation shall apply:

- 1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- 2) Boundaries indicated as approximately following platted lines shall be construed to follow such plat lines.
- 3) Boundaries indicated as approximately following City limits shall be construed to follow such City limits.
- 4) Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easement, whichever is applicable.
- 5) Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines.
- 6) Boundaries indicated as following shorelines shall be construed to follow the mean high water line.
- 7) Boundaries indicated as parallel to or extension of features indicated in Subsections 1 through 6 of this Section shall be so construed.
- 8) Where physical features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by Subsections 1 through 6 of this Section, the Director shall interpret the zone boundaries, and, if necessary, may refer the matter to the Planning Commission for its interpretation pursuant to Section ~~1.1.080~~ 4.060.
- 9) Where a public street or alley is officially vacated, the zone requirements applicable to the property ~~on~~ to which the vacated area becomes a part shall apply.

SECTION 2.1.070 OVERLAY DISTRICTS

Any portion of a zone district may be subject to additional consideration by the establishment of regulations that "overlay" the parent district. These "overlay districts" may be applied singularly, or in any combination thereof, through application for a zone change pursuant to ~~Article 4.38 of Chapter 5 of this Ordinance~~, and are designed to ensure that the various considerations contained in the text of such overlay district are employed in using and developing land subject to an overlay district.

Development in any area subject to an overlay district shall be undertaken only after any required administrative action, and in accordance with any conditions resulting from

such administrative action. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provisions of the overlay district shall prevail. Overlay districts employed in this Ordinance include the following:

- 1) Airport Impact Overlay. The Airport Impact Overlay District is intended to protect the public health, safety, and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations, and to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as specified in Article 8 of Chapter 2 Section 3.35.600.
- 2) Floodplain Overlay. A district shall be given a floodplain overlay designation when such district has been identified as subject to periodic inundations by the Federal Emergency Management Agency (FEMA) ~~Department of Housing and Urban Development~~. Since such inundation adversely affects the public health, safety, and general welfare, development in said district shall be in conformance to the provisions of Article 9 of Chapter 2 30 of this Ordinance, in addition to the requirements of the underlying zone.
- 3) Hillside Development / Geologic Review Overlay. A Hillside Development/Geologic Review Area is particularly applicable to areas of active or potential mass movement (landslide areas) and to all areas identified on the City of Roseburg Slope Map adopted by reference herein and/or greater than 12% slope. Prior to development approval, assurance shall be made that the public health, safety and welfare is not jeopardized by land use or development being proposed. Such approval shall be pursuant to Article 10 of Chapter 2 Section 3.35.700 of this Ordinance. (Par 3 entirely, Ord. No. 3274, 8/07)
- 4) Planned Unit Development (PUD). ~~The A~~ Planned Unit Development (PUD) Overlay is established by a land developer through a process ~~District is designed~~ to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards, to encourage superior development arrangements, and to promote the efficient use of urbanizable land. Development within a district subject to a PUD overlay shall be approved pursuant to Section 5.1.180 2-204 and Chapter 6 of this Ordinance.
5. ~~Mobile Home Park Overlay (MHP). The Mobile Home Park Overlay District is intended to meet projected need for mobile home parks of density not greater than twelve (12) units per acre as required by ORS 197.480, and is only to be established in the MR-14 District (see Article 9 of this Ordinance). The governing body shall establish sufficient Mobile Home Park Overlay District to meet the requirements of ORS 197.480, according to the analysis and projections of the Director. Thereafter, additional area within the MR-14 District shall be designated with the Mobile Home Park Overlay District through application for a zone change pursuant to Article 38 of this Ordinance, and also only after findings that:~~

- a. ~~The proposed overlay is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood;~~
- b. ~~That the proposed overlay will be compatible with adjoining uses; and~~
- c. ~~That there is a public need for such additional overlay of the kind proposed.~~

5) Historic Districts Overlay. The purpose of the Historic Districts Overlay is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Article is intended to allow the City to review any changes including alterations, remodels, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic districts/resources are preserved.

6) West Avenue Residential Overlay. The West Avenue Residential Overlay District is intended to implement the strategies contained in the West Avenue Redevelopment Plan. This overlay district recognizes and provides for the continued use of long established dwellings of record. Residential uses shall be subject to Article 12 of Chapter 2 Section 3.24.180 of this Ordinance. (ORD. 3328 12-14-2009)

ARTICLE 2

PUBLIC RESERVE AND RESIDENTIAL OPEN SPACE DISTRICTS

SECTION 2.2.010 DISTRICTS

1) Purpose

The Public Reserve (PR) and Residential Open Space (RO) Districts ~~classification is~~ are intended to establish ~~districts~~ areas within which have unique characteristics which require unique regulations. Within the Public Reserve District, a variety of public service activities may be conducted without interference from inappropriate levels of residential, commercial, or industrial activities. It is intended to be applied primarily, though not exclusively, to publicly-owned lands. The Residential Open Space District is intended to be applied to areas which have been identified as having significant scenic, cultural, or economic value to the urban area, but which under controlled development conditions are also suitable for limited residential use. Planned Unit Development approval is required to ensure retention of the site's natural character and/or economic benefit to the community.

2) List and Map Symbols

| DISTRICT NAME | MAP SYMBOL |
|------------------------|------------|
| Public Reserve | PR |
| Residential Open Space | RO |

SECTION 2.2.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

Uses identified with a "P" in Table 2-2 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance.

2) Conditional Uses

Uses identified with a "C" in Table 2-2 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance.

3) Prohibited Uses

Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards

The "use standards" column of Table 2-2 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such

standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5)

Development Standards

Development of land within these Districts must comply with the standards referenced in Table 2-3, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage). Within the Public Reserve District, development abutting a residential zone or use shall be screened by a minimum six (6) foot-high ~~site-~~ sight-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section ~~4.4.070 3.35.060~~.

TABLE 2-2: RO AND PO – ALLOWED USES

| USE CATEGORY | RO | PR | Standards |
|--|----|-------|-----------|
| Specific Use | | | |
| RESIDENTIAL | | | |
| Single-Family Dwelling | - | C [1] | |
| Family Day Care Home | P | - | |
| Residential Home | P | - | |
| Residential Facility | C | - | |
| Day Care Facility | C | - | |
| PUD | P | - | 6.2 |
| PUBLIC/CIVIC | | | |
| Public/Semi-public Uses and Activities | C | P | |
| Parks and Playgrounds | P | P | |
| Schools | - | P | |
| Botanical, Zoological and other types of Gardens | - | P | |
| Cemeteries | - | P | |
| Fairgrounds | - | P | |
| Fire prevention/detection/suppression facilities | - | P | |
| Fish and wildlife management | - | P | |
| Golf Course | - | P | |
| Hospital and nursing homes | - | P | |
| Children's Group Home and charitable institutions | - | P | |
| Campgrounds/boating facilities/lodges/camps and other such recreational facilities | - | P | |
| Public airport/heliport/landing strips | - | C | |
| Hydroelectric, solar wind, geothermal facilities, transmission lines or pipes, and substations | - | C | |
| Churches | C | C | |

| COMMERCIAL | | | |
|---|---|---|-----|
| Private airport/heliport/landing strips | - | C | |
| Solid waste transfer/disposal sites and recycling centers | - | C | |
| Telecommunications Facilities | C | C | 4.3 |
| Mining operations | - | C | 4.5 |

[1] A single-family dwelling customarily provided in conjunction with a use permitted in this classification.

TABLE 2-3: RO AND PO PARCEL AND BUILDING STANDARDS

| DISTRICTS | RO | PR |
|-----------------------------------|-----|--------|
| Minimum Lot Area (sq. ft.) | | |
| Planned Unit Development (PUD) | [1] | - |
| Residential Facility / Home | [2] | N/A |
| Coverage | 20% | 60% |
| Setbacks (feet) | | |
| Front | 20 | 15 |
| Rear | 10 | 10 |
| Side (interior) | 5 | 5 |
| Side (exterior) | 20 | 10 |
| Max Building Height (feet) | 35 | 35 [3] |

[1] In addition to PUD standards cited in this Ordinance, a PUD in this zone is limited to one (1) dwelling unit per three (3) gross acres.

[2] Two and one half (2.5) beds per 1,100 square feet of lot area.

[3] Hospitals, public buildings and churches may have a height of 60 feet.

SECTION 2.2.030 SCREENING

All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) foot-high site sight-obscuring fence or hedge along the abutting property lines. Fences shall be subject to the standards set forth in Section 4.4.070 3.35.060. Sight-obscuring fences or hedges six (6) feet or higher in height are required along property lines that border residential areas for: Nonresidential development to which this requirement applies includes, but is not limited to:

- 1) Churches;
- 2) Day Care Facility;
- 3) Residential Facility/Home; and
- 4) Residential Care Center/Facility.

~~In the PR Zone, the following uses and their accessory buildings and uses are permitted, subject to the provisions and exceptions set forth by this Ordinance:~~

- ~~1. — Botanical and Zoological Gardens~~
- ~~2. — Cemeteries.~~
- ~~3. — Fairgrounds.~~
- ~~4. — Fire prevention, detection, and suppression facilities.~~
- ~~5. — Fish and wildlife management.~~
- ~~6. — Golf course.~~
- ~~7. — Hospitals and nursing homes.~~
- ~~8. — Children's Group Home and charitable institutions.~~
- ~~9. — Parks, playgrounds, campgrounds, boating facilities, lodges, camps, and other such recreational facilities.~~
- ~~10. — Public and semi-public uses and activities~~
- ~~11. — Schools.~~

SECTION 3.4.100 — USES PERMITTED CONDITIONALLY

~~In the PR Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of Section 2.090(e) and Article 39 of this Chapter.~~

~~Public or private airports, heliports and landing strips.~~

~~Solid waste transfer and disposal sites and recycling centers.~~

~~The placement of hydroelectric, solar wind, and geothermal generation facilities, transmission lines or pipes, and substations. (Section 3.4.100, 3. Revised, Ord. No. 3115, 6/13/02)~~

~~A single family dwelling customarily provided in conjunction with a use permitted in this classification.~~

~~Operations conducted for the exploration, mining and processing of aggregate and mineral resources of other sub-surface resources.~~

~~Telecommunications Facilities. (Section 3.4.100, 6. entirely, Ord. No. 3115, 6/13/02)~~

SECTION 3.4.150 — PROPERTY DEVELOPMENT STANDARDS

1. ~~Size.~~ Lots shall be of sufficient size to accommodate the permitted or conditional use without exceeding maximum allowable lot coverage while maintaining minimum setbacks and providing sufficient area for required off-street parking and servicing ~~Density.~~ For a Residential Facility or a Residential Care Center, the density shall be 2.5 beds per 1,100 square feet of lot area.

~~Lot Coverage.~~ Not over sixty percent (60%) of the lot shall be covered by all buildings located thereon.

Setbacks:

~~Front Yard.~~ No structure shall be located closer than fifteen (15) feet from the front property line.

~~Side Yard.~~ No structure shall be located closer than five (5) feet from side property lines for interior lots, and ten (10) feet from exterior side property lines for corner building sites.

~~Rear Yard.~~ When the rear property line abuts a residential district, a rear setback of no less than ten (10) feet is required.

~~Height.~~ Maximum height for all structures shall be thirty-five (35) feet, except hospitals, public buildings, or churches, which may be increased in height to sixty (60) feet.

~~Off-Street Parking.~~ All development shall meet off-street parking requirements of Section 3.35.100.

7. ~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060

ARTICLE 5

RESIDENTIAL OPEN SPACE (RO)

SECTION 3.5.000 — PURPOSE

The Residential Open Space District is intended to be applied to areas which have been identified as having significant scenic, cultural, or economic value to the urban area, but which under controlled development conditions are also suitable for limited residential use. Planned Unit Development approval is required to ensure retention of the site's natural character and/or economic benefit to the community.

SECTION 3.5.050 — PERMITTED USES

In the RO District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance:

Family Day Care Home.

Parks and Playgrounds.

Planned Unit Developments.

4. — Residential Home.

SECTION 3.5.100 — USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

1. — Day Care Facility.

Public and Semi-Public Uses and Activities.

Residential Facility.

Telecommunication Facilities. (Section 3.5.100, 5, entirely Ord. No. 3115, 6/13/02)

SECTION 3.5.150 — PROPERTY DEVELOPMENT STANDARDS

1. — Area and Density.

Planned Unit Development. Average one (1) dwelling unit per each three (3) gross acres and developed in accordance with the provision of Chapter 5.

2. — Coverage. Not over twenty percent (20%) of the lot area shall be covered by all buildings located thereon.

3. — Setbacks.

a. — Front Yard. No structure shall be located closer than twenty (20) feet from the front property line.

b. — Side Yard. No structure shall be located closer than five (5) feet from side property lines for interior lots, and twenty (20) feet from exterior side property lines for corner lots.

c. ~~Rear Yard.~~ No structure shall be located closer than ten (10) feet from rear property lines.

4. ~~Height.~~ The maximum height for any structure shall be thirty-five (35) feet.

ARTICLE 3

RESIDENTIAL DISTRICTS

SECTION 2.3.010 DISTRICTS

1) Purpose

Roseburg's residential Zoning Districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential use types, some nonresidential uses are also allowed. District standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the City's many neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

2) List and Map Symbols

| DISTRICT NAME | MAP SYMBOL |
|--|------------|
| Low-Density Residential | R10 |
| Single-Family Residential | R7.5 |
| Single-Family Residential | R6 |
| Limited Multiple-Family Residential | MR3 |
| Medium-Density Multiple-Family Residential | MR2.4 |
| Multiple-Family Residential | MR1.5 |
| High-Density Multiple-Family Residential | MR1 |

The residential district names are shown on the zoning map with a symbol, either beginning with an "R" or "MR." The districts referenced with an "R" denote the general intent of the district to provide single-family housing, and the subsequent number is a shorthand reference to the minimum lot size for a single-family house in thousands of square feet (e.g. R10 requires 10,000 square feet of lot area for a single-family house). Districts beginning with "MR" are generally intended to provide multiple-family residences, and the subsequent number is shorthand for the required amount of lot area (in thousands of square feet) required for each dwelling unit in a multiple-family dwelling development. For example, in the MR3 district a multiple-family dwelling containing three dwelling units would require 9,000 square feet of lot area.

SECTION 2.3.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

Uses identified with a "P" in Table 2-4 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses identified with "P, C" indicate that the use may be permitted based on specific

standards, but is only conditionally allowed if those standards are not met.

2) Conditional Uses

Uses identified with a "C" in Table 2-4 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Some uses may be identified with both a "P" and a "C," refer to the footnotes for explanations.

3) Prohibited Uses

Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards

The "use standards" column of Table 2-4 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards

Development of land within these Districts must comply with the standards referenced in Table 2-5, as well as other applicable development standards contained within this Ordinance, such as parking requirements. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage).

TABLE 2-4: RESIDENTIAL – ALLOWED USES

| USE CATEGORY | R10 | R7.5 | R6 | MR3 | MR2.4 | MR1.5 | MR1 | Standards |
|-----------------------------------|------|------|------|-----|-------|-------|-----|------------|
| Specific Use | | | | | | | | |
| RESIDENTIAL | | | | | | | | |
| Single-Family Dwelling | P | P | P | P | P | P | - | - |
| Two-Family Dwelling [1] | P, C | P, C | P, C | P | P | P | - | 2.3.060(3) |
| Townhouse (two-unit, three+ unit) | C | C | C | P | P | P | P | 2.3.050 |
| Multiple-Family Dwelling | - | - | - | P | P | P | P | 2.3.050 |
| Mobile Home Parks | - | - | - | P | P | - | - | 5.12 |
| Accessory Residential Unit [2] | C | C | C | P | P | P | P | 2.3.030 |
| Boarding and Rooming Houses | - | - | - | P | P | P | - | - |
| Family Day Care Home | P | P | P | P | P | P | P | - |
| Residential Care Center | - | - | - | C | C | P | P | |
| Residential Care Facility | - | - | - | C | C | P | P | |
| Residential Home | P | P | P | P | P | P | P | - |
| Residential Facility | C | C | C | P | P | P | P | - |

| PUBLIC/CIVIC | R10 | R7.5 | R6 | MR3 | MR2.4 | MR1.5 | MR1 | Standards |
|--|------------|-------------|-----------|------------|--------------|--------------|------------|------------------|
| Public/Semi-public Uses and Activities | C | C | C | C | C | C | - | - |
| Parks and Playgrounds | C | C | C | C | C | C | - | - |
| Schools | - | - | - | C | C | C | - | - |
| Churches [3] | P | P | P | P, C | P, C | P, C | P, C | |
| COMMERCIAL | | | | | | | | |
| Privately-Operated Kindergarten | - | - | - | C | C | C | - | - |
| Temporary Sales Office [4] | P | P | P | P | P | P | P | - |
| Bed and Breakfast Facilities | C | C | C | C | C | C | C | 4.4.120 |
| Telecommunications Facilities | C | C | C | C | C | C | C | 4.3 |
| Uses Permitted in PO Zone [5] | - | - | - | C | C | C | C | |
| Day Care Facility | C | C | C | C | C | C | C | - |
| Nursing Home | - | - | - | - | C | C | - | - |
| Ambulance Service | - | - | - | - | - | C | C | - |
| Convenience Commercial Uses [6] | - | - | - | - | - | - | C | |

[1] Two-family dwellings are permitted on designated duplex lots approved in subdivision proceedings pursuant to [Chapter 5 Section 4.300](#). If a lot is not a designated duplex lot, a Conditional Use Permit must be obtained.

[2] Accessory residential units must be in conjunction with a single-family dwelling and is subject to the standards in Section 2.3.030.

[3] A church may be permitted on lots with a minimum lot area of 40,000 square feet. If a lot does not meet the minimum lot area, a Conditional Use Permit must be obtained.

[4] The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)

[5] In addition to Conditional Use Criteria, the site shall abut a [PO](#), CBD, C-1, C-2 or C-3 and have adequate area to meet the development standards of said use.

[6] Convenience Commercial Uses are limited to the following: barber/beauty shops, delicatessens, grocery stores less than 2,500 square feet, restaurants without a drive-thru, pharmacies, and professional offices. The commercial use is restricted to the first floor and must have residential dwelling units located in upper stories.

TABLE 2-5 RESIDENTIAL PARCEL AND BUILDING STANDARDS

| DISTRICTS | R10 | R7.5 | R6 | MR3 | MR2.4 | MR1.5 | MR1 |
|---|-------------------|-------------------|-------------------|------------------------------|-----------------------|------------------------------|----------------------------|
| Minimum Lot Area (sq. ft.) | | | | | | | |
| Single-Family Dwelling | 10,000 | 7,500 | 6,000 | 6,000 | 6,000 | 6,000 | - |
| Two-Family Dwelling (per dwelling unit) | 5,500 | 4,125 | 3,300 | 3,300 | 3,000 | 3,000 | - |
| Townhouse [1] | 4,500 | 3,600 | 3,000 | 2,400 | 2,400 | 2,400 | 2,400 |
| Multiple-Family Dwelling [4] (Min. Lot Area / Lot Area per dwelling unit) | - | - | - | 10,000 / 3,000 [2] [3] | 10,000 / 2,350 [3] | 10,000 / 1,500 [3] [4] | 30,000 / 800 [3] [4] |
| Residential Facility/Home and Care Facility/Center (Min. Lot Area / Lot Area per five (5) beds) [5] | 10,000 / 4,700 | 10,000 / 4,700 | 10,000 / 4,700 | 10,000 / 4,700 | 10,000 / 4,700 | 10,000 / 3,000 | 10,000 / 2,200 |
| Coverage | 55% | 55% | 55% | 70% | 80% | 80% | 80% |
| Setbacks (feet) | | | | | | | |
| Front | 20 | 20 | 15 | 15 | 15 | 15 | 10 |
| Rear | 10 | 10 | 10 | [6] | [6] | [6] | [6] |
| Side (interior) | 5 | 5 | 5 | [6] | [6] | [6] | [6] |
| Side (exterior) | 10 | 10 | 10 | [6] | [6] | [6] | [6] |
| Maximum Building Height (feet) | 35 | 35 | 35 | 35 | 45 | 60 | 80 |

[1] Townhouses have additional parcel and building development standards as shown in Section 2.3.050.

[2] No more than four (4) dwelling units allowed per building.

[3] Multiple-dwelling buildings have additional parcel and building development standards as shown in Section 2.3.060.

[4] New multiple-family development is eligible for density bonuses. See Section 2.3.050(4).

[5] Residential Homes/Facilities and Care Centers/Facilities require a minimum 10,000 square feet of lot area. Density shall be determined based on the minimum square footage per five (5) beds, but no building shall contain more than 20 beds.

[6] Side and Rear Yards requirements vary according to the number of stories within building as follows:

- a. One story - four (4) feet.
- b. Two stories - five (5) feet.
- c. Three stories - eight (8) feet.
- d. Four stories - ten (10) feet.
- e. Five or more stories - 12 feet, plus two (2) additional feet for each story over five (5), with a maximum required yard of 20 feet.

SECTION 2.3.030 ACCESSORY RESIDENTIAL UNITS

Accessory Residential Units shall:

- 1) not exceed one (1) per single-family unit;
- 2) not exceed a maximum size of 1,000 square feet or no more than 50% of the gross floor area of the primary residence;
- 3) have at least one (1) unit owner-occupied;
- 4) have one (1) additional off-street parking space;
- 5) have the primary heat source be electric or gas, not wood; and

- 6) not have separate dedicated utility meters including gas, electric and water.

Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.

Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.

SECTION 2.3.040 SCREENING

All nonresidential development abutting a residential zone or use shall be screened by a minimum six (6) foot-high site sight-obscuring fence or hedge along the abutting property lines. Fences shall be subject to the standards set forth in Section 4.4.070 3.35.060. Sight obscuring fences or hedges six (6) feet or higher in height are required along property lines that border residential areas for: Nonresidential development to which this requirement applies includes, but is not limited to:

- 5) Churches;
- 6) Day Care Facility;
- 7) Residential Facility/Home; and
- 8) Residential Care Center/Facility.

SECTION 2.3.050 TOWNHOUSES

- 1) Number of Dwelling Units
In zoning districts that allow three+-unit townhouses, buildings may not contain more than eight (8) attached dwelling units.
- 2) Parcel Standards

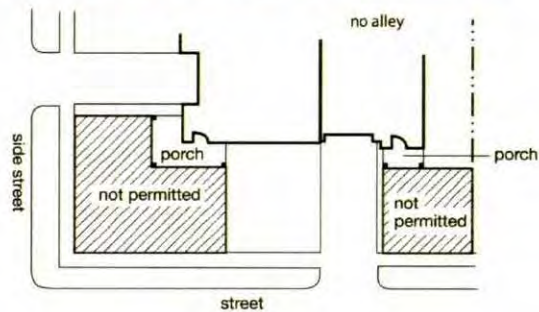
TABLE 2-6: TOWNHOUSE PARCEL STANDARDS

| DISTRICTS | R10 | R7.5 | R6 | MR3 | MR2.4 | MR1.5 | MR1 |
|------------------|-----|------|-----|-----|-------|-------|-----|
| Coverage | 60% | 65% | 65% | 75% | 80% | 80% | 80% |
| Lot Width (feet) | 35 | 35 | 30 | 25 | 25 | 25 | 20 |
| Front Setback | 20 | 15 | 10 | 10 | 10 | 10 | 5 |

- a) Side and rear yard setbacks of the zoning district apply, except for abutting walls of the townhouse building.
 - b) Front yard setback for any portion of the façade adjacent to automobile access must be at least 20 feet in order to accommodate off-street parking.
- 3) Parking and Access

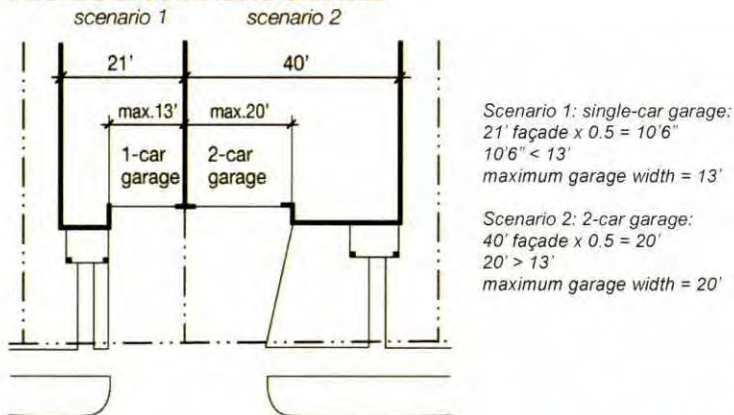
- a) Access to parking spaces and garages must be from an alley for all parcels abutting an alley.
- b) For parcels without alley access, driveways, parking and other vehicular use areas may not be located between the porch (or covered building entrance) and the street (see Figure 2-1).

FIGURE 2-1: TOWNHOUSE PARKING STANDARDS



- c) When parking is provided in a garage or carport that faces a street, the following standards must be met:
 - i) The garage or carport width may not exceed 50% of the street facing façade of each attached dwelling unit or 13 feet, whichever is greater (see Figure 2-2).

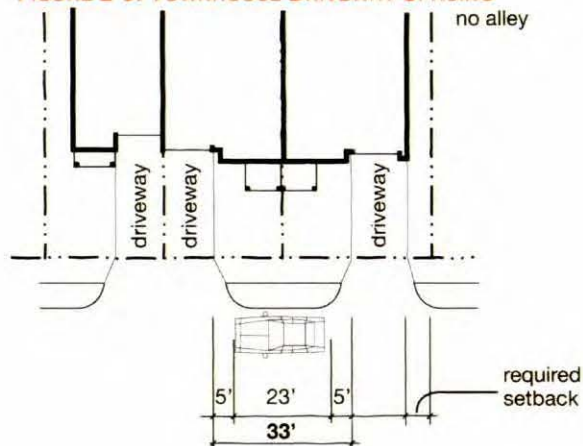
FIGURE 2-2: TOWNHOUSE GARAGES



- ii) A townhouse structure may have no more than two individual garage doors or carport entrances in succession on a street-facing façade.

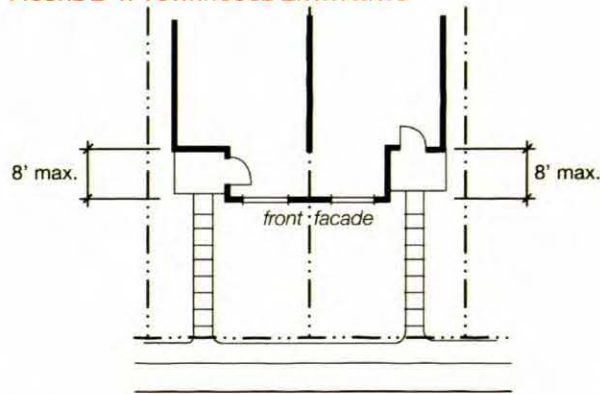
- iii) Garages and carports must be set back at least 20 feet from all property lines that abut a street. Garages and carports must be recessed at least two (2) feet from the street facing façade of the building.
- iv) When garages or carports are paired (abutting), driveways must be combined and centered on the property line between dwelling units providing access to the garages or carports. There must be a minimum of 33 feet distance between single or paired driveways, measured along the front property line, unless otherwise approved by the City engineer (see Figure 2-3).

FIGURE 2-3: TOWNHOUSE DRIVEWAY SPACING



- v) Driveway widths must meet the standards contained within this Ordinance, except that driveway setbacks from interior property lines of adjoining townhouse units are not necessary.
- 4) Building Design
- a) Entryway
- i) Each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a public street or a right-of-way other than an alley. The front door must be within eight (8) feet of the building's front façade (see Figure 2-4). The door may be at any angle to the street as long as the other entrance standards are met.

FIGURE 2-4: TOWNHOUSE ENTRYWAYS



- ii) Each front entrance must include a porch or covered entry. A pedestrian walkway must connect each front entrance to the street. A door that leads directly into a garage does not qualify as a front entrance.
- b) Glazing. Each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a public street or a right-of-way other than an alley. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements.
- c) Building Modulation. Architectural features applied to building façades that provide depth and visual relief from large expanses of blank walls and reduce the apparent scale and bulk of the building.
 - i) Building façade modulation shall be provided on the front façade of all townhouse buildings containing three or more dwelling units when such buildings directly face a public street (other than an alley), as follows:
 - A) Exterior walls may not exceed 32 feet in (horizontal) length without modulation.
 - B) Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least two elements listed below.
 - C) All modulations must have a depth of at least two (2) feet and a horizontal length of at least four (4) feet.
 - ii) Modulation may be achieved through such techniques and features as:
 - A) recessed or projecting wall offsets;
 - B) recesses (e.g. deck, patio, courtyard, entrance or similar feature).

- C) Entryways, balconies, bay windows;
 - D) porch or canopy structures including columns or piers;
 - E) dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height.; or
 - F) Other prominent architectural features that serve to provide dimension and break up large expanses of wall area.
- d) Landscaping. Each lot developed as a townhouse shall provide a landscaped area in the front yard equal to at least 20 percent of the total front yard but no less than 50 square feet in area.
- i) Each 25 square feet of required area landscaping shall contain one (1) tree at least six (6) feet high. At least two (2) one-gallon or one (1) five-gallon shrubs shall be placed for every ten (10) square feet of lot landscaping. The remaining planter area shall be treated with ground cover.
 - ii) Specifications for Trees and Plant Materials.
 - A) Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum one-and-one-half (1½) inch caliper measured six (6) inches above ground, balled and burlapped and a minimum of six (6) feet in height at time of planting.
 - B) Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground, balled and burlapped.
 - C) Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.
 - D) Living ground covers. Living ground covers shall be fully rooted and shall be well branched or leafed.
 - E) Other ground covers. Other ground covers shall consist of a decorative treatment of bark, rock, or other attractive ground cover.
 - F) Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall be 100% coverage and weed free.

SECTION 2.3.060 MULTIPLE-FAMILY DWELLINGS

Purpose. The provisions of this Section are intended to ensure that development of multiple-family dwellings encompasses elements that create safe and well-designed sites that enhance the residency of apartment tenants by providing open space as well as facilities and amenities that create opportunities for physical activity, interaction among residents and improve the quality of development.

- 1) Minimum Distance between Buildings. Where multiple-family dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

~~Recycling. An owner of a multiple-family housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750.~~

Comment [PH4]: Relocated to 3.1.040(14)
Garbage Container Areas

- 2) Improved Open Space. Lots or parcels containing more than two (2) dwelling units shall provide at least 50 square feet of improved outdoor living or recreation area for every unit in the project. However, the combined improved outdoor living or recreation area shall contain no less than 1,000 square feet or be less than 25 feet on any side.
- 3) Density Bonus. The approving authority shall authorize a ten percent (10%) increase in residential density for each amenity package provided in a new multiple-family development in the ~~MR-20~~ MR1.5 and ~~MR-40~~ MR1 Districts; provided, however, that increased density shall not be granted for more than three (3) amenity packages.

The requirements of each amenity package shall not be subject to the provisions of Article ~~5~~ 40.

a) Amenity Package No. 1: Crime Prevention

Allow a ten percent (10%) increase in density if all of the following are provided:

- i) One window (minimum six (6) square feet) must be provided in each unit, which overlooks the circulation space leading to the unit.
- ii) All exterior doors shall be solid core or metal, and shall have dead bolts and security viewers.
- iii) All sliding glass doors and windows will have the sliding section on an inside track.
- iv) Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby
- v) All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least 20 feet away from the stair landing
- vi) A single stair, corridor, or courtyard may not be used as the principal entrance to more than eight (8) units.
- vii) No hallway or corridor may be more than 30 feet in total length.

- viii) Any outdoor space provided for adults' or children's recreation shall be visible from at least one-third (1/3) of the units it is intended to serve
- ix) From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.

b) Amenity Package No. 2: Energy Conservation

Allow a ten percent (10%) increase in density if all of the following provisions are met:

- i) All windows and glass sliding doors must have insulated frames.
- ii) All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three (3) and five (5) feet above the floor and within 18 inches of the principal entrance to the room.
- iii) In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.
- iv) All windows and glass doors shall be double glazed.
- v) All top level unit ceilings shall be insulated to a minimum of "R-38."
- vi) All thermostats within a project shall have night setback capabilities.
- vii) At least one of the following shall be provided
 - A) Passive solar heating for at least two-thirds (2/3) of all units in the project;
 - B) Active solar space heating;
 - C) Solar hot water heating.

c) Amenity Package No. 3: Transitional Spaces

Allow a ten percent (10%) increase in density if all of the following provisions are met:

- i) No auto parking or maneuvering area may be within five (5) feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.
- ii) Provide every unit with a private porch, patio, deck, or balcony that has at least 48 square feet with no dimension of less than six (6) feet.
- iii) Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor,

separating living from sleeping areas.

- iv) Increase all required building setbacks by 50%.

d) Amenity Package No. 4: Larger Units

Allow a ten percent (10%) increase in density if all of the following provisions are met:

- i) All units will have the following minimum gross square footage of interior space:

| | |
|----------------|-----------------|
| Studio | 500 square feet |
| One Bedroom | 675 square feet |
| Two Bedrooms | 800 square feet |
| Three Bedrooms | 950 square feet |

- ii) Kitchens shall be at least 64 square feet in area, exclusive of eating space, and shall have a minimum dimension of eight (8) feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:

20 square feet of drawer space;
40 square feet of shelf space;
20 square feet of counter space.

- iii) All units will be provided with storage space according to the following:

Bedroom Closet - 1 sq. ft. floor area each;
Linen Closet - 20 sq. ft. shelf area;
Guest Hall or Coat Closet - 10 sq. ft. floor area;
Private Storage Locker - 100 cu. ft.

- iv) At least 30% of all units must have two (2), and at least ten percent (10%) of all units must have three (3) bedrooms.

e) Amenity Package No. 5: Neighborhood Compatibility

Allow a ten percent (10%) density bonus if all of the following provisions are met:

~~All trash receptacles shall be screened by a sight-obscuring fence or evergreen hedge such that they are not visible from the public right-of-way.~~

- i) All required yards and buffers shall be planted in grass or other low, living ground cover.
- ii) Siding shall be sawn lumber, premium grade or better rough sawn or

textured plywood, clay brick; or, similar high quality material.

iii) Exterior walls of the project that face onto the right-of-way shall be varied to meet one (1) of the following criteria:

A) The exterior wall shall vary in its distance from the facing right-of-way by at least 18 inches every 40 feet; or

B) Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four (4) feet beyond the exterior wall of the unit.

f) Amenity Package No. 6: Children's Play Space

Allow a ten percent (10%) increase in density for projects that incorporate all of the following features into their design:

i) Provide 50 square feet of play area for every unit in the project; however, no play area may be smaller than 1,000 square feet or less than 25 feet on any side.

ii) Each play area must have at least 400 square feet of grass.

iii) No unit in the project shall be more than 200 feet from a play area.

iv) Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.

v) Every play area used to meet the requirements of this Section shall be provided with two (2) trees and two (2) benches with backs. Such benches shall be at least five (5) feet long.

vi) Play areas shall be provided with a swing set (permanent, four (4) swings minimum) and at least one (1) of the following features for each five (5) units the play area is intended to serve. These may not be repeated until at least three (3) different features are provided:

A) Slide (permanent);

B) Sand Box, at least 64 square feet in area;

C) Basketball Half Court (permanent);

D) Play structure covering a minimum area of 100 square feet (permanent);

E) Two (2) additional trees, subject to the requirements listed in paragraph (e) of this Section.

Where a play area serves 30 or more units, (A) through (E) above will be repeated to continue the ratio of one (1) feature for every five (5) units.

ARTICLE 7

~~—— SINGLE-FAMILY RESIDENTIAL (R-1-7.5)~~

~~SECTION 3.7.000~~ PURPOSE

~~The Single-Family Residential District (R-1-7.5) is intended to be added primarily to established single-family neighborhoods. The R-1-7.5 District is applied for the purpose of preserving the character of residential areas which have historically been limited to single-family dwellings on 7,500 square foot lots.~~

~~SECTION 3.7.050~~ PERMITTED USES

~~In the R-1-7.5 District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance.~~

- ~~1. Single-family dwellings.~~
- ~~2. Family Day Care Home.~~
- ~~3. Residential Home.~~
- ~~4. Two-family dwellings on designated duplex lots approved in subdivision proceedings pursuant to Section 4.300.~~
- ~~5. Churches, subject to the development standards in Section 3.7.150.~~

~~SECTION 3.7.100~~ USES PERMITTED CONDITIONALLY

~~The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

- ~~1. Day Care Facility, subject to the development standards in Section 3.7.150.~~
- ~~2. Parks and playgrounds.~~
- ~~3. Public and semi-public uses and activities.~~
- ~~4. Residential Facility, subject to the development standards in Section 3.7.150.~~
- ~~5. Two-family dwellings other than those permitted in Section 3.7.050.~~
- ~~6. Bed and Breakfast Facilities, subject to the standards set forth in Section 3.35.075(1)-(9).~~
- ~~7. Accessory residential units in conjunction with a single-family dwelling, subject to the development standards in Section 3.7.150.~~

8. ~~Telecommunication Facilities.~~ (Section 3.7.100, 9. Entirely, Ord. No. 3115, 6/13/02)

SECTION 3.7.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.

- a. ~~Single-family dwelling:~~ ~~7,500 square feet minimum lot size.~~
- b. ~~Two-family dwellings:~~ ~~4,125 square feet minimum lot area for each dwelling unit. (Rev. Ord. No. 3289, 9/2008)~~
- c. ~~Residential Facility or Residential Care Center:~~ ~~10,000 square feet of minimum lot area. The maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one (1) building.~~
- d. ~~Churches:~~ ~~40,000 square feet minimum lot size.~~

e. ~~Accessory Residential Units shall:~~

- ~~not exceed one (1) per single-family unit;~~
- ~~not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;~~
- ~~have at least one (1) unit owner occupied;~~
- ~~have one (1) additional off-street parking space~~
- ~~have the primary heat source be electric or gas, not wood; and~~
- ~~not have separate dedicated utility meters including gas, electric and water;~~

~~Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.~~

~~Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.~~

2. Coverage. ~~Not over fifty-five percent (55%) of the lot shall be covered by buildings and/or other impervious surface.~~

3. Setbacks.

- a. Front Yard. ~~No structure shall be located closer than twenty (20) feet from the front property line.~~
- b. Side Yard.
(1) ~~No structure shall be located closer than five (5) feet from side~~

- property lines for interior lots.
- (2) ~~No structure shall be located closer than 10 feet from exterior side property lines for corner lots. (Ord. No. 3289, 9/2008)~~
- c. ~~Rear Yard. No structure shall be located closer than ten (10) feet from rear property lines.~~
4. ~~Height. Maximum height for any structure shall be thirty-five (35) feet.~~
5. ~~Off-Street Parking. Paved parking to meet minimum off-street parking standards of Section 3.35.100 required for:~~
- a. ~~Churches;~~
- b. ~~Day Care Facility; and~~
- c. ~~Residential Facility.~~
6. ~~Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. Sight obscuring fences or hedges six (6) feet or higher in height are required along property lines that border residential areas for:~~
- a. ~~Churches;~~
- b. ~~Day Care Facility; and~~
- c. ~~Residential Facility.~~
7. ~~The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

ARTICLE 8

SINGLE-FAMILY RESIDENTIAL (R-1-6)

SECTION 3.8.000 — PURPOSE

The R-1-6 Single-Family Residential District is intended to be applied primarily to areas designated for future low-density residential development. The R-1-6 District provides for smaller lot sizes than has traditionally been allowed, but otherwise retains the same high standards which have helped establish and maintain attractive and stable residential neighborhoods.

SECTION 3.8.050 — PERMITTED USES

In the R-1-6 District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance.

Single-family dwellings.

Family Day Care Home.

3. — Residential Home.

4. — Two-family dwellings on designated duplex lots approved in subdivision proceedings pursuant to Section 4.300.

5. — Churches, subject to the development standards in Section 3.8.150.

SECTION 3.8.100 — USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

1. — Day Care Facility, subject to the development standards in Section 3.8.150.

2. — Parks and playgrounds.

3. — Public and semi-public uses and activities.

4. — Residential Facility, subject to the development standards in Section 3.8.150.

5. — Two-family dwellings other than those permitted in Section 3.7.050.

6. — Bed and Breakfast Facilities, subject to the standards set forth in Section 3.35.075(1)-(9).

7. — Accessory residential units in conjunction with a single-family dwelling, subject to the development standards in Section 3.8.150.

8. — Telecommunication Facilities. (Section 3.8.100, 9. Entirely, Ord. No. 3115, 6/13/02)

SECTION 3.8.150 — PROPERTY DEVELOPMENT STANDARDS

1. — Area and Density.

a. — Single-family dwelling: — 6,000 square feet minimum lot size.

b. — Two-family dwellings: 3,300 square feet minimum lot area for each dwelling unit.

c. ~~Residential Facility or Residential Care Center: 10,000 square feet of minimum lot area. The maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one (1) building.~~

d. ~~Churches: 40,000 square feet minimum lot size.~~

e. ~~Accessory Residential Units shall:
not exceed one (1) per single-family unit;
not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;
have at least one (1) unit owner occupied;
have one (1) additional off-street parking space
have the primary heat source be electric or gas, not wood; and
not have separate dedicated utility meters including gas, electric and water;
Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.~~

~~Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.~~

2. ~~Coverage. Not over fifty-five percent (55%) of the lot shall be covered by buildings and/or other impervious surface.~~

3. ~~Setbacks.~~

a. ~~Front Yard. No structure shall be located closer than fifteen (15) feet from the front property line.~~

~~b. Side Yard.~~

~~(1) No structure shall be located closer than five (5) feet from the side property lines for interior lots.~~

~~No structure shall be located closer than 10 feet from the exterior side property lines for corner lots.~~

~~Nothing in this provision shall eliminate the need to comply with the clear vision requirements in Section 3.35.050. (Ord. No. 3289, 9/2008)~~

c. ~~Rear Yard. No structure shall be located closer than ten (10) feet from rear property lines~~

4. ~~Height. Maximum height for any structure shall be thirty-five (35) feet.~~

5. ~~Off-Street Parking. Paved parking to meet minimum off-street parking standards of Section 3.35.100 required for:~~

a. ~~Churches;~~

b. ~~Day Care Facility; and~~

c. ~~Residential Facility.~~

6. ~~Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. Sight obscuring fences or hedges six (6) feet or higher in height are required along property lines that border residential areas for:~~

a. ~~Churches;~~

b. ~~Day Care Facility; and~~

c. ~~Residential Facility.~~

7. ~~The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

ARTICLE 9

LIMITED MULTIPLE-FAMILY RESIDENTIAL (MR-14)

SECTION 3.9.000 PURPOSE

~~The Limited Multiple-Family Residential District is intended to allow a compatible mix of both single-family and multiple-family housing. The MR-14 District is primarily intended to, but not limited to, areas of transition between high density and low density development, areas undergoing redevelopment, and areas within which a mix of housing type already exists.~~

SECTION 3.9.050 PERMITTED USES

~~In the MR-14 District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance.~~

1. ~~Single-family dwelling.~~

2. ~~Two-family dwellings.~~

3. ~~Family Day Care Home.~~

4. ~~Multiple-family dwellings, including~~

5. ~~Boarding and rooming houses.~~

6. — Residential Home.

7. — Churches, subject to the development standards set forth in Section 3.9.150.

8. — Mobile home parks in any area which has a Mobile Home Park Overlay Zone established pursuant to Sections 3.1.080(6) and 3.9.125.

9. — Residential Facility, subject to the development standards set forth in 3.9.150.

10. — Accessory Residential Units in conjunction with a single-family dwelling, subject to the development standards in Section 3.9.150.

SECTION 3.9.100 — USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

Day Care Facility, subject to the development standards set forth in Section 3.9.150.

2. — Mobile home parks.

3. — Parks and playgrounds.

4. — Privately operated kindergartens.

5. — Public and semi-public uses and activities.

Residential Care Center, subject to the development standards set forth in Section 3.9.150.

Schools.

8. — Bed and Breakfast Facilities, subject to the development standards set forth in Section 3.35.075(1)-(9).

9. — Churches, lot size of less than 40,000 square feet.

10. — Residential Care Facility subject to the development standards set forth in Section 3.9.150.

11. — Telecommunication Facilities. (Section 3.9.100, 12. entirely, Ord. No. 3115, 6/13/02)

12. — Uses permitted in the Professional Office (PO) zone and other similar business activities determined to be appropriate when:

a. — a lot abuts a property that is zoned CBD, C-1, C-2, or C-3

b. — adequate area is provided to meet the development standards for said use.

c. — the use complies with Article 39. (Ord. No. 3289, 9/2008)

SECTION 3.9.125 MOBILE HOME PARK OVERLAY ZONE

1. ~~Definition.~~ "Mobile Home Park Overlay Zone" shall mean areas within the MR-14 District which have been specifically designated by the governing body as areas in which mobile home parks shall be a permitted use subject to the development standards set forth in this section and the general provisions and exceptions set forth by this Ordinance.

2. ~~Designation of Mobile Home Park Overlay Zone.~~ Areas shall be designated as Mobile Home Park Overlay Zones by the governing body in sufficient amount to meet the projected need for mobile home parks based on the provisions of ORS 197.480. Additional areas shall only be designated as Mobile Home Park Overlay Zone as provided in Section 3.1.080(6).

~~Size and Density.~~ Notwithstanding any other provisions of this Ordinance, mobile home parks established within Mobile Home Park Overlay Zones shall not exceed a density ratio of twelve (12) mobile home sites per acre, and all mobile home sites therein shall be at least 3,630 square feet each.

SECTION 3.9.150 PROPERTY DEVELOPMENT STANDARDS

1. ~~Area and Density.~~

a. ~~Single family dwellings:~~ 6,000 square feet minimum lot size.

b. ~~Two family dwellings:~~ 3,300 square feet minimum lot area for each dwelling unit. More than one (1) two-family dwelling may be located on a lot or parcel, provided density requirements, setbacks and parking requirements are maintained.

c. ~~Mobile Home Parks:~~ Shall conform to the area and density standards established in Article 51.

d. ~~Residential Facility and Residential Care Center:~~ 10,000 square foot minimum lot area. The maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one building.

e. ~~Multiple family dwellings:~~ 10,000 square feet minimum lot area. The maximum number of dwelling units shall be limited to one (1) dwelling unit per each 3,000 square feet of lot area, except that there shall not be more than four (4) dwelling units in any one building.

f. ~~Churches:~~ 40,000 square feet minimum lot size.

g. ~~Accessory Residential Units shall:~~
not exceed one (1) per single-family unit;

~~not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;~~
~~have at least one (1) unit owner-occupied;~~
~~have one (1) additional off-street parking space~~
~~have the primary heat source be electric or gas, not wood; and~~
~~not have separate dedicated utility meters including gas, electric and water;~~
~~Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.~~

~~Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.~~

~~2. Coverage. The area covered by all buildings, parking areas, auto maneuvering and vehicle access space shall not exceed seventy percent (70%) of the total site area.~~

~~3. Setbacks.~~

~~a. Front Yard. All buildings, parking and auto maneuvering areas, except access driveways, must be set back at least fifteen (15) feet from the front property line and the exterior side property line on corner lots.~~

~~b. Side and Rear Yards. There shall be minimum side and rear yards with requirements varying according to height as follows:~~

~~(1) One story - four (4) feet.~~

~~Two stories - five (5) feet.~~

~~Three stories - eight (8) feet.~~

~~Four stories - ten (10) feet.~~

~~(5) Five or more stories - twelve (12) feet, plus two (2) additional feet for each story over five (5), with a maximum required yard of twenty (20) feet.~~

~~c. Minimum Distance Between Buildings. Where multiple family dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.~~

~~Height. Maximum height for any structure shall be thirty-five (35) feet~~

~~5. Open Space. Lots or parcels containing more than two (2) dwelling units shall provide at least fifty (50) square feet of improved outdoor living or recreation area for every unit in the project. However, the combined improved outdoor living or recreation~~

area shall contain no less than 1,000 square feet nor be less than twenty-five (25) feet on any side shall any contributing portion have a width of less than twenty-five (25) feet.

6. ~~Off-Street Parking.~~ Paved parking to meet minimum off-street parking standards of Section 3.35.100 shall be required for:

- ~~a. Churches;~~
- ~~b. Day Care Facility;~~
- ~~c. Residential Facility; and~~
- ~~d. Residential Care Center.~~

7. ~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. ~~Sight-obscuring fences or hedges six (6) feet in height or higher are required along property lines that border residential areas for:~~

~~Churches;~~

~~Day Care Facility;~~

~~Residential Facility; and~~

~~Residential Care Center.~~

8. ~~Recycling.~~ An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750.

9. ~~The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

ARTICLE 10

MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (MR-18)

SECTION 3.10.000 PURPOSE

The Medium Density Multiple-Family Residential District is intended to provide for a variety of housing types at varying densities. Because of the mix of housing types, care

~~is needed in determining the location of the MR-18 District to ensure that both the physical and aesthetic carrying capacity of the area is not exceeded.~~

SECTION 3.10.050 PERMITTED USES

~~In the MR-18 District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance.~~

- ~~1. — Single family dwelling.~~
- ~~2. — Two family dwellings.~~
- ~~3. — Family Day Care Home.~~
- ~~4. — Mobile Home Parks.~~
- ~~5. — Multiple family dwellings; including~~
- ~~6. — Boarding and rooming houses.~~
- ~~7. — Residential Home.~~
- ~~8. — Churches, subject to the development standards set forth in Section 3.10.150.~~
- ~~9. — Residential Facility, subject to the development standards set forth in Section 3.10.150.~~
- ~~10. — Accessory Residential Units in conjunction with a single family dwelling, subject to the development standards in Section 3.9.150.~~

SECTION 3.10.100 USES PERMITTED CONDITIONALLY

~~The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

~~Day Care Facility, subject to the development standards set forth in Section 3.10.150.~~

~~Nursing Home.~~

~~Parks and playgrounds.~~

~~Privately operated kindergartens.~~

~~Public and semi-public uses and activities.~~

~~Residential Care Center, subject to the development standards set forth in Section 3.10.150.~~

Schools:

Bed and Breakfast Facilities, subject to the development standards set forth in Section 3.35.075(1)-(9).

Churches, lot size less than 40,000 square feet.

Residential Care Facility subject to the development standards set forth in Section 3.10.150.

Telecommunication Facilities: (Section 3.10.100, 12, entirely, Ord. No. 3115, 6/13/02)

12. — Uses permitted in the Professional Office (PO) zone and other similar business activities determined to be appropriate when:

- a. — a lot abuts a property that is zoned CBD, C-1, C-2, or C-3
- b. — adequate area is provided to meet the development standards for said use.
- c. — the use complies with Article 39. (Ord. No. 3289, 9/2008)

SECTION 3.10.150 PROPERTY DEVELOPMENT STANDARDS

1. — Area and Density:

Single-family dwellings: 6,000 square feet minimum lot size.

Two-family dwellings: 3,000 square feet minimum lot area for each dwelling unit. More than one (1) two-family dwelling may be located on a lot or parcel, provided density requirements, setbacks and parking requirements are maintained.

Residential Facility and Residential Care Center: 10,000 square foot minimum lot area. The maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one (1) building.

Mobile Home Parks: Shall conform to the area and density standards established in Article 51.

Multiple-family dwellings: 10,000 square feet minimum lot area. The maximum number of dwelling units shall be limited to one (1) dwelling unit per each 2,350 square feet of lot area.

Churches: 40,000 square feet minimum lot size.

- g. — Accessory Residential Units shall:
 - not exceed one (1) per single-family unit;
 - not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;
 - have at least one (1) unit owner-occupied;
 - have one (1) additional off-street parking space

have the primary heat source be electric or gas, not wood; and not have separate dedicated utility meters including gas, electric and water; Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.

Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.

Coverage. The area covered by all buildings, parking areas, auto maneuvering, and vehicle access space shall not exceed eighty percent (80%) of the total site area.

3. Setbacks.

a. Front Yard. All buildings, parking, and auto maneuvering areas, except access driveway, must be set back at least fifteen (15) feet from the front property line and the exterior side property line on corner lots.

b. Side and Rear Yards. There shall be minimum side and rear yards with requirements varying according to height as follows:

————— (1) — One story – four (4) feet.

————— (2) — Two stories – five (5) feet.

————— (3) — Three stories – eight (8) feet.

————— (4) — Four stories – ten (10) feet.

————— (5) — Five or more stories – twelve (12) feet, plus two (2) additional feet for each story over five (5), with a maximum required yard of twenty (20) feet.

c. Minimum Distance Between Buildings. Where multiple family dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

4. Height. Maximum height for any structure shall be forty-five (45) feet.

5. Open Space. Lots or parcels containing more than two (2) dwelling units shall provide at least fifty (50) square feet of improved outdoor living or recreation area for every unit in the project. However, the combined improved outdoor living or recreation area shall contain no less than 1,000 square feet nor be less than twenty-five (25) feet on any side shall any contributing portion have a width of less than twenty-five (25) feet.

6. Off-Street Parking. Paved parking to meet minimum off-street parking standards of Section 3.35.100 shall be required for:

Churches;

Day Care Facility;

Residential Facility; and

d. ~~Residential Care Center.~~

7. ~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. ~~Sight obscuring fences or hedges six (6) feet in height or higher are required along property lines that border residential areas for:~~

a. ~~Churches;~~

b. ~~Day Care Facility;~~

c. ~~Residential Facility; and~~

d. ~~Residential Care Center.~~

8. ~~Recycling.~~ An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750. ~~(Section 3.10.150 8, entirely, Ord. No. 3005, 10/97)~~

9. ~~The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

ARTICLE 11

MULTIPLE-FAMILY RESIDENTIAL (MR-29)

SECTION 3.11.000 PURPOSE

~~The Multiple-Family Residential District is intended to provide a flexible density multiple-family residential zone which will add diversity to housing types while providing sufficient inducement to make multiple-family development desirable, and which contributes to the overall quality of the living environment.~~

SECTION 3.11.050 PERMITTED USES

~~In the MR-29 District, the following uses are permitted, subject to the general provisions and exceptions set forth by this Ordinance.~~

~~Single-family dwellings.~~

~~Two-family dwellings.~~

~~Family Day Care Home.~~

~~Multiple-family dwellings; including~~

~~Boarding and rooming houses.~~

~~Residential Home.~~

~~Residential Facility.~~

~~Residential Care Center.~~

~~Churches, subject to the development standards set forth in Section 3.11.150.~~

~~Residential Care Facility subject to the development standards set forth in Section 3.11.150.~~

~~11. Accessory Residential Units in conjunction with a single-family dwelling, subject to the development standards in Section 3.11.150.~~

SECTION 3.11.100 USES PERMITTED CONDITIONALLY

~~The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

~~Ambulance service.~~

~~2. Day Care Facility, subject to the development standards set forth in Section 3.11.150.~~

~~3. Nursing homes.~~

~~4. Parks and playgrounds.~~

~~5. Privately operated kindergartens.~~

~~6. Public and semi-public uses and activities.~~

~~7. Schools.~~

~~8. — Bed and Breakfast Facility, subject to the standards set forth in Section 3.35.075 (1)-(9).~~

~~Churches, lot size less than 40,000 square feet.~~

~~Telecommunication Facilities: (Section 3.11.100, 11, entirely, Ord. No. 3115, 6/13/02)~~

~~11. — Uses permitted in the Professional Office (PO) zone and other similar business activities determined to be appropriate when:~~

~~a. — a lot abuts a property that is zoned CBD, C-1, C-2, or C-3~~

~~b. — adequate area is provided to meet the development standards for said use.~~

~~c. — the use complies with Article 39. (Ord. No. 3289, 9/2008)~~

SECTION 3.11.150 PROPERTY DEVELOPMENT STANDARDS

1. — Area and Density:

~~a. — Single-family dwellings: — 6,000 square feet minimum lot size.~~

~~b. — Two family dwellings: 3,000 square feet minimum lot area for each dwelling unit. More than one (1) two-family dwelling may be located on a lot or parcel, provided density requirements, setbacks, and parking requirements are maintained.~~

~~c. — Multiple-family dwellings: 10,000 square feet minimum lot area. The maximum number of dwelling units shall be limited to one (1) dwelling unit per each 1,500 square feet of lot area, except that allowable density may be increased by ten percent (10%) for each density bonus granted as provided for in Section 3.11.200~~

~~Residential Facility and Residential Care Center: 10,000 square foot minimum lot area. The maximum density shall be limited to five (5) beds per 3,000 square feet of lot area.~~

~~Churches: 40,000 square feet minimum lot size.~~

~~f. — Accessory Residential Units shall:~~

~~not exceed one (1) per single-family unit;~~

~~not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;~~

~~have at least one (1) unit owner-occupied;~~

~~have one (1) additional off-street parking space~~

~~have the primary heat source be electric or gas, not wood; and~~

~~not have separate dedicated utility meters including gas, electric and water;~~

~~Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.~~

~~Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.~~

2. ~~Coverage.~~ The area covered by all buildings, parking areas, auto maneuvering and vehicle access space shall not exceed eighty percent (80%) of the total site area.

3. ~~Setbacks.~~

~~Front Yard.~~ All buildings, parking, and auto maneuvering areas must be set back at least fifteen (15) feet from the front property line and the exterior side property line on corner lots.

~~Side and Rear Yards.~~ There shall be minimum side and rear yards with requirements varying according to height as follows:

~~One story – four (4) feet.~~

~~Two stories – five (5) feet.~~

~~Three stories – eight (8) feet.~~

~~Four stories – ten (10) feet.~~

~~Five or more stories – twelve (12) feet, plus two (2) additional feet for each story over five (5) with a maximum required yard of twenty (20) feet.~~

~~Minimum Distance Between Buildings.~~ Where multiple family dwelling buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

4. ~~Height.~~ Maximum height for any structure shall be sixty (60) feet

5. ~~Open Space.~~ Lots or parcels containing more than two (2) dwelling units shall provide at least fifty (50) square feet of improved outdoor living or recreation area for every unit in the project; however, the combined improved outdoor living or recreation area shall contain no less than 1,100 square feet nor be less than twenty-five (25) feet on any side shall any contributing portion have a width of less than twenty-five (25) feet.

6. ~~Off-Street Parking.~~ Paved parking to meet minimum off-street parking standards of Section 3.35.100 shall be required for:

~~Churches;~~

~~Day Care Facility.~~

7. ~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. Sight obscuring fences or

~~hedges six (6) feet in height or higher are required along property lines that border residential areas for:~~

~~Churches;~~

~~Day Care Facility.~~

~~8. — Recycling: An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750.~~

~~9. — The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

SECTION 3.11.200 DENSITY BONUS

~~The approving authority shall authorize a ten percent (10%) increase in residential density for each amenity package provided in a new multiple-family development in the MR-29 District; provided, however, that increased density shall not be granted for more than three (3) amenity packages.~~

~~The requirements of each amenity package shall not be subject to the provisions of Article 40.~~

~~Amenity Package No. 1: Crime Prevention. — Allow a 10% increase in density if all of the following are provided:~~

~~One window (minimum six (6) square feet) must be provided in each unit, which overlooks the circulation space leading to the unit.~~

~~All exterior doors shall be solid core or metal, and shall have dead bolts and security viewers.~~

~~All sliding glass doors and windows will have the sliding section on an inside track.~~

~~Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby~~

~~All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least twenty (20) feet away from the stair landing~~

~~A single stair, corridor, or courtyard may not be used as the principal entrance to more than eight (8) units.~~

~~No hallway or corridor may be more than thirty (30) feet in total length.~~

~~Any outdoor space provided for adults' or children's recreation shall be visible from at least one-third (1/3) of the units it is intended to serve~~

~~From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.~~

~~2. Amenity Package No. 2: Energy Conservation. Allow a ten percent (10%) increase in density if all of the following provisions are met:~~

~~All windows and glass sliding doors must have insulated frames.~~

~~All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three (3) and five (5) feet above the floor and within eighteen (18) inches of the principal entrance to the room.~~

~~In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.~~

~~All windows and glass doors shall be double glazed.~~

~~All top level unit ceilings shall be insulated to a minimum of "R-38."~~

~~All thermostats within a project shall have night setback capabilities.~~

~~At least one of the following shall be provided~~

~~Passive solar heating for at least two-thirds (2/3) of all units in the project;~~

~~Active solar space heating;~~

~~Solar hot water heating.~~

~~3. Amenity Package No. 3: Transitional Spaces. Allow a ten percent (10%) increase in density if all of the following provisions are met:~~

~~No auto parking or maneuvering area may be within five (5) feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.~~

~~Provide every unit with a private porch, patio, deck, or balcony that has at least forty-eight (48) square feet with no dimension of less than six (6) feet.~~

~~Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor, separating living from sleeping areas.~~

~~d. Increase all required building setbacks by fifty percent (50%).~~

4. ~~Amenity Package No. 4: Larger Units.~~ Allow a ten percent (10%) increase in density if all of the following provisions are met:

a. ~~All units will have the following minimum gross square footage of interior space:~~

| | |
|---------------|-----------------|
| Studio | 500 square feet |
| One Bedroom | 675 square feet |
| Two Bedroom | 800 square feet |
| Three Bedroom | 950 square feet |

b. ~~Kitchens shall be at least sixty-four (64) square feet in area, exclusive of eating space, and shall have a minimum dimension of eight (8) feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:~~

~~20 square feet of drawer space;
40 square feet of shelf space;
20 square feet of counter space.~~

c. ~~All units will be provided with storage space according to the following:~~

~~Bedroom Closet—1 sq. ft. floor area each;
Linen Closet—20 sq. ft. shelf area;
Guest Hall or Coat Closet—10 sq. ft. floor area;
Private Storage Locker—100 cu. ft.~~

~~At least thirty percent (30%) of all units must have two (2), and at least ten percent (10%) of all units must have three (3) bedrooms.~~

5. ~~Amenity Package No. 5: Neighborhood Compatibility.~~ Allow a ten percent (10%) density bonus if all of the following provisions are met:

~~All trash receptacles shall be screened by a sight-obscuring fence or evergreen hedge such that they are not visible from the public right-of-way.~~

~~All required yards and buffers shall be planted in grass or other low, living ground cover.~~

~~Siding shall be sawn lumber, premium-grade or better rough-sawn or textured plywood, clay brick; or, similar high-quality material.~~

~~Exterior walls of the project that face onto the right-of-way shall be varied to meet one (1) of the following criteria:~~

~~The exterior wall shall vary in its distance from the facing right-of-way by at least eighteen (18) inches every forty (40) feet; or~~

~~(2) Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four (4) feet beyond the exterior wall of the unit.~~

~~6. — Amenity Package No. 6: Children's Play Space. Allow a ten percent (10%) increase in density for projects that incorporate all of the following features into their design:~~

~~Provide fifty (50) square feet of play area for every unit in the project; however, no play area may be smaller than one thousand (1,000) square feet or less than twenty-five (25) feet on any side.~~

~~Each play area must have at least four hundred (400) square feet of grass.~~

~~No unit in the project shall be more than two hundred (200) feet from a play area.~~

~~Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.~~

~~Every play area used to meet the requirements of this section shall be provided with two (2) trees and two (2) benches with backs. Such benches shall be at least five (5) feet long.~~

~~f. — Play areas shall be provided with a swing set (permanent, four (4) swings minimum) and at least one (1) of the following features for each five (5) units the play area is intended to serve. These may not be repeated until at least three (3) different features are provided:~~

~~(1) — Slide (permanent);~~

~~(2) — Sand Box, at least sixty-four (64) square feet in area;~~

~~(3) — Basketball Half Court (permanent);~~

~~(4) — Play structure covering a minimum area of one hundred (100) square feet (permanent);~~

~~(4) — Two (2) additional trees, subject to the requirements listed in paragraph (e) of this Section.~~

~~— Where a play area serves thirty (30) or more units, (1) through (5) above will be repeated to continue the ratio of one (1) feature for every five (5) units.~~

ARTICLE 12

HIGH-DENSITY MULTIPLE FAMILY RESIDENTIAL (MR-40)

SECTION 3.12.000 PURPOSE

~~The High Density Multiple-Family Residential District is intended to provide opportunities for multi-family housing with densities ranging up to forty (40) dwelling units per acre. Placement of the MR-40 District needs to be made with great care, as public facilities may be easily outstripped by the permitted density. Certain limited commercial uses are allowed conditionally in the MR-40 District to serve the needs of the denser population.~~

SECTION 3.12.050 PERMITTED USES

In the MR-40 District, the following uses are permitted, subject to the general provisions and exceptions set forth by this Ordinance.

1. ~~Multiple family dwellings.~~
2. ~~Family Day Care Home.~~
3. ~~Residential Home.~~
4. ~~Residential Facility.~~
5. ~~Residential Care Center.~~
6. ~~Churches, subject to the property development standards set forth in Section 3.12.150.~~
7. ~~Residential Care Facility subject to the development standards set forth in Section 3.12.150.~~
8. ~~Accessory Residential Units in conjunction with a single-family dwelling, subject to the development standards in Section 3.12.150.~~

SECTION 3.12.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

~~Ambulance service.~~

~~Convenience commercial uses, limited to the following:~~

- a. ~~Barber shops and beauty shops.~~
- b. ~~Delicatessen stores.~~
- c. ~~Grocery stores, limited to 2,500 square feet.~~
- d. ~~Restaurants, except no drive-ins or walk-ins.~~
- e. ~~Pharmacy.~~

~~Professional offices for the following: —~~

- (1) ~~Accountants.~~
- (2) ~~Attorneys.~~
- (3) ~~Physicians, osteopaths, dentists, optometrists, opticians, chiropractors, and others licensed by the State to practice the healing arts.~~

~~— Subject to the development standards set forth in Section 3.12.150.~~

~~Day Care Facility, subject to the development standards set forth in Section 3.12.150.~~

In addition to the general Conditional Use Permit criteria set forth in Article 39, the convenience uses listed under Subsection 2 of this Section shall be subject to the following criteria:

~~That any commercial use must be developed in conjunction with residential units.~~

~~That the commercial activity must be restricted to the first floor of the building with provision of dwelling units above the first floor.~~

~~Bed and Breakfast Facility, subject to the development standards set forth in Section 3.35.075.~~

~~Churches, lot size of less than 40,000 square feet.~~

~~7. Telecommunication Facilities. (Section 3.12.100, 8, entirely, Ord. No. 3115, 6/13/02)~~

~~8. Uses permitted in the Professional Office (PO) zone and other similar business activities determined to be appropriate when:~~

~~a. a lot abuts a property that is zoned CBD, C-1, C-2, or C-3~~

~~b. adequate area is provided to meet the development standards for said use.~~

~~c. the use complies with Article 39. (Ord. No. 3289, 9/2008)~~

SECTION 3.12.150 PROPERTY DEVELOPMENT STANDARDS

~~1. Area and Density:~~

~~Multiple family dwellings: The minimum property area shall be thirty thousand (30,000) square feet. The maximum number of dwelling units shall be limited to one (1) dwelling unit per each eight hundred (800) square feet of lot area, except that allowable density may be increased by ten percent (10%) for each density bonus granted as provided for in Section 3.12.200.~~

~~Residential Facility or Residential Care Center: Ten thousand (10,000) square foot minimum lot area. The maximum density shall be limited to five (5) beds per twenty-two hundred (2,200) square feet of lot area.~~

~~Churches: Forty thousand (40,000) square feet minimum lot size.~~

~~d. Accessory Residential Units shall:~~

~~not exceed one (1) per single-family unit;~~

~~not exceed a maximum size of one thousand (1,000) square feet or no more than fifty percent (50%) of the gross floor area of the primary residence;~~

~~have at least one (1) unit owner occupied;~~

~~have one (1) additional off-street parking space~~

~~have the primary heat source be electric or gas, not wood; and~~

~~not have separate dedicated utility meters including gas, electric and water;~~

~~Prior to clearance to occupy the accessory residential unit, a restrictive covenant shall be recorded with the Douglas County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory unit.~~

~~Existing accessory units will not be "grandfathered" but can be legalized by applying for a Conditional Use Permit.~~

~~Coverage. The area covered by all building, parking areas, auto maneuvering, and vehicle access space shall not exceed eighty percent (80%) of the total site area.~~

~~3. Setbacks.~~

~~Front Yard. All buildings, parking, and auto maneuvering areas, except access driveway, must be set back at least ten (10) feet from the front property line and the exterior side property line on corner lots.~~

~~b. Side and Rear Yards. There shall be minimum side and rear yards with requirements varying according to height as follows:~~

~~(1) One story – four (4) feet.~~

~~Two stories – five (5) feet.~~

~~Three stories – eight (8) feet.~~

~~Four stories – ten (10) feet.~~

~~(5) Five or more stories – twelve (12) feet, plus two (2) additional feet for each story over five, with a maximum required yard of twenty (20) feet.~~

~~c. Minimum Distance Between Buildings. Where multiple family dwelling buildings are grouped as one project on one (1) tract of land, the minimum distances between any two (2) buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.~~

~~4. Height. Maximum height for any structure shall be eighty (80) feet.~~

~~5. Open Space. Lots or parcels containing more than two (2) dwelling units shall provide at least fifty (50) square feet of improved outdoor living or recreation area for every unit in the project; however, the combined improved outdoor living or recreation area shall contain no less than one thousand (1,000) square feet nor be less than twenty-five (25) feet on any side shall any contributing portion have a width of less than twenty-five (25) feet.~~

~~6. Off-Street Parking. Paved parking to meet minimum off-street parking standards of Section 3.35.100 shall be provided for Churches and Day Care Centers.~~

~~7. — Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060. Sight-obscuring fences or hedges six (6) feet in height or higher are required for Churches and Day Care Centers along property lines that border residential areas.~~

~~8. — Convenience Commercial Uses. The convenience commercial uses permitted conditionally in the MR-40 zone are subject to the following criteria:~~

~~Any commercial use must be developed in conjunction with residential units.~~

~~b. — The commercial activity must be restricted to the first floor of the building with provision of dwelling units above the first floor.~~

~~9. — Recycling: An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750.~~

~~10. — The use of a temporary sales office for a new development shall be exempt from the Administrative Approval process. However, such uses shall be limited to the exclusive use for the project on which it is located and shall be discontinued upon completion of the initial sales of all lots. (Ord. No. 3289, 9/2008)~~

SECTION 3.12.200 DENSITY BONUS

~~The approving authority shall authorize a ten percent (10%) increase in residential density for each amenity package provided in a new multiple-family development in the MR-40 District; provided, however, that increased density shall not be granted for more than three (3) amenity packages.~~

~~The requirements of each amenity package shall not be subject to the provisions of Article 40.~~

~~1. — Amenity Package No. 1: Crime Prevention. Allow a ten percent (10%) increase in density if all of the following are provided:~~

~~One (1) window (minimum six (6) square feet) must be provided in each unit, which overlooks the circulation space leading to the unit.~~

~~All exterior doors shall be solid core or metal, and shall have dead bolts and security viewers.~~

~~All sliding glass doors and windows will have the sliding section on an inside track.~~

~~Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby.~~

All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least twenty (20) feet away from the stair landing.

A single stair, corridor, or courtyard may not be used as the principal entrance to more than eight (8) units.

No hallway or corridor may be more than thirty (30) feet in total length.

Any outdoor space provided for adults' or children's recreation shall be visible from at least one-third ($\frac{1}{3}$) of the units it is intended to serve.

i. ~~From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.~~

2. ~~Amenity Package No. 2: Energy Conservation.~~ Allow a ten percent (10%) increase in density if all of the following provisions are met:

All windows and glass sliding doors must have insulated frames.

All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three (3) and five (5) feet above the floor and within eighteen (18) inches of the principal entrance to the room.

In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.

All windows and glass doors shall be double glazed.

e. ~~All top level unit ceilings shall be insulated to a minimum of "R-38."~~

~~f. All thermostats within a project shall have night setback capabilities.~~

At least one of the following shall be provided:

Passive solar heating for at least two-thirds ($\frac{2}{3}$) of all units in the project;

Active solar space heating;

Solar hot water heating.

3. ~~Amenity Package No. 3: Transitional Spaces.~~ Allow a ten percent (10%) increase in density if all of the following provisions are met:

No auto parking or maneuvering area may be within five (5) feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.

Provide every unit with a private porch, patio, deck, or balcony that has at least forty-eight (48) square feet with no dimension of less than six (6) feet.

~~Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor, separating living from sleeping areas.~~

~~d. — Increase all required building setbacks by fifty percent (50%).~~

~~4. — Amenity Package No. 4: Larger Units. Allow a ten percent (10%) increase in density if all of the following provisions are met:~~

~~a. — All units will have the following minimum gross square footage of interior space:~~

| | |
|--------------------------|----------------------------|
| Studio | 500 square feet |
| One Bedroom | 675 square feet |
| Two Bedroom | 800 square feet |
| Three Bedroom | 950 square feet |

~~b. — Kitchens shall be at least sixty-four (64) square feet in area, exclusive of eating space, and shall have a minimum dimension of eight (8) feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:~~

~~20 square feet of drawer space;
40 square feet of shelf space;
20 square feet of surface counter space.~~

~~c. — All units will be provided with storage space according to the following:~~

~~Bedroom Closet — 16 square feet floor area each;
Linen Closet — 20 square feet shelf area;
Guest Hall or Coat Closet — 10 square feet floor area;
Private Storage Locker — 100 cubic feet~~

~~d. — At least thirty percent (30%) of all units must have two (2), and at least ten percent (10%) of all units must have three (3) bedrooms.~~

~~5. — Amenity Package No. 5: Neighborhood Compatibility. Allow a ten percent (10%) density bonus if all of the following provisions are met:~~

~~All trash receptacles shall be screened by a sight-obscuring fence or evergreen hedge such that they are not visible from the public right-of-way.~~

~~All required yards and buffers shall be planted in grass or other low, living ground cover.~~

~~Siding shall be sawn lumber, premium grade or better rough-sawn or textured plywood, clay brick; or, similar high quality material.~~

d. ~~Exterior walls of the project that face onto the right-of-way shall be varied to meet one (1) of the following criteria:~~

~~The exterior wall shall vary in its distance from the facing right-of-way by at least eighteen (18) inches every forty (40) feet; or~~

~~(2) Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four (4) feet beyond the exterior wall of the unit.~~

6. ~~Amenity Package No. 6: Children's Play Space. Allow a ten percent (10%) increase in density for projects that incorporate all of the following features into their design:~~

~~Provide fifty (50) square feet of play area for every unit in the project; however, no play area may be smaller than one thousand (1,000) square feet or less than twenty-five (25) feet on any side.~~

~~Each play area must have at least four hundred (400) square feet of grass.~~

~~No unit in the project shall be more than two hundred (200) feet from a play area.~~

~~Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.~~

~~Every play area used to meet the requirements of this Section shall be provided with two (2) trees and two (2) benches with backs. Such benches shall be at least five (5) feet long.~~

f. ~~Play areas shall be provided with a swing set (permanent, four (4) swings minimum), and at least one (1) of the following features for each five (5) units the play area is intended to serve. These may not be repeated until at least three (3) different features are provided:~~

g. ~~Slide (permanent);~~

h. ~~Sand Box, at least sixty-four (64) square feet in area;~~

i. ~~Basketball Half Court (permanent);~~

~~(4) Play structure covering a minimum area of one hundred (100) square feet (permanent);~~

~~Two (2) additional trees, subject to the requirements listed in paragraph (e) of this Section.~~

Where a play area serves thirty (30) or more units, (1) through (5) above will be repeated to continue the ratio of one (1) feature for every five (5) units.

ARTICLE 4

BUSINESS AND COMMERCIAL DISTRICTS

SECTION 2.4.010 DISTRICTS

1) Purpose

Roseburg's business and commercial districts are primarily intended to provide economic opportunity for business owners and a suitable market of goods and services for the public by establishing zones and standards appropriate for certain types of business respective of surrounding Zoning Districts, uses and infrastructure.

- a) The Professional Office District is intended to provide areas for low-intensity office uses, which utilize harmonious exterior design and landscaping to serve as a transition or buffer between residential and more intensively developed properties. It is intended that the administrative, professional, and limited business office uses permitted in the PO District will provide for more compatible land uses in close proximity to residential areas than would otherwise be permitted by other commercial districts.
- b) The Limited Commercial classification is provided for a desirable mixing of the residential land uses with limited commercial land uses. The C-1 Zone is intended to serve local neighborhood needs rather than an entire community. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Normally, the district is to be applied as a small compact area conveniently located in or near residential areas, and may be applied to areas designated as "Residential" or "Commercial" by the Comprehensive Plan.
- c) The Community Commercial classification is intended to provide areas for community shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs on a community-wide basis.
- d) The General Commercial classification is intended to provide areas within which a variety of retail and wholesale business occurs. These areas serve general community-wide and regional commercial needs.

2) List and Map Symbols

| DISTRICT NAME | MAP SYMBOL |
|----------------------|------------|
| Professional Office | PO |
| Limited Commercial | C-1 |
| Community Commercial | C-2 |
| General Commercial | C-3 |

SECTION 2.4.020 ALLOWED USES AND STANDARDS

- 1) Permitted Uses
Uses identified with a "P" in Table 2-7 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.
- 2) Conditional Uses
Uses identified with a "C" in Table 2-7 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other conditional uses may be applied for through the Conditional Use Permitting process.
- 3) Prohibited Uses
Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.
- 4) Use Standards
The "use standards" column of Table 2-7 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
- 5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-8, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage).

TABLE 2-7: BUSINESS AND COMMERCIAL – ALLOWED USES

| USE CATEGORY | PO | C-1 | C-2 | C-3 | Standards |
|--|----------|-------|----------|-------|-----------|
| Specific Use | | | | | |
| RESIDENTIAL | | | | | |
| Dwellings Units subject to MR3 | P [1], C | P [1] | - | - | |
| Dwellings Units subject to MR1.5 | - | C | P [1], C | C | |
| Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area) | C | C | P | P | |
| Boarding/Rooming Houses, Homeless Shelters | C | - | - | C | |
| Residential Home | C [2] | C [2] | C [2] | C [2] | |
| Residential Facility | - | C | C | C | |
| Trailer Parks | - | - | - | P | |

| PUBLIC/CIVIC | PO | C-1 | C-2 | C-3 | Standards |
|---|-----------|------------|------------|------------|------------------|
| Library, Museums and Galleries | C | - | P | P | |
| Parking Lots (no structures) | C | - | P | P | |
| Parks and Playgrounds | P | - | - | - | |
| Police, fire and rescue services | - | C | P | P | |
| Public and semi-public buildings and uses | - | - | C | P | |
| Religious/political/civic/social clubs or organizations [3] | P, C | P, C | P, C | P, C | |
| Schools | - | - | P | P | |
| Social Services (e.g. job training centers, individual/family services) | C | - | - | - | |
| Youth/senior/community centers | P | P | - | - | |
| COMMERCIAL | | | | | |
| Adult entertainment or adult bookstore | - | - | - | C | |
| Agricultural supplies/machinery sales rooms | - | - | - | P | |
| Ambulance Service | C | C | P | P | |
| Art, music, dance school/studio/gallery/supplies | P | - | P | P | |
| Athletic/Health clubs (including racquet sports and spas) (indoors only) | - | - | - | P | |
| Automobile body shop in conjunction with an auto sales agency | - | - | - | C | |
| Automobile service station | - | C | P | P | |
| Automobile, truck, and motorcycle dealers/garages/service stations/washes/detailers | - | - | - | P | |
| Auto parts/tools supply stores | - | - | - | P | |
| Bank, credit/insurance agency, brokerage house, etc. | - | - | P | P | |
| Business services or offices (e.g. corporate offices, radio/TV stations, answering or dispatch services, insurance offices, etc.) | P [4] | - | P | P | |
| Builders supplies (including retail sale of lumber) | - | - | - | P | |
| Commercial storage units | - | - | - | P | |
| Crematory, mausoleum, or mortuary | - | - | - | C | |
| Day Care Facility | C | P | P | P | |
| Delivery services | - | - | P | P | |
| Department store | - | - | - | P | |
| Drive-up window service for permitted use | - | - | C | P | |
| Drug/liquor store | - | - | P | P | |
| Dry cleaning facility | - | - | - | P | |
| Dry goods/notions store or meat market | - | - | P [7] | P [7] | |
| Family Day Care Home | P [2] | P | P | - | |
| Food services within an office complex | C | - | - | - | |

| COMMERCIAL | PO | C-1 | C-2 | C-3 | Standards |
|---|----|-------|-------|-------|-----------|
| Funeral services (no crematories) | - | - | P | P | |
| Grocery, hardware, garden supply, café, deli, bakery, florist, gift, video, variety store/shop, etc. | - | P [6] | P | P | |
| Laundromat | - | P [5] | P | P | |
| Manufacturing of handicraft goods for sale on premises only, such as wood, pottery, tile, archery, and shell | - | - | P | P | |
| Membership associations or clubs | P | - | - | - | |
| Mini-Retail Business (no more than two (2) at any host business location and no larger than 250 sq. ft.) | - | - | - | P | |
| Mobile home and recreational vehicle sales | - | - | - | P | |
| Motel/Hotel | - | - | P | P | |
| Motion picture production/distribution/services | - | - | - | P | |
| Outdoor recreational facilities (e.g. golf/country /swimming/tennis clubs, skateboard parks, etc.) | - | - | - | C | |
| Personal Service providers (e.g. barbershop, beauty/tanning salon, massage parlor, tailor shop) | P | - | P | P | |
| Pharmacy | - | P [5] | P [5] | - | |
| Places of amusement (e.g. billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, miniature golf, etc.) | - | - | - | P | |
| Plant nursery/greenhouse | - | - | C | - | |
| Plumbing/heating/electrical/sheet metal shop | - | - | - | P | |
| Printing and publishing | - | - | P | P | |
| Professional offices | P | P [5] | P | P | |
| Recycling Center | C | P [5] | P [8] | P [8] | |
| Restaurant, Café, Tavern, Lounge, Confectionery, Catering | - | - | P | P | |
| Retail Stores: sporting goods, clothing/hats, jewelry, books/stationary, antiques/curios, furniture, household/office supplies, surgical supplies/equipment, etc. | - | - | P | P | |
| Second-hand store | - | - | P | P | |
| <u>Sidewalk Cafes</u> | - | - | C | C | 4.4.100 |
| Stadium/coliseum | | | | C | |

| COMMERCIAL | PO | C-1 | C-2 | C-3 | Standards |
|---|----|-----|-----|-----|-----------|
| Store (retail and wholesale) and business uses similar to other permitted uses and typically found in commercial districts, provided that: 1) Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of 25 percent of the total floor area shall be used for retail sales. 2) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance. | - | - | - | P | |
| Telecommunications Facilities | C | C | C | C | 4.3 |
| Telephone/telegraph exchanges | - | - | P | P | |
| Theaters (indoor) | - | - | P | P | |
| Veterinarian clinic (no outside animal runs/pens) | - | C | P | P | |

[1] Dwelling unit above or behind a permitted use.

[2] Within an existing residential use.

[3] This use may be permitted on sites with a minimum lot area of 40,000 square feet. If a site does not meet the minimum lot area, a Conditional Use Permit must be obtained.

[4] Uses under this category must be limited to customer or client traffic of 20 persons per day.

[5] Limited to 1,500 square feet in area.

[6] Limited to 2,500 square feet in area.

[7] Limited to 25,000 square feet in area.

[8] Limited to 5,000 square feet in area.

TABLE 2-8: BUSINESS AND COMMERCIAL PARCEL AND BUILDING STANDARDS

| DISTRICTS | PO | C-1 | C-2 | C-3 |
|---|--------|-------------------|-------------------|-------------------|
| Minimum Lot Area (sq. ft.) | | | | |
| Any use not specified below | - | 7,500 | - | - |
| Church | 40,000 | 40,000 | 40,000 | 40,000 |
| Residential Facility or Care Center (Min. Lot Area / Lot Area per five (5) beds) [1] | - | 10,000 / 4,700 | 10,000 / 4,700 | 10,000 / 4,700 |
| Coverage | 80% | 60% | 100% [4] | 100% [4] |
| Setbacks (feet) [2] | | | | |
| Front | 10 | 20 | 0 | 0 |
| Rear | 0 [3] | 0 | [6] | [6] |
| Side (interior) | 5 [7] | 5 | 0 [5][6] | 0 [5] |
| Side (exterior) | 10 | 10 | 0 [5] | 0 [5] |
| Maximum Building Height (feet) | 35 | 35 | 45 | 80 |

[1] Residential Facilities and Homes require a minimum 10,000 square feet of lot area. Density shall be determined based on the minimum square footage per five (5) beds, but no building shall contain more than 20 beds.

[2] Alleys contiguous to or within the property being used may be included in the required setback.

[3] When abutting a residential district the required setback is ten (10) feet.

[4] A Residential Facility or a Residential Home shall have coverage equal to that allowed in the MR2.4 district.

[5] If a yard is created, the minimum setback will be three (3) feet.

[6] When abutting a district other than commercial or industrial, the side and rear setbacks shall be the same as those established for the abutting zone.

[7] Minimum Distance between Buildings. Where office buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between any two (2) buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

SECTION 2.4.030 SCREENING

All **nonresidential** development abutting a residential zone or use shall be screened by a minimum six (6) foot-high **site sight**-obscuring fence or hedge along the abutting property lines. **Fences shall be** subject to the standards set forth in Section **4.4.070 3.35.060**. **Nonresidential development to which this requirement applies includes, but is not limited to:**

- 1) Residential Home
- 2) Residential Facility
- 3) Churches
- 4) Day Care Centers

Comment [PH5]: While the Commercial districts do not currently state this, these uses are required to be screened in residential Zoning Districts implying that they are nonresidential in character.

ARTICLE 5

CENTRAL BUSINESS DISTRICT (CBD)

SECTION 2.5.010 DISTRICT

- 1) Purpose
The CBD (Central Business District) classification is intended to provide for general retail, residential, professional office/service, and mixed use activities serving a regional/community-wide need under design standards which ensure compatibility and harmony with adjoining land uses, and which encourage the highest quality design and development. The CBD Zone is intended to promote a strong pedestrian orientation through its mix of permitted uses and specific development standards. See Figure 2-5 of this Article for District boundaries.

SECTION 2.5.020 ALLOWED USES AND STANDARDS

- 1) Permitted Uses
Uses identified with a "P" in Table 2-9 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.
- 2) Conditional Uses
Uses identified with a "C" in Table 2-9 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other conditional uses may be applied for through the Conditional Use Permitting process.
- 3) Prohibited Uses
Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.
- 4) Use Standards
The "use standards" column of Table 2-9 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
- 5) Development Standards
Development of land within these Districts must comply with the standards referenced in Table 2-10, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage).

TABLE 2-9: CBD – ALLOWED USES

| USE CATEGORY | CBD | Standards |
|--|-----|-----------|
| Specific Use | | |
| RESIDENTIAL | | |
| Dwellings Units not part of a commercial development subject to MR1.5 | C | |
| Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area) [1] | P | |
| PUBLIC/CIVIC | | |
| Parking lots and garages | P | |
| COMMERCIAL | | |
| Accessory uses customarily incidental to any permitted uses are permitted when located on the same lot, except that no more than three (3) game machines shall be considered as an accessory use in each hotel, eating establishment, or restaurant. [2] | P | |
| Any use over 10,000 square feet of gross floor area | C | |
| Athletic/Health clubs (including racquet sports and spas) (indoors only) | C | |
| Banks, Savings/Loan Associations and Credit Unions | P | |
| Business and Professional Offices [3] | P | |
| Businesses existing prior to the adoption of this Ordinance [3] | P | |
| Business services or offices (establishments primarily engaged in rendering services to business establishments such as printing, photocopying, advertising, and mailing; employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; and personal supply services) | P | |
| Day Care Facility (above the ground floor only) | C | |
| Drive-In facilities for Financial Institutions | C | |
| Education/Tutoring Centers (above the ground floor only) | C | |
| Employment Agencies (above the ground floor only) | C | |
| Liquor Store for off-premises consumption | C | |
| Mini-Retail Business (no more than two (2) at any host business location and no larger than 250 sq. ft.) | C | |
| Professional offices on the ground floor with Jackson Street frontage | C | 2.5.040 |
| Restaurants, Eating Establishments, Coffee Houses, Juice Bars, Delicatessen, Taverns, and similar uses with outdoor seating for more than 12 persons. | C | |
| Retail Establishments under 10,000 square feet of gross floor area for the following uses: | P | |
| Antique stores selling only merchandise of which at least 50% (by quantity and value) is more than 75 years old. | | |
| Appliance Stores | | |
| Art Galleries | | |
| Retail Bakeries, Ice Cream Stores, or Confectionery Stores | | |

| COMMERCIAL | CBD | Standards |
|---|-----|-----------|
| Retail Establishments under 10,000 square feet of gross floor area for the following uses: | p | |
| Barber, Beauty, Nail Shops | | |
| Bicycle Shops | | |
| Book or Stationary Stores | | |
| Clothing or Wearing Apparel Shops selling only new merchandise, or Consignment Clothing Stores | | |
| Department and Sporting Goods Stores | | |
| Drug Stores | | |
| Florist Shops | | |
| Furniture Sales or Rental Stores | | |
| Hardware Sales or Rental Stores, Kitchen and Bath Cabinets/Fixtures, Lighting Fixture Stores, Paint and Wallpaper Stores, Interior Decorating Stores, Floor Covering/Draperies Stores | | |
| Jewelry Stores | | |
| Locksmith Shops | | |
| Music Stores, Instrument Sales, rentals, and lessons | | |
| On-site and off-site sales limited to beer and/or wine exclusively. (Ord. No. 3289, 9/2008) | | |
| Pet Shops | | |
| Photography Stores and Studios including Camera Sales | | |
| Radio and Television Stores, and incidental repair services | | |
| Records, Audio, and Video Tape, and other similar products including sales, rentals, and incidental repair services | | |
| Restaurants, Eating Establishments, and Delicatessen Shops, and Taverns including the serving of beer, wine and/or alcoholic beverages, but without drive-thru facilities. May include outdoor seating for up to twelve (12) persons; (Ord. No. 3289, 9/2008) | | |
| Shoe Repair, Tailor, Dressmaking Shops | | |
| Toy Shops | | |
| Typewriter and Computer Products sales, rentals, and incidental services | | |
| Telecommunication Facilities | C | 4.3 |
| Theaters | C | |

[1] Dwellings in this zone shall be exempt from off-street parking standards of Section 3.2.010. (Ord. No. 3279, 3/2008)

[2] Limited to 10,000 square feet of gross floor area.

[3] Permitted to be located anywhere except the ground floor of buildings fronting on Jackson Street. Professional Offices located on the ground floor of buildings fronting on Jackson Street that existed prior to the adoption of this Ordinance are considered to be a permitted use, however, if the professional office ceases to be used as such for a period of one year, the status as permitted use shall be revoked.

TABLE 2-10: CBD PARCEL AND BUILDING STANDARDS

| DISTRICTS | CBD |
|--------------------------------|---------------------|
| Minimum Lot Area (sq. ft.) | N/A |
| Coverage | 100% |
| Setbacks (feet) [1] | See Section 2.5.030 |
| Maximum Building Height (feet) | 75 |

SECTION 2.5.030 ADDITIONAL DEVELOPMENT STANDARDS

1) Setbacks.

- a) Front Yard. No front yard setbacks are required. The maximum setback permitted shall be ten (10) feet, which may be used for landscaping, pedestrian circulation, entry court, outdoor dining and similar uses related to a downtown pedestrian environment.
- b) Rear Yard. No rear yard setbacks shall be required except as follows:
 - i) Where the rear property line abuts residential zoned property a minimum rear yard setback of 20 feet shall be maintained, except that no portion of any structure shall encroach through a plane projected from an angle of 45 degrees as measured at the ground level along the rear property line.
 - ii) Where the rear property line abuts a dedicated alley which separates such rear property line from abutting residential zoned property, the rear yard shall have a minimum depth of 20 feet which shall be measured from the center line of said alley and the 45 degree angle of the aforementioned plane may be measured at the ground level along the centerline of said alley.
- c) Side Yard. No side yard setbacks shall be required, except as follows:
 - i) Where the side property line abuts residential zoned property, no setback shall be required for the ground floor portion of the structure or first 15 feet of structure height, whichever is less. Portions of the structure above the ground floor or 15 feet in height shall be set back a minimum of ten (10) feet from the side property line.
 - ii) Where the side property line abuts a dedicated alley which separates such side property line from abutting residential zoned property, the side yard shall have a minimum depth of ten (10) feet, which shall be measured from the center line of said alley and the 45 degree angle of the aforementioned plane may be measured at the ground level along the centerline of said alley.

- 2) Width. For purposes of regulating the division of existing storefronts, no storefront shall be less than 25 feet wide. For the purpose of this Section, a storefront is the primary (front facade) and secondary (rear/side facade) building entrance where access is taken from a public street, alley, public, or private parking lot, or pedestrian mall/arcade or passage.

- 3) Off-Street Parking. Unless otherwise indicated in Section ~~3.2.060-3.35.125~~, all development shall meet off-street parking requirements of Section ~~3.35.100~~ **3.2.010** of this Ordinance.

- 4) Landscaping. All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.

SECTION 2.5.040 CONDITIONALLY PERMITTED PROFESSIONAL OFFICE

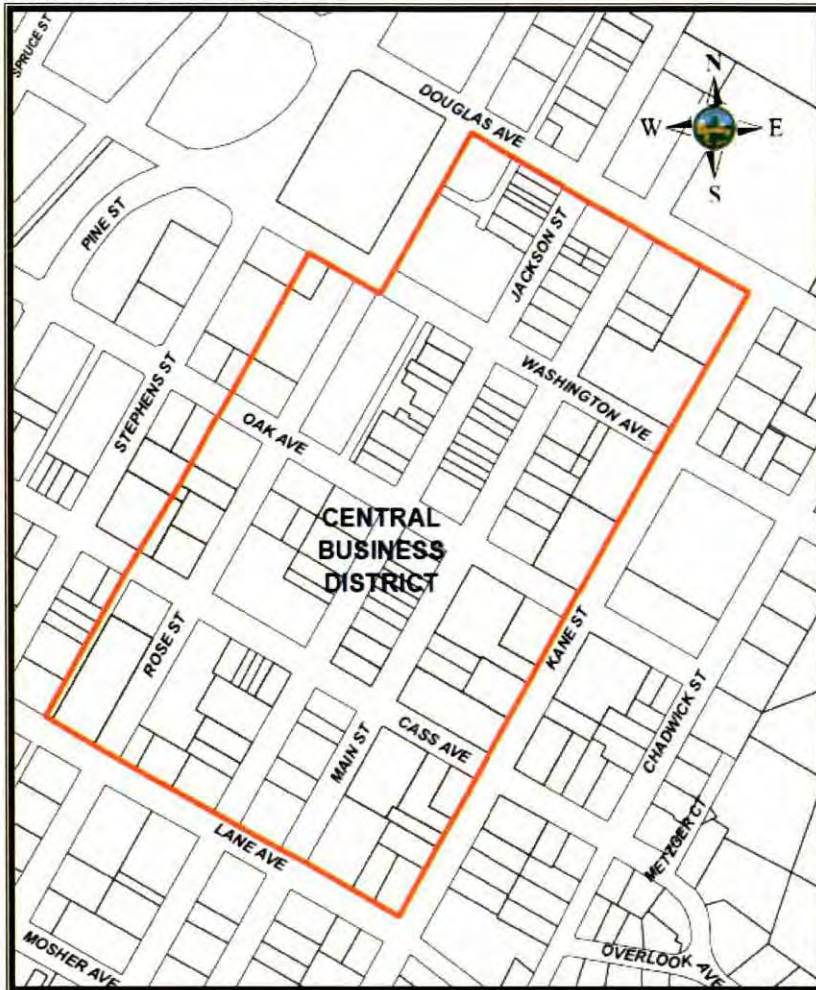
Conditionally permitted professional office along Jackson Street shall provide ground floor windows for a minimum of 75% of the length of the building. In addition, ground floor design shall utilize recesses, reveals and shall not incorporate the following exterior wall material:

- 1) Plywood
- 2) Unfinished concrete or concrete block
- 3) Reflective mirrored windows
- 4) Corrugated metal or fiberglass

~~SECTION 2.5.050 CONDITIONALLY PERMITTED SIDEWALK CAFÉS~~

Comment [PH6]: relocated

FIGURE 2-5: CBD BOUNDARIES



SECTION 3.13.050 — PERMITTED USES

In the CBD Zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this Ordinance: Automobile parking lots and garages provided that parking garages may be required by the Director to accommodate commercial uses on ground floors adjacent to the street. Business and Professional Offices (Establishments where the administrative, clerical and managerial functions of a business or industry are conducted, or where members of a profession conduct their practice, such as accounting, medical, or engineering) located on streets other than Jackson Street and professional offices existing prior to adoption of this Ordinance.

Business Services (Establishments primarily engaged in rendering services to business establishments including printing, photocopying, advertising, and mailing; employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; and personal supply services.)

Commercial Banks, Savings, Loan Associations, and Credit Unions.

Dwellings above commercial structures. The maximum number of dwelling units shall be limited to one (1) dwelling unit per 800 square feet of lot area. Dwellings in this zone shall be exempt from off-street parking standards of Section 3.35.100. (Ord. No. 3279, 3/2008)

Retail establishments under 10,000 square feet gross floor area for the following uses:

- a. Antique stores selling only merchandise of which at least fifty percent (50%) (by quantity and value) is more than seventy-five (75) years old.
- b. Appliance Stores.
- c. Art Galleries.
- d. Retail Bakeries, Ice Cream Stores, or Confectionery Stores.
- e. Barber, Beauty, Nail Shops.
- f. Bicycle Shops.
- g. Book or Stationary Stores.
- h. Camera Shop.
- i. Clothing or Wearing Apparel Shops selling only new merchandise.
- j. Consignment Clothing Stores.
- Delicatessen Shops.
- Department Stores.
- Drug Stores.
- Floor Covering/Drapery Stores.
- Florist Shops.
- Furniture Sales or Rental Stores.
- r. Hardware Sales or Rental Stores.
- s. Interior Decorating Stores.
- t. Jewelry Stores.
- u. Kitchen and Bath Cabinets/Fixtures.
- v. Lighting Fixture Stores.
- w. Locksmith Shops.
- x. Music Stores, Instrument Sales, rentals, and lessons.
- y. On-site and off-site sales limited to beer and/or wine exclusively. (Ord. No. 3289, 9/2008)
- z. Paint and Wallpaper Stores.
- aa. Pet Shops.

- bb. — Photography Stores and Studios.
- cc. — Radio and Television Stores, and incidental repair services.
- dd. — Records, Audio, and Video Tape, and other similar products including sales, rentals, and incidental repair services.
- ee. — Restaurants and Eating Establishments, including the serving of beer, wine and/or alcoholic beverages, but without drive-thru facilities. May include outdoor seating for up to twelve (12) persons. (Ord. No. 3289, 9/2008)
- ff. — Shoe Repair.
- gg. — Sporting Goods Stores.
- hh. — Tailor, Dressmaking Shops.
- ii. — Toy Shops.
- jj. — Typewriter and Computer Products sales, rentals, and incidental services.
- kk. — Businesses existing prior to the adoption of this Ordinance.

ll. Accessory uses customarily incidental to any permitted uses are permitted when located on the same lot, except that no more than three (3) game machines shall be considered as an accessory use in each hotel, eating establishment, or restaurant.

SECTION 3.13.100 USES PERMITTED CONDITIONALLY

In the CDB Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

1. Any use over 10,000 square feet gross floor area.
2. Alcoholic Beverage Sales for off premises consumption (liquor stores) except as provided in Section 3.13.050. (Rev. Ord. No. 3289, 9/2008)
3. Day-Care Facility, above the ground floor only.
4. Drive-In Facilities for Financial Institutions.
5. Education/Tutoring Centers, above the ground floor only.
6. Employment Agencies, above the ground floor only.

Health Clubs.

Dwellings not part of a commercial development subject to the development standards of the MR-29 Zone Classification. (Rev. Ord. No. 3279, 3/2008)

Mini-Retail Business (not more than two (2) on any host business location and no larger than two hundred fifty (250) square feet).

Restaurants, Eating Establishments, Coffee Houses, Juice Bars, Delicatessen, and similar uses with outdoor seating for more than twelve (12) persons.

Theaters.

Ground floor Professional Office with Jackson Street frontage subject to development standards listed in Section 3.13.150(8).

Sidewalk cafes. Subject to development standards listed in Section 3.13.150(9).

Telecommunication Facilities. (Section 3.13.100.16 entirely, Ord. No. 3115, 6/13/02)

SECTION 3.13.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density. No standard is established.
2. Coverage. Full coverage is allowable provided minimum loading space, parking, landscaping, and setbacks have been provided, unless otherwise specified.
3. Setbacks.

Front Yard. No front yard setbacks are required and the maximum setback permitted shall be ten (10) feet, which may be used for landscaping, pedestrian circulation, entry

court, outdoor dining and similar uses related to a downtown pedestrian environment.

b. Side Yard. No side yard setbacks shall be required, except as follows:

Where the side property line abuts residential zoned property, no setback shall be required for the ground floor portion of the structure or first fifteen (15) feet of structure height, whichever is less. Portions of the structure above the ground floor or fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side property line.

(2) — Where the side property line abuts a dedicated alley which separates such side property line from abutting residential zoned property, the side yard shall have a minimum depth of ten (10) feet, which shall be measured from the center line of said alley and the forty-five (45) degree angle of the aforescribed plane may be measured at the ground level along the center line of said alley.

c. Rear Yard. No rear yard setbacks shall be required except as follows:

(1) — Where the rear property line abuts residential zoned property a minimum rear yard setback of twenty (20) feet shall be maintained, except that no portion of any structure shall encroach through a plane projected from an angle of forty-five (45) degrees as measured at the ground level along the rear property line.

Where the rear property line abuts a dedicated alley which separates such rear property line from abutting residential zoned property, the rear yard shall have a minimum depth of twenty (20) feet which shall be measured from the center line of said alley and the forty-five (45) degree angle of the aforescribed plane may be measured at the ground level along the center line of said alley.

4. Height. Maximum height of all structures shall be seventy-five (75) feet.

5. Width. For purposes of regulating the division of existing storefronts, no storefront shall be less than twenty-five (25) feet wide. For the purpose of this section, a storefront is the primary (front facade) and secondary (rear/side facade) building entrance where access is taken from a public street, alley, public, or private parking lot, or pedestrian mall/arcade or passage.

6. Off-Street Parking. Unless otherwise indicated in Section 3.35.125, all development shall meet off-street parking requirements of Section 3.35.100 of this Ordinance.

7. Landscaping. All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.

8. Conditionally Permitted Professional Office. Conditionally permitted professional office along Jackson Street shall provide ground floor windows for a minimum of seventy-five percent (75%) of the length of the building. In addition, ground floor design shall utilize recesses, reveals and shall not incorporate the following exterior wall material:

- a. Plywood
- b. Unfinished concrete or concrete block
- c. Reflective mirrored windows
- Corrugated metal or fiberglass

Conditionally Permitted Sidewalk Cafes. Conditionally permitted sidewalk cafes within the CBD may be permitted to operate on a public sidewalk as defined below:

a. Limitations and Requirements. A sidewalk café may be permitted only in the CBD District if the sidewalk café is situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk café's operation is incidental to and a part of the

operation of such adjacent indoor restaurant or delicatessen.

(1) Existing indoor restaurants and delicatessens must conform to all sections of the City of Roseburg Municipal Code, including LUDO, in order to be eligible for approval of sidewalk services.

(2) A sidewalk café may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the café, provided that the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.

(3) An indoor restaurant or delicatessen may be permitted to operate only one (1) sidewalk café and each sidewalk café shall be confined to a single location on the sidewalk.

(4) A sidewalk café may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of five (5) feet clear distance free of all obstructions, in order to allow adequate pedestrian movement.

(5) All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a Conditional Use Permit.

(6) No signing shall be allowed at any outdoor café except for the name of the establishment on an awning or umbrella valance.

(7) A sidewalk café may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen; provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the sidewalk café has been authorized as part of a Conditional Use Permit approval. Each of the following requirements must also be met:

The area in which the sidewalk café is authorized is identified in a manner, as approved by the Director, which will clearly separate and delineate it from the areas of the sidewalk, which will remain open to pedestrian traffic.

The sidewalk café operation is duly licensed in accordance with the Roseburg Municipal Code, or prior to the service of any beer or wine at the café, will be duly licensed, by State authorities to sell beer or wine, or both, for consumption within the area of the sidewalk café.

(8) The outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the café shall be easily cleanable and shall be kept clean at all times by the permittee.

Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.

Hours of operation shall be identical to those of the indoor restaurant or delicatessen.

All furniture used in the operation of an outdoor café shall be removed from the sidewalk and stored indoors whenever the indoor restaurant or delicatessen is closed.

~~The City shall have the right to prohibit the operation of a sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the City.~~

~~The sidewalk café shall not require the provision of additional off-street parking.~~

~~Findings and Conditions. In connection with approval of a Conditional Use Permit, the Director shall make findings that the proposed operation meets the limitations of this section. The Director may impose such conditions in granting approval as deemed necessary to assure that the proposed operation will meet the operating requirements and conditions set forth in this section and to assure that the general public health, safety and welfare will be protected.~~

~~Term and Renewal. A Conditional Use Permit for a sidewalk café may be approved by the Planning Commission for a maximum period of one (1) year. Thereafter, the Director, if an extension application is filed prior to any expiration date of the Conditional Use Permit, may extend the permit for additional periods, not to exceed one (1) year each, following his review and approval of the café's operations. In the event the Director considers additional or revised conditions are necessary and should be imposed if the permit is to be extended or if the Director is of the opinion that the permit should not be extended at all, he or she shall refer the application to the Planning Commission which shall hold a public hearing and thereafter decide the matter. The Planning Commission may make any extension of a Conditional Use Permit subject to such additional and revised conditions and requirements as it deems appropriate or necessary and any extension granted by the Planning Commission shall not exceed a period of one (1) year.~~

~~c. Revocation. A Conditional Use Permit may be revoked by the Director, following notice to the permittee and a public hearing, upon a finding that any of the following are true:~~

- ~~(1) — One or more conditions of the permit have been violated;~~
- ~~(2) — That one or more conditions of this section have been violated;~~
- ~~(3) — That the sidewalk café is being operated in a manner which constitutes a nuisance; or~~
- ~~(4) — That the operation of the sidewalk café unduly impedes or restricts the movement of pedestrians past the sidewalk café.~~

~~d. Appeals. The applicant or any interested party may appeal a decision of the Director to the Planning Commission. All applications for appeal shall be accompanied by the required fee. (Article 13, Ord. No. 3060, 1/00)~~

ARTICLE 14
PROFESSIONAL OFFICE (PO)

SECTION 3.14.000 PURPOSE

The Professional Office District is intended to provide areas for low-intensity office uses, which utilize harmonious exterior design and landscaping to serve as a transition or buffer between residential and more intensively developed properties. It is intended that the administrative, professional, and limited business office uses permitted in the PO District will provide for more compatible land uses in close proximity to residential areas than would otherwise be permitted by other commercial districts.

SECTION 3.14.050 PERMITTED USES

In the PO District, the following uses and activities are permitted, subject to the general provisions and exceptions set forth by this Ordinance:

Professional membership organizations, labor unions, civic, social, and fraternal.

Art, music, dance, photography schools, studios and galleries.

Business services or offices with limited customer or client traffic (up to twenty (20) persons per day) e.g. mailing, credit, advertising, corporate offices, radio, T.V., answering or dispatch services, insurance, and real estate.

Youth clubs, senior centers, and community centers.

Personal Service providers e.g. barber, beauty, massage, tanning salons, tailor, and shoe repair.

Professional offices e.g. medical, legal, accounting, engineering, architectural.

Family Day Care Home, within an existing dwelling currently used as a residence.

Parks and playgrounds.

Dwellings in conjunction with a permitted use, subject to the development standards of the MR-14 zone. (Rev. Ord. No. 3289, 9/2008)

10. — Religious, political, civic, social, labor organizations.

SECTION 3.14.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

1. Social Services (e.g. job training, individual and family services, handicapped and disadvantaged);
2. Homeless shelters, rooming and boarding house;
3. Parking lots – no structures;
4. Museums and Galleries;
5. Botanical Gardens;
6. Ambulance service;
7. Day Care Facility, subject to the property development standards set forth in Section 3.14.150;
8. Religious, political, civic, social, and labor organizations with lot size less than 40,000 square feet;
9. Dwelling units, subject to the development standards of the MR-14 zone. (Ord. No. 3289, 9/2008)
10. _____ Residential home within an existing residential use;
11. _____ Recycling Center;

Food Services within an office park complex

Telecommunications Facilities. (Section 3.14.100, 13. entirely, Ord. No. 3115, 6/13/02)

SECTION 3.14.150 PROPERTY DEVELOPMENT STANDARDS

1. Size. Lots shall be of sufficient size to accommodate the permitted or conditional use without exceeding maximum allowable lot coverage while maintaining minimum setbacks and providing sufficient area for required off-street parking and servicing. The minimum lot size for churches shall be 40,000 square feet.

2. Coverage. The area covered by all building, parking areas, auto maneuvering and vehicle access space shall not exceed eighty percent (80%) of the total site area.

~~3. Setbacks.~~

~~a. Front Yard.~~ No structure shall be located closer than ten (10) feet from the front property line. (Rev. Ord. No. 3289, 9/2008)

~~b. Side Yard.~~ No structure shall be located closer than five (5) feet from side property lines for interior lots, and ten (10) feet from exterior side property lines for corner building sites.

~~c. Rear Yard.~~ Rear yards will not be required, except when the rear property line abuts a residential zone district a rear yard of no less than ten (10) feet is required. (Rev. Ord. No. 3289, 9/2008)

~~d. Exception.~~ Alleys contiguous to or within the property being used may be included in the required setback. (Rev. Ord. NO. 3289, 9/2008)

~~e. Minimum Distance Between Buildings.~~ Where office buildings are grouped as one (1) project on one (1) tract of land, the minimum distances between any two (2) buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

~~4. Height.~~ Maximum height for all structures shall be thirty-five (35) feet.

~~5. Off-Street Parking.~~ All development shall meet off-street parking requirements of Section 3.35.100.

~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.

ARTICLE 15

LIMITED COMMERCIAL (C-1)

SECTION 3.15.000 PURPOSE

The Limited Commercial classification is provided for a desirable mixing of the residential land uses with limited commercial land uses. The C-1 Zone is intended to serve local neighborhood needs rather than an entire community. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Normally, the district is to be applied as a small compact area conveniently located in or near residential areas, and may be applied to areas designated as "Residential" or "Commercial" by the Comprehensive Plan.

SECTION 3.15.050 PERMITTED USES

In the C-1 Zone, the following uses and their accessory buildings and uses are

permitted, subject to the general provisions and exceptions set forth by this Ordinance:

Community Centers, youth clubs.

Professional office limited to 1,500 square feet in area.

Grocery store, small hardware, garden supply, video, florist, gift, stationary, bakery or cafe, deli, variety store, etc. limited to 2,500 square feet in area.

Pharmacy (limited to 1,500 sq.ft. in area).

Laundromat (limited to 1,500 sq.ft. in area).

Dwellings unit above or behind a permitted use, subject to the development standards of the MR-14 zone. (Rev. Ord. No. 3289, 9/2008)

Religious, political, civic, social, labor organizations subject to the property development standards set forth in Section 3.15.150.

Family day care home.

Recycling Center (neighborhood) less than 1,500 sq.ft., subject to development standards set forth in section 3.15.150.

Day Care Facility, subject to the property development standards set forth in Section 3.15.150.

SECTION 3.15.100 USES PERMITTED CONDITIONALLY

In the C-1 Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

1. Ambulance, police, fire rescue service.

2. Veterinarian.

3. Automobile service station.

4. Dwelling units, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008)

5. Residential Facility, subject to the property development standards set forth in Section 3.15.150.

6. Religious, political, civic, social, and labor organizations with lot size less than 40,000 square feet.

~~7. Residential home within an existing residential dwelling.~~

~~8. Telecommunication Facilities. (Section 3.15.100, 7, entirely, Ord. No. 3115, 6/13/02)~~

~~9. Other uses similar to those listed in Section 3.15.050 above meeting the intent and purpose of serving the local neighborhood needs. (Ord. No. 3355, 8/27/2010)~~

SECTION 3.15.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.

Area: Except for a Church or Residential Facility, lots or parcels shall have a minimum area of 7,500 square feet. The minimum lot size for a Church is 40,000 square feet, and the minimum lot size for a Residential Facility is 10,000 square feet. Lots or parcels shall have a minimum average width of 70 feet.

Density: For a Residential Facility or a Residential Care Center, the maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one building.

2. Coverage. Not over sixty percent (60%) of the property shall be covered by all buildings located thereon.

Setbacks.

Front Yard. No structure shall be located closer than twenty (20) feet from the front property line.

Side Yard. No structure shall be located closer than five (5) feet from side property lines for interior properties, ten (10) feet from exterior side property lines for corner building sites.

Heights. Maximum height of all structures shall be thirty-five (35) feet.

Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.6.

Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.

ARTICLE 17

COMMUNITY COMMERCIAL (C-2)

SECTION 3.17.000 PURPOSE

The Community Commercial classification is intended to provide areas for community shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs on a community-wide basis.

SECTION 3.17.050 PERMITTED USES

In the C-2 Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any use permitted in the C-1 Zone, Section 3.16.050.

Ambulance, police, fire, rescue service.

Art, pottery, music and photography shop, gallery, studio and supplies, handicraft shop.

Automobile service station.

Bakery.

Bank, finance institution, credit agencies, brokers, insurance or real estate office, etc.,

Barber or beauty shop and personal services (e.g. tailor, shoe repair).

Book or stationery store.

Business and professional offices.

Religious, political, civic, social, labor organizations, subject to the development standards set forth in Section 3.17.150.

Laundromat or linen service (no dry-cleaning).

Clubs or lodges, fraternal and religious associations.

Curios and antiques.

Day Care Facility, subject to the property development standards set forth in Section 3.17.150.

Delivery services.

Drug store, liquor store.

Dwelling units above or behind a permitted use, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008)

~~Florist or Gift shop.~~

~~19. — Funeral service (no crematories).~~

~~20. — Furniture, household goods, office supplies and furnishings.~~

~~21. — Grocery store, dry goods, notions store, meat market (less than 25,000 sq.ft.)~~

~~22. — Hardware store, paint and wallpaper supplies.~~

~~23. — Jeweler.~~

~~24. — Library, museums and galleries.~~

~~25. — Manufacture of handicraft goods for sale on premises only, such as wood, pottery, tile, archery and shell.~~

~~26. — Motel, hotel.~~

~~27. — Printing.~~

~~Public parking areas developed in accordance with provisions established under Article 35. (No Structures).~~

~~Residential Care Center.~~

~~Restaurant, cafe, tavern and lounge, bakery, deli, confectionery, catering.~~

~~Recycling Center, less than 5,000 square feet, subject to development standards of Section 3.17.150.~~

~~Seed and Garden supplies.~~

~~Second-hand store, if conducted wholly within an enclosed building.~~

~~Schools.~~

~~35. — Sporting Goods.~~

~~36. — Surgical supplies and equipment.~~

~~37. — Clothing and hat shops.~~

~~38. — Telephone and telegraph exchanges.~~

- 39. ~~Theaters (indoor).~~
- 40. ~~Veterinary clinic, with no outside animal runs or pens.~~
- 41. ~~Video store.~~
- 42. ~~Other uses similar to the above.~~

SECTION 3.17.100 USES PERMITTED CONDITIONALLY

In the C-2 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter.

~~Public and semi-public buildings and uses.~~

~~2. Dwellings units, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008) —~~

~~3. Residential Facility, subject to the property development standards set forth in Section 3.17.150.~~

~~4. Religious, political, civic, social, and labor organizations with lot size of less than 40,000 square feet.~~

~~5. Plant nursery and Greenhouse.~~

~~6. Drive-up Window service for permitted use.~~

~~Residential Home within an existing residential dwelling.~~

~~8. Telecommunication Facilities. (Section 3.17.100, 9. entirely, Ord. No. 3115, 6/13/02)~~

SECTION 3.17.150 PROPERTY DEVELOPMENT STANDARDS

~~1. Area and Density.~~

~~Size: The minimum property area for residential uses shall be the same as the MR-14 zone, except that for a Church the minimum lot area shall be 40,000 square feet, for a Residential Facility the minimum lot area shall be 10,000 square feet, and for a Residential Care Center the minimum property area shall be the same as the MR-29 zone.~~

~~b. Density: The maximum density for a Residential Facility shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one building.~~

~~2. Coverage.~~ Full coverage is allowable provided minimum loading space, off-street parking and setbacks have been provided, except that for a Residential use, or Residential Facility the maximum coverage shall be the same as the MR-18 zone, and for a Residential Care Center the maximum coverage shall be the same as the MR-40 zone.

~~3. Setbacks:~~

~~Front Yard.~~ Front yards will not be required, except setback for conditionally permitted residential uses shall conform to those established in the MR-14 Zone.

~~Side Yard.~~ Side Yards will not be required, but if side yards are created, they shall be a minimum of three (3) feet wide. Residential uses shall conform to the minimum setbacks of the MR-14 Zone.

~~Rear Yard.~~ No rear yard is required when property in the C-2 Zone abuts property in a commercial or industrial zone.

~~Exception.~~ When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous or within the property being used may be included in the required setback.

~~4. Height.~~ Maximum height of all structures shall be forty-five (45) feet.

~~5. Off-Street Parking.~~ All development shall meet off-street parking requirements of Section 3.35.100.

~~6. Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.

ARTICLE 18

~~—GENERAL COMMERCIAL (C-3)~~

SECTION 3.18.000 PURPOSE

The General Commercial classification is intended to provide areas within which a variety of retail and wholesale business occurs. These areas serve general community-wide and regional commercial needs.

SECTION 3.18.050 PERMITTED USES

In the C-3 Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

~~Any use permitted in the C-2 Zone, Section 3.17.050.~~

~~Agricultural supplies and machinery sales rooms.~~

~~Automobile, truck and motorcycle sales agencies, garages, service stations, wash, and detailing.~~

~~Auto parts and tool supply stores.~~

~~Builders supplies, including retail sales of lumber.~~

~~Commercial storage units.~~

~~Department or sporting goods store.~~

~~Drive-up Window Service for permitted uses. (Ord. No. 3289, 9/2008)~~

~~Dry cleaning facility (retail).~~

~~Dwellings above commercial structures. The maximum number of dwelling units shall be limited to one (1) dwelling unit per 800 square feet of lot area. (Ord. No. 3279, 3/2008)~~

~~General retail sales of previously prepared products.~~

~~Indoor racquet sports clubs; spas; athletic, exercise, and health clubs.~~

~~Mini-Retail Business (MRB) (not more than two (2) on any host business location and no larger than 250 square feet).~~

~~Mobile home and recreational vehicle sales.~~

~~Motel, hotel.~~

~~Motion picture production and distribution and services.~~

~~Public parking and equipment parking not incidental or accessory to another use on the premises.~~

~~Places of amusement, such as billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, and miniature golf.~~

~~Plumbing, heating, electrical and sheet metal shop.~~

~~Printing and publishing.~~

~~Public and semi-public buildings and uses.~~

~~Residential Care Center, subject to the property development standards set forth in Section 3.18.150.~~

~~Recycling Center, less than 5,000 square feet, subject to development standards of Section 3.18.150.~~

~~Store (retail and wholesale) and business uses similar to the above and normally located in a commercial district, provided that:~~

~~Where there is a manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five percent (25%) of the total floor area shall be used for retail sales.~~

~~Use is not objectionable due to odor, dust, smoke, noise, vibration, or appearance.~~

~~Trailer Parks.~~

SECTION 3.18.100 USES PERMITTED CONDITIONALLY

~~In the C-3 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

~~Residential Facility, subject to the property development standards set forth in Section 3.18.150.~~

~~Churches with lot size of less than 40,000 square feet.~~

~~Body shop in conjunction with an auto sales agency.~~

~~Crematory, mausoleum, or mortuary.~~

~~Residential Home within an existing residential dwelling.~~

~~Dwelling units, subject to the development standards of the MR-29 zone. (Ord. No. 3289, 9/2008)~~

~~Outdoor recreational facilities e.g. golf and country clubs, driving ranges, swimming or tennis clubs, skateboard parks, water slides, and similar uses.~~

~~Adult entertainment or adult bookstore.~~

~~Stadium or Coliseum.~~

~~Telecommunication Facilities.~~

SECTION 3.18.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.

~~Residential Facility: 10,000 square foot minimum lot area. The maximum density shall be limited to five (5) beds per 4,700 square feet of lot area, except that there shall not be more than twenty (20) beds in any one (1) building. The maximum coverage of all buildings, parking areas, auto maneuvering and vehicle access space shall not exceed eighty percent (80%) of the total site area.~~

~~Residential Care Center: 10,000 square foot minimum lot area. The maximum density shall be limited to 5 beds per 2,200 square feet of lot area. The maximum coverage for all buildings, parking areas, auto maneuvering and vehicle access space shall not exceed eighty percent (80%) of the total site area.~~

~~Churches: 40,000 square foot minimum lot size.~~

~~d. Other uses: no standard is established.~~

~~2. Coverage. Full coverage is allowable provided minimum loading space, off-street parking, landscaping and setbacks have been provided, unless specified.~~

3. Setbacks.

~~a. Front Yard. Front yards will not be required.~~

~~b. Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of 3 feet wide. Residential uses shall conform to the minimum setbacks of the MR-18 Zone.~~

~~c. Rear Yard. No rear yard is required when property in the C-3 Zone abuts property in a commercial or industrial zone.~~

~~d. Exception. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.~~

~~4. Height. Maximum height of all structures shall be eighty (80) feet.~~

~~5. Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.~~

~~6. Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.~~

ARTICLE 6

AIRPORT DISTRICT (AP)

SECTION 2.6.010 DISTRICT

1) Purpose

The Airport District classification is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation.

SECTION 2.6.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

Uses identified with a "P" in Table 2-11 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Additionally, land within and surrounding the Airport District is subject to the Airport Impact Overlay (Article 8 of Chapter 2) as specified within this Ordinance.

2) Conditional Uses

Uses identified with a "C" in Table 2-11 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but where the ongoing operation and use is directly dependent upon and directly associated with airport activities may be approved in accordance with the Conditional Use Permit procedures.

3) Prohibited Uses

Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards

The "use standards" column of Table 2-11 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards

Development of land within this District must comply with the standards referenced in Table 2-12, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage). In addition to the standards specified in Table 2-12, the following development standards apply:

- a) Utilities. All utility wires shall be underground
- b) Lighting. Unless required for safe and convenient air travel, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project directly into the runway, taxiway or approach zone.
- c) Glare and Electro-Magnetic Interference. Building materials shall not produce glare which may conflict with any present or planned operations of the airport, nor shall any use produce electro-magnetic interference which may conflict with any present or planned operation of the airport

TABLE 2-11: AP – ALLOWED USES

| USE CATEGORY | AP | Standards |
|--|----|-----------|
| Specific Use | | |
| COMMERCIAL | | |
| Aircraft sales, rental, repair, service, storage and schools relating to aircraft operations and facilities essential for the operation of the airport, such as fuel storage, hangar use and air and ground traffic control facilities | P | |
| Air cargo terminals | P | |
| Air passenger terminals | P | |
| Offices (uses that do not conflict with the Airport Master Plan) | C | |
| Restaurants and taverns , but without drive-thru facilities. | P | |
| Telecommunication Facilities | C | 4.3 |
| PUBLIC/CIVIC | | |
| Public and semi-public buildings, structures and uses essential for the operation of the airport | P | |

Comment [PH7]: Replaced "eating establishments, including the serving of beer, wine and/or alcoholic beverages"

TABLE 2-12: AP PARCEL AND BUILDING STANDARDS

| DISTRICT | AP |
|--------------------------------|-----|
| Minimum Lot Area (sq. ft.) | N/A |
| Coverage | N/A |
| Setbacks (feet) [1] | |
| Front | 5 |
| Rear | 5 |
| Side (interior) | 5 |
| Side (exterior) | 5 |
| Max Building Height (feet) [2] | 35 |

[1] Front, side and rear yards will not be required, but if side or rear yards are created they shall be a minimum of five (5) feet. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.

[2] Maximum height for all structures, including chimneys, towers, antennas, utility poles, trees, etc., shall be 35 feet, except control towers and aircraft navigation devices.

ARTICLE 19

AIRPORT DISTRICT (AP)

SECTION 3.19.000 PURPOSE

The Airport District classification is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation.

SECTION 3.19.050 PERMITTED USES

In the AP Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by the Ordinance:

Aircraft sales, rental, repair, service, storage, and schools relating to aircraft operations; and facilities essential for the operation of the airport, such as fuel storage, hangar use and air and ground traffic control facilities.

Air cargo terminals.

Air passenger terminals.

Public and semi-public buildings, structures and uses essential for the operation of the airport.

5. Restaurant and eating establishments, including the serving of beer, wine and/or alcoholic beverages, but without drive-thru facilities. (Rev. Ord. No. 3289, 9/2008)

SECTION 3.19.100 USES PERMITTED CONDITIONALLY

In the AP Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of Section 2.090(1) and Article 39 of this Chapter:

Offices (Uses that do not conflict with the Airport Master Plan).

Uses not specifically listed under Section 3.19.050, where the ongoing operation and use is directly dependent upon and directly associated with airport activities.

3. Telecommunication Facilities. (Section 3.19.100, 3, entirely, Ord. 3115, 6/13/02)

SECTION 3.19.150 PROPERTY DEVELOPMENT STANDARDS

1. Setbacks.

Front, side and rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.

Exception. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.

2. Height. Maximum height for all structures, including chimneys, towers, antennas, utility poles, trees, etc., shall be thirty-five (35) feet, except control towers and aircraft navigation devices.

3. Utilities. All utility wires shall be underground

4. Lighting. Unless required for safe and convenient air travel, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project directly into the runway, taxiway or approach zone.

5. Glare and Electro-Magnetic Interference. Building materials shall not produce glare which may conflict with any present or planned operations of the airport, nor shall any use produce electro-magnetic interference which may conflict with any present or planned operation of the airport.

ARTICLE 7

INDUSTRIAL DISTRICTS

SECTION 2.7.010 DISTRICTS

1) Purpose

Roseburg's Industrial and Mixed Use Districts are intended to provide for the full range of industrial activity as specified within this Ordinance and the Comprehensive Plan.

- a) The Mixed Use classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high density uses, care is needed to ensure that adjacent uses are compatible and do not adversely affect other uses or the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones.
- b) The Light Industrial classification is intended to create, preserve and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact.
- c) The Medium Industrial classification is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.
- d) The Heavy Industrial classification is intended to provide, protect, and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential, and other incompatible land uses. This district is intended to be applied generally to those areas which have available excellent highway, rail, or other transportation.

2) List and Map Symbols

| DISTRICT NAME | MAP SYMBOL |
|-------------------|------------|
| Mixed Use | MU |
| Light Industrial | M-1 |
| Medium Industrial | M-2 |
| Heavy Industrial | M-3 |

SECTION 2.7.020 ALLOWED USES AND STANDARDS

1) Permitted Uses

Uses identified with a "P" in Table 2-13 are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final

column of the table and all other applicable standards of this Ordinance. Uses not specifically listed but similar to other permitted uses may be approved by the Director.

2) Conditional Uses

Uses identified with a "C" in Table 2-13 may be allowed if reviewed and approved in accordance with the Conditional Use Permit procedures of Article 8 of Chapter 5. Conditional uses are subject to compliance with any use standards identified in the final column of the table and all other applicable standards of this Ordinance. Uses not specifically listed, but similar to other conditional uses, may be applied for through the Conditional Use Permitting process.

3) Prohibited Uses

Uses identified with a "-" are expressly prohibited. Uses not identified are also prohibited.

4) Use Standards

The "use standards" column of Table 2-13 identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

5) Development Standards

Development of land within these Districts must comply with the standards referenced in Table 2-14, as well as other applicable development standards contained within this Ordinance. If standards for specific aspects of development are not provided, such as minimum lot size, other required standards will dictate unspecified standards (i.e. setbacks and coverage).

TABLE 2-13: INDUSTRIAL – ALLOWED USES

| USE CATEGORY | MU | M-1 | M-2 | M-3 | Standards |
|---|-------|-----|-----|-----|-----------|
| Specific Use | | | | | |
| RESIDENTIAL | | | | | |
| Dwellings Units subject to MR2.4 | C [1] | - | - | - | 2.3.060 |
| Dwelling units above commercial structures (one (1) dwelling unit per 800 sq. ft. of lot area) | P | C | - | - | |
| Dwellings on the ground floor in conjunction with commercial structures. The area for dwellings on the ground floor shall be limited to 20% of the ground floor area of the building. | P | P | - | - | |
| Trailer Parks | P | - | - | - | |
| PUBLIC/CIVIC | | | | | |
| Ambulance, police, fire and rescue services | P | P | P | - | |
| Parking (auto and equipment) not incidental or accessory to another use on the premises | P | - | - | - | |
| Public and semi-public buildings and uses | P | - | - | - | |
| Schools | - | C | - | - | |
| COMMERCIAL | | | | | |
| Agricultural supplies/machinery sales rooms | P | - | - | - | |
| Ambulance service | - | - | - | P | |
| Athletic/Health clubs (including racquet sports and spas) (indoors only) | P | - | - | - | |
| Automobile/truck/motorcycle sales, dealers, garages, service stations, washes, detailers and body shops | P | P | P | - | |
| Automobile wrecking yard and salvage yard, subject to the provisions of ORS 822.100 to 822.150 | - | - | - | C | |
| Auto parts/tools supply stores | P | - | - | - | |
| Bottling works | - | - | P | P | |
| Builders supplies (including retail sale of lumber) | P | - | - | - | |
| Builders supply store and machinery sales | P | P | P | - | |
| Bulk fuel storage facility | - | - | - | P | |
| Commercial laundry, cleaning (including dry cleaning) and dying works | P | P | P | - | |
| Commercial storage units | P | - | - | - | |
| Concrete batching plants and the manufacture and sale of concrete products | - | - | P | P | |
| Contractor's equipment storage yard | - | - | P | P | |
| Data Center | P | P | C | C | |
| Department store | P | - | - | - | |

| COMMERCIAL | MU | M-1 | M-2 | M-3 | Standards |
|---|-------|-----|-----|-----|-----------|
| Disposal or reduction of waste materials, garbage, offal, or dead animals (not to be visible from an arterial roadway) | - | - | - | C | |
| Electrical and electronic equipment (e.g. manufacturing supplies for generation, storage, transmission, transformation and utilization of electrical energy) | P | P | P | - | |
| Fabricating metal products (e.g. ferrous and nonferrous metal including metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatuses, metal forgings, stamping, etc.) | - | - | - | P | |
| Food and related products (e.g. establishments, manufacturing, compounding, packaging, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, soap, cleaners, toiletries, soft drinks, and food, except fish, meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils) | P | P | P | - | |
| Freight and truck yards or terminals | - | - | P | P | |
| General retail sales of previously prepared products | P | - | - | - | |
| Industrial and Commercial business park | P [2] | - | - | - | |
| Kennels | - | C | C | C | |
| Laboratories | P | P | P | - | |
| Lumber yards or retail sales with minimal millwork | - | - | P | P | |
| Lumber and wood products involving cutting, production or manufacturing | - | - | - | P | |
| Manufacture and storage of chemicals and explosives | - | - | - | C | |
| Manufacturing, compounding, or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semi-precious stones, shell, textiles, tobacco, wood, yarns, and paint; none of the foregoing employing a foundry process. | - | - | P | - | |
| Manufacturing of household and/or office furniture | - | - | P | P | |
| Manufacturing of instruments and related products (e.g. medical instruments/supplies, photographic equipment/supplies, watches/clocks, measuring and controlling devices, engineering and scientific instruments, toys, jewelry, silverware, blown glass, pottery, musical instruments, etc.) | P | P | P | - | |
| Manufacturing of manufactured or prefabricated homes or wood buildings | - | C | P | P | |
| Manufacturing, repairing, fabricating, processing, parking or storage use not listed in any other Section | - | - | - | P | |

| | | | | | |
|---|-----------|------------|------------|------------|------------------|
| of this Ordinance or under conditional uses | | | | | |
| COMMERCIAL | MU | M-1 | M-2 | M-3 | Standards |
| Manufacturing or storage of ice | P | P | P | - | |
| Manufacturing of miscellaneous wood products | - | C | P | P | |
| Manufacturing of paper and allied products (e.g. paper, paper board, bags, boxes, and envelopes) | - | - | P | P | |
| Meat processing plant (not including slaughtering), fish, sauerkraut, vinegar, yeast, or refining of oils and fats. | - | - | P | P | |
| Metal industries (e.g. smelting and processing of ferrous and nonferrous metals from ore, pig or scrap) | - | - | - | P | |
| Mini-Retail Business (no more than two (2) at any host business location and no larger than 250 sq. ft.) | P | P | P | - | |
| Mobile home, recreational vehicle, boat, and aircraft sales and/or garages | P | P | P | - | |
| Motel/Hotel | P | - | - | - | |
| Motion picture production/distribution/services | P | P | P | - | |
| Open storage area for commercial storage of personal property such as boats and recreational vehicles | P | P | P | - | |
| Operations conducted for the exploration, mining, and processing of aggregate and mineral resources or other subsurface resources | - | C | C | C | |
| Operations conducted partially or wholly outside of enclosed buildings (including storage) | - | - | - | P | |
| Places of amusement (e.g. billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, miniature golf, etc.) | P | - | - | - | |
| Plumbing/heating/electrical/sheet metal shop | P | - | - | - | |
| Printing, publishing or engraving shop | P | P | P | - | |
| Production and/or distribution of chemicals and allied products, basic chemicals (e.g. acids, alkalis, salts, and organic chemical products to be used in further manufacturing of products such as synthetic fibers, plastics, dry colors, and pigments, paints) | - | - | P | P | |
| Production/fabrication of apparel and other textile products (e.g. fabrics, leather (no tanning or finishing), rubberized fabrics, plastics, furs, etc.) | P | P | P | - | |
| Professional offices | P [3] | - | - | - | |
| Recycling Center (less than 5,000 sq. ft. of lot area) | P | - | - | - | |
| Restaurants, and Eating Establishments, and Taverns | P | C | C | C | |
| Slaughter house and tanneries | - | - | - | C | |
| Special trade contractors (e.g. plumbers, painters, electricians, masons, carpenters, metal workers, drillers, etc.) | P | P | P | - | |
| Stadium/coliseum | C | - | - | - | |
| Telecommunications Facilities | C | C | C | C | 4.3 |

| | | | | | |
|--|-----------|------------|------------|------------|------------------|
| Textile mill products (e.g. weaving/knitting of fabric) | P | P | P | - | |
| COMMERCIAL | MU | M-1 | M-2 | M-3 | Standards |
| Truck and heavy equipment repair and maintenance | - | - | P | P | |
| Trucking and warehousing | P | P | P | - | |
| Upholstery shop and furniture repair | P | P | P | - | |
| Uses similar to those permitted in the subject district and not specifically listed in the succeeding (more intense) manufacturing districts provided that: 1. The use is not objectionable due to odor, dust, smoke, noise, vibration or appearance. 2. The items manufactured, processed, or produced in this zone shall be primarily for wholesale. | C [4] | C | C | - | |
| Warehouses including buildings for commercial storage of personal property | P | P | P | P | |
| Welding and machine shop | - | - | P | P | |
| Wholesale business and salesrooms | P | P | P | P | |

- [1] Dwelling units shall be constructed at a minimum of 18 units per acre. One (1) acre minimum lot size.
[2] The area covered by all building, parking areas, maneuvering, and vehicle access space shall not exceed 80% of the total lot area. The minimum lot size is two (2) acres.
[3] A Professional Office may be located within a multiple-use structure but it shall not exceed 33% of the total floor area of the structure.
[4] Uses permitted in the M-2 district may be considered providing that the use will meet the criteria referenced in Table 2.7-1 and Conditional Use Permit procedures.

TABLE 2-14 INDUSTRIAL PARCEL AND BUILDING STANDARDS

| DISTRICTS | MU | M-1 | M-2 | M-3 |
|--|---------|------|------|------|
| Minimum Lot Area (sq. ft.) | | | | |
| Industrial & Commercial business parks | 2 acres | N/A | N/A | N/A |
| Multi-family Housing | 10,000 | N/A | N/A | N/A |
| Coverage | 100% | 100% | 100% | 100% |
| Industrial & Commercial business parks, and multi-family housing | 80% | N/A | N/A | N/A |
| Setbacks (feet) [1] | | | | |
| Front | - | - | - | - |
| Rear | - | - | - | - |
| Side (interior) | - | - | - | - |
| Side (exterior) | - | - | - | - |
| Maximum Building Height (feet) | 80 | 45 | 50 | 50 |

- [1] If a yard is created, the minimum setback will be five (5) feet. Alleys contiguous to or within the property being used may be included in the required setback. When abutting a district other than commercial or industrial, the side and rear setbacks shall be the same as those established for the abutting zone.

SECTION 2.7.030 SCREENING

All **nonresidential** development abutting a residential zone or use shall be screened by a minimum six (6) foot-high **site sight**-obscuring fence or hedge along the abutting property lines. **Fences shall be** subject to the standards set forth in Section **4.4.070**

3.35.060. Nonresidential development to which this requirement applies includes, but is not limited to:

- 1) Buildings with both commercial uses and dwelling units
- 2) Churches

ARTICLE 20

LIGHT INDUSTRIAL (M-1)

SECTION 3.20.000 PURPOSE

~~The Light Industrial classification is intended to create, preserve and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact.~~

SECTION 3.20.050 PERMITTED USES

~~In the M-1 Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance.~~

- ~~1. Ambulance Service, police, fire, rescue service.~~
- ~~2. Automobile, truck and motorcycle sales agencies, garages and body shop.~~
- ~~3. Automobile service station.~~
- ~~4. Builders supply store and machinery sales.~~
- ~~5. Laboratories.~~
- ~~6. Laundry, cleaning and dyeing works and carpet and rug cleaning.~~
- ~~7. Manufacture or storage of ice.~~
- ~~8. Mobile home, recreational vehicle, boat, and aircraft sales, and garages.~~
- ~~9. Motion picture production and distribution services.~~
- ~~10. Open storage area for commercial storage of personal property such as boats and recreational vehicles.~~
- ~~11. Printing, publishing or engraving shop.~~
- ~~12. Upholstery shop and furniture repair.~~
- ~~13. Warehouses, including buildings for commercial storage of personal property.~~
- ~~14. Wholesale business and salesrooms.~~
- ~~15. Food and related products e.g. establishments, manufacturing, compounding,~~

~~packaging, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, soap, cleaners, toiletries, soft drinks, and food, except fish, meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.~~

~~16. — Manufacturing of instruments and related products, such as, medical instruments and supplies, photographic equipment and supplies, watches, clocks, measuring and controlling devices, and engineering and scientific instruments, including toys, jewelry, silverware, blown glass, pottery and musical instruments.~~

~~17. — Mini-Retail Business (MRB) (not more than two (2) on any host business location and no larger than 250 square feet.~~

~~18. — Special trade contractors (e.g. plumbing, painting, electrical, masonry, carpentry, concrete, woodwork, sheet metal, and water well drilling). (Section 3.20.050, 17. Entirely, Ord. No. 3073, 10/11/00)~~

~~Textile mill products e.g. weaving, knitting of fabric.~~

~~Apparel and other textile products e.g. producing, fabricating of fabrics and related material such as leather (no tanning or finishing) rubberized fabrics, plastics and furs.~~

~~Trucking and warehousing.~~

~~22. — Electrical and electronic equipment e.g. manufacturing supplies for generation, storage, transmission, transformation, and utilization of electrical energy.~~

~~23. — Car Wash.~~

SECTION 3.20.100 USES PERMITTED CONDITIONALLY

~~In the M-1 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

~~1. — Kennels.~~

~~2. — Schools.~~

~~3. — One (1) single-family dwelling in conjunction with a permitted or conditional use.~~

~~4. — Uses similar to those permitted in Section 3.20.050 that are not specifically listed under the M-2 or M-3 Zones, provided that:~~

~~5. — The use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.~~

~~6. — The items manufactured, processed, or produced in this zone shall be primarily~~

for wholesale.

7. ~~Operations conducted for the exploration, mining, and processing of aggregate and mineral resources or other subsurface resources.~~

8. ~~Restaurant.~~

9. ~~Manufacturing of manufactured or prefabricated homes or wood buildings.~~

10. ~~Miscellaneous wood products (manufacturing).~~

11. ~~Telecommunication Facilities. (Section 3.20.100, 9, entirely, Ord. No. 3115, 6/13/02)~~

SECTION 3.20.150 PROPERTY DEVELOPMENT STANDARDS

Area. ~~No standard established.~~

2. Coverage. ~~Full coverage is allowable; provided minimum loading space, off-street parking and setbacks have been provided.~~

3. Setbacks.

a. ~~Front, side and rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.~~

b. Exception. ~~When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.~~

4. Height. ~~No structure shall exceed a height of forty-five (45) feet.~~

5. Off-Street Parking. ~~All development shall meet off-street parking requirements of Section 3.35.100.~~

6. Screening. ~~All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.~~

ARTICLE 21

MEDIUM INDUSTRIAL (M-2)

SECTION 3.21.000 PURPOSE

~~The Medium Industrial classification is intended to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments, and is typically~~

~~appropriate to areas providing a wide variety of sites with good rail or highway access.~~

SECTION 3.21.050 PERMITTED USES

~~In the M-2 Zone, the following uses and their accessory buildings and uses are permitted subject to the following provisions and exceptions set forth by this Ordinance:~~

~~Any use permitted in the M-1 Zone, Section 3.20.050 except automobile, truck, and motorcycle sales agencies and automobile service station.~~

~~2. Bottling works.~~

~~3. Chemicals and allied products, basic chemicals e.g. acids, alkalis, salts, and organic chemical products to be used in further manufacturing (e.g. synthetic fibers, plastics, dry colors, and pigments, paints).~~

~~4. Concrete batching plants and the manufacture and sale of concrete products.~~

~~5. Contractor's equipment storage yard.~~

~~6. Freight and truck yards or terminals.~~

~~7. Lumber yards/retail, with minimal millwork.~~

~~8. Manufacturing household and office furniture.~~

~~9. Manufacturing, compounding, or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semi-precious stones, shell, textiles, tobacco, wood, yarns, and paint; none of the foregoing employing a foundry process.~~

~~10. Manufacturing of manufactured or prefabricated homes or wood buildings.~~

~~11. Miscellaneous wood products (manufacturing)~~

~~12. Meat processing plant (not including slaughtering), fish, sauerkraut, vinegar, yeast, or refining of oils and fats.~~

~~13. Paper and allied products e.g. manufacturing of paper and paper board into converted products such as bags, boxes, and envelopes.~~

~~14. Truck and heavy equipment repair and maintenance.~~

~~Welding and machine shop.~~

~~Wholesale business, storage buildings, and warehouses.~~

SECTION 3.21.100 USES PERMITTED CONDITIONALLY

In the M-2 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:

Uses similar to those permitted in Section 3.21.050 that are not specifically listed under the M-3 Zone, provided that:

a. Use is not objectionable due to odor, dust, smoke, noise, vibration, or appearance.

b. Items manufactured, processed, or produced in this area shall be primarily for wholesale.

Kennels.

Operations conducted for the exploration, mining, and processing of aggregate and mineral resources or other subsurface resources.

Restaurants and eating establishments.

5. Telecommunication Facilities. (Section 3.21.100, 5. entirely, Ord. No. 3115, 6/13/02)

SECTION 3.21.150 PROPERTY DEVELOPMENT STANDARDS

1. Area. No standard established.

Coverage. Full coverage is allowable, provided minimum loading space, off-street parking, and setbacks have been provided.

Setbacks.

Front, side, and rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.

Exception. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.

Height. No structure shall exceed a height of fifty (50) feet.

Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.

~~Screening. All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.~~

~~ARTICLE 22~~

~~HEAVY INDUSTRIAL (M-3)~~

~~SECTION 3.22.000 PURPOSE~~

~~The Heavy Industrial classification is intended to provide, protect, and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential, and other incompatible land uses. This district is intended to be applied generally to those areas which have available excellent highway, rail, or other transportation.~~

~~SECTION 3.22.050 PERMITTED USES~~

~~In the M-3 Zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this Ordinance.~~

~~Any use permitted in the M-2 Zone, not including permitted uses in the M-1 Zone.~~

~~Ambulance service.~~

~~Manufacturing, repairing, fabricating, processing, parking or storage use not listed in any other section of this Ordinance or under conditional uses below.~~

~~Metal industries e.g. smelting and processing of ferrous and nonferrous metals from ore, pig, or scrap.~~

~~Fabricated metal products e.g. ferrous and nonferrous metal e.g. metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatus, metal forgings, stamping.~~

~~Operations conducted partially or wholly outside of enclosed buildings (including storage).~~

~~Bulk fuel storage facility.~~

~~Lumber and wood products, cutting, production, manufacturing.~~

~~SECTION 3.22.100 USES PERMITTED CONDITIONALLY~~

~~In the M-3 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e) and Article 39 of this Chapter:~~

1. ~~Automobile wrecking yard and salvage yard, subject to the provision of ORS 822.100 to 822.150.~~
2. ~~Disposal or reduction of waste materials, garbage, offal, or dead animals (not to be visible from an arterial roadway).~~
3. ~~Kennels.~~
4. ~~Manufacture and storage of chemicals and explosives.~~
5. ~~Operations conducted for the exploration, mining and processing of aggregate and mineral resources or other subsurface resources.~~
6. ~~Slaughter house and tanneries.~~
7. ~~Restaurants and eating establishments.~~
8. ~~Telecommunication Facilities. (Section 3.22.100, 8. Entirely, Ord. No. 3115, 6/13/02)~~

SECTION 3.22.150 PROPERTY DEVELOPMENT STANDARDS

1. ~~Area. No standard established.~~

~~Coverage. Full coverage is allowable, provided minimum loading space, off-street parking and setbacks have been provided.~~

Setbacks.

~~a. Front, side and rear yards will not be required, but if side or rear yards are created they shall be a minimum of five (5) feet.~~

~~b. Exception. When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.~~

~~Height. No structure shall exceed a height of fifty (50) feet.~~

~~Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.~~

~~Screening. An owner of a multi-family housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750~~

ARTICLE 24

MIXED-USE (MU)

SECTION 3.24.000 PURPOSE

The Mixed Use classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high density uses, care is needed to ensure that adjacent uses are compatible and do not adversely affect other uses or the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones.

SECTION 3.24.050 PERMITTED USES

In the MU Zone, the following uses and their accessory buildings and uses are permitted, subject to a site review and the general provisions and exceptions set forth by this Ordinance:

Ambulance Service, police, fire, rescue service.

Agricultural supplies and machinery sales rooms.

Apparel and other textile products e.g. producing, fabricating of fabrics and related material such as leather (no tanning or finishing), rubberized fabrics, plastics, and furs.

Auto parts and tool supply stores.

Automobile, truck, and motorcycle sales agencies, garages, service stations, wash and detailing and body shop.

Builders supplies, including retail sales of lumber.

Builders supply store and machinery sales.

Commercial laundry, cleaning and dyeing works and carpet and rug cleaning.

Commercial storage units.

Department or sporting goods store.

Dry cleaning facility.

Dwellings above commercial structures. The maximum number of dwelling units shall be limited to one (1) dwelling unit per 800 square feet of lot area and subject to the development standards of Section 3.24.150.

~~Dwellings on the ground floor in conjunction with commercial structures. The area for dwellings on the ground floor shall be limited to 20 percent of the ground floor area of the building. (Ord. No. 3279, 3/2008)~~

~~Electrical and electronic equipment e.g. manufacturing supplies for generation, storage, transmission, transformation and utilization of electrical energy.~~

~~Food and related products e.g. establishments, manufacturing, compounding, packaging, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, soap, cleaners, toiletries, soft drinks, and food, except fish, meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.~~

~~General retail sales of previously prepared products.~~

~~Indoor racquet sports clubs; spas; athletic, exercise, and health clubs.~~

~~Commercial & Industrial business parks subject to property development standards listed under Section 3.24.150.~~

~~Laboratories.~~

~~Manufacture or storage of ice.~~

~~Manufacturing of instruments and related products, such as, medical instruments and supplies, photographic equipment and supplies, watches, clocks, measuring and controlling devices, and engineering and scientific instruments, including toys, jewelry, silverware, blown glass, pottery, and musical instruments.~~

~~Mini-Retail Business (MRB) (not more than two (2) on any host business location and no larger than 250 square feet).~~

~~Mobile home, recreational vehicle, boat, and aircraft sales, and garages.~~

~~Motel, hotel.~~

~~Motion picture production and distribution and services.~~

~~Open storage area for commercial storage of personal property such as boats and recreational vehicles.~~

~~Public parking and equipment parking not incidental or accessory to another use on the premises.~~

~~Places of amusement, such as billiard parlors, bowling alleys, drive-in theaters, dance~~

~~halls, video arcades, and miniature golf.~~

~~Plumbing, heating, electrical, and sheet metal shop.~~

~~Printing, publishing, or engraving shop.~~

~~Public and semi-public buildings and uses.~~

~~Restaurants and eating establishments.~~

~~Recycling Center, subject to development standards of Section 3.18.150.~~

~~Special trade contractors (e.g. plumbing, painting, electrical, masonry, carpentry, concrete, woodwork, sheet metal and waterwell drilling).~~

~~Textile mill products e.g. weaving, knitting of fabric.~~

~~Trailer Parks.~~

~~Trucking and warehousing.~~

~~Upholstery shop and furniture repair.~~

~~Warehouses, including buildings for commercial storage of personal property.~~

~~Wholesale business and salesrooms.~~

~~Professional office, subject to property development standards listed under section 3.24.150. (Section 3.24.050, 39 entirely, Ord. No. 3047, 8/99)~~

SECTION 3.24.100 USES PERMITTED CONDITIONALLY

~~In the MU Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 2.090(e), Article 39 and Section 3.35.600 of this Chapter.~~

~~1. Uses listed as permitted uses in M-2 Zone, provided that:~~

~~2. Use is not objectionable due to odor, dust, smoke, noise, vibration, or appearance.~~

~~3. The items manufactured, processed or produced in this zone shall be primarily for wholesale.~~

~~4. Use is subject to the property development standards set forth in Section 3.24.150 (property development standards).~~

5. ~~Stadium or coliseum.~~

6. ~~Multi-family housing subject to the property development standards set forth in Section 3.24.150 and restrictions section set forth in Section 3.35.600(3)(d).~~

7. ~~Telecommunication Facilities. (Section 3.24.100, 5, entirely, Ord. No. 3115, 6/13/02)~~

~~(Ord. No. 3279, 3/2008)~~

SECTION 3.24.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density:

a. ~~Industrial and Commercial business Park: Two (2) acre minimum lot size.~~

b. ~~Multi-family Housing: Dwelling units shall be constructed at a minimum of 18 units per acre according to standards listed within Section 3.24.150. One (1) acre minimum lot size.~~

c. ~~Professional Office: Professional office uses located within a multiple use structure shall not exceed thirty-three percent (33%) of the total floor area of the structure.~~

2. Coverage:

a. ~~Commercial & Industrial business parks and Multi-family Housing: The area covered by all building, parking areas, maneuvering, and vehicle access space shall not exceed eighty percent (80%) of the total lot area.~~

b. ~~Full coverage is allowable provided minimum loading space, off-street parking, landscaping, and setbacks have been provided, unless specified.~~

3. Setbacks:

~~Front, side, and rear yards will not be required, but if side or rear yards are created, they shall be a minimum of three (3) feet.~~

b. ~~Exception: When abutting other than a commercial or industrial zone, setbacks on the abutting side and rear yard shall be the same as those established for the abutting zone; provided, however, alleys contiguous to or within the property being used may be included in the required setback.~~

4. ~~Height: Maximum height of all structures shall be eighty (80) feet.~~

5. ~~Off-Street Parking: All development shall meet off-street parking requirements of Section 3.35.100.6.~~

6. ~~Screening.~~ All development abutting a residential zone or use shall be screened by a minimum six (6) foot high site-obscuring fence or hedge along the abutting property lines subject to the standards set forth in Section 3.35.060.

7. ~~Recycling.~~ An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials and design specifications shall meet the requirements as specified in Section 3.35.750.

ARTICLE 8

AIRPORT IMPACT OVERLAY

SECTION 2.8.010 PURPOSE

The purpose of the Airport Impact Overlay District is to protect the public health, safety, and welfare by assuring the development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations. Furthermore, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR) Part 77. The Airport Approach and Runway Protection Zones are shown on Sheets 2 thru 5 of the Airport Layout Plan in Chapter 5.

- 1) **Definitions.** For the purpose of this Article only, the following definitions are established:
 - a) **AIRPORT APPROACH SURFACE.** A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the Primary Surface at a 20:1 slope for a horizontal distance of 5,000 feet along the extended runway centerline. The beginning width of the Approach Surface coincides with the 500 foot width of the primary surface expanding to a width of the primary surface expanding to a width of 1,500 feet at a distance of 5,000 feet.
 - b) **AIRPORT APPROACH ZONE.** The area underneath the Airport Approach Surface.
 - c) **RUNWAY PROTECTION ZONE.** The Runway Protection Zone coincides with the Airport Approach Zone for a horizontal distance of 1,000 feet from the end of the primary surface (or 1,200 feet from the end of the runway).
 - d) **AIRPORT TRANSITIONAL SURFACE.** A surface extending upward at a 7:1 slope from the sides of the Primary and Approach Surfaces and intersecting with the Airport Horizontal Surface as specified herein and shown in Figure 2-4 of the Airport Master Plan.
 - e) **AIRPORT TRANSITIONAL ZONE.** The area underneath the Airport Transitional Surface.
 - f) **AIRPORT HORIZONTAL SURFACE.** The Airport Horizontal Surface is established by constructing horizontally-oriented arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines drawn parallel to the runway centerline at an elevation of 675 feet above mean sea level. The Airport Horizontal Surface does not include the Approach and Transitional Surfaces.

- g) **AIRPORT HORIZONTAL ZONE.** The area underneath the Airport Horizontal Surface, not including the Airport Approach and Transitional Zones.
- h) **AIRPORT CONICAL SURFACE.** The Airport Conical Surface extends horizontally and vertically from the Airport Horizontal Surface at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of 875 mean sea level.
- i) **AIRPORT CONICAL ZONE.** The area underneath the Airport Conical Surface.
- j) **AIRPORT PRIMARY SURFACE.** A surface longitudinally centered on the runway extending 200 feet beyond each end of the runway. The width of the Primary Surface is 500 feet. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline.
- k) **PLACE OF PUBLIC ASSEMBLY.** A structure which is designed to accommodate more than 25 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment, or amusement.
- l) **HEIGHT.** For the purpose of determining the height limits in all Zones set forth in this Section the datum shall be mean sea level elevation unless otherwise specified.
- m) **NONCONFORMING USE.** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
- n) **STRUCTURE.** An object, including a mobile object, constructed or installed by persons, including but not limited to buildings, towers, cranes, smokestacks, poles, earth formations, and overhead transmission lines.
- o) **OBSTRUCTION.** Any structure, growth, or other object, including a mobile object which penetrates any surface specified in this Section.
- p) **SLOPE.** An angle determined by a ratio of a horizontal and vertical measurements written as X:Y respectively.

SECTION 2.8.020 ALLOWED USES AND STANDARDS

- 1) **Permitted Uses.**
 - a) Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited or contradicted by this Article.
 - b) Within the Runway Protection Zone, the following uses and activities are permitted:
 - i) Farm use, excluding any permanent structures or objects.

ii) Roadways, parking areas, and open storage areas which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any other way impair visibility in the vicinity of the land approach.

iii) Underground utilities.

iv) Exceptions for structures and uses other than above may be permitted subject to review and approval by the Federal Aviation Administration.

2) Use and Height Limits.

- a) Within the Airport Impact Overlay, no use shall be allowed if such use is likely to attract a quantity of birds hazardous to aircraft operations.
- b) Within the Runway Protection Zone, and within the Airport Approach Zone for a distance of 2,500 feet extending from the end of the runway, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate, nor shall the beam of light project into the Approach Surface in such a manner as to result in confusion or distraction to pilots.
- c) Within the Runway Protection Zone, no place of public assembly, as defined in this Section, shall be permitted. Any existing place of public assembly shall be allowed to continue, including building modifications, but shall not increase its occupant load.

When the use of a building as a public assembly has been discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used as a public assembly.

Any place of public assembly which is damaged or destroyed may be restored to a public assembly, provided the restoration is commenced within a period of one (1) year, and is diligently prosecuted to completion. The restoration or reconstruction shall not increase the floor area or occupant load to a level greater than that which existed at the time of damage or destruction.

- d) Within the Airport Approach Zone for a distance of 3,500 feet extending from the end of the runway, no Multi-Family dwelling shall be permitted.
- e) Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any Zone established by this Section in such a manner as to create electrical interference with navigational signals of radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- f) Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no natural or manmade object or structure shall be allowed to grow in any Zone created by this Section so that it penetrates any Airport Surface, as defined in Section 2.8.010(1). No specific height limit applies because the ground level is irregular and therefore the distance between the ground and the Primary, Approach, Transitional, Horizontal and Conical Imaginary Surfaces varies.
- 3) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing obstruction or nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport and presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.
- 4) Permits. Except as specifically provided in "a" and "b" hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any Zone hereby created until site development plans have been approved by the Director as specified in Chapter 3. Site development plan approval for a use inconsistent with the provisions of this Section shall not be granted unless a variance has been approved in accordance with Subsection 5.
- a) In the area lying within the limits of the Horizontal Zone and Conical Zone, no site development plan review shall be required for any tree with a maximum potential height of less than 75 feet of vertical height above the ground, which conforms to the restrictions of Section 2.8.020.
- b) In areas lying within the limits of the Airport Approach Zones, but at a horizontal distance of 4,200 or more feet from each end of the runway, no site development review shall be required for any tree with a maximum potential height of 75 feet of vertical height above the ground, which conforms to the restrictions of Section 2.8.020.
- 5) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations using the procedure of Section 5.1.200 2-060.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effects of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In addition to the criteria for granting a variance as specified in Article 5.40 of Chapter 5, such variance must be found not to create a hazard to air navigation, and to be in accordance with the intent of this Section.

As further conditions for granting a variance the approving authority may require an overflight and aviation hold harmless agreement, and may further require an agreement from the applicant agreeing to remove the structure, tree, or use for which the variance is granted at the applicant's expense if the City so requires as some future time. The approving authority may require that such agreement(s) be recorded against the property.

ARTICLE 9

FLOODPLAIN OVERLAY

SECTION 2.9.010 STATUTORY AUTHORIZATION

The Legislature of the State of Oregon has in Article IV, Section 2, and Article XI, Section 2, of the Constitution of the State of Oregon, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Roseburg, Oregon, does ordain as follows:

SECTION 2.9.020 FINDINGS OF FACT

- 1) The flood hazard areas of City of Roseburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damages also contribute to the flood loss.

SECTION 2.9.030 STATEMENT OF PURPOSE

It is the purpose of this statute to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money and costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;
- 6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

- 7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- 8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.9.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- 6) Coordinating and supplementing the provisions of the state building code with local land use and development Ordinances. (Ord. 3322 12/14/09)

SECTION 2.9.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

For purposes of this Article the following mean:

- 1) **APPEAL.** A request for a review of the Community Development Director's interpretation of any provision of this Ordinance or a request for a variance.
- 2) **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding. (Ord. 3322 12/14/09)
- 3) **AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

- 4) **BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- 5) **BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides.
- 6) **BELOW-GRADE CRAWLSPACE.** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point. (Ord. 3322 12/14/09)
- 7) **CRITICAL FACILITY.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Ord. 3322 12/14/09)
- 8) **DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- 9) **ELEVATED BUILDING.** For insurance purposes, a non-basement building which has had its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (ORD. 3322 12/14/09)
- 10) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Ord. 3322 12/14/09)
- 11) **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters and/or
 - b) The unusual and rapid accumulation of runoff of surface waters from any source.
- 12) **FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 13) **FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

- 14) **FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 15) **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 2.9.310 3.30.420.
- 16) **MANUFACTURED HOME.** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- 17) **NAVD 88.** North American Vertical Datum of 1988. (Ord. 3322 12/14/09)
- 18) **MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- 19) **NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- 20) **NEW MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations. (Ord. 3322 12/14/09)
- 21) **RECREATIONAL VEHICLE.** A vehicle which is:
 - a) built on a single chassis;
 - b) 400 square feet or less when measured at the largest horizontal projection;
 - c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. (Ord. 3322 12/14/09)
- 22) **START OF CONSTRUCTION.** The first placement of permanent construction of a

structure (other than a mobile home) on a site such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- 23) **STATE BUILDING CODE.** The combined specialty codes. (Ord. 3322 12/14/09)
- 24) **STRUCTURE.** A walled and roofed building including a gas or liquid storage that is principally above ground.
- 25) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (Ord. 3322 12/14/09)
- 26) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - a) Before the improvement or repair is started, or
 - b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- d) Any alteration of a structure listed on the National Register of Historic Places or the City Inventory of Historic Places.

- 27) **TECHNICAL EVALUATION.** The application of special knowledge of the mathematical, physical, and engineering sciences regarding investigation, evaluation, planning, and design for the purpose of assuring compliance with applicable standards (i.e. photo interpretation, surveys, land forms, data sources, hydrological analysis, etc.).
- 28) **VARIANCE.** A grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

SECTION 2.9.060 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Roseburg

SECTION 2.9.070 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

Areas of flood hazard for the Roseburg urban area are areas designated as special flood hazard areas (A zones) or areas within a floodway.

Special flood hazard areas and floodways are identified by the Federal Insurance Administration in scientific and engineering reports entitled "The Flood Insurance Study for Douglas County, Oregon and Incorporated Areas," effective date February 17, 2010, with accompanying Digital Flood Insurance Rate Maps (DFIRM) and Flood Hazard Boundary Maps. (Ord. 3322 12/14/09)

All of the above referenced publications, maps and orthophotos are hereby adopted by reference and declared to be part of this Ordinance. These publications, maps, and orthophotos shall be kept on file with the Douglas County Planning Department and the City of Roseburg Community Development Department.

These publications shall be used as the basis for determining which flood district applies to property. The best available information for flood hazard identification as outlined in Section 2.9.140 3.30-320 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 2.9.140 3.30-320. Where these publications fail to provide data sufficient to determine the applicable flood district, the applicable flood district shall be determined on the basis of the best available information. (Ord. 3322 12/14/09)

Areas of flood hazard shall also include any land area susceptible to inundation water from any source where the above referenced maps have not identified any special flood areas.

SECTION 2.9.080 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates

this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$5,000.00 or imprisoned for not more than 30 days, or both, for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Roseburg from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2.9.090 ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinances, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail. (Ord. 3322 12/14/09)

SECTION 2.9.100 INTERPRETATION

In the interpretation and application of this Article, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally constructed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building codes. (Ord. 3322 12/14/09)

SECTION 2.9.110 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on technical evaluations as defined in Section ~~2.9.050 3-30-100~~. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roseburg, any office or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. Building in areas where flooding can occur is at the owner's sole risk.

SECTION 2.9.120 SITE PLAN REVIEW

A site plan review shall be obtained before construction or development begins within any area of special flood hazard established in ~~2.9.320 3-30-500~~. The Community Development Director is appointed to administer and implement this Ordinance by granting or denying site plan review applications in accordance with its provisions. The review shall be for all structures including mobile homes, as set forth in the "DEFINITIONS" and for other development including fill and other activities, also as set forth in the "DEFINITIONS." Application for a site plan review shall be made on forms furnished by the Community Development Director and may include but be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of

materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 1) Elevation in relation to NAVD 88, of the bottom of the lowest floor (including basement) of all structures; (Ord. 3322 12/14/09)
- 2) Elevation in relation to NAVD 88 to which any structure has been flood-proofed; (Ord. 3322 12/14/09)
- 3) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria specified in Section 2.9.280 3.30.480; and,
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Section 2.9.140 3.30.320), Applications for site plan reviews shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

SECTION 2.9.130 DESIGNATION OF THE DIRECTOR

~~The Community Development Director is hereby appointed to administer and implement this Ordinance by granting or denying site plan review applications in accordance with its provisions.~~

Comment [PH8]: Inserted into 2.9.120 "Site Plan Review"

SECTION 2.9.130 DUTIES AND RESPONSIBILITIES OF THE DIRECTOR

Duties of the Community Development Director shall include but not be limited to:

- 1) Review all development applications to determine that the requirements and conditions of this Ordinance have been satisfied. (Ord. 3322 12/14/09)
- 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.9.260 3.30.470 are met.

SECTION 2.9.140 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section ~~2.9.070 3.30.210~~, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Community Development Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer Sections ~~2.9.270 3.30.470~~, SPECIFIC STANDARDS, Residential Construction, and ~~2.9.280 3.30.480~~, SPECIFIC STANDARDS, ~~and~~ Non-residential Construction. ~~and Section 3.30.520 Floodway District.~~

Comment [PH9]: Ghost Reference. Section 3.30.520 – deleted per Ord. 3322 12/14/09

SECTION 2.9.150 INFORMATION TO BE OBTAINED AND MAINTAINED

- 1) Where base flood elevations data is provided through the Flood Insurance Study or required as Section ~~2.9.140 3.30.320~~ obtain and record the actual elevation (in relation to NAVD 88) of the bottom of the lowest floor (including basements and below-grade crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement. (Ord. 3322 12/14/09)
- 2) For all new or substantially improved flood-proofed structures:
 - a) Verify and record the actual elevation (in relation to NAVD 88), and, (Ord. 3322 12/14/09)
 - b) Maintain the flood-proofing certifications required in Section ~~2.9.120(3) 3.30.300(3)~~.
- 3) Maintain for public inspection all records pertaining to the provisions of this Ordinance.

SECTION 2.9.160 ALTERATION OF WATERCOURSES

- 1) Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

SECTION 2.9.170 INTERPRETATION OF FIRM BOUNDARIES

Make interpretation where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section ~~2.9.180 3.30.340~~.

SECTION 2.9.180 VARIANCE PROCEDURE

- 1) The Planning Commission as established by the City of Roseburg shall hear and decide variances from the requirements of this Article as provided for in Section ~~5.1.200 2.060(a)~~ of ~~Roseburg Land Use and Development~~ **this** Ordinance. ~~No. 2363.~~
- 2) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Community Development Director in the enforcement or administration of this Article as provided for in Section ~~5.1.170 2.140~~ of ~~Roseburg Land Use and Development~~ **this** Ordinance. ~~No. 2363.~~
- 3) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council, as provided in Section ~~5.1.250 2.700~~ of ~~Roseburg Land Use and Development~~ **this** Ordinance. ~~No. 2363.~~
- 4) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Ordinance, and:
 - a) the danger that materials may be swept onto other lands to the injury of others;
 - b) the danger to life and property due to flooding or erosion damage;
 - c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) the importance of the services provided by the proposed facility to the community;
 - e) the necessity to the facility of a waterfront location, where applicable;
 - f) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - g) the compatibility of the proposed use with existing anticipated development;
 - h) the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
 - i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges,
 - l) the effect of flood damage on individual property owners.
- 5) Generally, the only condition under which a variance may be issued is for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section **2.9.180(4)** ~~3.30.340(4)~~ have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- 6) Upon consideration of the factors of Section **2.9.180(4)** ~~3.30.340(4)~~ and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
 - a) The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION 2.9.190 CONDITIONS FOR VARIANCES

- 1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of historic Places, without regard to the procedures set forth in the remainder of this Section.
- 2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4) Variances shall only be issued upon:
 - a) a showing of good and sufficient cause;
 - b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c) a determination that the granting of a variance will not result in increased flood heights or additional threats to public safety, extraordinary public expense, create nuisances, cause fraud, or victimization of the public as identified in Section **2.9.120 – 2.9.180(4)** ~~3.30.300 – 3.30.340(4)~~, or conflict with existing local laws or Ordinances.

- 5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. (Ord. 3322 12/14/09)
- 6) Variances may be issued for non-residential buildings and structures in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except LUDO ~~2.9.180(5)~~ ~~3.30.340(5)~~ and otherwise complies with Sections ~~2.9.210(1)~~ ~~3.30.410(1)~~ and ~~2.9.210(2)(a-d)~~ ~~3.30.410(2)(a-d)~~. (Ord. 3322 12/14/09)
- 7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 2.9.200 GENERAL STANDARDS

In areas of flood hazards, the provisions of ~~2.9.210~~ ~~3.30.410~~ through ~~2.9.280~~ ~~3.30.490~~ shall apply.

SECTION 2.9.210 ANCHORING

- 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a) over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one (1) additional tie per side;
 - b) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four (4) additional ties per side;
 - c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - d) any additions to the mobile home shall be similarly anchored.

- 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Community Development Director, that this standard has been met.

SECTION 2.9.220 CONSTRUCTION MATERIALS AND METHODS

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 2.9.230 UTILITIES

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to them to contamination from them during flooding consistent with Oregon Department of Environmental Quality. (Ord. 3322 12/14/09)
 - a) The Roseburg Urban Sanitary Authority shall be notified when development requiring an on-site waste disposal system is proposed in an area of flood hazard.
 - b) The Roseburg Urban Sanitary Authority shall be responsible for carrying out the purposes of enforcing this provision.

SECTION 2.9.240 SUBDIVISION AND PARTITIONING PROPOSALS

- 1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage;
- 2) All subdivision and partitioning proposals shall have public utilities and facilities such as sanitary and storm sewer, gas, electrical, and water systems located and constructed and maintained to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, including returning water;

- 4) All partitions and subdivisions for non-residential uses shall have the explanation "Not for residential use" printed on the face of the final survey map or plat. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision and partition proposals and other proposed development which contain at least 50 lots or five (5) acres (whichever is less);
- 5) No portion of any street or road surface in any subdivision shall be at an elevation less than one (1) foot below the regional flood height. The road surface is that portion of a street or way available for vehicular traffic or where curbs are laid; the portion between curbs;
- 6) 100-year flood elevation data shall be provided and shown on final partition and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat;
- 7) A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat.

SECTION 2.9.260 — SITE PLAN REVIEW

~~Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Section 3.30.320), Applications for site plan reviews shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.~~

Comment [PH10]: Moved to Section 2.9.120
Site Plan Review

SECTION 2.9.250 — SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section ~~2.9.070~~ ~~3.30.240~~ BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section ~~2.9.140~~ ~~3.30.320~~ USE OF OTHER BASE FLOOD DATA, the following provisions for residential and nonresidential construction (Section ~~2.9.260~~ ~~3.30.470~~ and ~~2.9.270~~ ~~3.30.480~~) and manufactured home placement (Section ~~2.9.280~~ ~~3.30.490~~) are required.

SECTION 2.9.260 — RESIDENTIAL CONSTRUCTION

- 1) New construction and substantial improvement of any residential structure shall have the bottom of the lowest floor, including basement, elevated to ~~a minimum of~~ one (1) foot above base flood elevation. (Ord. 3322 12/14/09)
- 2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one (1) foot above grade.
- c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 2.9.270 NON-RESIDENTIAL CONSTRUCTION

New Construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in Section **2.9.150(2)** ~~3-30.325(2)~~;
- 4) Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section **2.9.260(2)** ~~3-30.470(2)~~;
- 5) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood proof level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).

SECTION 2.9.280 MANUFACTURED HOMES

All manufactured homes to be placed or substantially improved within Zone AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is 18 inches above the base flood elevation and be securely anchored with a foundation system in accordance with the provisions of Section **2.9.210(2)** ~~3-30.410(2)~~. (Ord. 3322 12/14/09)

SECTION 2.9.290 RECREATIONAL VEHICLES (Ord. 3322 12/14/09)

Recreational vehicles placed on sites are required to either:

- 1) Be on the site for fewer than 180 consecutive days.

- 2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- 3) Meet the requirements of LUDO ~~2.9.280~~ ~~3.30.490~~ above and the elevation and anchoring requirements for manufactured homes.

SECTION 2.9.300 BELOW-GRADE CRAWL SPACES (Ord. 3322 12/14/09)

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01: *Crawlspace Construction for Buildings Located in Special Flood Hazard Area*, and depicted in Figure 2-6, Figure 2-7 and Figure 2-8, below.

- 1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed by the required openings stated in Subsection 2 below. Because of hydrodynamic loads crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- 2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- 3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction is to elevate the bottom of joists and all insulation ~~one~~ (1) foot above BFE.
- 4) Any building utility systems within the crawlspace must be elevated ~~one~~ (1) foot above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed ~~one~~ (1) foot above the BFE or sealed from floodwaters.
- 5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- 6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

- 7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- 8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

THERE IS A CHARGE ADDED TO THE BASIC POLICY PREMIUM FOR A BELOW-GRADE CRAWLSPACE.

FIGURE 2-6: PREFERRED CRAWLSPACE CONSTRUCTION

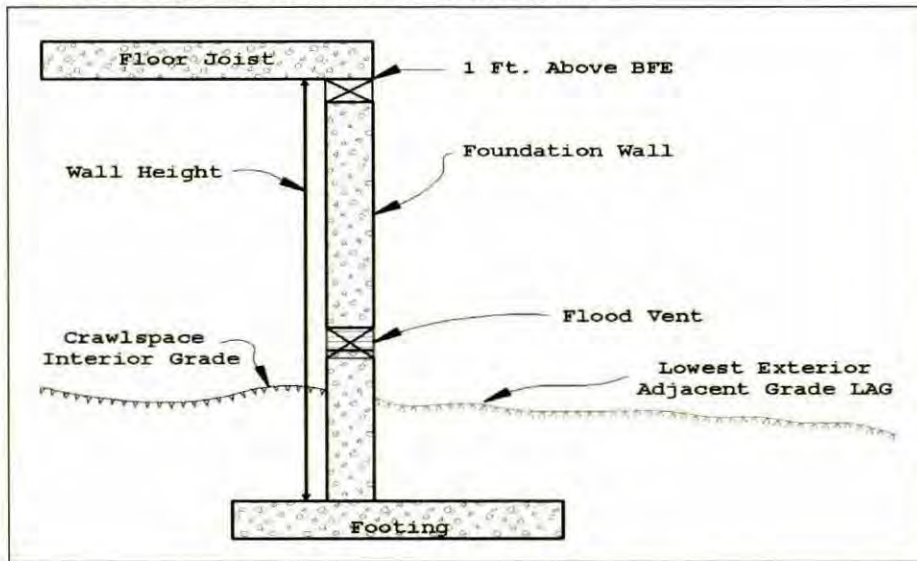


FIGURE 2-7: BELOW-GRADE CRAWLSPACE CONSTRUCTION

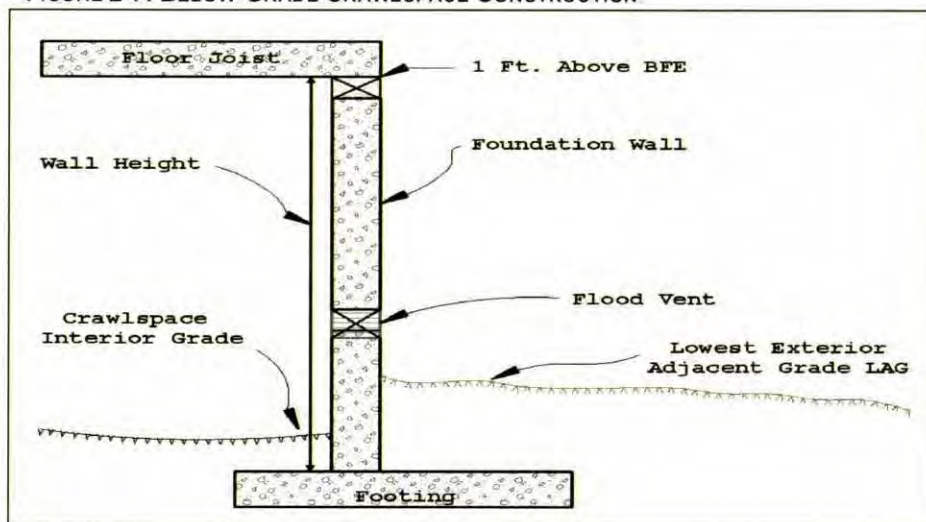
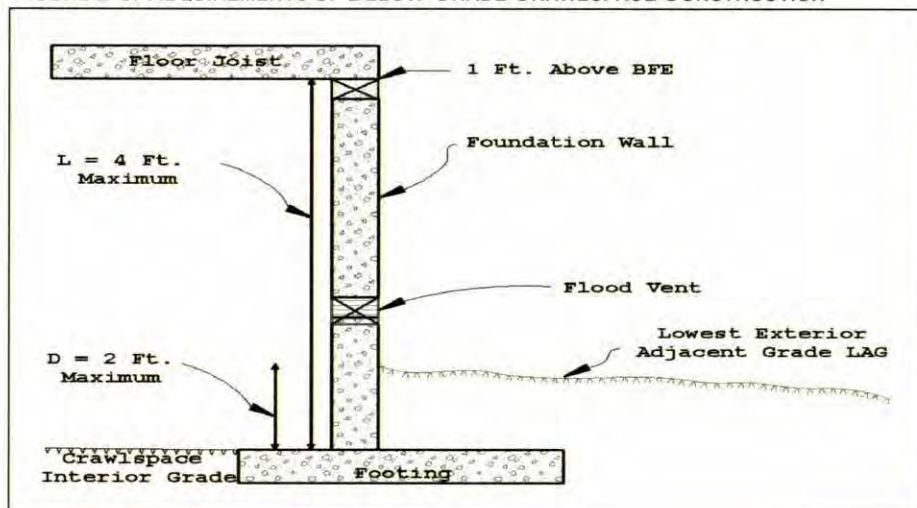


FIGURE 2-8: REQUIREMENTS OF BELOW-GRADE CRAWLSPACE CONSTRUCTION



SECTION 2.9.310 FLOODWAYS (Ord. 3322 12/14/09)

Located within areas of special flood hazard established in Section ~~2.9.070 3-30-210~~ are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) If Section ~~2.9.310(1) 3-30-500(1)~~ is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section ~~2.9.200 3-30-400~~ through ~~2.9.310 3-30-500~~ PROVISIONS FOR FLOOD HAZARD REDUCTION.

~~(Section 3-30-520 — deleted per Ord. 3322 12/14/09)~~

SECTION 2.9.320 BEFORE REGULATORY FLOODWAY DESIGNATION (Ord. 3322 12/14/09)

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-A30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 2.9.330 CRITICAL FACILITY (Ord. 3322 12/14/09)

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain.) Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible.

ARTICLE 10

HILLSIDE DEVELOPMENT / GEOLOGIC REVIEW OVERLAY

SECTION 2.10.010 PURPOSE AND INTENT

The intent of ~~this Article Sections 3.35.700 through 3.35.740~~ is to provide regulations for development in hillsides that relates to topography, geology, hydrology, and fire risks. These regulations relate to the steepness of slopes and geologic conditions. The specific purpose of this ~~Article Section~~ is to ensure that Hillside Development occurs in a manner that:

- 1) Ensures public health, safety, and general welfare.
- 2) Provides for appropriate Hillside Development consistent with the allowed density provided by the zoning classifications.
- 3) Addresses potential risks that can result from steeply sloped sites and geologic hazard areas.
- 4) Minimizes potential hazards from fire, water, and unstable soils.
- 5) Helps ensure stability of steep slopes and protection of environmental resources.

~~The provisions of Sections 3.35.700 through 3.35.740 are intended to provide flexible development standards while~~

- 6) Reduces ~~ing~~ potential risks associated with hillside erosion, sedimentation on lower slopes, and damage from landslides while providing flexible development standards.

SECTION 2.10.020 DEFINITIONS

For the purpose of ~~this Article, Sections 3.35.700 through 3.35.740~~, the following terms and phrases apply. If the general definitions in Section ~~1.1.110 4.090~~ of the *City of Roseburg Land Use and Development Ordinance* (LUDO) conflict, the following definitions take precedence:

- 1) **AMERICAN PUBLIC WORKS ASSOCIATION:** APWA.
- 2) **BENCH:** A relatively level step excavated into earth material on which fill is to be placed.
- 3) **BENCHING:** The sidewall cutting in a stair step configuration, which minimizes the height of each vertical surface and reduces the total volume of soil removed.
- 4) **BEST MANAGEMENT PRACTICE (BMP):** A practice used to reduce negative impacts from a particular land use.
- 5) **CERTIFIED ENGINEERING GEOLOGIST:** A Registered Geologist who is certified in the specialty of Engineering Geology under provisions of Oregon Revised Statutes

(ORS) 672.505 to 672.705.

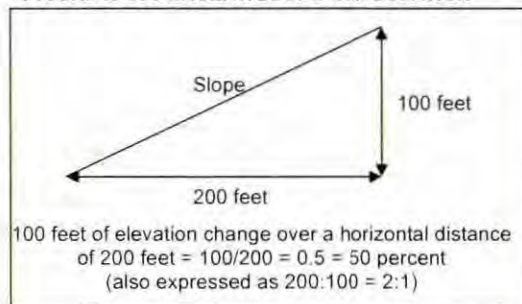
- 6) **CLEAR ZONE (FIRE):** An encircled area surrounding a building where brush, trees, and other vegetation nearby are modified or eliminated, to provide a defensible space. A clear zone may help alleviate the spread of fire and/or provide space for fire suppression equipment in the event of an emergency.
- 7) **CLEARING:** The cutting, moving on the site, or removal of standing or fallen timber; the removal or moving on a site of stumps; or the cutting and removal of brush, grass, ground cover, or other vegetative matter from a site in a way that exposes the surface of the site.
- 8) **CONSTRUCTION AREA:** The total area of alteration of the naturally occurring ground surface resulting from construction activities.
- 9) **DEQ:** Department of Environmental Quality
- 10) **ENGINEERING GEOLOGY REPORT:** A report by a State of Oregon Certified Engineering Geologist that provides a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed.
- 11) **EROSION:** The wearing away of earth's surface as a result of movement of wind, water, or ice.
- 12) **EROSION CONTROL:** Measures that provide for erosion and sediment control for any clearing, grading, excavating, or stockpiling of material, including areas of less than one (1) acre of land and which do not require a DEQ 1200-C NPDES General Permit.
- 13) **EXCAVATION (CUTTING):** The mechanical removal of earth material.
- 14) **FILL MATERIAL:** A deposit of earth or other natural or man-made material placed by artificial means.
- 15) **FILLING:** The act of placing fill material, including the temporary stockpiling of fill material.
- 16) **GEOTECHNICAL ENGINEER:** A Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices.
- 17) **GEOTECHNICAL REPORT:** A report prepared and stamped by a State of Oregon Registered Geotechnical Engineer evaluating site conditions and recommending design and mitigation measures. This report will include steps necessary to reduce risks associated with development and to facilitate a safe and stable

development. A geotechnical report must be prepared in accordance with the report requirements identified in the approved and adopted checklist on file the Community Development Department.

- 18) **GRADING/GROUND DISTURBANCE:** Any excavating and/or filling of the earth's surface or combination thereof that falls within the provisions of Section ~~3.1.040(12)~~ ~~2.3-075-12~~ or Chapter ~~6~~ 4 of this Ordinance.
- 19) **HIGH RISK (FIRE):** Areas considered having a high-risk fire potential due to the type of vegetation onsite, as well as climate, wind, and geographic conditions. Areas where, if fire occurs, it would prove difficult to access or suppress; developing areas with excessive fuel loadings (e.g., vegetation); developing areas lying outside a fire protection district; developing areas adjacent to public lands where terrain and fuel loads pose an increased fire risk; areas with a lack of water resources for fire suppression; areas where pending development may compound fire risk; areas where, if fire starts, it could spread to sensitive areas, such as community watersheds, archeological resources, wildlife habitat, oil or gas fields, etc.; and residential areas in which escape routes are the same as those routes fire-fighting trucks and equipment would use in emergencies.
- 20) **HILLSIDE/GEOLOGIC REVIEW AREAS:** Any property within and identified on the City of Roseburg Slope Map adopted by reference herein or lands having slopes greater than 12%.
- 21) **LANDSLIDE:** Abrupt down slope movement of a mass of soil or rock.
- 22) **LIQUEFACTION:** A process in which soil loses strength and behaves like a liquid.
- 23) **MANSARD ROOF:** A roof that has two slopes on any of the sides. The lower slope is steeper than the upper slope.
- 24) **MITIGATION:** An action designed to avoid, minimize, or eliminate project-induced impacts.
- 25) **NPDES:** National Pollution Discharge Elimination System.
- 26) **ODOT:** Oregon Department of Transportation.
- 27) **ORS:** Oregon Revised Statutes.
- 28) **RIGHT-OF-WAY:** An area of land typically extending from the property/lot line of an abutting lot or parcel; intended primarily to be occupied by streets, public utilities, infrastructures, sidewalks, curbs, and gutters.
- 29) **SLOPE SETBACK:** A building's clearance (horizontal distance from an ascending or descending slope). Setbacks are required in most situations where a structure is to be built near a slope.

- 30) **SLOPE:** An inclined earth surface, the inclination of which is expressed as the ratio of vertical distance to horizontal distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A 50% slope, for example, refers to a 100 foot rise in elevation over a distance of 200 feet. A 50% slope is expressed in engineering terms as a two-to-one (2:1) slope as shown in the Figure 2-9: titled Percent/Slope Calculations.

FIGURE 2-9: PERCENT/SLOPE CALCULATION



- 31) **STEP-BACKS:** Successive stories that recede farther back from the lower story. Step-backs are established to avoid excessive bulk of a structure.
- 32) **TERRACE:** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION 2.10.030 APPLICABILITY

The Hillside Development regulations outlined in ~~this Article Sections 3.35.740 through 3.35.740~~, and application checks referenced herein which are hereby incorporated and are adopted, apply to areas within and identified on the City of Roseburg Slope Map, which is hereby adopted by reference and incorporated herein, or on lands having slopes greater than 12%.

1) Procedures

- a) The Director of the Community Development Department shall have the authority to review Hillside Development pursuant to ~~Section 3.1.030 Article 3, Section 2.3.050~~.
- b) For development on lots or parcels platted before the date of the enactment of this Section or for which no other administrative, Planning Commission or Legislative action is required, the Director shall provide an informational/courtesy notice of the proposal to all property owners within 100 feet of the subject property. The notice shall include:

- i) The location, a description of the subject property, reasonable calculations to identify the actual property, and
- ii) Explain the nature of the proposal including such things as type, size, and scope.

2) Application and Submittal Requirements

- a) No lands identified by the City of Roseburg Slope Map or having a slope greater than 12% shall hereafter be developed or physically altered until plans have been approved in accordance with the provisions of this Article ~~Section 3.35.700~~.
- b) Applicants for residential Hillside Development are advised to schedule a pre-application conference with the Community Development Department to acquaint themselves with the requirements of this Ordinance, the *City of Roseburg Comprehensive Plan*, and development requirements. For development of one single-family unit on an existing lot of record, a pre-application conference is encouraged, but not required.
- c) A pre-application shall be submitted to the Director of Community Development ten (10) working days prior to the scheduled pre-application conference. The pre-application submittal is to include a completed pre-application form along with appropriate maps and preliminary plans. Refer to the Hillside Development Application Checklist on file with and available from the Community Development Department for guidance on the type of conceptual information to provide.
- d) Approval of hillside development shall require a complete application form being submitted to the Director of Community Development, along with appropriate items identified in the pre-application conference record, conforming to the requirements set forth in Site Plan Review, Section 3.1.040 ~~Article 3, Section 2.3.075~~ of this Ordinance, and shall include required plans and map, the Geotechnical Report per the items specified in Requirements A or A1 and required by the Hillside Development Application Checklists C, C1, or C2, on file with the Community Development Department. Plans submitted to the Director of Community Development shall consist of maps, drawings, written descriptions, and other materials necessary and appropriate to determine that the proposal conforms to the requirements of this Ordinance.

3) Final Plans/As-Builts

- a) Preliminary drawings shall be submitted with the initial development application.
- b) Final drawings shall be submitted prior to issuance of building permits.
- c) As-built drawings shall be submitted within 30 days of project completion.

SECTION 2.10.040 DEVELOPMENT CRITERIA AND STANDARDS

When a proposal is submitted for land division, Planned Unit Development and/or Site Plan Review said development shall comply with the following criteria and standards:

- 1) The permitted density is established by the underlying zoning for lands in Hillside/Geologic Review Areas. Density may be relocated to less steep sloped areas of the property in order to reduce the amount of cut and fill, allow for cluster development, as well as other development concepts such as zero-lot line, attached single family, etc. In cases where the allowed density will be relocated thereby leaving steeper slopes undisturbed ~~undistributed~~, a density increase will be allowed based on the gross acreage and slope category of the undeveloped area as listed below.
 - a) Level 1 - the density for slopes greater than 12% and up to 25% shall be increased by one (1) unit per gross acre for the area to be left undeveloped regardless of the underlying zoning.
 - b) Level 2 - the basic density for areas with slopes greater than 25% and up to 35% shall be increased two (2) units per gross acre for that area left undeveloped.
 - c) Level 3 - the basic density for areas with slopes greater than 35% shall be increased by four (4) units per gross acre for that area to be left undeveloped.

In order to verify allowed increases in densities beyond that allowed by the underlying zoning classification and to establish the ultimate permitted density, slope density calculations shall be submitted on forms furnished by the Community Development Department. As a condition of density transfer, a deed restriction that assures permanent retention of the transfer land area as open space shall be recorded with the Douglas County Recorder within 30 days of the site review approval.

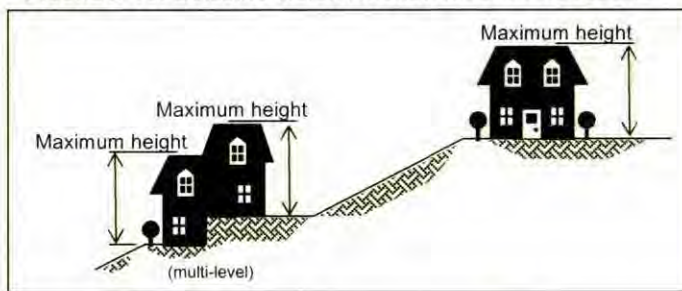
2) Location/Features

- a) Cluster, zero lot-line, and other similar development is permitted in the Hillside/Geologic Review Area and is encouraged as a means of preserving the natural hillside, reducing ground disturbances, and limiting vegetation removal. Under this concept, buildings should be grouped to leave steeper slopes undisturbed.
- b) Development plans are to indicate slope percentages by shading. If density transfer is requested, plans are to include calculations to indicate the amount of area and available density to be applied elsewhere within the development.

3) Hillside Height Measurement

- a) The maximum allowable building height shall comply with the underlying zoning standards.
- b) Building height shall be measured as the vertical distance from the existing or planned grade of the pad or from the level of the first occupied floor elevation to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs as demonstrated in the Figure 2-10: titled Building Height Measurement Procedure. For split-level construction, each building component shall be measured from the site pad or floor level at the point of the building foundation on which that component is located. Multi-level structures are encouraged to provide step-backs as a way of reducing the mass and bulk of such structures.

FIGURE 2-10: BUILDING HEIGHT MEASUREMENT PROCEDURE

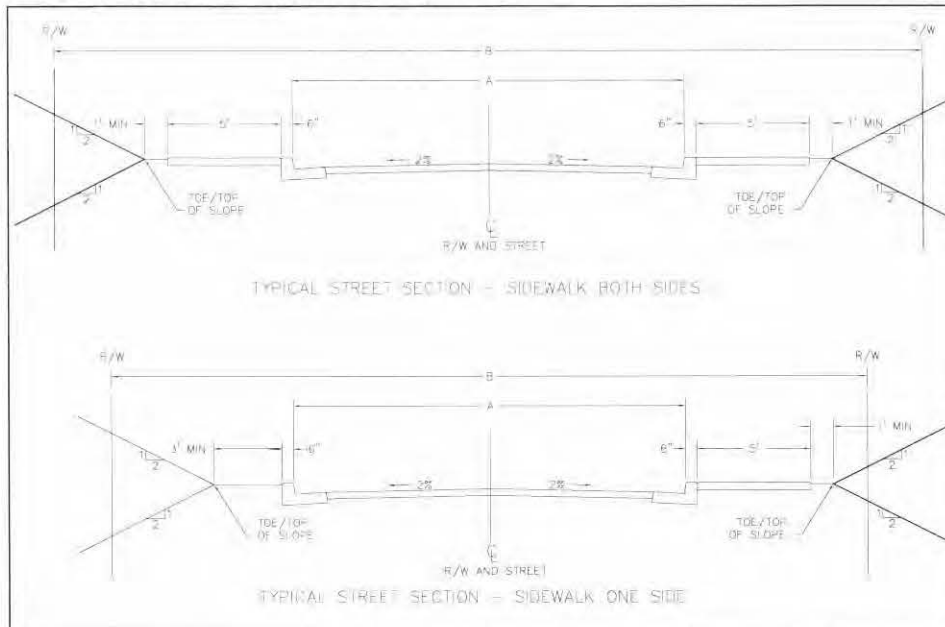


- 4) Lot Size. Minimum lot sizes and dimensions in the Hillside/Geologic Review Area shall be established with the site plan review, land division, or Planned Unit Development based on the type of structures (e.g., detached single-family dwellings, attached single-family dwellings, zero lot line), but shall not be less than a minimum of 3,000 square feet for each detached single family dwelling unit(s), and shall provide for, but not be limited to, the following:
 - a) Density consistent with that permitted by the underlying zoning or that established by the slope density Level shown on the required slope density map.
 - b) Conform to mitigation measures identified in the Geotechnical Report.
- 5) Yard Setbacks. Lots shall provide yard setbacks consistent with the underlying zoning or those recommended in an approved Geotechnical Report.
- 6) Pads. Split pad or stepped footings shall be used when possible to allow the structure to more closely follow the slope.
- 7) Foundations

- a) Foundations shall be in conformance with the requirements of Geotechnical Report and if required designed by a Geotechnical or Professional Engineer as provided by ORS 672.002 to 672.325.
 - b) Split-level foundations are encouraged when appropriate for the site contours.
 - c) When appropriate, based on recommendations included in the Geotechnical Report, multi-level building footprint shall be used to reduce scarring.
- 8) Access Standards
- a) Streets shall meet the standards included in the latest adopted *City of Roseburg Transportation System Plan* and as adopted by the Department of Public Works construction standards that are in effect at the time of the proposed development.
 - b) Alternative street standards depicted herein may be used in Hillside Developments as shown in the Figure 2-11: ~~titled~~ Hillside Street Alternatives, unless otherwise required by the Director of Public Works and justified by the Geotechnical Report. Dead end streets shall have an approved turn-around area; however, dead end streets are discouraged.
 - c) Streets are to follow the natural terrain whenever feasible. Travel ways, walkways, and parking areas are to be designed to parallel the natural contours of the site.
 - d) Driveways used to access onsite parking shall comply with the following criteria as further defined by the Figure 2-12: ~~titled~~ Hillside Driveway Access Grades:
 - i) Maximum grade of driveway from property line to face of garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length, except as provided otherwise herein.
 - ii) Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.
 - iii) When determined necessary at the time of site plan review, to provide for emergency apparatus access, access drives exceeding 20 feet in length may need to provide a minimum 20 feet wide paved area back from the face of the garage/parking not exceeding five percent (5%) grade.
 - iv) Landscape features, retaining wall, fences, and other elements shall comply with clear vision requirements and shall be located solely behind the property line.

- v) Unless otherwise approved, in the cases of a curved driveway, the inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the center point to provide for emergency apparatus access.
- e) With the approval of the Fire Chief, driveways that are greater than 100 feet in length may have intermittent sections of grades up to a maximum of 20% provided that:
 - i) The 100 foot distance back from the structure maintains the 15% grade described herein.
 - ii) Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.
 - iii) An approved fire apparatus turnaround area having a grade no greater than ten percent (10%) is provided.
- f) Driveways shall conform to the width requirements of Section **3.2.100** ~~3.35.210~~; however, the Director of Public Works and the Fire Chief may require additional width in order to meet the purpose and intent of this Ordinance.
- g) Parking shall meet the requirements of Section **3.2.010** ~~3.35.100~~; in addition, when driveways exceed 150 feet in length, one additional on-site paved parking area shall be provided for each additional 50 feet up to a maximum of five (5) spaces.

FIGURE 2-11: HILLSIDE STREET ALTERNATIVES



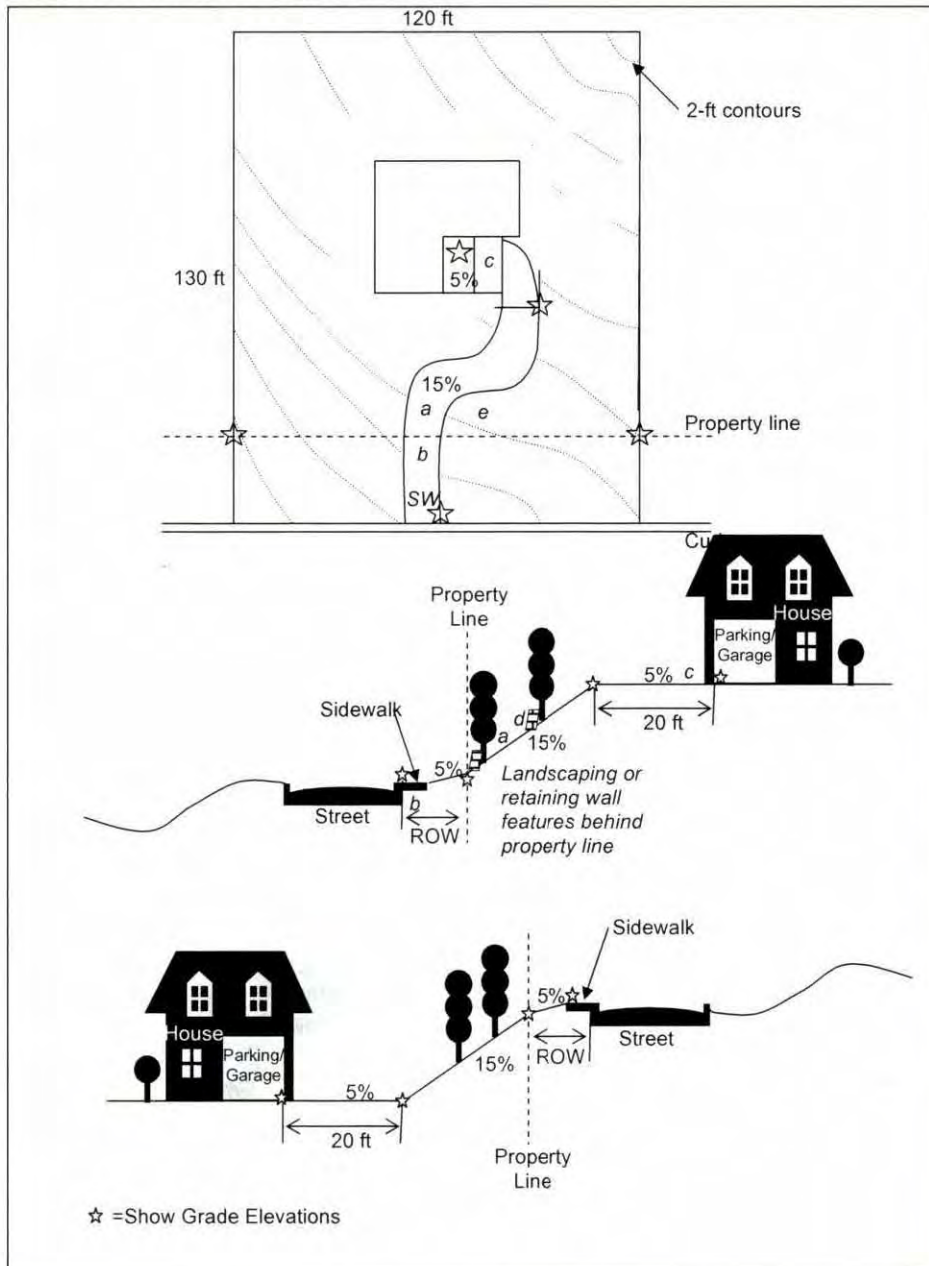
| Street Designation | ROW Width "B"* | Paving Width "A" | | | Sidewalks ** |
|--|-------------------|------------------|---------------------|----------------------|-----------------|
| | | No Parking | Parking One Side | Parking Two Sides | |
| Local hillside residential streets | 40 ft | 24 ft | - | - | 1 @ 5 ft |
| | 40 ft | - | 28 ft | - | 1 @ 5 ft |
| | 45 ft | - | - | 34 ft | 1 @ 5 ft |
| | 45 ft | 24 ft | - | - | 2 @ 5 ft |
| | 45 ft | - | 28 ft | - | 2 @ 5 ft |
| | 50 ft | - | - | 34 ft | 2 @ 5 ft |
| Collector hillside residential streets with shared bike route permitted in place of standard collector subject to the provision below*** | 40 ft | 28 ft | - | - | 1 @ 5 ft |
| | 50 ft | - | 36 ft | - | 1 @ 5 ft |
| | 55 ft | - | - | 42 ft | 1 @ 5 ft |
| | 45 ft | 28 ft | - | - | 2 @ 5 ft |
| | 55 ft | - | 36 ft | - | 2 @ 5 ft |
| | 60 ft | - | - | 42 ft | 2 @ 5 ft |

* Slope easement or additional ROW may be required for cut and fill slopes. Cut and fill slopes necessary for street constructions are not allowed on private property unless a slope easement is obtained. No retaining walls or armoring rock allowed within ROW

** Sidewalks required on both sides of street unless the natural cross slope exceeds 15 percent or approved by Public Works Director.

*** Allowed where a demonstrated projection of a lack of bike use or where the cost of bike lane improvements would be excessively disproportionate to the need or probable use
Lanes may have an offset centerline to allow wider uphill lanes to accommodate bicycles.

FIGURE 2-12: HILLSIDE DRIVEWAY ACCESS



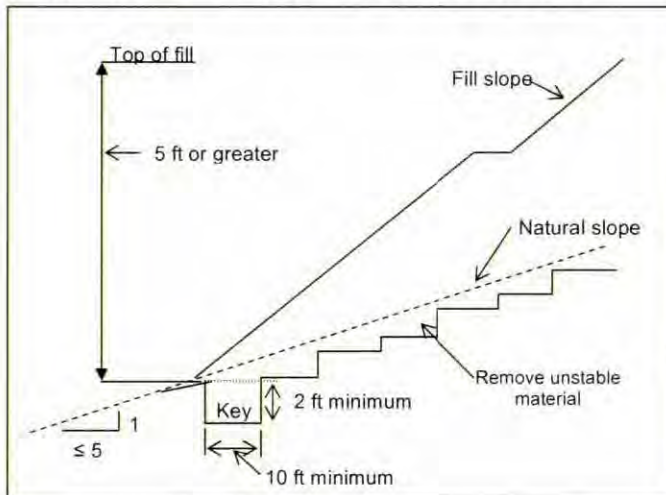
SECTION 2.10.050 GENERAL REQUIREMENTS

The following requirements are generally the minimums that apply to lands shown on the City of Roseburg Slope Map or having a slope of greater than 12%; however, based on information provided by an accepted and approved Geotechnical Report verifying that the intent and purpose of this Ordinance is being carried out and appropriate mitigations are identified and in place, the Director of Community Development is authorized to allow for the recommendations contained in said report that may differ from the strict application of the following:

- 1) Development Time Periods
Grading, drainage improvements, or other ground disturbances on slopes of greater than 12% shall occur from April 15 to October 15; however, nothing in the Ordinance shall preclude immediate action to be taken in cases of emergency.
- 2) Grading Requirements
Preliminary grading plans shall be consistent with the latest version of the International Building Code (IBC), as amended by the State of Oregon, and shall comply with the Hillside Development Application Checklist available from the Community Development Department.
- 3) Excavation Requirements
Excavation requirements shall be consistent with the latest version of the IBC, as amended by the State of Oregon.
 - a) Cut Requirements
 - i) The slope of cut surfaces shall be no steeper than is safe for intended use and shall be no steeper than two (2) horizontal to one (1) vertical as shown on the Figure 2-9: ~~titled~~ Percent/Slope Calculations.
 - b) Fill Requirements
 - i) Ground surfaces shall be prepared to receive fill by removing vegetation, topsoil, and other unstable materials, and scarifying the ground to provide a bond with the fill material.
 - ii) Where existing grade is at a slope steeper than five (5) horizontal to one (1) vertical (20%) and the depth of the fill exceeds five (5) feet, benching shall be provided in accordance with the Figure 2-13: ~~titled~~ Benching Details.
 - iii) Fill material shall not include organic, frozen, or other deleterious material. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills.
 - iv) All fill materials shall be compacted to a minimum of 95% of maximum density per ASTM D-698 Standard Proctor Test.

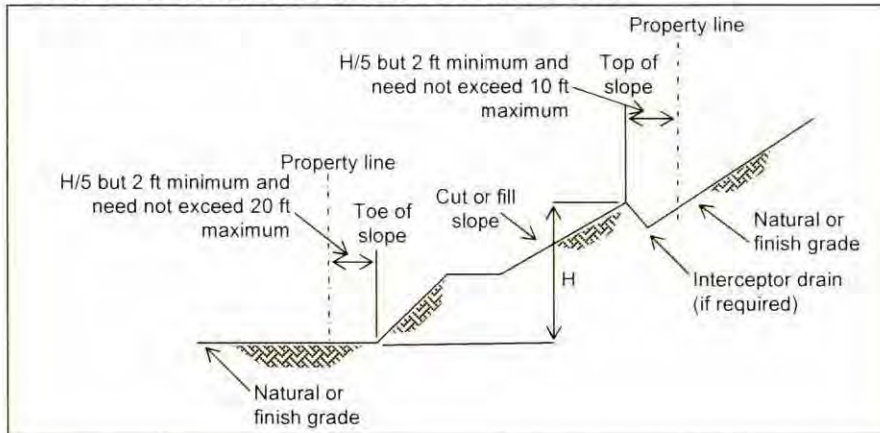
- v) The slope of fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 2 horizontal to 1 vertical (50%).

FIGURE 2-13: BENCHING DETAILS - SOURCE IBC 2003



- 4) Slope Setbacks Requirements for Cut/Fill Slopes
Slope Setback requirements shall be consistent with the latest version of the IBC, as amended by the State of Oregon.
- a) Cut and fill slopes shall be set back from property lines in accordance with this Section. Slope setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure 2-14: ~~titled~~ Drainage Dimensions.
- b) The slope setback at the top of a cut slope shall be as shown in ~~Drainage Dimensions~~ Figure 2-14, or what is required to accommodate any required interceptor drains.

FIGURE 2-14: DRAINAGE DIMENSIONS - SOURCE IBC 2003



c) Where required to protect against adjacent properties at the toe of a slope from adverse effects of the grading, additional protection shall be included. Such protection may include but shall not be limited to:

- i) Setbacks greater than those required by Drainage Dimension Figure 2-14: Drainage Dimensions.
- ii) Provisions for retaining walls or similar construction.
- iii) Erosion protection of the cut and fill slopes.
- iv) Provision for the control of surface water.

5) Erosion Control Requirements

Erosion control measures shall meet the latest adopted *DEQ Erosion and Sediment Control Manual* for erosion control requirements, including but not limited to:

- a) Construction of any building that disturbs one acre or more of land through clearing, grading, excavating, or stockpiling of fill material requires a DEQ 1200-C NPDES General Permit. This permit requires an Erosion and Sediment Control Plan and BMPs to be incorporated into land-disturbing construction work. BMPs are used on the project site to prevent erosion and control sediment runoff from the project site. Erosion control BMPs can be found in DEQ Construction Storm Water Permit Guidance 1200-C NPDES General Permit (2006).
- b) For construction on land of less than one acre, the minimum BMPs to consider include:

- A responsible agent shall be designated during project construction.
- Scheduling to avoid earth-disturbing activities during wet weather.
- Perimeter sediment controls.
- Storm drain inlet protection.
- Site entrance and exit controls.
- Non-storm Water pollution controls, such as materials use and waste management BMPs.
- Covering or otherwise protecting stockpiles.
- Projects that include slopes susceptible to erosion, including runoff and erosion prevention measures (see *DEQ Erosion and Sediment Control Manual Sections 4 and 5 respectively*).
- The designated project agent or engineer should inspect BMPs regularly to identify areas in need of maintenance or improvement to minimize pollutant discharges.
- Provide and maintain check dams in area where a concentration of water runoff may transport sediment.

c) All man-made slopes four feet or higher are to be planted with plantings suited to hillsides that will aid in erosion control and slope stability. Such plantings are to be appropriately irrigated until established and are self-sufficient.

6) Storm Water Drainage Requirements. Storm Water drainage shall meet the City of Roseburg's current storm water design requirements in the latest version of *City of Roseburg Storm Water Management Design Standards*.

7) Construction Standards shall meet the requirements in the latest adopted City of Roseburg Public Work's *Construction Specifications and Standards Drawings*.

8) Encroachment in the public right-of-way shall not be permitted, unless a revocable encroachment permit is granted by the Department of Public Works.

9) Terraces and Retaining Structures

a) Steep cut or fill slopes greater than two-to-one (2:1) shall be retained with engineered retaining structures, such as stacked rock, retaining walls, rock buttresses or a functional equivalent engineered structure to control erosion and stabilize slope.

b) Cut faces on terraced sections shall not exceed a maximum height of 15 feet.

c) Terrace widths shall be a minimum of three (3) feet for vegetation.

d) Total cut slopes are not to exceed a maximum vertical height of 40 feet, provided that there is terracing at least every 15 feet in height to discourage massive slopes and encourage terraced landscape slopes.

- e) Retaining structures greater than four (4) feet in height, as measured from the bottom of the footing to the highest point, are required to be engineered. Retaining structures at the toe of a slope or within six (6) feet of a foundation shall be engineered regardless of height.

Retaining structures shall follow the natural contours of the slope where feasible, and all materials used to construct retaining structures shall consist of native stone, poured-in-place concrete, pre-cast concrete block, or other approved material determined to be similar to and consistent with the those materials listed herein.

SECTION 2.10.060 VEGETATION REQUIREMENTS

1) Stabilization

- a) Prior to the removal of vegetation, including trees, and in conjunction with the required Geotechnical Report, an analysis shall be submitted to identify the slope stability with and without such plantings. Based on the information contained in the report, measures shall be implemented to assure that the intent and purpose of this Ordinance is met, including tree replacement.
- b) Notwithstanding the provision listed above; generally, thinning is preferred over removal of native and specimen trees.
- c) Ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved with care taken to preserve specimen trees.

2) Protection

The following criteria apply when specimen trees or trees having a trunk diameter of 18 inches or greater, as well as other existing or proposed vegetation or plantings located outside the boundaries of the property being developed, require protection during the construction process:

- a) Construction site activities, including material storage, are to be located and arranged so as to prevent disturbances of designated tree protection areas. Areas to remain undisturbed are to be protected with temporary fencing.
- b) Vegetation outside the construction site boundary, as well as other vegetation designated on the approved plans is to be protected by installing temporary fencing. This includes trees, major roots, and other vegetation not specifically designated for removal.
- c) Fencing is to be placed, at a minimum, along the drip line of the tree(s) that will be preserved, unless an alternative placement is approved. The location and type of the protective fencing shall be shown on approved plans.

- d) Use of equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to preserved vegetation may be specified as a condition of approval. Equipment and materials shall be kept off of critical root zones. Equipment and materials shall be restricted to the construction site boundary. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval.

3) Re-vegetation

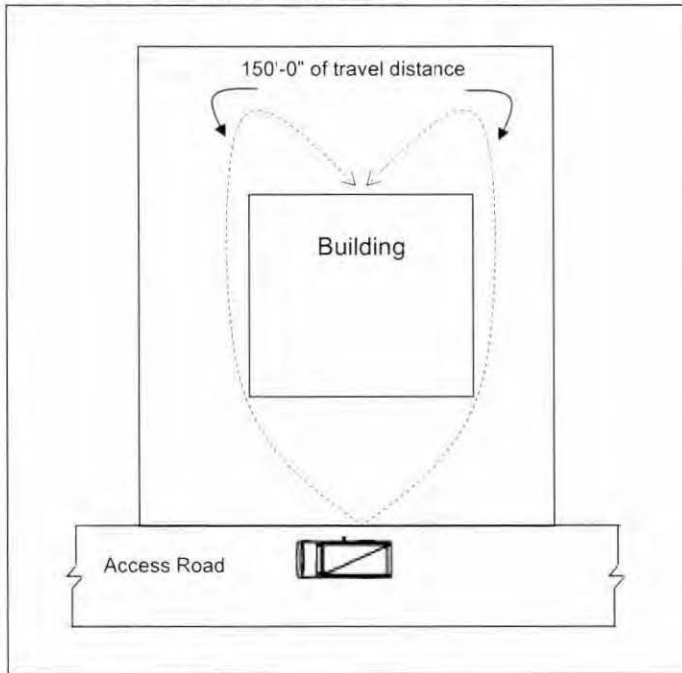
- a) The following criteria apply when lands will be re-vegetated
- b) Native or species similar to those removed are preferred for re-vegetation.
- c) Re-vegetation should be installed to provide slope stabilization and to reduce the visual impact of cuts.
- d) Maintenance of re-vegetated areas is required until plantings are established.
- e) Vegetation within:
 - i) 30 feet on slopes of greater than 12% to 25%;
 - ii) 50 feet on slopes of greater than 25 to 35%; and
 - iii) 70 feet on slopes greater than 35%,

of any building shall be especially fire resistant, irrigated, and carefully spaced to minimize the threat from intense flames and sparks. Fire resistant plants may be chosen from Fire-Resistant Plants for Oregon Home Landscapes (2004) or other sources.

SECTION 2.10.070 FIRE PROTECTION

- 1) Within 150 feet of all portions of a facility and all portions of the exterior wall of the first story of the building, an approved route around the building or facility to serve as, and meeting the requirements of, a Fire Apparatus Access Route shall be provided as shown in Figure 2-15: ~~titled~~ Fire Apparatus Access Road.
- 2) In areas of high risk, there shall be a clear zone around buildings. Clear zones shall increase with the increase in slope as follows:
 - a) 30 feet on slopes of greater than 12% to 25%;
 - b) 50 feet on slopes of greater than 25 to 35%; and
 - c) 70 feet on slopes greater than 35%,

FIGURE 2-15: FIRE APPARATUS ACCESS ROAD



- 3) The following standards are applicable in high risk areas:
 - a) The volume of vegetation within the clear zone will be kept to a minimum. Plants and trees shall be limited to carefully spaced fire resistant species.
 - b) Automatic systems shall be required where access for fire equipment and water supply is not available.
 - c) Noncombustible building materials shall be used in areas of high risk.
- 4) Conditions of approval may require additional clear zones as listed in the *Firewise Landscaping Checklist* (2006).
 - a) Zone 1. This well-irrigated area encircles the structure for at least 30 feet on all sides, providing space for fire suppression equipment in the event of an emergency. Plantings should be limited to carefully spaced, low flammability species.
 - b) Zone 2. Low flammability plant materials should be used here. Plants should be low-growing, and the irrigation system should extend into this Section.

- c) Zone 3. Place low-growing plants and well-spaced trees in this area, remembering to keep the volume of vegetation (fuel) low.
- d) Zone 4. This furthest zone from the structure is a natural area. Selectively prune and thin all plants and remove highly flammable vegetation.

SECTION 2.10.080 BLASTING

Blasting methods shall be consistent with *Section 00335 – Blasting Methods and Protection of Excavation Backslopes in ODOT/APWA Oregon Standards Specifications Part 00300 – Roadwork* (2002), and be in conformance with the requirements of the *City of Roseburg Municipal Code*.

SECTION 2.10.090 ENFORCEMENT

The City's enactment and enforcement of this Ordinance shall not be construed for the benefit of any individual person or group of persons other than the general public.

As provided herein, the Director of Community Development is given the authority to interpret, apply, and enforce this Ordinance to accomplish the stated purpose.

The City may withhold, condition, or deny development permits or activity approvals to ensure that the proposed action is consistent with this Ordinance.

The City is authorized to make site inspections and take such actions as necessary to enforce the provisions of this Ordinance. A City representative may enter onto private property with the consent of the owner, occupant, or pursuant to warrant. When a designated hillside area has been altered in violation of this Ordinance, all ongoing development work shall stop and the area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Ordinance. Any development carried out contrary to the provisions in this Ordinance shall constitute a public nuisance and pose a risk to the public health, safety, and welfare.

(Sec [Article 10 of Chapter 2](#) 3-35-700-3-35-740 entirely Ord. No. 3274, 8/2007)

ARTICLE 11

HISTORIC DISTRICTS OVERLAY

SECTION 2.11.010 SITE REVIEW FOR REGISTERED HISTORIC RESOURCES

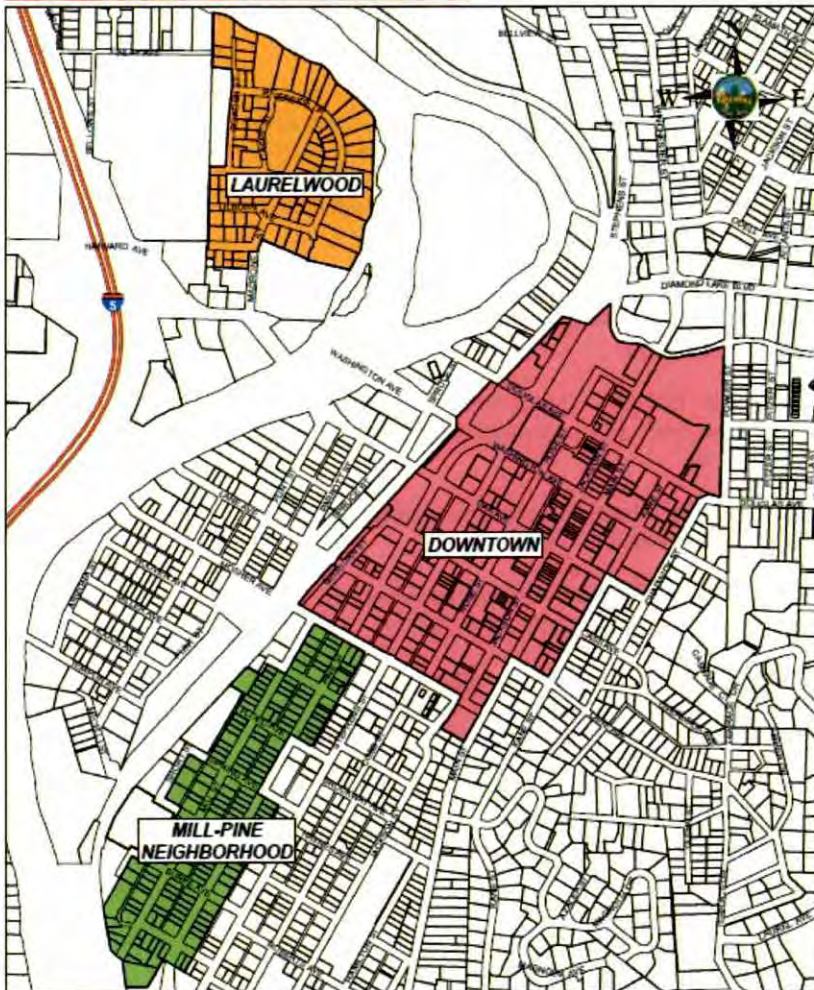
SPECIAL ADDITIONAL SITE REVIEW FOR REGISTERED HISTORIC RESOURCES

The purpose of the historic preservation provisions is to preserve, protect, maintain, and enhance those historic resources which represent or reflect elements of the cultural, social, economic, political, and architectural history. Historic resources are the sites, buildings, structures, objects, natural features, or specific districts that relate to events or conditions of our past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review any changes including alterations, remodel, additions, demolitions, and/or new construction proposals at the time of site review to ensure that registered historic resources are preserved. (Ord. No. 3355, 8/27/2010)

SECTION 2.11.020 HISTORIC RESOURCES

For the purposes of this Section, historic resources which are defined as sites, buildings, properties, or features within the Roseburg City limits that have been inventoried and/or are located within a designated historic district or otherwise listed on the City of Roseburg Historic Resource Register, the Douglas County Historic Resource Register and/or the National Register of Historic Places. Designated historic districts are shown on the following page in Figure 16: Historic Districts Overlay. (Ord. No. 3355, 8/27/2010)

FIGURE 2-16: HISTORIC DISTRICTS OVERLAY



SECTION 2.11.030 EXTERIOR REMODELING/ALTERATION PROCEDURE
(Ord. No. 3355, 8/27/2010)

EXTERIOR REMODELING OR ALTERATION OF HISTORIC RESOURCES

Upon receipt by the Community Development Department of all site plan review requests for exterior alteration of a historic resource, the Director shall within 15 working days, review the permit application for completeness and refer the request to the Historic Resource Review Commission to review the permit request within 30 working days of the date the complete application was submitted. The Commission shall review the permit request and shall:

- 1) Notify the applicant of the time and place of the review and be encouraged to be present. A failure to initiate review within 30 working days of completeness shall be considered as an approval of the application.
- 2) Direct the Director to submit to the Building Department a statement of development approval if the Committee finds the proposed alterations to be in compliance with Section 2.11.070 2-3-400.
- 3) Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.11.070 2-3-400,
 - a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.11.070 2-3-400, or
 - b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or
 - c) Provide the applicant with information concerning local, state, and federal preservation programs so that the applicant may gain knowledge of alternatives available to him.

SECTION 2.11.040 ADDITIONS TO HISTORIC RESOURCES

Upon receipt by the Community Development Department of a request for construction of an addition on a designated historic property, the Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Commission shall review the request and shall:

- 1) Notify the applicant of the time and place of the review and be encouraged to be present.
- 2) Direct the Director to submit to the Building Department a statement of

development approval if the Commission finds the proposed addition to be in compliance with Section **2.11.070** ~~2.3.400~~ or **2.11.080** ~~2.3.450~~ as applicable.

- 3) Initiate one of the following if the Commission finds the proposed construction or addition to a historic resource inventoried as significant, primary, contributing, eligible-contributing, eligible-significant and/or similarly classified to be in non-compliance with Section **2.11.070** ~~2.3.400~~ or a historic resource inventoried as non-historic/non-contributing, secondary, not-eligible and/or similarly classified to be in non-compliance with Section **2.11.080** ~~2.3.450~~.
 - a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section **2.11.070** ~~2.3.400~~ or **2.11.080** ~~2.3.450~~ as applicable, or
 - b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed addition to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or
 - c) Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to him.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

(Added Ord. No. 3355, 8/27/2010)

SECTION 2.11.050 NEW CONSTRUCTION ON INVENTORIED PROPERTY

NEW CONSTRUCTION ON A PROPERTY INVENTORIED AS A HISTORIC RESOURCE

Upon receipt by the Community Development Department of a request for new construction on a property or in a district inventoried or otherwise designated a historic resource, the Director shall, within 15 working days, review the application for completeness and refer the request to the Historic Resource Review Commission to review the request within 30 working days of the date the completed permit application was submitted. A failure to initiate review within 30 working days shall be considered as an approval of the application. The Commission shall review the request and shall:

- 1) Notify the applicant of the time and place of the review and be encouraged to be present.

- 2) Direct the Director to submit to the Building Department a statement of development approval if the Commission finds the proposed addition to be in compliance with Section ~~2.11.080~~ 2-3-450.
- 3) Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section ~~2.11.080~~ 2-3-450,
 - a) Approve the application subject to compliance with conditions which will bring the application into conformance with Section ~~2.11.080~~ 2-3-450, or
 - b) Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed construction to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners, or
 - c) Provide the applicant with information concerning local, state, and federal preservation programs so the applicant may gain knowledge of alternatives available to him.

Following review, the Commission may grant or deny the request for issuance of a building permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

(Added Ord. No. 3355, 8/27/2010)

SECTION 2.11.060 DEMOLITION OF HISTORIC RESOURCES (Ord. No. 3355, 8/27/2010)

Upon receipt of the Community Development Department for a request for demolition of a historic resource, the Director shall schedule a hearing before the Historic Resource Review Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other action of God, a demolition permit may be approved by the Director after ratification by the Historic Resource Review Commission. If the Commission does not ratify a demolition permit, damage does not exceed 70% or there is no documented requirement for demolition, then the Director shall schedule a hearing before the Historic Resource Review Commission to review the demolition request. A failure to initiate review within 30 working days shall be considered as an approval of the application.

The Commission may delay the issuance of the demolition permit or building permit for up to 60 days from the date of the hearings action. The Commission's decision shall be based upon consideration and completion of the following factors:

- 1) Reasonable efforts shall be made by the Commission to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs;
- 2) Reasonable effort shall be made by the Commission to maintain the historic structure by an acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project. (A demonstrated lack of private and public funding for the above is sufficient cause to allow demolition);
- 3) Consideration shall be given to the Guidelines listed in Section ~~2.11.070~~ ~~2.3.400~~; and,
- 4) The Commission may request the Director and/or applicant to seek assistance through referrals from the appropriate agencies and organizations, which may include: The State Historic Preservation Office, the Douglas County Museum, and the Douglas County Historic Resource Review Committee. (Ord. 9/2008)

Following review, the Commission may grant or deny the request for issuance of a building permit or demolition permit.

The Director shall file a memorandum of the decision in the records of the Community Development Department and shall send a copy to the applicant by mail.

The decision of the Commission is final unless a written appeal from the property owner is received by the Director within 14 days after the date on which the decision was filed.

SECTION 2.11.070 EXTERIOR ALTERATIONS/ADDITIONS TO HISTORIC RESOURCES
(Ord. No. 3355, 8/27/2010)

GUIDELINES FOR EXTERIOR ALTERATION OF OR AN ADDITION TO CONTRIBUTING, SIGNIFICANT, PRIMARY, HISTORIC, ELIGIBLE OR SIMILARLY CLASSIFIED HISTORIC RESOURCES

This Section applies to all contributing, significant, primary, historic, eligible or similarly classified historic resources.

Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

- 1) Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.
- 2) Height. Additional stories may be added to historic building and zoning codes.
 - a) The added height complies with requirements of the building and zoning codes.
 - b) The added height does not exceed that which was traditional for the style of the building.

- c) The added height does not alter the traditional scale and proportions of the building style.
- d) The added height is visually compatible with adjacent historic resources.
- 3) Bulk. Horizontal additions may be added to historic buildings provided that:
 - a) The bulk of the additions does not exceed that which was traditional for the building style.
 - b) The addition maintains the traditional scale and proportion of the building style.
 - c) The addition is visually compatible with adjacent historic resources.
- 4) Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
- 5) Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with traditional architectural character of the historic building.
- 6) Materials and Texture. In-kind materials and textures shall be used in the alteration or addition of historic resources. Exterior alteration or addition shall follow the requirements of the Secretary of Interior's Standards for Historic Preservation Projects and the Historic Preservation League of Oregon's Rehab Oregon Right manual.
- 7) Signs, lighting, and other appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic resource.

SECTION 2.11.080 NEW CONSTRUCTION/ADDITIONS TO NON-HISTORIC RESOURCES

GUIDELINES FOR NEW CONSTRUCTION OR TO CONSTRUCT AN ADDITION TO A NON-HISTORIC, NON-CONTRIBUTING, SECONDARY, NOT ELIGIBLE OR SIMILARLY CLASSIFIED HISTORIC RESOURCE

This Section applies to all non-historic, non-contributing, secondary, ineligible or similarly classified property within Roseburg's Historic Districts.

New construction on a vacant lot within a historic district or on a property, lot, parcel or site designated as a non-historic, non-contributing, compatible, secondary and/or not-eligible historic resource can enhance the existing character if the proposed design reflects an understanding of, and is compatible with, the distinctive character of the setting and associated resources. Affirmative findings shall be documented addressing the following guidelines based upon their relative importance.

- 1) Siting New and Relocated Buildings. New, added or relocated buildings are sited according to features of the surrounding neighborhood and the overall character of the historic area in terms of orientation, distance to adjacent buildings, traditional setback, and retention of important site features per the requirements of the Secretary of Interior's Standards of Historic Preservation Project and the Historic Preservation League of Oregon's Rehab Oregon Right manual and as follows:
 - a) Orientation. The new or relocated building is oriented in a manner to maintain the traditional pattern of the block.
 - b) Distance. The distance between the new or relocated building and the adjacent historic resource is compatible with the spacing between existing resources on the same street.
 - c) Setback. The setback of the new or relocated building is consistent with the setback of adjacent historic resources on the street.
 - d) Design. The overall character of the new construction or relocated building is compatible with existing site features (landscaping, garages and driveways, if applicable) and the traditional character of the surrounding area.
- 2) Height. The proportion of the new or relocated building is compatible with the average height of the traditional character of the surroundings.
- 3) Bulk and Scale. The bulk and/or proportions (size, mass, and/or volume) of any new or relocated building is compatible with the traditional character of the surrounding. Examine the massing of nearby buildings (whether symmetrical or asymmetrical, central block (or L-shape), and design the new building with similar bulk.
- 4) Materials. The materials are consistent with the predominant materials and finishes found on other resources in the surrounding area. Examine the color, texture, pattern, composition, and scale of neighboring historic resources.
- 5) Width. The proportion of the new or relocated buildings is compatible with the average width and massing of the neighboring buildings. If a building is wider than other buildings on the block, the façade should be broken up into narrower bays that reflect the common historic widths.
- 6) Specific Design Elements. Design elements need to be compatible with the existing character of the surroundings with consideration for, but not limited to:
 - a) Roof Form. Visually, the roof form is the most important element in the overall building form. Keep roof forms consistent with the shapes traditionally used.
 - b) Windows and Doors. Keep the proportions and pattern of window and door opening similar to neighboring historic buildings. Keep the rhythm of solids

(walls) and voids (windows and doors) consistent with the dominant pattern set in the area.

- c) Exterior Siding. Select Siding material that is compatible with the historic materials used in the neighborhood. Only use substitute siding materials if similar in style to those used historically.
- d) Architectural Details. Architectural features are to complement the details and style of the neighboring historic buildings. Architectural elements such as eave details, window trim, water tables, and cornices help new buildings blend in with surrounding resources.

(Added Ord. No. 3355, 8/27/2010)

SECTION 2.11.090 MINOR PROJECT REVIEW AND APPROVAL BY DIRECTOR

Community Development Director may approve projects listed within this Section that comply with adopted Design Guidelines cited in this Article. The Director retains the option to refer Minor Projects to the Historic Resource Review Commission for approval.

- 1) Minor Projects review by the Director shall be limited to:
 - a) Fences, new or replacement
 - b) Roof repair and replacement, including gutters and downspouts
 - c) Foundation repair and replacement
 - d) Window and/or door repair and replacement
 - e) Restoration projects to reintroduce original features and/or materials
 - f) Porch rail repair and replacement
 - g) Awnings
 - h) Signs
- 2) Minor Project consideration by the Director shall require the submittal of the following plans and materials:
 - a) Material
 - b) Color
 - c) Style
 - d) Features/Details
 - e) Size
 - f) Mass/bulk
 - g) Ornamentation
- 3) A Minor Project Evaluation Checklist shall be completed by the Director for each project and a copy of the checklist along with a copy of the plans shall be provided to the Historic Resource Review Commission as an informational item.

ARTICLE 12

WEST AVENUE RESIDENTIAL OVERLAY

SECTION 2.12.010 PURPOSE (ORD. 3321 12/14/09)

The purpose of the West Avenue Overlay District is to implement the strategies of the West Avenue Redevelopment Plan and recognize and provide for existing dwellings of record located in an area described as south of and adjacent to NE Chestnut Avenue, north of and adjacent to NE West Avenue, east of and adjacent to NE College Street and west of and adjacent to NE Alder Street, as well as the properties at the southeast corner of NE West Avenue and NE Walnut Street. The area is further defined and shown on Exhibit 5 of the West Avenue Redevelopment Plan adopted by the City Council per Ordinance No. 3318 on October 12, 2009.

- 1) Definitions. The Definitions provided in Section 1.090 of the City of Roseburg Land Use and Development Ordinance shall apply except, for the purpose of this Section only, the following definitions are established:
 - a) **EXISTING DWELLING OF RECORD**. Residential dwelling units that were in compliance with the requirements and development standards in place at the time of construction including any applicable zoning regulations and building codes.
 - b) **FOOTPRINT**. The area within the exterior walls and supporting columns including the dwelling units, garages, covered carports, and accessory structures, but not open or uncovered decks, patio or porches.
- 2) Permitted Use. Within the West Avenue Redevelopment Overlay District, Existing Dwellings of Record established as of the date this Ordinance was adopted shall be Permitted Uses, subject to the general provisions and exceptions set forth by this Ordinance.
- 3) Development Standards. Existing Dwellings of Record may be continued, replaced or repaired within the existing footprint. Any proposed alterations, expansion or additions shall be subject to the following:
 - a) Coverage. Not over 80% of the lot shall be covered by buildings and/or other impervious surface.
 - b) Setbacks.
 - i) Front Yard. No building addition or expansion shall be located closer than 15 feet from the front property line.
 - ii) Side Yard.
 - A. No building addition or expansion shall be located closer than four (4)

feet from side property lines for interior lots.

B. For exterior side property lines for corner lots the side setback shall be no less than ten (10) feet for any building addition or expansion.

iii) Rear Yard. No building addition or expansion shall be located closer than five (5) feet from rear property lines.

- 4) Height. Maximum height for any structure shall be 35 feet.
- 5) Off-Street Parking. Paved parking to meet minimum off-street parking standards of Article 2 of Chapter 3 ~~Section 3.35.100~~ shall be provided.
- 6) When an Existing Dwelling of Record has been converted to a use permitted by the underlying Mixed Use (MU) Zone or the Existing Dwelling of Record has been demolished and replacement has not commenced and been diligently pursued to completion within 12 consecutive months of the removal, the provisions of the West Avenue Overlay Zone shall no longer apply.

CHAPTER 3

SITE DEVELOPMENT

ARTICLE 1

SITE PLAN REVIEW

SECTION 3.1.010 PURPOSE

It is the purpose of this [Chapter Article](#) to ensure that the development of property in the Roseburg Urban Area is commensurate with the character and physical limitations of the land; to promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; to [establish assure](#) development which is suitably related to its environment; to prevent both extremes of monotonous uniformity and substantial dissimilarity; and, to conform with the adopted goals, objectives and policies of the Roseburg Urban Area Comprehensive Plan.

SECTION 3.1.020 SITE PLAN REVIEW REQUIRED

No lot or parcel in any District established under the provisions of this Ordinance shall hereafter be developed or physically altered, and no building or structure hereafter shall be erected, enlarged, or structurally altered until site development plans have been approved in accordance with the provisions of this [Chapter Article](#). Without limiting the foregoing or any other provision of this Ordinance, no installation of 3,000 square feet or more of asphalt or other impervious surfaces shall be made until site development plans have been approved in accordance with the provisions of this [Chapter Article](#).

To the extent possible, site plan review shall be coordinated with any other plan review required by this Ordinance. Where other provisions of this Ordinance require plan review, such other review shall serve to meet the requirements of this [Chapter Section](#); provided, however, that when the standards of this [Chapter Article](#) are more restrictive than comparable standards imposed by other provisions of this Ordinance, the standards of this [Chapter Article](#) shall govern.

SECTION 3.1.030 AUTHORITY

The Director shall review all site development plans required by this [Chapter Article](#). The Director's authority shall be limited to that necessary to accomplish the provisions of this [Chapter Article](#) and the provisions of this Ordinance.

- 1) The Director may:
 - a) Approve the submitted plans;
 - b) Approve the submitted plans with additions, modification, or changes; or
 - c) Deny the submitted plans.
- 2) Application. The applicant for site plan review shall submit to the Director plans

consisting of maps, drawings, written descriptions, or other materials necessary and appropriate for the Director to determine that the proposed development will conform with the general requirements of this Article and the specific requirements of this Ordinance.

- 3) Appeal. Any administrative action by the Director with respect to approval, modification or denial of site plan review may be appealed by the applicant, as provided for in Section ~~5.1.170~~ ~~2.440~~ of this Ordinance.

SECTION 3.1.040 CRITERIA AND STANDARDS (Ord. No. 3279, 3/2008)

In addition to the other specific requirements of this Ordinance and other applicable Ordinances, development plans submitted to the Director shall comply with the following standards and criteria:

- 1) Improved Street Access - Statement of Policy. It is recognized that many streets within the Roseburg Urban Area do not conform to minimum design standards as established by this Ordinance. It is further recognized that significant increases in traffic volume on such substandard streets could result in the inefficient and unsafe movement of traffic within and throughout the Roseburg Urban Area, and could otherwise adversely affect the general health, safety, and welfare. Furthermore, it is recognized that the improvement of such substandard streets to City standards is essential for the ultimate development of the Roseburg Urban Area in a safe, orderly, and efficient manner.
 - a) Therefore, any development for which four (4) or more off-street parking spaces are required by Section ~~3.2.010~~ ~~3.35.100~~ shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of 24 feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of 24 feet.
 - b) All developments shall provide adequate access for emergency services vehicles, as determined by the Fire Chief.
 - c) In the case where property fronts on a street which conforms to the requirements of this Section but otherwise is not fully improved to the standards established elsewhere in this Ordinance, either expressly or by reference, or in the case where property abuts a street which does not conform to the standards established elsewhere in this Ordinance, either expressly or by reference, the property owner shall improve the street as required to the standards established elsewhere in this Ordinance or, upon the Director's determination under Section ~~3.1.050~~ ~~2.3.080~~ hereof, shall file with the Governing Body a suitable instrument of commitment of the subject property in perpetuity to any Local Improvement District, present or future, which may be created for the purpose of financing improvements of abutting streets to the minimum standards established elsewhere in this Ordinance, either expressly or by reference.

- 2) Access, Parking and Loading. ~~Review of Site access and parking lots and driveways shall be include a reviewed of driveway location in relation to intersecting streets and driveway spacing for conformance with standards contained within this Ordinance. With respect to (e.g. vehicular, bicycle parking facilities, and pedestrian ingress, egress, and circulation, including walkways, interior drives, and parking and maneuvering aisles, loading areas, etc.), the location and number of access points for normal and emergency uses, general interior circulation, protection of pedestrian and bicycle traffic from vehicular traffic, and~~ Arrangement of parking, loading, and service areas internal circulation and driveways shall be reviewed for safety, convenience, and mitigation of potential adverse impacts on neighboring properties, ~~on the operation of public facilities, and on the traffic flows of adjacent and nearby streets,~~ and shall also be reviewed for conformance with the standards established in Article 2 of Chapter 3 Sections 3.35.100 through 3.35.300.
- a) Driveway access shall be from adjacent streets of the lowest classification. ~~to local streets is generally encouraged in preference to access to streets of higher classification.~~ Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.
 - b) Where a proposed development abuts an existing or proposed Arterial or Collector Street, the development design and off-street improvements shall minimize the traffic conflicts.
 - c) To reduce traffic conflicts, bus turn out lanes may be required consistent with an adopted transit plan.
 - d) Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required on a case by case basis.
 - e) Driveways shall be designed to allow safe and efficient vehicular ingress and egress in accordance City of Roseburg Public Works Standards.
 - f) Except where specified in an adopted access management plan, minimum separation between a standard driveway (measured from the end of the curb radius at the driveway or the top of the transition) and the nearest intersection curb return (measured at the end of the curb radius at an intersection or the top of the transition) or between two driveways (except driveways for single family residential and duplex on local street) on the same side of the street shall be as shown in Table 3-1: Minimum Driveway Spacing.

TABLE 3-1: MINIMUM DRIVEWAY SPACING

| LAND USE | STREET TYPE | | |
|---------------------------|-------------|-----------|-------|
| | ARTERIAL | COLLECTOR | LOCAL |
| Industrial | 500' | 200' | 150' |
| Commercial/ Public Land | 500' | 200' | 75' |
| Multi-family Residential | 500' | 200' | 75' |
| Single-family Residential | 500' | 200' | 30' |

| | | | |
|--------------|--|--|--|
| and Duplexes | | | |
|--------------|--|--|--|

- g) Distances shown in Table 3-1 may be reduced in the following circumstances:
 - i) Access is from a one-way street.
 - ii) The driveway is designed and marked "right turn entrance only."
 - iii) The driveway is marked "exit only" and is designed to prevent left turns.
 - iv) Exceptions to this requirement may be granted by the Community Development Director when recommended by the Public Works Director. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.
- 3) Access Permission. The following shall apply to all public and private streets within the City and to all properties that abut these streets:
 - a) Permission to access City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Chapter, Public Works Standards, any access management plans, and any access management agreements between ODOT and the City. Access will be evaluated and determined as a component of the land use decision process. Construction shall be as detailed in the review and decision of the land use.
 - b) Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City. In that case, the City shall determine whether access is granted based on ODOT and City adopted standards.
 - c) Nonconforming Access. Legal accesses in place as of March 12, 2008 that do not conform with the standards herein are considered nonconforming and shall be brought into compliance with standards when new access is requested, or with a change in use or when improvements are proposed that would increase the trip generation.
- 4) Traffic Impact Study
 - a) A Traffic Impact Study (TIS) shall be required based on anticipated negative significant traffic and safety impacts projected to be caused by the proposed development as determined by the Community Development Director after a recommendation from the Public Works Director.

Negative significant traffic and safety impacts may include, but not be limited to:

- i) An anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour and at least 100 trips per day.
- ii) Additional traffic and turn movement projected to result from the proposed development is projected to exceed the applicable volume to capacity ratio and/or level of service:

Volume to Capacity Ratio:

Arterial: 0.85
 Collector: 0.90
 Local: 0.95

Level of Service Standard:

Signalized intersection: LOS D
 Non-signalized intersection: LOS E
 Downtown Intersection: 0.95 and LOS E

- iii) A significant capacity and/or safety problem is likely to be caused by, or increased by the development.

b) When required, the TIS shall, at a minimum:

- i) Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.
- ii) Consider cumulative impacts of existing and proposed development in the study area.
- iii) Include long-term impact (20-year) of the development in the context of the projected traffic environment at five (5) year increments.
- iv) Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.
- v) Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).

5) Intersections. Intersections shall be designed and constructed in accordance with the following requirements.

- a) In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private, shall be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.
- b) Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right of way and street paving within the acute angle shall have a minimum of 30 feet centerline

radius. At intersections, each collector or arterial street shall be straight or shall have a radius greater than 600 feet for a distance of 100 feet from each intersection.

- c) Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections. The minimum offset between two local streets that do not have left turn storage needs shall be 200 feet. The minimum offset between two streets other than local streets shall be determined by the Community Development Director after a recommendation from the Public Works Director. In all cases, the minimum distances shall be the offset of the centerlines of side streets or driveways. These minimums may be increased based on traffic safety considerations.
- 6) Surface Water Drainage. Adequate provisions shall be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawl space and roof drainage, such that they are discharged off-site at a location and in such a manner that they do not damage off-site properties, do not violate drainage Ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

If a development is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, creek, or river, the applicant may be required to dedicate to the public storm drain easements approved as adequate by the Director of Public Works to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the Director of Public Works.

- 7) Underground Utilities. All new major development shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television, and street lighting lines.

For the purpose of this Section, new major development is any new development containing more than 5,000 square feet of gross floor area, either in a single structure or in the sum of all structures constructed on a single lot or parcel, or any enlargement or structural alteration exceeding 5,000 square feet of gross floor area, for which site plan review is required by this Article, and any development subject to the requirements of Chapter ~~6 4 and 5~~ of this Ordinance and/or any development where underground utilities are available and accessible. (Ord. No. 3289, 9/2008)

Under special circumstances and conditions, the Director may vary the strict application of the requirements of this Subsection upon finding that such strict application is impractical due to the location of existing overhead utilities, unusual

and special utility requirements of the development, or other conditions beyond the control of the developer.

Whenever overhead utilities are utilized in a development, the Director shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purpose of the Article.

- 8) Lighting. Adequate exterior lighting shall be provided to promote public safety and shall be designed to avoid unnecessary glare upon other properties.
- 9) Screening. Except in the Heavy Industrial District (M-3), exposed storage areas, utility buildings, machinery (~~ground- or roof-mounted~~), garbage and refuse storage areas, service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened. Screening may consist of fences, walls, berms, and landscaping, or any combination thereof, ~~and which effectively obscures sight, is six (6) feet in height and meets the intent of this provision or~~ otherwise conforms to the standards established by this Ordinance. Screening or buffering of parking areas in all districts shall conform to the standards established in Section ~~3.2.140-3.35.250~~.
 - a) ~~Roof-mounted equipment may be granted an exception to these standards if the equipment is set back at least three (3) feet from the edge(s) of the roof for every one (1) foot of equipment height.~~
- 10) Compatibility. Compatibility with the surroundings and the Comprehensive Plan's designation for uses on surrounding property, particularly when the surrounding property is residential in character. In applying this standard and criteria:
 - a) Odor, dust, smoke, fumes, noise, glare, heat, and vibration from uses which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses, shall be adequately eliminated or controlled.
 - b) Due consideration shall be given to the preservation of attractive and distinctive historical and natural features.
 - c) Nonconforming uses shall not take precedence over a proposed development which enhances the aesthetics or value of the surrounding property.
 - d) This standard and criteria shall not take precedence over the need for housing for all income groups in the City.
 - e) Signs shall be of a scale that is in harmony with the site and surrounding development and may be illuminated if within the lighting and other standards and criteria of this Section.
- 11) Riparian Habitat Protection. Mature ground cover and trees, wildlife habitats,

and the natural contours of identified significant stream banks shall be preserved as noted herein. For the distances noted in the following **Table 3-2: Riparian Habitat Setbacks**, measured from the top of the stream bank, there shall be a setback of structural and any other physical development such as parking lots, retaining walls, channel alterations, etc. from the stream bank unless, after consultation with the Oregon Department of Fish and Wildlife, findings are made by the Director pursuant to Section **5.1.120 2.090.1.f**, that a proposed reduction in setback:

- a) Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife, or
- b) Is required for flood control, and actions are taken to mitigate such impacts as much as is possible; or
- c) Is not required for flood control and will include all actions as are necessary to prevent or sufficiently mitigate any significant stream bank erosion, adverse impact on water temperature and quality, or wildlife, and such mitigation measures are specified; and
- d) Is not in conflict with any adopted drainage Ordinance or plans.

For the purposes of this Section, the top of the stream bank shall be as determined by the Community Development Director acting with the advice of the Department of Fish and Wildlife.

TABLE 3-2: RIPARIAN HABITAT SETBACKS

| SETBACKS | | |
|--------------------|---|---|
| Water Body | All Residential zones, except Public Reserve and Residential Open Space | All Commercial and Industrial zones and Public Reserve and Residential Open Space |
| South Umpqua River | 50 feet | 50 feet |
| Newton Creek | 25 feet | 50 feet |
| Deer Creek | 25 feet | 50 feet |

The setback reductions articulated in this Subsection are not required to meet the variance criteria contained in Article **5 40 of Chapter 5** ~~this Ordinance~~.

- 12) **Water for Domestic Use.** All structures containing a plumbing fixture shall be required to use the City's water supply system as the sole water source. No development shall be permitted which uses a well as a water source for any structure containing a plumbing fixture.
- 13) **Additional Factors.** Additional specific factors as necessary to fulfill concerns

raised at the time the property ~~was~~ **is** zoned or rezoned.

- 14) Design Specifications for Garbage Container Areas for all Zones. New Development, except single-family and two-family dwellings, shall provide an ~~enclosed~~ Garbage and Recycle Container area that shall be screened per 3.1.040(9). Multiple-family housing complexes shall also provide recycling containers for at least four (4) principal recyclable materials. Garbage and Recycle Container Areas shall meet the following construction design standards.
- a) All containers must be placed on a hard level surface.
 - b) All containers shall have a minimum clear area of 65 feet long x by 12 feet wide clear area in front with NO obstructions.
 - c) This area must be on the same cross slope as the container (level).
 - d) The clear area and hard level surface under the container must be flush (No curbs or drops).
 - e) The unobstructed area must have no more than a two percent (2%) slope front to back.
 - f) Enclosures shall have a minimum of 18 feet overhead clearance over the entire clear area.
 - g) Any enclosure shall have a minimum opening of ten (10) feet centered in front of the clear area.
 - h) Any enclosure gates shall open past 90 degrees.
 - i) All enclosures shall have a curb or other stop at least four (4) inches high and a minimum of six (6) inches in front of back wall or fence.
 - j) Developments proposing to deviate from these requirements shall submit written approval from the designated service provider prior to City consideration.
 - k) Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garbage container area that has curbs and an approved great-grate trap.

(Rev. Ord. No. 3289, 9/2008)

15) Site Development – Excavation and Fill Placement.

- a) Excavation, fill placement, or removal of trees or ground cover shall require a permit from the Community Development Department if any of the following conditions apply.

- i) The volume of fill placement or excavation exceeds five (5) cubic yards for any 1,000 square feet of land area.
- ii) The proposed fill placement or excavation will result in disturbing 3,000 or more square feet.
- iii) The property contains all or portions of a river, stream, wetland, spring, or other source where the continuous presence of water is indicated and which would be disturbed.
- iv) Lands within and identified on the City of Roseburg Slope Map or having slopes of greater than 12% shall comply with the requirements identified in Article 10 Section 3.35.700.
- v) Exceptions. A site development permit shall not be required for the following activities:
 - A) Projects or developments which have received Site Plan Review approval.
 - B) The installation and maintenance of public utilities and infrastructure such as water lines, water meters, pump stations, sewer lines, and streets by the City, Roseburg Urban Sanitary Authority, other utilities or their contractors.
 - C) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
 - D) Removal of trees, ground cover, or obnoxious vegetation on partially developed property for purposes of general property and utility maintenance, fire hazard removal, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.
- b) Application and Submittal Requirements. The application shall include, at a minimum, the following information.
 - i) Map/Plan: The submitted map/plan shall include the date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, and contours at no more than two (2) foot intervals.
 - ii) Property description(s): Legal description including accurate property lines and boundaries.
 - iii) Planned Improvements: Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.

- iv) Topography: Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.
- v) Stabilization/Erosion Control Method(s): Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
- vi) Vegetation/soils: General description and notation of trees and ground cover; general description of soils and characteristics. Subject to review, certain development projects may require a geo-technical report.
- vii) Grading Plan: Plan including cut and fill areas, existing and finish grades and slope height.
- viii) Drainage: Drainage plan complying with the Storm Drainage Master Plan.
- ix) Supplementary Information: Name and address of property owner.
- x) Written Information:
 - A) Project Description: General description of the proposed project.
 - B) Schedule: Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
 - C) Additional Permit(s): Permit approvals or applications from other agencies such as the Oregon Division of State Lands, Oregon Department of Environmental Quality, or The U.S. Army Corps of Engineers shall be provided at the time of application submittal.
 - D) Other: Other information as deemed necessary by the Community Development Department in order to adequately review and approve the application.
- c) Minimum Requirements:
 - i) Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
 - ii) Removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - iii) If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.

16) Central Business District Standards

- a) Roof Mounted Equipment. No roof-mounted equipment, vents, ducts, or dish antennas shall be visible from ground level from any adjacent parcel, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof, or screened in a manner that is architecturally integrated with the main structure, such as a parapet wall.
- b) Business Address Required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six (6) inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances.

SECTION 3.1.050 DEDICATIONS AND IMPROVEMENT PETITIONS (Ord. No. 3279, 3/2008)

If an applicant intends to assert that he/she cannot legally be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Ordinance, the building permit or site plan review application shall include a Rough Proportionality Report submitted by the applicant and prepared by a qualified civil or traffic engineer, or qualified professional in the field of the issue in question as appropriate, showing:

- 1) The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- 2) The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
- 3) The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- 4) The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

Where the Director determines that the public need would be better served by dedication of rights-of-way rather than easement, the site plan shall so indicate, and the land shall be conveyed to public ownership by instrument. Where the Director determines that it is in the public interest to delay construction of any local improvement required by this Article, the Director may require the property owner file with the Governing Body a suitable instrument of commitment for the subject property in perpetuity to the formation of a local improvement district, present or future, which may be created for the purpose of constructing and financing the local improvement by special benefit assessment.

SECTION 3.1.060 DOCUMENTATION OF APPROVED PLANS

Approval of site plan becomes effective on the date of action by the Director.

SECTION 3.1.070 LIMITS OF APPROVAL

If a building permit for a development for which site plan approval has been granted is not obtained within ~~18~~ **six (6)** months of said approval, unless an extension has been requested and granted by the Director within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.

SECTION 3.1.080 MODIFICATIONS

Except for interior structural modifications, changes in use **and alterations** that are in character with those associated with **the original or subsequent** approvals and changes deemed minor by the Director, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittals.

SECTION 3.1.090 COMPLIANCE

Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Ordinance.

ARTICLE 2

OFF-STREET PARKING REQUIREMENTS

SECTION 3.2.010 OFF-STREET PARKING (Ord. No. 3279, 3/2008)

At the time of erection of a new structure, the addition of dwelling units, at the time of enlargement except for enlargement of a one or two-family dwelling, or at the time of a change in the use of an existing structure, off-street parking spaces and bicycle parking spaces shall be provided in accordance with this Article Section and Table 3-3: Minimum Parking Spaces Required, except as otherwise provided. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Article Section. Where square feet are specified, the area measured shall be the gross floor area open to the public, excluding restrooms, hallways, mechanical spaces, elevators, stairwells, and space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors. Where the resulting number of spaces is a fraction of a parking space, any fraction under one-half shall be disregarded and any fraction of one-half or more shall count as one (1) space.

TABLE 3-3: MINIMUM PARKING SPACES REQUIRED

| LAND USE | MINIMUM VEHICULAR PARKING SPACES | MINIMUM BICYCLE PARKING SPACES |
|---|--|--|
| 1) RESIDENTIAL | | |
| a) One and two family dwellings | 2 per dwelling unit | N/A |
| b) Multi-family dwelling | | 1 per 5 units <u>for developments with 4+ dwelling units</u> |
| i) One-bedroom units | 1.5 per dwelling unit | |
| ii) Two-bedroom units | 1.75 per dwelling unit | |
| iii) Three+ bedrooms units | 2 per dwelling unit | |
| c) <u>Townhouse</u> | <u>2 per dwelling unit</u> | N/A |
| d) Accessory Residential Unit | 1 per dwelling unit | N/A |
| e) Residential Home | 1 for every 2 rooms | <u>N/A</u> |
| f) Bed and Breakfast | 2 plus 1 space per guest room | <u>N/A</u> |
| 2) COMMERCIAL/RESIDENTIAL | | |
| a) Motel/Hotel | 1 per guest room or suite plus required parking for on-site uses | 1 per 15 required auto spaces |
| b) Residential Home/Facility and Care Center/ <u>Facility</u> | 1 per 5 beds | <u>N/A</u> |
| 3) INSTITUTIONAL | | |
| a) Welfare or Correctional Institution | 1 per 5 beds based on maximum capacity | 1 per 15 required auto spaces |

| | | |
|---|---|----------------------------------|
| b) Residential Facility | 1 per 2 beds based on maximum capacity | 1 per 15 required auto spaces |
| c) Hospital | 2 per bed based on maximum capacity | 1 per 15 required auto spaces |
| 4) PLACES OF ASSEMBLY | | |
| a) Church or other place of religious assembly | 1 per 4 seats in the main auditorium based on maximum capacity, or 1 for each 5 occupants based on maximum capacity as calculated under the provision of the building code. | 1 per 20 required auto spaces |
| b) Library, Reading Room, Museum, Art Gallery | 1 per 300 square feet of floor area | 1 per 10 required auto spaces |
| c) Pre-School, Child Care Facility, Kindergarten | 2 for the first 16 children plus one additional space for every 12 children thereafter, along with off-street loading and unloading area | 1 per classroom |
| d) Elementary or Junior High School | 2 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along off-street loading and unloading | 1 per 2 required auto spaces |
| e) High School | 5 per classroom, plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code along with off-street loading and unloading | 1 per 10 required auto spaces |
| f) College; Commercial School | 7 per classroom plus one for each 5 fixed seats in any area used for auditorium purposes; if no fixed seating, one for each 5 occupants based on building code. | 1 per 5 required auto spaces [1] |
| g) Political, Civic, Social or Labor Organization Meeting Halls | 1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum calculated in the building code. | 1 per 25 required auto spaces |
| h) Other Auditorium, meeting room | 1 per 4 seats based on maximum capacity or 1 for each 5 occupants based on maximum as calculated in the building code. | 1 per 20 required auto spaces |
| 5) RECREATIONAL | | |
| a) Stadium, Arena, Theater | 1 per 5 seats based on maximum capacity or 1 for each 5 occupants based on maximum capacity as calculated under the provisions of the building code. | 1 per 10 required auto spaces |

| | | |
|--|--|--|
| b) Bowling Alley | 3 per lane | 1 per 15 required auto spaces |
| c) Dance Hall | 1 per 100 square feet of floor area | 1 per 15 required auto spaces |
| d) Skating Rink | 1 per 200 square feet of floor area | 1 per 15 required auto spaces |
| e) Swimming pool facility | 1 per 200 square feet of pool surface area | 1 per 15 required auto spaces |
| f) Racquet court, athletic club | 1 per court, plus 1 per 100 square feet of exercise area | 1 per 15 required auto spaces |
| g) Other indoor recreation facility | 1 per 100 square feet of floor area | 1 per 15 required auto spaces |
| h) Outdoor recreation facility | 25 per field or recreation area | 1 per 10 required auto spaces |
| 6) COMMERCIAL [2] | | |
| a) Grocery store, retail store, bank, professional office, medical or dental office, clinic, laboratory, beauty/barber shop or other personal service, and dining establishments located in a multi-tenant development that is not located in a freestanding building and having with a gross floor area square footage of no greater than 2,500 square feet located within a multiple-use building. (Ord. No. 3289, 9/2008) | 1 per 300 square feet of floor area | 1 per 15 required auto spaces |
| b) Furniture, appliance, auto, boat, manufacture or mobile home sales, trailer sales, or other bulk retail. | 1 per 700 square feet of floor area | 1 per 25 required auto spaces <u>N/A</u> |
| c) Emergency or Urgent Care Clinics | 1 per 200 square feet of floor area | <u>N/A</u> |
| d) Sit-down and carry-out restaurant, tavern, bar and nightclub | 1 per 100 square feet of floor area | 1 per 30 required auto spaces |
| e) Drive-in restaurant or other drive-in services | 1 per 4 seats or one per 200 square feet of floor area, whichever is greater | <u>N/A</u> |

| | | |
|---|---|---|
| f) Mortuary, Funeral Parlor or Mausoleum | 1 per 4 occupants based on maximum capacity as calculated under the provisions of the building code | <u>N/A</u> |
| g) Ambulance or Rescue Services | 1 per rescue vehicle, plus 1 per employee | <u>N/A</u> |
| h) Automobile Repair Garage/ Automobile Service Station | At least 4 for each service stall /1 per 2 gasoline pumps | <u>N/A</u> |
| i) Automobile Service Station | 1 per 2 gasoline pumps | <u>N/A</u> |
| j) Truck, trailer and automobile rental | 1 per 300 square feet of building area plus one for every 10 spaces devoted to rental vehicles | <u>N/A</u> |
| k) Private Utility (gas, electric, telephone, etc.) | 1 per 300 square feet of building area, and in the case of an unstaffed facility, at least 2 spaces | <u>N/A</u> |
| l) Laundromat and Dry cleaning Facility | 1 per 300 square feet | <u>N/A</u> |
| m) Passenger Transportation Terminal | 1 for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period | <u>1 per 10 required auto spaces</u> |
| 7) INDUSTRIAL | | |
| a) Manufacturing Establishments | 1 per each 500 square feet floor area | 1 per 15 required auto spaces |
| b) Storage, Warehouse, Wholesale establishment; rail or trucking freight terminal; truck, trailer or auto storage | 1 per each 1,500 square feet floor area | 1 per 20 required auto spaces <u>N/A</u> |
| c) Building or Specialty Trade Contractor Office or Shop | 1 per 500 square feet of floor area | As determined by the Director |
| 8) UNSPECIFIED USE | | |
| The parking requirements for buildings and uses not set forth herein shall be determined by the Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Director may be appealed to the Commission in accordance with the provisions of Section 5.1.170 2-140 of this Ordinance. | | |

[1] May be reduced up to 25% where design incorporates features that promote alternative transportation access, such as walking, bicycling, or transit and it is demonstrated that alternative transportation access, such as walking, bicycling, or transit is available and is likely to be used.

[2] Bicycle Parking is not required in the Central Business District (CBD)

SECTION 3.2.020 BICYCLE PARKING STANDARDS (Added Ord. No. 3279, 2/2008)

1) Bicycle Parking Facility Design

- a) Bicycle parking facilities shall either be securely anchored lockable enclosures in which the bicycle is stored, or secure anchored stationary rack which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.
- b) Bicycle parking spaces shall be at least six (6) feet long and two-and-one-half (2.5) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet.
- c) A five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
- d) Required bicycle parking shall be located in a well-lighted, secure, and visible location.

2) Locational Standards for Bicycle Parking

- a) All required bicycle parking shall be located on the site within 50 feet of main building entrances ~~and not farther from the entrance than the closest motor vehicle parking space~~. Bicycle parking shall have direct access (i.e., from the street or path to the parking area and from the parking area to the entrance) to both the public right-of-way and to the main entrance of the principal use.
- b) Public bicycle parking shall be distributed at the various public entrances, while employee parking shall be located at the employee entrance, if appropriate.
- c) Bicycle parking shall not be located in the public right-of-way; however, in exceptional circumstances bicycle parking in the public right-of-way may be allowed if approved in writing by the Public Works Director.
- d) Bicycle parking may be provided within a building, but the location must be easily accessible for bicyclists.

SECTION 3.2.030 ACCESSIBLE (ADA) PARKING STANDARDS

All parking areas, ~~except for one and two-family dwellings, accessory residential units, and townhouses~~, for government and public buildings shall provide parking spaces in conformance with the Americans with Disabilities Act (ADA), ~~accessible parking in conformance with all Uniform Building Code Standards and~~ based on the following ratio shown in Table 3-4: Ratio of Accessible Parking Spaces:

TABLE 3-4: RATIO OF ACCESSIBLE PARKING SPACES

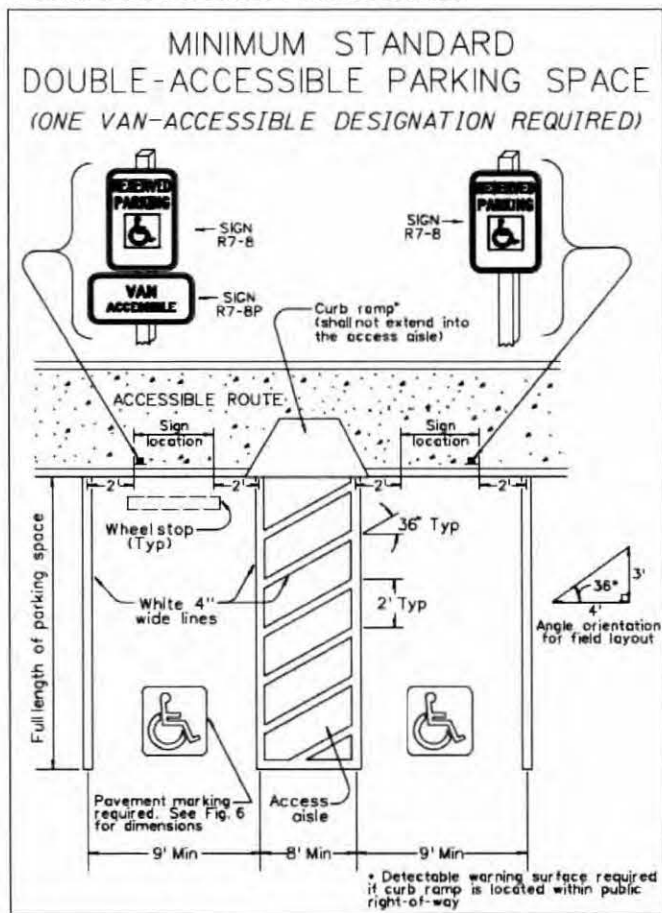
| Total Parking Area Spaces | Required Accessible Spaces |
|---------------------------|---|
| 1 – 25 spaces | 1 space |
| 26 – 50 spaces | 2 spaces |
| 51 – 75 spaces | 3 spaces |
| 76 – 100 spaces | 4 spaces |
| 101 – 150 spaces | 5 spaces |
| 151 – 200 spaces | 6 spaces |
| 201 – 300 spaces | 7 spaces |
| 301 or more | 7 plus 1 for each 100 additional spaces |

For each accessible parking space provided which conforms to the provisions of this [Article Section](#), one (1) parking space, otherwise required by Section [3.2.010 3-35.400](#), may be eliminated subject to the following limitations:

- 1) Space Specifications. Each accessible parking space shall be at least nine (9) feet wide and shall have an adjacent access aisle. The adjacent aisle shall be at least six (6) feet wide for standard spaces and eight (8) feet wide for "van-accessible" spaces. If one (1) accessible space is provided, it shall be designated "van-accessible." All other spaces may be either "van-accessible" or standard spaces ([refer to Figure 3-1: Accessible Parking Spaces](#)).
- 2) Access Aisle. The aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share an aisle (See diagram below).
- 3) Signs and Pavement Markings. A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space and marked with the international symbol of accessibility indicating that the spaces are reserved for persons with disabled person parking permits and be designed to standards adopted by the Uniform Building Code. The pavement of each accessible parking space shall be clearly marked with the international symbol of accessibility and be designed to standards adopted by the Uniform Building Code.
- 4) Space Location. Each accessible parking space and adjacent aisle shall be situated so as to avoid requiring any person using the space from having to cross or traverse within any access driveway, vehicle maneuvering area or other vehicle traffic lane.
- 5) Ramps. When accessible parking spaces are provided, safe and convenient curb ramps shall be installed to meet Uniform Building Code specifications.

Building design and subsequent activities shall not unreasonably impair access by physically challenged persons to the principal use.

FIGURE 3-1: ACCESSIBLE PARKING SPACES



SECTION 3.2.040 **PARKING STALL STANDARDS**

Table 3-6: Required Space and Aisle Dimensions, provides the minimum dimensions of public or private parking stalls and access aisles areas.

Compact Car Parking. The Director may authorize the creation of compact car spaces in any public or private parking area which contains a minimum of ten (10) parking spaces. The number of parking spaces established for compact cars shall be based on the following ratios shown in Table 3-5:Percent of Permitted Compact Spaces:

TABLE 3-5: PERCENT OF PERMITTED COMPACT SPACES

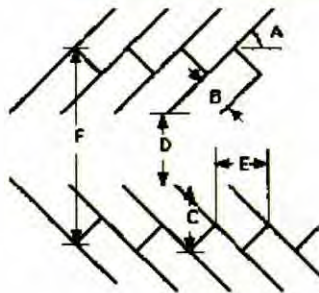
| Number of Spaces Required | Percent of Designated Compact Spaces |
|----------------------------------|---|
| 10 – 25 Spaces | 15 Percent |
| 26 – 50 Spaces | 20 Percent |
| 51 – 100 Spaces | 25 Percent |
| Over 100 Spaces | 30 Percent |

All compact car parking spaces created under the provisions of this Section shall have a minimum width of eight (8) feet and shall be clearly identified as compact car spaces, and shall be located in a manner approved by the Director. All other parking spaces, except parallel spaces, shall have a minimum width of nine (9) feet.

TABLE 3-6: REQUIRED SPACE AND AISLE DIMENSIONS

| ANGLE (A) | TYPE | STALL WIDTH (B) | STALL DEPTH TO CURB (C) | AISLE WIDTH BETWEEN STALLS (D) | STALL WIDTH PARALLEL TO AISLE (E) | TOTAL MODULE WIDTH (F) |
|------------------|----------|-----------------------|-------------------------------|---|--|------------------------------|
| 0° (parallel) | STANDARD | 8'0" | 8'0" | 12'0" | 28'0" | 28'0" |
| 30° | COMPACT | 8'0" | 16'0" | 11'0" | 16'0" | 43'0" |
| | | 8'6" | 16'4" | 11'0" | 17'0" | 43'4" |
| | STANDARD | 9'0" | 16'8" | 11'0" | 18'0" | 44'4" |
| | | 9'6" | 17'3" | 11'0" | 19'0" | 45'6" |
| | | 10'0" | 17'7" | 11'0" | 20'0" | 46'2" |
| 45° | COMPACT | 8'0" | 18'4" | 14'0" | 11'3" | 50'4" |
| | | 8'6" | 18'7" | 13'6" | 12'0" | 50'8" |
| | STANDARD | 9'0" | 19'1" | 13'0" | 12'7" | 51'2" |
| | | 9'6" | 19'4" | 13'0" | 13'4" | 51'8" |
| | | 10'0" | 19'8" | 13'0" | 14'1" | 52'4" |
| 60° | COMPACT | 8'0" | 19'7" | 17'0" | 9'2" | 55'7" |
| | | 8'6" | 20'0" | 16'0" | 9'8" | 56'0" |
| | STANDARD | 9'0" | 20'3" | 18'0" | 10'4" | 58'3" |
| | | 9'6" | 20'5" | 18'0" | 11'0" | 58'10" |
| | | 10'0" | 20'8" | 18'0" | 11'5" | 59'4" |
| 70° | COMPACT | 8'0" | 19'8" | 20'0" | 8'6" | 59'4" |
| | | 8'6" | 20'1" | 19'6" | 9'0" | 59'8" |
| | STANDARD | 9'0" | 20'4" | 19'0" | 9'6" | 59'8" |
| | | 9'6" | 20'6" | 18'5" | 10'1" | 59'5" |
| | | 10'0" | 20'9" | 18'0" | 10'6" | 59'6" |
| 90° | COMPACT | 8'0" | 18'0" | 24'0" | 8'0" | 60'0" |
| | | 8'6" | 18'0" | 24'0" | 8'5" | 60'0" |
| | STANDARD | 9'0" | 18'0" | 24'0" | 9'0" | 60'0" |
| | | 9'6" | 18'0" | 24'0" | 9'6" | 60'0" |
| | | 10'0" | 18'0" | 24'0" | 10'0" | 60'0" |

NOTE: Angled parking stalls require one-way maneuvering aisles with appropriate signage unless a 24 feet-wide maneuvering aisle is provided.



A = PARKING ANGLE

B = STALL WIDTH

C = STALL DEPTH TO CURB

D = AISLE WIDTH BETWEEN STALLS

E = STALL WIDTH PARALLEL TO AISLE

F = TOTAL MODULE WIDTH

SECTION 3.2.050 PARKING REDUCTION *(Added Ord. No. 3279, 3/2008)*

The following provisions offer reductions for required off-street parking and may be combined, however, the maximum reduction from all reductions in parking spaces shall be no more than 25% of the required number of parking spaces. The number of parking spaces required may be reduced as follows:

- 1) Public Transit. In order to encourage and facilitate the use of public transit or car/vanpooling, a maximum of 15% of the required number of off-street parking spaces for employees may be eliminated in lieu of car/vanpooling facilities or public transit service areas and facilities provided by the developer, including off-street transit loading and unloading areas and passenger shelters. The provisions of this Section may be negotiated in conjunction with the requirements of Article 1, Chapter 3: Site Plan Review.
- 2) Available On-street Parking. For any development requiring at least ten off-street parking spaces, the number of required off-street parking spaces may be reduced by the number of on-street parking spaces on the street frontage of the property, up to a maximum reduction of 20%, provided:
 - a) Such on-street parking is accessible from the buildings being developed via convenient walkways; and,
 - b) Such walkways are constructed with permanent hard-surfaced material, such as concrete, stone, brick or tile which is all-weather, non-skid; and,
 - c) The location of the on-street parking is no more than 150 feet from the entrance of the development requiring the parking.
 - d) Such on-street parking shall not be used or reserved exclusively for the development but shall be available at all times to the general public.
 - e) Each 25 feet of uninterrupted curb designed for on-street parking constitutes one parking space.
- 3) Additional Landscaping. For commercial and industrial development requiring at least 50 off-street parking spaces, a reduction of up to a maximum five percent (5%) in the number required parking spaces may be allowed if there is an increase in landscaped area which exceeds by at least 25% the minimum landscaping amount, and incorporates landscaping exceeding minimum standards. The landscaped area must be located between the public street and the parking area. The reduction is allowed at a maximum rate of one (1) parking space per 200 square feet of landscaped area in excess of the minimum.

~~The maximum reduction from all reductions in parking spaces shall be no more than 25% of the required number of parking spaces.~~

- 4) Change of Use.

Comment [PH11]: Relocated into introductory statement.

- a) Unless otherwise expressly stated, when the use of property changes, additional off-street (vehicle and bicycle) parking spaces must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than 10% the number of spaces required for the lawful use that most recently occupied the building, based on the standards of this Ordinance. In other words, 110% "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Ordinance, regardless of whether such spaces are actually provided. Any new parking spaces required must comply with all applicable parking area design and layout standards.
- b) When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property by more than 10%, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this Ordinance.
- c) The relief from parking requirements attributed to a change of use shall not relieve the applicant from providing ADA parking spaces determined by the total number of normally required parking spaces and Section 3.2.030.
- 5) Landmarks and Historic Districts. The Director is authorized to approve exceptions and waivers to minimum off-street parking ratios for the following:
 - a) rehabilitation or reuse of buildings on the National Register of Historic Places;
 - b) buildings designated as local cultural resources;
 - c) contributing buildings in National Register Historic Districts; or
 - d) buildings in locally designated historic districts.

SECTION 3.2.060 CENTRAL BUSINESS DISTRICT PARKING REQUIREMENTS
(Sect. 3.35.125 entirely, Ord. No. 3051, 12/99)

- 1) CBD Joint-Use Parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Downtown Roseburg and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.
 - a) Eligible Development. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:
 - i) Nonresidential new construction on sites of less than 20,000 square feet in size;

- ii) New construction on sites greater than 20,000 square feet in size for retail commercial, restaurants, and movie theaters; and
 - iii) Additions to existing buildings, rehabilitation of existing buildings, or changes in use or occupancy in existing buildings.
 - b) Ineligible Development The following types of uses are not eligible to use joint-use parking standards:
 - i) New or existing residential uses; and
 - ii) New construction of hotel or office uses on sites greater than 20,000 square feet in size.
 - c) Alternative Joint-Use Parking Standards. Section ~~3.35.100~~ **3.2.010** of this Ordinance shall determine circumstances in which parking shall be required. Once it has been established that parking is required, eligible projects within the CBD Zone may choose to provide required parking by using the Alternative Joint-Use Parking Standards (Table 3-7) or to provide parking for the project's exclusive use under the standards established in Section **3.2.010** ~~3.35.100~~.
 - d) Joint-Use Parking Agreement. All parking developed under joint-use parking standards shall be required to enter into an agreement with the City and recorded County Clerk, requiring the parking to be operated on a non-exclusive basis, to be open and available to the public for joint-use short-term public parking during normal business hours.
- 2) CBD In-Lieu Parking Fee. The existence of small parcels within the Downtown often makes it difficult to provide on-site parking. As an alternative to onsite parking, the City may establish an in-lieu parking fee as part of a transportation system development charge. The fees would be "banked" by the City to provide funds to develop and maintain centralized public parking facilities.
 - 3) Use of Alleys within CBD. For existing structures, a public alley may be used as part of the required maneuvering aisle for onsite parking that is immediately adjacent to the alley.
 - 4) Structured Parking within CBD. For any proposed project in the CBD District, up to a maximum ~~ten~~ **twenty** percent (~~10~~ **20**%) reduction in required parking spaces may be allowed for the development ~~if~~ **of** structured parking ~~can be~~ **provided that** ~~and~~ **a finding can be made that adequate parking will be available to serve the subject project.**
 - 5) On-Street Parking within CBD. The number of on-street parking spaces within 100 feet of a parcel in the CBD District, or the number that will be within 100 feet upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of **non-employee** parking spaces.

- 6) **Parking Reductions within CBD.** For new and existing development within the CBD area, required parking may be reduced on a case-by-case basis in compliance with Section **3.2.160** ~~3.35.260~~.

TABLE 3-7: ALTERNATIVE JOINT-USE PARKING STANDARDS

| LAND USE | MINIMUM PARKING RATIOS |
|---|---|
| OFFICE 1) Banks, Savings and Loans, Other Financial Institutions. 2) Medical or Dental Office. 3) Professional or Unspecified Office. | 3.0 Spaces/1,000 SF of gross usable area |
| RETAIL COMMERCIAL | 5.0 Spaces/1,000 SF of gross usable area |
| PUBLIC ASSEMBLY 1) Movie Theater 2) Museum | 1.0 Space/4 seats 3.3 Spaces/1,000 SF of gross usable area |
| RESTAURANT 1) Restaurant/Coffee House/Juice Bar under 1,000 square feet of gross usable area. 2) Restaurant over 1,000 square feet of gross usable area. 3) Outdoor dining areas associated with a restaurant. | 3.0 Spaces/1,000 SF of gross usable area 5.0 Spaces/1,000 SF of gross usable area 0 Spaces |
| RESIDENTIAL | Excluded from use of joint-use parking standards. |
| NEW CONSTRUCTION OF OFFICE OR HOTEL USES ON LOTS GREATER THAN 20,000 SQUARE FEET | Excluded from use of joint-use parking standards. |
| OTHER | Any category not listed above may be reviewed by the City on a case-by-case basis, taking into consideration the impact on peak-hour parking usage and the established parking standards contained in LUDO Section 3.2.010 3.35.100 . |

SECTION 3.2.070 OFF-STREET LOADING AND DRIVE-UP USES

- 1) Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- 2) Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- 3) Drive-up Uses. Drive-up uses shall provide a minimum stacking area (~~a lane in which vehicles temporarily idle while awaiting service~~), clear of the public right-of-way ~~and or~~ parking lot aisle, ~~for from~~ the window serving the vehicles. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. ~~Stacking areas shall not contribute to the minimum dimensions necessary for parking spaces or maneuvering aisles as determined by Section 3.2.040. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking areas shall not occur in the stacking area.~~ The following shall apply to drive-up uses:
 - a) Restaurants. Each lane shall provide a minimum capacity for eight (8) automobiles.
 - b) Banks. Each lane shall provide a minimum capacity for five (5) automobiles.
 - c) Espresso Stands. ~~Each lane shall provide a minimum capacity for four (4) automobiles.~~
 - d) Other Drive-up uses. Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Director.
 - e) For purposes of this Section, an automobile shall be considered no less than 18 feet in length. The ~~lane driveway~~ shall be at least 12 feet wide.

Comment [PH12]: This number of automobiles has been determined by past practices and is a common use therefore it is being incorporated in this update.

SECTION 3.2.080 GENERAL PROVISIONS – OFF-STREET PARKING AND LOADING

The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain committed to exclusive use of required off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.

Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

SECTION 3.2.090 PARKING AREA LOCATION

Parking areas required by this Ordinance shall be located on the same lot as the building they are required to serve, or may be located in the immediate vicinity if the following provisions are met:

- 1) Parking Area in relation to building. The nearest point of the parking facility shall be no more than 200 feet from the nearest point of the building that such facility is required to serve; and
- 2) Parking Area in relation to street block. Such off-street parking facility is located entirely within the same block as the building such facility is required to serve.

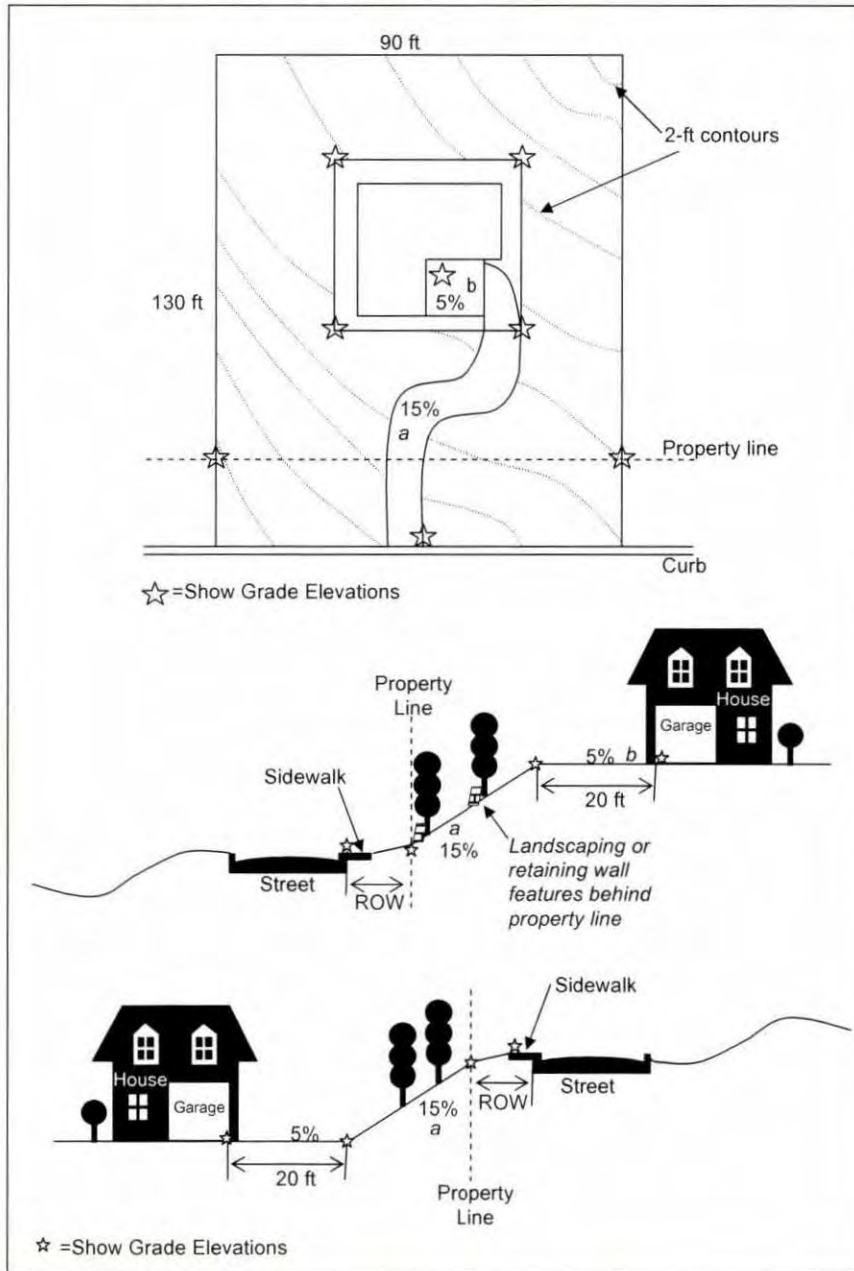
SECTION 3.2.100 PARKING AREA AND DRIVEWAY DESIGN

All public or private parking areas, parking garages and public spaces, shall be designed, laid out and constructed in accordance with the provisions of this Article Sections 3.35.210 through 3.35.260.

- 1) Driveway Specifications. Groups of three or more parking spaces, except those in conjunction with single-family ~~or two-family dwellings~~, and townhouses on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way driveways be less than 20 feet and 12 feet wide, respectively, nor shall any driveway have a width in excess of 40 feet.
- 2) Driveway Maneuvering Aisles. Driveways shall be aligned with maneuvering aisles so as to facilitate safe and convenient ingress and egress.
- 3) Access Grades. Driveways used to access onsite parking and as further defined by the Figure 3-2: ~~below~~ titled Driveway Access Grade, shall comply with the following criteria: (Section 3.2.100 ~~3.35.210~~, Par. 3, Ord. 3274, 8/07)
 - a) Maximum grade of a driveway from a property line to the face of a garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length.
 - b) When it is determined necessary at the time of site plan review to provide emergency apparatus access, access drives exceeding 30 feet in length are to provide a minimum 20 feet-wide paved area back from the face of the

garage/parking not exceeding five percent (5%) grade. (Par 3 entirely, Ord. No. 3274, 8/07)

FIGURE 3-2: DRIVEWAY ACCESS GRADE



- 4) Driveway Location in relation to Intersections. Except in relation to single-family districts, the minimum distance between driveways and intersections shall be as provided in Section ~~3.1.040(2)~~ 2-3.075 #2.

If the subject property is not of sufficient width to allow for separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while maintaining the five (5) foot setback between the driveway and property line as required. (Ord. No. 3279, 3/2008)

- 5) Driveway Location in Relation to Intersections – Single-Family, ~~Two-Family Dwellings and Townhouses.~~ The minimum distance between driveways and intersections shall be 30 feet.
- 6) Driveway Location in relation to Lot Lines. Access driveways shall not be located closer than five (5) feet to an interior side lot line, except that common access driveways (not exceeding 40 feet in width) to two (2) adjacent properties may be provided at the common lot line when a common driveway agreement is executed on a form provided by the Director and recorded with the County Clerk.
- 7) Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe traffic circulation and carrying capacity of the street. The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review provisions of this Ordinance. (Ord. No. 3279, 3/2008)
- 8) Common Access Points. Common access points at a property line is encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
- 9) Parking Area Marking. Access driveways to parking areas having 10 or more spaces shall be clearly marked to indicate one-way or two-way access. Two-way driveways shall have a painted centerline at least ~~two-and-one-half~~ four (4) inches in width and at least 10 feet in length beginning at the interior edge of the sidewalk; or, where sidewalks are not present, at a point five (5) feet from the curb line; or, where neither sidewalks or curbs are present, at a point five (5) feet from the edge of the paved street surface.

SECTION 3.2.110 COMMON PARKING FACILITIES (SHARED PARKING) (Ord. No. 3279, 3/2008)

In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing required parking spaces for any other use, except as provided below.

- 1) Joint Use of Parking Facilities. The Director may authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

- a) The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
- b) The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have parking facilities.
- c) The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the Director as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder, and copies thereof filed with the Director.

SECTION 3.2.120 PARKING AREA IMPROVEMENTS

- 1) Surfacing. All parking areas, vehicle maneuvering areas and access driveways shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, brick, or concrete paver blocks. In all residential districts, a minimum of two-and-one-half (2 ½) inches asphalt over four (4) inches of aggregate base will be provided or four (4) inches of Portland cement concrete. In all other districts, either three (3) inches asphalt over four (4) inches aggregate base or a single pavement of five (5) inches of Portland cement concrete is required. All parking areas, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
- 2) Perimeter Curb. All parking areas except those required in conjunction with a single or two-family dwelling shall provide a curb of not less than four (4) inches in height located at the edge of the paved surface. (Ord. No. 3289, 9/2008)
- 3) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall comply with Section 3.1.040(8) ~~be arranged and designed so as to prevent light from adversely affecting any abutting or adjacent residential district.~~
- 4) CBD Off-Street Parking Lighting. Lighting shall be hooded and arranged to reflect away from adjoining properties and streets. Light standards shall be a maximum of 20 feet in height. The height of the light standards shall be measured from the elevation of the adjacent pavement of the parking area. (Section 3.35.240, Par. 3 & 3(a), Ord. 3051, 12/99)
- 5) Striping. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Director and otherwise comply with Section 3.2.040 ~~Section 3.35.260~~ of this Ordinance.
- 6) Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street, property line, or building, shall provide a secured wheel bumper not less than four (4)

Comment [PH13]: Inserted reference to "Parking Stall Standards" instead of "Parking Variances" (3.35.260)

inches in height, nor less than six (6) feet in length, and shall be centered and set back a minimum of two-and-one-half (2½) feet from the front of the stall.

- 7) Drainage Facilities. All parking areas shall provide drainage facilities in conformance with City of Roseburg Public Works Standards.

SECTION 3.2.130 PARKING PLAN SUBMITTAL REQUIREMENTS (Ord. No. 3279, 3/2008)

A parking plan, drawn to scale, must accompany Site Plan Review applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (see Section 3.1.010 2.3.000). The plan must show the following elements in conjunction with the requirements of this Ordinance:

- 1) Delineation of individual parking spaces, including handicapped accessible parking spaces and employee parking reserved for carpools.
- 2) Loading areas and docks.
- 3) Circulation area necessary to serve spaces.
- 4) Location of bicycle ~~and motorcycle parking~~ areas.
- 5) Access to streets, alleys, and properties to be served.
- 6) Curb cuts.
- 7) Abutting land uses.
- 8) Grading, drainage, and surfacing details.
- 9) Location of lighting fixtures /luminaires.
- 10) Specifications of wheel bumpers.
- 11) Proposed number of employees and /or amount of floor space, whichever is applicable to the parking requirements for the proposed use.

~~SECTION 3.2.140~~ PARKING AREA SCREENING

~~All public and private parking areas, including service and access driveways, which abut residentially zoned (R and MR zones) properties shall be screened along and immediately adjacent to any interior property line. The Screening standard shall apply to all parking areas and service drives, except those in conjunction with single and two-family dwellings. The placement of screening materials shall adhere to the Clear Vision Standards in Section 3.35.050. Screening shall be located at a distance not more than five (5) feet from the interior property line.~~

- 1) ~~Minimum Screening Area Requirements.~~ The minimum improvements within a screening area shall consist of the following:

~~Screening shall consist of either one (1) row of evergreen shrubs which will grow at least six (6) feet in height within one (1) year of planting or an earth berm combined with specified evergreen plantings that forms a sight and noise buffer at least six (6) feet in height within one (1) year of installation. The earth berm/evergreen plantings shall include at least five (5) five-gallon shrubs or ten (10) one-gallon shrubs for each 100 lineal feet of required screening area.~~

Comment [PH14]: Moved to 3.2.150(5)

SECTION 3.2.140 **PARKING AREA LANDSCAPING AND BUFFERING**

The purpose of this Section is to enhance the appearance of land development, reduce noise, glare and urban heat island effects, improve air quality, filter and minimize stormwater runoff, mitigate possible adverse effects of higher intensity land uses and foster quality land development. The design of the parking area landscaping shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

- 1) Application. Parking area landscaping and buffering standards shall apply to all public and private outdoor parking areas that provide for four (4) or more spaces or to any paved vehicular use area 3,000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use, excluding single and two-family dwellings. Parking areas include all surfaces acceptable per Section 3.2.120 that facilitate vehicle parking including, but not limited to, parking spaces, driveways and maneuvering aisles. Parking area landscaping and buffering will be required when any of the following occur: Parking area landscaping requirements are limited to ten percent (10%) of the gross land area.
- a) New development occurs;
 - b) Existing development is expanded or modified that results in a 20% increase or greater in building gross floor area;
 - c) Existing development is expanded, modified or the use is changed in any way that results in at least a 10% increase in required off-street parking spaces. Landscaping requirements shall be based on the expanded parking area, not the entire parking area that existed prior to the expansion or modification.
 - d) An existing parking lot containing at least four (4) parking spaces or 3,000 square feet of parking area is excavated and reconstructed, or an existing gravel or dirt parking lot is converted to a surface in conformance with Section 3.2.120.
 - e) Exemptions. The parking area landscaping and buffering standards shall be exempt for building additions which increase the size of an existing building by less than 20% of the gross floor area. In addition, Any paved vehicular

area which provides fewer than 10 total spaces shall be exempt from the interior lot line buffering and interior parking area landscaping requirements. Areas used specifically as a utility storage lot or a truck loading area shall also be exempt from interior parking area landscaping requirements.

2) Specifications for Trees and Plant Materials. The following standards apply to all landscaping areas specified in this Section.

- a) Deciduous Trees. Deciduous shade or ornamental trees shall be a minimum one-and-one-half (1½) inch caliper measured six (6) inches above ground, balled and burlapped.
- b) Conifer or Evergreen Trees. Coniferous or evergreen trees shall be a minimum of six (6) feet in height above ground, balled and burlapped.
- c) Acceptable and Prohibited Trees. Trees shall be selected from the Street Tree List (See Table 3-8) in order to avoid root damage to pavement and utilities. Trees listed in Table 3-9: Prohibited Street Trees, are strictly prohibited. Trees listed in Table 3-9 are prohibited for use as street trees as their roots cause damage to sewers, pavements, and sidewalks. Furthermore, these trees are prohibited for planting in a parking lot buffer area adjacent to a street or right-of-way.
- d) Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size.
- e) Living ground cover. Living ground cover consists of small plants that shall be fully rooted and shall be well branched or leafed.
- f) Other ground-Non-living ground cover. ~~Other-Non-living~~ ground cover shall consist of a decorative treatment of bark, rock, or other attractive ground cover that does not create an impervious surface.
- g) Lawns. Lawns shall consist of grasses, including sod, or seeds. Lawns shall provide ~~be~~ 100% coverage and be weed free.

TABLE 3-8: STREET TREE LIST

| SMALL MATURE STATURE | |
|---|-------------------------|
| COMMON NAME | BOTANICAL NAME |
| Amur Maple | Acer Ginnala |
| Trident Maple | Acer Buergeranum |
| Hedge Maple | Acer Campestre |
| Paper Bark Maple | Acer Griseum |
| Globe Norway Maple | Acer Plantinoides |
| Bradford Pear (Varieties include: aristocrat, chanticleer, etc.) | Pyrus Calleryana |
| Golden Rain Tree | Koelreuteria Paniculata |
| Redbud (needs protection from southwest sun) | Cercis Canadensis |
| Kwanzan Cherry | Prunus serrulata |
| Crape Myrtle | Lagerstroemia indica |
| Flowering Plum (blireiana, Thundercloud, etc.) | Prunus cerasifera |
| Raywood Ash | Fraxinus oxycarpa |
| Flame Ash | Fraxinus oxycarpa |
| Snowdrift Flowering Crabapple | Malus 'snowdrift' |
| Japanese Crabapple | Malus floribunda |
| Washington Hawthorn | Crataegus phaenopyrum |
| European Hornbeam | Carpinus betulus |
| Profusion Crabapple | Malus profusion' |
| MEDIUM OR LARGE MATURE STATURE | |
| COMMON NAME | BOTANICAL NAME |
| Sargent Cherry | Prunus sargentii |
| Sweet Gum | Liquidamber Styraciflua |
| Marshall's Seedless Ash | Fraxinus pennsylvanica |
| Kimberly Blue Ash | Fraxinus excelsior |
| Rosehill Ash | Fraxinus americana |
| Flowering Ash | Fraxinus ornus |
| Tupelo | Nyssa Sylvatica |
| Norway Maple cultivars | Acer platinoides |
| Red Maple cultivars | Acer rubrum |
| Scarlett Oak | Quercus coccinea |
| Red Oak | Quercus rubra |
| Canyon Live Oak (evergreen) | Quercus chrysolepis |
| Holly Oak (evergreen) | Quercus ilex |
| English Oak | Quercus robur |
| Chinese Pistachio | Pistacia chinensis |
| Varigated Box Elder | Acer negundo |
| Male Ginkgo | Ginkgo biloba |
| Grecian Laurel | Laurus nobilis |
| Japanese Zelkova | Zelkova serrata |
| Amur Cork Tree | Phellodendron amurense |
| Thornless Honey Locust | Gleditsia triacanthos |

TABLE 3-9: PROHIBITED STREET TREES

| COMMON NAME | BOTANICAL NAME |
|---|----------------------|
| Evergreen Conifers | Numerous species |
| Poplar and related species | Populus trichocarpa |
| Black Locust | Robinia pseudoacacia |
| Box Elder (except variegated) | Acer negundo |
| Sycamore | Platanus species |
| Simberian Elm | Ulmus pumila |
| American Elm | Ulmus americana |
| Walnut | Juglans species |
| Weeping Willow | Saxix babylonica |
| Commercial Fruit Trees | Numerous species |
| Catalpa | Catalpa speciosa |
| Tree of Heaven | Ailanthus altissima |
| Big Leaf Maple | Acer macrophyllum |
| Fruiting Mulberry | Morus alba |
| Osage Orange | Maclura pomifera |
| Weeping varieties of trees: (i.e. cherry, mulberry, crabapple) | Numerous species |
| Female Ginkgo | Ginkgo biloba |

- 3) **Parking Area Buffering.** Parking areas shall be buffered from the required areas listed below with a minimum five (5) foot wide strip of landscaping materials.
- a) **Required Buffer Areas.** The parking area (including stacking areas for drive-through uses) shall be buffered from the following areas:
- i) **Street frontage.** The parking area shall be buffered from adjacent lineal street frontage, exclusive of driveways entrances, pedestrian entrances, and exits, with the designated landscaping strip.
 - ii) **Interior Lot Lines.** The parking area shall be buffered from the interior lot line when abutting residential zones with the designated landscaping strip. Where screening is required in Section 3.2.140 3.35.250, the screening area shall be incorporated into the landscaping strip. This requirement shall not in any way prohibit joint access driveways between two (2) or more adjacent parking areas.
- b) **Buffer Area Landscaping Standards.** Minimum landscaping acceptable per 50 lineal feet of required buffer area is as follows:
- i) One (1) tree at least six (6) feet in height. ~~The tree shall be selected from the Street Tree List (See Table F "B") in order to avoid root damage to pavement and utilities.~~
 - ii) Five (5) five-gallon or eight (8) one-gallon shrubs.

Comment [PH15]: Moved to 3.2.150(2)(c)

iii) The remaining area shall be treated with living ground cover, or lawn, or other ground cover.

iv) Trees shall be installed at locations that allow at least two (2) feet of space between the trunk and any curb or paved surface. Additionally, trees shall be evenly spaced throughout the landscaping strip, except that they shall not be located within 10 feet of a fire hydrant or utility pole. Shrubs may be installed anywhere within the landscaping strip without regard for uniformity, however, shrubs shall not be installed within four (4) feet of a tree trunk nor within three (3) feet of a fire hydrant.

4) Interior Parking Area Landscaping. Minimum area required to be landscaped within a parking lot shall be no less than five percent (5%) of the total area within the paved parking and maneuvering areas or at a ratio of one (1) landscape planter per ten (10) parking spaces, whichever is greater. Area landscaped to meet minimum interior parking area landscaping requirements shall be located within the paved parking lot area, not in adjacent buffer or screening areas. This requirement shall not in any way prohibit a developer from grouping the required interior landscaping area in one or more sections of the parking lot.

a) No less than five percent (5%) of the total area within the paved parking area shall be landscaped. Trees shall be situated properly to ensure the tree trunk is at least two (2) feet from any curb or paved area.

Each 160 square feet of required interior parking area landscaping shall contain one (1) tree at least six (6) feet high in height. At least two (2) shrubs shall be placed for every 100 square feet of interior parking lot landscaping. The remaining planter area shall be treated with ground cover.

The tree species may be selected from the Street Tree List (See Table 3-8) to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.

Planters shall be surrounded by a perimeter curb not less than four (4) inches high.

5) Parking Area Screening. All public and private parking areas, including service and access driveways, which abut residentially zoned (R and MR zones) properties shall be screened along and immediately adjacent to any interior property line with a minimum five (5) foot wide strip of landscaping materials. The screening standard shall apply to all parking areas and service drives, except those in conjunction with single-family dwellings, and two-family dwellings and townhouses. The placement of screening materials shall adhere to the Clear Vision Standards in Section 4.4.060 3-35-050. Screening shall be located at a distance not more than five (5) feet from the interior-subject property line.

a) Minimum Screening Area Requirements. The minimum improvements within a screening area shall consist of the following:

Screening shall consist of either one (1) row of evergreen shrubs which will grow at least six (6) feet in height within one (1) year of planting or an earth berm combined with specified evergreen plantings that forms a sight and noise buffer at least six (6) feet in height within one (1) year of installation. The earth berm evergreen plantings shall include at least five (5) five-gallon shrubs or ten (10) one-gallon shrubs for each 100 lineal feet of required screening area.

- 6) Irrigation of Required Landscaping. All required landscaped areas must be provided with a piped underground water supply irrigation system, unless a licensed landscape professional submits written verification that the proposed plant materials do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit from the City Engineer.
- 7) Landscape Plan Submittal Requirements. A Landscape Plan, drawn to scale, must accompany Site Plan Review applications. The plan must show the following elements, drawn to scale, in conjunction with the requirements of this Ordinance:
 - a) Type of landscaping, ~~fencing~~, or other screening materials, including name of plant species. Heights of landscaping materials shall also be noted.
 - b) Location and size of landscaped areas on the development site.
 - c) Abutting land uses and/or zones.
 - d) If existing trees and plant materials are proposed to be preserved, methods for the protection of the plant material shall be noted. This shall include the drip line measurements for trees (see Item #10 below for information on Landscape Area Credit for the Preservation of Existing Trees).
 - e) Plan for underground irrigation system.
- 8) Performance Guarantees. Certificates of Occupancy may be issued prior to the complete installation of all required landscaping if a signed bid contract equal to 100% of the cost of plant materials and labor is submitted to the Director. In addition, the applicant will be required to sign a standard development agreement to ensure such landscape installation within nine months of occupancy permit issuance.
- 9) Clear Vision. All buffering and landscaping material shall not encroach into the Clear Vision areas at the intersections of streets or at the intersection of a street and driveway, as defined in Section ~~4.4.060~~ 3-35.050.
- 10) Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner, free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

11) Landscape Area Credit for Preservation of Existing Trees. A system of landscape area credits has been established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for proposed developments.

a) Criteria For Landscape Credit. Tree(s) preserved on the development site may reduce the total landscaped area required for interior parking lots. Credit shall be considered for approval if a qualified arborist or landscape professional submits the following information to the Director:

i) A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit.

ii) A protection plan for the trees' health during construction. This shall include verification of the radius of the drip line area or an area recommended by a licensed landscape professional. The drip line area shall be defined as the ground area and vegetation measured from the outermost branches to the trunk of the tree. Trees preserved for landscape credit shall not have construction or grading occur within the drip line.

iii) A plan for future maintenance of the tree(s).

b) Landscape Credit System. The Director shall grant landscape credit based on the total area of the preserved tree drip line or the number of required interior parking area planters. The area of the drip line shall be directly credited toward the required landscaping area for interior parking lots. As an alternative to this crediting method, the Director may reduce the number of required interior parking area planters by one (1) for each preserved tree on the development site. In order to secure credit for either method, the entire area within the drip line of the preserved tree must be protected from encroachment unless an alternative is otherwise approved by the Director.

c) Limits to Landscape Area Credit. Landscape credits for preserved trees shall not eliminate or reduce the parking area screening and buffering requirements. Landscape credit shall be applied only to the required interior parking area landscaping (see Section 3.2.150(4) ~~3.35.253(4)~~). Credit for preserved trees shall be limited to 60% of the total interior parking area landscaping requirement. The remaining 40% shall be provided according to Section 3.2.150(4) ~~3.35.253(4)~~. Landscape credit shall not be granted for trees preserved within a required Riparian Habitat Protection Area.

12) CBD Parking Lot Landscaping. (~~Par. 12, entirely, Ord. No. 3051, 12/99~~)

a) Adjacent to Streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.

- i) The landscaping strip shall be at least five (5) feet ~~wide in depth~~.
- ii) The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately 36 inches ~~tall~~.
- iii) Screening materials may include a combination of plant materials, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.
- iv) Plant materials, walls, or structures within a ~~clear vision traffic safety sight area of a driveway~~ shall not exceed ~~36~~ 30 inches in height.

b) Interior Parking Lot Landscaping.

- i) A minimum of two percent (2%) of the parking lot area shall be landscaped.

Trees shall be located in planter areas evenly spaced throughout the interior parking area at a rate of one (1) tree for every ten (10) parking spaces.

- ii) Parking lots with more than 100 spaces shall provide appropriate entry features consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

SECTION 3.2.150 VARIANCE FOR PARKING/LANDSCAPING STANDARDS

The Director may reduce the number of parking spaces and landscape area through an Administrative Variance procedure pursuant to Section ~~5.1.060~~ 2.060(1) for lots 10,000 square feet or less, or lots developed prior to the adoption of this Ordinance. The Director may grant reductions only if, on the basis of investigation and evidence submitted that a lot is 10,000 square feet or less, or existing developments are unable to meet the parking and landscaping provisions due to existing lot and building configurations. The application for variance shall be reviewed according to the following criteria:

- 1) The proposed development will not conflict with the purposes of this Ordinance and adopted policies of the Comprehensive Plan and any other plans or policies adopted by the approving authority;
- 2) The proposed development will not adversely affect existing traffic or the eventual development of abutting properties any more than if the development were to occur according to the standards of the Ordinance.
- 3) The proposal is compatible with existing development and character of adjoining properties.

ARTICLE 3

WALKWAYS AND SIDEWALKS

SECTION 3.3.010 PURPOSE

Purpose. The objective of this Article is to establish an efficient, connected, and safe system of pedestrian circulation throughout the Roseburg Urban Area. This will be achieved through a combination of constructing private and public walkways and sidewalks based on a variety of methods as outlined within this Article.

SECTION 3.3.020 WALKWAYS AND SIDEWALKS (PRIVATE)

- 1) Purpose. The objective of this Section is to accomplish the construction of an efficient, connected, and safe system of pedestrian circulation, coordinated within and between various urban developments, by providing walkways and sidewalks for pedestrian access from and within urban developments and via extensions to street sidewalks. This will be achieved over a long period by making such walks a part of new developments only, and not retrofitting old or existing developments.
- 2) Exceptions. The requirements of this Section shall not apply to single-family and two-family dwellings.
- 3) Locations. Each property in all Zoning Districts being newly developed, or redeveloped to the extent that structural alteration will increase the size of an existing building by 20% of the gross floor area, shall provide internal sidewalks and walkways, subject to the requirements and exceptions set forth in this Section.
 - a) Each property subject to the provisions of this Section shall provide pedestrian walks at or around the building of sufficient extent to provide safe and convenient pedestrian passage commensurate with the character of the development and the nature of the intended use of the building.
 - b) Each such property shall provide pedestrian walkways, crosswalks and other pedestrian facilities to allow safe and convenient pedestrian access throughout the site, particularly to routes between main building entrances and adjacent pedestrian destinations, including uses on adjoining properties, public sidewalks, and transit stops. Where the nature of the development is such that several buildings utilize a common internal pedestrian walkway system, such internal walkway system shall extend to the street sidewalk and shall serve to meet the requirements of this Section.

The ends of all raised walkways, where the walkway intersects a drive, parking aisle or street shall provide ADA accessible ramps.

- 4) Design Standards.

- a) Surface. Pedestrian walks and accessway surfaces shall be paved with permanent hard-surfaced material, such as concrete, stone, brick, or tile. Only all-weather, non-skid paving shall be used in walk construction.
 - b) Stairs. Where stairs are employed, the riser to tread proportion shall be designed to normal stair standards. Handrails shall be provided where the number of risers of adjoining grade difference requires the protection afforded by rails, as determined by the Uniform Building Code of the State of Oregon. Any flight of stairs, if it be on a pedestrian route, shall have the same riser to tread dimension. Stairs shall be constructed of wood, metal or approved walkway material.
 - c) Lighting. Night lighting sufficient to ensure safe pedestrian use shall be provided where stairs, curbs, ramps, or other potential hazards occur.
 - d) Curbs. Pedestrian walks adjoining automobile circulation lanes or parking areas shall be raised six (6) inches, or curbed, painted or constructed of different (contrasting) materials to define the pedestrian walk.
 - e) Markings. Where pedestrian walks must cross parking areas or automobile circulation lanes, the pedestrian walk shall be defined by use of a contrasting paving, such as white concrete in an asphalt area, visually obvious paint stripes, or other clearly defined pattern.
 - f) Crosswalks. Where a walkway crosses a parking area containing more than ten (10) parking spaces, a driveway, or a street, the walkway shall be clearly marked with contrasting paving materials, which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
- 5) Review of Plans by Community Development Director. Before a development permit is issued, plans for pedestrian walks shall be reviewed by the Community Development Director to determine that the provisions and objectives of this Article Sections 3.35.300 and 3.35.350 are to be accomplished. To the extent practicable, such review shall be in conjunction with all other development plan reviews required by this Ordinance, and may be incorporated into the general site plan review process as provided for in Article 1: Site Plan Review.

(Ord. No. 3279, 3/2008)

SECTION 3.3.030 WALKWAYS AND SIDEWALKS (PUBLIC)

- 1) Purpose. The objective of this Section is to accomplish in an evolutionary manner the construction of an efficient, connected, and safe system of pedestrian circulation throughout the Roseburg Urban Area, and to provide a means of financing the construction of such a pedestrian circulation system. This will be achieved over a long period by making such walks a part of all new

development, and retrofitting older areas via the assessment district process or other timely means.

- 2) When Sidewalk Construction Required. It shall be a condition of the issuance of a development permit for all property being newly developed, or re-developed to the extent that structural alteration will increase the size of an existing building by 20% of the gross floor area, that sidewalks, curbs, gutters, and storm drainage facilities, conforming to the standards and guidelines established by the Director of Public Works, shall be installed along the entire street frontage of the property at the sole cost of the permittee prior to the issuance of an occupancy permit, except as provided for in Subsection 4 of this Section.
- 3) Zone Change, Subdivision Plats, Planned Unit Development, and New Street Construction.
 - a) As a condition of approval of final plats or subdivisions and final plans for planned unit developments, the applicant shall be required to provide for installation of the permanent improvements described in Subsection 2 of this Section.
 - b) Subject to the limitations and exceptions set forth in Section ~~3.3.030(4)~~ ~~3-35-350(4)~~, the construction of curbs, gutters, sidewalks, and storm drainage facilities conforming to standards and guidelines of the Director of Public Works shall be completed prior to issuance of an occupancy permit for all property where there is a change in zoning and actual use from a residential district to any other zone and use.
 - c) Where the construction of a new public street is to take place, whether through assessment proceedings, developer construction, or a government-sponsored or funded project, said street shall be constructed with the improvements specified in Subsection 2 of this Section.
- 4) Limitations and Exceptions. The improvements specified in Section ~~3.3.030(2)~~ ~~3-35-350(2)~~ shall not be required at the time of issuance of a development permit for new construction or re-development adjacent to public streets, or at the time of a zoning and actual use change from a residential district when:
 - a) No final profile grade elevation for the street can be established by the Director of Public Works based on then existing knowledge of planned street widening or improvements; or
 - b) When unsolved problems relating to drainage or other street construction factors prevent or make impracticable final sidewalk construction on said street at a time prior to the expected completion date of the construction for which the permit is sought. However, the property owner, or the permittee, prior to issuance of a certificate of occupancy, shall be required to grade, either by cutting or filling or a combination thereof, the public right-of-way from the nearest edge of the existing traveled way to the right-of-way margin of the

street adjacent to the property to provide for drainage in accordance with standards and as directed by the Director of Public Works.

- c) When the property is located in an RO, R10, R7.5, or R6 District and has been exempted by street, block or neighborhood under Subsection 5 of this Section.
 - d) When improvements are not constructed pursuant to (a), (b), and (c) above, the applicant or property owner shall also agree in a signed written and subsequently recorded agreement to install permanent sidewalk improvements at his/her sole cost, or in accordance with other agreed financing alternatives, at such time, if any, as the street is improved and conditions permit said construction, all as directed by the Director of Public Works.
- 5) Relief and Appeal. The jurisdiction may from time to time establish, revise, delete, or otherwise determine what streets, blocks, or neighborhoods may be exempted from these standards due to terrain, physical restrictions, available right-of-way width, or other substantial reason. The Governing Body shall have authority to grant relief from the application of provisions of Sections 3.3.020 ~~3.35.300~~ and 3.3.030 ~~3.35.350~~ upon due notice and hearing, and upon a finding by the Governing Body that, due to physical conditions beyond the control of the applicant, application of these requirements would result in unworkable or unsafe conditions, including adverse effects on use or access to the premises.
- 6) Standards to be Developed by Director of Public Works. Standards and guidelines shall be developed by the Director of Public Works for sidewalk improvements and associated construction. See Ordinance No. 1757.
- 7) Conditions to Issuance of Permit to be in Writing. The applicable conditions to issuance of a development permit which are imposed by this Section shall be written upon the permit or embodied in a separate written agreement and attached to the permit, which shall be made a part of the permanent records of the Building Official.

CHAPTER 4

SUPPLEMENTAL REGULATIONS

ARTICLE 1

NONCONFORMING USES

SECTION 4.1.010 NONCONFORMING USES

Except as is hereinafter provided by this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued, although such use does not conform with the provisions of this Ordinance.

SECTION 4.1.020 CHANGES IN NONCONFORMING USES

A nonconforming use may be changed only to a use conforming to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

SECTION 4.1.030 INCREASE OF NONCONFORMING USES

A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Ordinance may be granted by administrative action subject to the provisions of this Ordinance.

SECTION 4.1.040 VESTED RIGHT

Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time construction was commenced.

SECTION 4.1.050 DISCONTINUANCE OF NONCONFORMING USE

When a nonconforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

SECTION 4.1.060 UNLAWFUL USE NOT A NONCONFORMING USE

No unlawful use of property existing at the time of passage of this Ordinance shall be deemed a nonconforming use.

SECTION 4.1.070 RESTORATION OF A NONCONFORMING BUILDING OR STRUCTURE

- 1) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to an extent that

the cost of repair or restoration of the building or structure, conforming to current building codes, would exceed 80% of the market value contained in the records of the Douglas County Assessor, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. If the building or structure and use thereof is not terminated, it may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.

- 2) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

SECTION 4.1.080 CONVEYANCE OF NONCONFORMING USE

Nothing in this Ordinance shall be construed to limit the sale, transfer, or other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

SECTION 4.1.090 RESTORATION OF CONFORMING USE ON NONCONFORMING LOT

Nothing in this Ordinance shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Ordinance.

SECTION 4.1.100 SPECIAL STATUS OF DWELLING UNITS

Notwithstanding the restrictions of any other Section of the Roseburg Land Use and Development Ordinance, all dwellings existing in commercial districts (PO, CBD, C-1, C-2, C-3) and built before the date of this provision (September 24, 2008) are considered conforming to the base district. If any building on said properties is substantially destroyed as defined by Section ~~4.1.050 3-37-250~~ and ~~4.1.070 3-37-350~~, it may be rebuilt to the same size as existed prior to said destruction, subject to the regulation of any applicable overlay district. Construction of the replacement dwelling must be commenced within 12 months after the date the dwelling unit was destroyed and shall be diligently pursued to completion. If an existing dwelling is converted to a permitted commercial use, the special status granted herein is rescinded, and the use of the property must thereafter conform to the requirements of the applicable Zone District. (Ord. No. 3289, 9/2008)

SECTION 4.1.110 APPLICATION FOR ALTERATIONS OR REPAIRS

Alterations or repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to the provisions of Section ~~5.1.060 2-060~~ of this Ordinance. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

SECTION 4.1.120 CONDITIONS OF APPROVAL

In order to assure compatibility of the proposed development with the surrounding area, conditions may be imposed as conditions of approval of alteration or repair of a nonconforming use. Such conditions may include, but are not limited to, the following:

- 1) Special yards and spaces.
- 2) Fences and walls.
- 3) Special parking and/or loading provisions.
- 4) Street dedication and improvements or bonds in lieu of improvements.
- 5) Control of points of vehicular ingress and egress.
- 6) Special provisions for signs.
- 7) Landscaping and the maintenance of grounds.
- 8) Control of noise, vibration, odors, or other similar nuisances.
- 9) Limitation of time for certain activities.
- 10) A time period in which a proposed use shall be developed.
- 11) A limit of total duration of use.
- 12) Transportation improvements to mitigate the impact of increased transportation and to protect transportation facilities.

SECTION 4.1.130 GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS

If a lot of record or series of contiguous units of land existing in a single ownership were created in compliance with all applicable laws and Ordinances in effect at the time of their creation and have an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to other requirements of this Ordinance. Nothing in this Ordinance shall be interpreted to limit the sale, transfer, or other conveyance of any such single lot of record or unit of land. (Ord. 3279 – 3/2008)

SECTION 4.1.140 GENERAL EXCEPTION FOR APPROVED SUBDIVISION

Nothing in this Ordinance shall be deemed to prohibit construction of conforming uses on nonconforming lots or the sale of said lots within subdivisions or land partitions approved prior to the adoption of this Ordinance, subject to other requirements of this Ordinance.

ARTICLE 2

SIGNS

SECTION 4.2.010 PURPOSE AND INTENT

The provisions of this Article are made to establish reasonable and impartial regulations for all exterior signs, and to further the objectives of the comprehensive plan of City of Roseburg; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values and to further economic development.

SECTION 4.2.020 DEFINITIONS

For purposes of this Article, the following terms and phrases shall have the following meaning. If the general definitions in Section ~~1.1.110~~ 1.1.110 ~~1.090~~ conflict, the following definitions shall control for purposes of this Article.

- 1) Awning: Canvas, vinyl, or metal material connected to a frame that serves as a shelter over a door or window.
- 2) Freestanding Sign: A sign erected on a structure constructed primarily for the purpose of sign support. This definition does not include an incidental sign.
- 3) Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.
- 4) Indirect Illumination: A light directed toward a sign so that the beam of light falls upon the exterior surface of the sign and is not flashing.
- ~~5) Lot: A unit of land created by a subdivision of land, the term "lot" is synonymous with the term "parcel" for the purposes of this Ordinance.~~
- ~~6) 5) Nonconforming Sign: A sign that met all legal requirements when constructed but that is not in compliance with this Ordinance. An illegal sign is not a nonconforming sign.~~
- ~~7) 6) Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of the wall. Projecting signs are considered freestanding signs for the purpose of this Ordinance.~~
- ~~8) 7) Roof Sign: Any sign erected on a roof or which extends in height above the roof line of the building on which the sign is erected. Roof signs are considered freestanding signs for the purpose of this Ordinance.~~

9)8) Sign: Any fabricated device for use outdoors, including its structure, consisting of any letter(s), figure, character mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter, or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise display. However, the term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem, or insignia of a nation, government unit, school, or religious group, except that such emblems shall conform to illumination standards set forth in this Ordinance. Any identification, description, illustration, symbol, or device which is placed or affixed directly or indirectly upon a building, structure, or land.

Comment [CDU16]: Transferred from definitions section.

10)9) Sign Area: The area of the sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display together with any material or color forming an integral part of the background of the display or used to differentiate design from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, decorative fence, or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

11)10) Sign Face: The functional surface of a sign including all sign elements facing in the same direction.

12)11) Sign Height: The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

13)12) Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.

14)13) Wall Sign: A sign attached flat against a wall of a building extending not more than 12 inches and installed parallel to the wall. An awning sign shall be considered a wall sign.

SECTION 4.2.030 EXEMPT SIGNS

The following signs and devices shall not be subject to the permit requirements of Section ~~4.2.040~~ ~~2.4.070~~, nor subject to the number and type limitations of this Article, but shall be subject to all other provisions of this Article, and the requirements of this Section:

- 1) Architectural Features: Architectural features will not be considered signage as long as the feature does not contain any commercial message.
- 2) Banners: Prohibited in right-of-way. Allowed up to 90 square feet. Each banner can be installed for up to six (6) weeks then it must be removed and/or replaced.

This banner cannot be re-installed until six (6) weeks have passed. No fee permit required. Violation will result in removal of banner permission for 12 months.

- 3) Directional Sign: A sign giving on-site directional assistance for the convenience of the public, which does not exceed four (4) square feet in area and which does not use flashing illumination.
- 4) Event Sign: An election sign not exceeding 32 square feet, provided the sign is removed within seven (7) days following an election. A temporary non-illuminated sign not exceeding 100 square feet used for a fund raising event solely for charitable purposes, placed by a legally-constituted non-profit organization. A sign that is securely attached to a sales stand or cart while it is used and the stand or cart is not used for more than four (4) months per calendar year.
- 5) Flag/Pennant: A governmental flag and other flags and pennants without letters or numbers. Such flags and pennants shall be made of non-rigid material.
- 6) Historical/Landmark Sign: A marker erected or maintained by public authority or by a legally constituted historical society or organization identifying a site, building, or structure of historical significance.
- 7) Holiday Sign: A sign or decoration used to commemorate a holiday which is removed within seven (7) days following the holiday period.
- 8) Incidental Sign: A sign which does not exceed four (4) square feet in area and which does not use flashing illumination. The number of such signs shall not exceed more than two (2) signs per street frontage on any one (1) parcel.
- 9) Interior Sign: Any sign which is not visible and not directed to people using a public street or public pedestrian way.
- 10) Outdoor Menu Board: Businesses are allowed one (1) outdoor menu board of up to 32 square feet per order window. The lettering on the sign shall be a maximum of six (6) inches high. Internal illumination is allowed.
- 11) Painted Wall Sign: A sign painted to a wall or a building.
- 12) Public Sign: A sign erected by a government agency. A public notice or warning required by a valid and applicable federal, state, or local law or regulation and an emergency warning sign erected by a public utility or by a contractor doing authorized work in the public way.
- 13) Real Estate or Construction Signs: Temporary non-illuminated real estate (not more than two (2) per lot) or construction signs not exceeding 32 square feet, provided said signs are removed within 15 days after closing or signing of the sale, lease, or rental of the property or within seven (7) days of completion of the

project.

- 14) Streamers, Pennants, Balloons: Streamers, pennants, and balloons (containing advertising copy) are allowed up to three (3) days total during any calendar month. A no fee permit is required.
- 15) Subdivision or Multi-family Complex Signs: Signs in residential zones that identify subdivisions or multiple-family complexes not to exceed 32 square feet in area and five (5) feet in height, and may have indirect illumination.
- 16) Stand Cart: A sign that is securely attached to a sales stand or cart while it is used.
- 17) Vending Machine Sign: Any sign which forms an integral part of a machine used to dispense goods to consumers.
- 18) Wall Graphics: May be painted directly on the wall of any building. Will not be considered a sign. Special restrictions if historical landmark.
- 19) Window Sign: A temporary sign painted or placed upon a window in a non-residential zone.

If the foregoing exemptions conflict with Section ~~4.2.050~~ ~~3.35.080~~ of this Ordinance, said Section shall govern.

SECTION 4.2.040 PROHIBITED SIGNS

The following signs are prohibited:

- 1) Abandoned Sign: A sign existing more than 60 days or a sign structure existing more than 12 months after a business ceases to operate, shall be taken down and removed by the owner, agent or person having the beneficial use of the lot upon which such sign may be found.
- 2) Clear Vision Obstruction: All signs must conform to LUDO Section ~~4.4.060~~ ~~3.35.050~~.
- 3) Simulated Traffic Signs and Obstructions: Any sign which may be confused with or obstruct the view of any authorized traffic signal or device, or extend into the traveled portion of a public street or pedestrian way.
- 4) Vacant Lot Sign: Except exempt signs, a sign erected on a lot that has no structures that are capable of being occupied as a residence or business. Notwithstanding the foregoing, signs otherwise permitted under this Article may be placed on a lot improved for off-street parking as provided by this Ordinance.
- 5) Vehicular Sign: Any sign written or placed upon or within a parked motor vehicle with the primary purpose of providing a sign not otherwise allowed by this Ordinance. This does not include any sign permanently or temporarily placed on

or attached to a motor vehicle, when the vehicle is used in the regular course of business for purposes other than the display of signs.

SECTION 4.2.050 PERMIT PROCEDURES

- 1) Permit Required: No sign or sign structure shall be erected, altered, relocated, or replaced until a sign permit has been issued by the Director except as provided in Section ~~4.2.020 - 2.4.050~~. For the purposes of this Ordinance, all signs are considered accessory uses of the lot upon which they are located.
- 2) Application: Applications for sign permits shall be in accordance with the provisions of Site Plan Review, Article 13 of ~~Chapter 3~~ of this Ordinance.
- 3) Fee: The fee for a sign permit shall be as set by council resolution.
- 4) Permit Required: The fee for any sign which has been erected without a sign permit shall be double the regular sign fee.
- 5) Building Code Compliance: All signs constructed shall comply with Roseburg ~~Municipal~~ Code Chapter ~~10.04 16.05~~ and the Oregon Electrical Safety Specialty Code and Chapter 4506 of the IBC.
- 6) Work Not Requiring Permit: Face changes and non-structural repairs do not require a permit.
- 7) State Highway Jurisdiction: Any sign located along a State Highway requires approval from ODOT regarding right-of-way and easement issues.
- 8) Off-Premise Signs: Any off-premise sign located along State Highway right-of-way requires a permit from ODOT.

SECTION 4.2.060 STANDARDS AND CRITERIA

- 1) Setbacks:
 - a) No sign shall be located within 50 feet of residentially used property in a residential zoning district.
 - b) No sign or sign structure shall be located over the portion of a public street used by motor vehicles. However, in the event a public street is modified so that the sign or sign structure becomes located over the portion used by motor vehicles, the sign shall be relocated at owner expense.
 - c) A sign installed over the public right-of-way shall be no closer than two (2) feet to face of curb.
- 2) Signs in Residential Zones:

In the RO, R10, R7.5, R6, MR3, MR2.4, MR1.5, and MR1 Zoning Districts, no sign shall be allowed except the following:

- a) A sign identifying only the name of the owner or occupant of a building, provided such sign does not exceed six (6) inches by 18 inches (6" x 18") in size, is non-illuminated, and is located not less than 15 feet from the front lot line.
- b) A sign pertaining to the lease or sale of a building or property, provided such sign does not exceed six (6) square feet in area.
- c) One (1) identification sign facing each bordering street, not to exceed six (6) square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but non-flashing, and shall not be located in any required yard setback.
- d) Temporary sign, for one (1) year, advertising a new subdivision, provided such sign does not exceed 32 square feet in area, advertises only the subdivision in which it is located, is non-illuminated, and is erected only at a dedicated street entrance and within the lot lines. Such sign shall be removed if construction on the subdivision is not in progress within 60 days following the date of the sign permit.
- e) Church signs may not exceed 32 square feet in area, may be illuminated only internally.

3) Non-Residential Zones:

- a) PR, C-1, C-2 CBD Zones. All non-exempt signs located within these zones shall conform to the following limitations:
 - i) Only one (1) Maximum number of freestanding signs shall be permitted for each property is one. The size of the freestanding sign shall be limited to 50 square feet maximum in area and 20 feet maximum in height
 - ii) No roof signs shall be permitted.
 - iii) Total area of all attached wall signs shall not exceed 100 square feet.
- b) PO, C-3, M-3, M-2, M-1, MU Zones. All non-exempt signs located within these zones shall conform to the following limitations:
 - i) Freestanding signs
 - A) Maximum one hundred (100) square feet in area
 - B) Maximum height of 25 feet

- C) Maximum one (1) 100 square foot roof sign may be allowed in place of an allowed freestanding sign

Additional signs may be permitted based on the street length of the property as provided in Table 4-1: Calculation of Signs, ~~Section (3)~~ below

- ii) Wall signs: maximum total area of any single attached wall sign shall not exceed 200 square feet, except as provided in ~~Section (3)~~ Table 4-1 below.
- iii) Available sign square footage is computed using lineal footage of street frontage of the property or use on which the signs are to be installed:

TABLE 4-1: CALCULATION OF SIGNS

| Lineal Feet of Street Frontage | Number of Freestanding Signs | Total Square Feet of Wall Signs |
|---------------------------------|---|---------------------------------|
| 0-299 | 1 | 400 |
| 300-399 | 1 | 600 |
| | 2 | 400 |
| | One (1) with no more than 200 square feet of sign area | 400 |
| Each 100 lineal feet beyond 400 | One (1) additional 100 square foot freestanding sign or 200 square feet of wall signs may be added to any combination shown above. However, no property shall have more than four (4) freestanding signs. Freestanding signs allowed by this subpart shall be placed at least 100 lineal feet apart. | |

~~1. 0-299 lineal feet = one (1) freestanding sign plus 400 square feet of wall signs~~

~~2. 300-399 lineal feet~~

~~a) one (1) freestanding sign plus 600 square feet of wall signs~~

~~b) two (2) freestanding signs plus 400 square feet of wall signs~~

~~c) one (1) 200 square foot freestanding sign plus 400 square feet of wall signs~~

~~For each additional 100 lineal foot frontage beyond 400), one (1) additional one hundred (100) square foot freestanding sign OR two hundred (200) square feet of wall signs may be added to any of the above configurations with a maximum of four (4) additional signs.~~

~~Freestanding signs allowed by this subpart shall be placed at least one hundred (100) lineal feet apart.~~

iv) For multiple businesses in a shopping center, for multiple businesses sharing common off-street parking facilities, or for multiple businesses with the same property owner, all of which are located on one (1) or more contiguous lots, the maximum number of wall signs allowed per business shall be one (1) wall sign per street frontage of the business, subject to the size provisions listed in Section 4.2.050(3)(b)(i-iii) (2) and (3) above.

4) Freeway District: Commercially and Industrially zoned lots with frontage along Interstate 5 Freeway within the Harvard/I-5 (Exit 124) Garden Valley/I-5 (Exit 125), and Edenbower/I-5 (Exit 127) overlays (see Figures 4-1, 4-2 and 4-3 below) may install:

- a) One (1) additional freestanding sign.
- b) Sign must be oriented to the motoring public on Interstate 5.
- c) Maximum 250 square feet for one (1) face, 500 square feet for two (2) or more faces.
- d) Maximum height of 65 feet and a minimum height of 30 feet.

5) New Business: Each business at a new location may have one (1) temporary sign on each street frontage of the lot occupied by that business provided: the sign area does not exceed 50 square feet and provided the sign is not displayed for more than 365 days or until the permanent sign is installed, whichever first occurs. A sign permit is required for each new business sign, but no fee shall be charged.

6) Illumination of Signs: External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zoning district which is adjacent to or across a street from the property in the non-residential zoning district.

7) Other Uses: In cases where the standards within this Section do not specifically address a sign requested in conjunction with a permissible use, the Director shall make a written interpretation of the Ordinance, which shall be kept in the permanent record for that application.

8) Central Business District: The regulations set forth in this Article 4 of LUDO shall be the regulations for signs in the CBD District. In addition, the following shall apply to signs within the CBD District:

- a) Sign(s) must be clearly readable from a distance of 100 feet.
- b) The use of small pedestrian-oriented portable signs is permitted in the CBD Zoning District on public or private properties or sidewalk right-of-way subject to the approval of a Sign Permit per this Article 4 and the following standards:
(Par. 8.b. (1), (2), (3), (4) revised, Ord. 3101, 2/14/02)

- i) A portable sign is any sign or advertising device, which rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground. This does not include temporary banners, posters, and similar signs made of non-permanent materials;
- ii) Businesses shall be allowed one (1) portable sign per street frontage entrance. Portable signs shall only be displayed within the linear street frontage of the business.
- iii) The maximum height, from ground level, shall be four (4) feet and the maximum width shall be two (2) feet.
- iv) Portable signs may be located on private property or within the public right-of-way, provided they do not interfere with pedestrian movement or wheelchair access to, through and around the site. A minimum access width of five (5) feet shall be maintained along all sidewalks and building entrances accessible to the public.
- v) Owners of such signs shall provide public liability insurance prior to approval of a Sign Permit and name the City as a certificate holder.
- vi) Portable signs shall not encroach into required off-street parking areas, public roadways, or alleys, and may not be arranged so as to create visual obstructions or other traffic hazards. Portable signs shall not be placed within the corner curb return areas of intersections.
- vii) Portable signs shall be utilized only during regular business hours and shall be removed during non-business hours.
- viii) Portable signs shall be adequately supported and shall have a weighted base capable of keeping the sign upright in a moderate wind.
- ix) Materials for portable signs shall be of a permanent nature and not be subject to fading or damage from weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure. (Par 8. b. (7) revised, Ord. No. 3101, 2/14/02)
- x) No lighting is permitted for portable signs.
- xi) Portable signs shall be designed in an attractive manner and present an image of quality and creativity.
- xii) Portable signs shall be maintained in a neat, orderly fashion so as not to constitute an unsightly appearance or a public nuisance. Signs shall be constructed of durable, weather-resistant materials and be professional in appearance in a manner meeting the approval of the Director. Signs that are not maintained shall be removed immediately upon notice from the Director.

- xiii) A sign permit application for a portable sign to be located on public property shall be accompanied by a certificate of insurance in the following amounts:
 - A) Liability insurance in an amount not less than \$500,000 for injuries to each person, and in an amount not less than \$500,000 for any one occurrence; and,
 - B) Property damage insurance in an amount not less than \$100,000 for damage to the property of each person on account of any one occurrence.
- c) One (1) projecting sign shall be permitted on the rear of a structure when a public entrance is provided. Projecting signs shall comply with the following:
 - i) No projecting sign shall be located within 100 feet of residentially zoned property.
 - ii) The area of a projecting sign shall not exceed one (1) square foot per face per rear linear foot of structure occupied by the business which the sign advertises or 30 square feet, whichever the less.
 - iii) No part of projecting sign shall have a clearance less than eight (8) feet over a pedestrian way or 15 feet over a vehicular way and shall not project above the top of the building's parapet or eave line.
 - iv) No sign shall project more than four (4) feet from the surface on which it is mounted.
 - v) Awnings are excluded from this Section.

SECTION 4.2.070 NONCONFORMING SIGNS

Except for signs located in M-1 zones, M-2 zones, and the Freeway District, any non-conforming freestanding sign that is greater than 200 square feet shall be reduced to not more than 200 square feet in area or be removed by December 31, 2000.

All other non-conforming signs shall not be increased in size and shall be subject to the regulation of structures as provided in Article 1 of this Chapter ~~3.37 of this Ordinance~~.

SECTION 4.2.080 CONSTRUCTION AND MAINTENANCE

Condition of Signs: All signs, sign structures, and components shall be maintained in good repair and in a safe and clean condition. All signs judged by the Building Department to not be in good repair and in a safe and clean condition shall be considered nuisances and subject to abatement proceedings. (Signs revised 8/98, Par. 8 entirely, Ord. 3049, 9/99; Par. 8, Ord. 3059, 1/00; Par. 12 © & (d) replaced w/Par. (13) (a) – (e), Ord 3101, 2/14/02)

FIGURE 4-1: I-5 EXIT 124 (HARVARD)

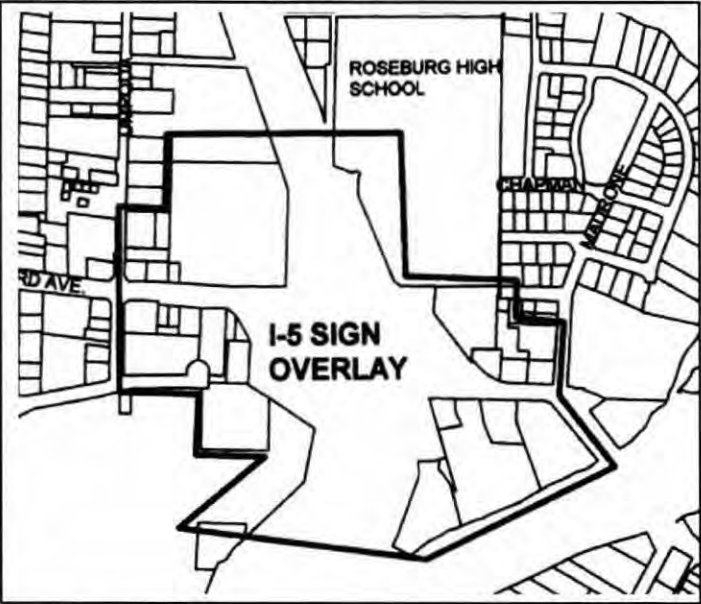


FIGURE 4-2: I-5 EXIT 125 (GARDEN VALLEY)

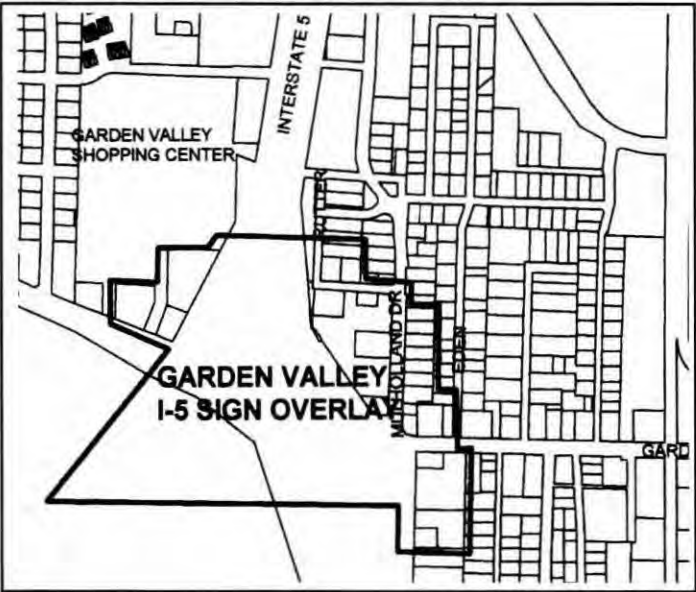
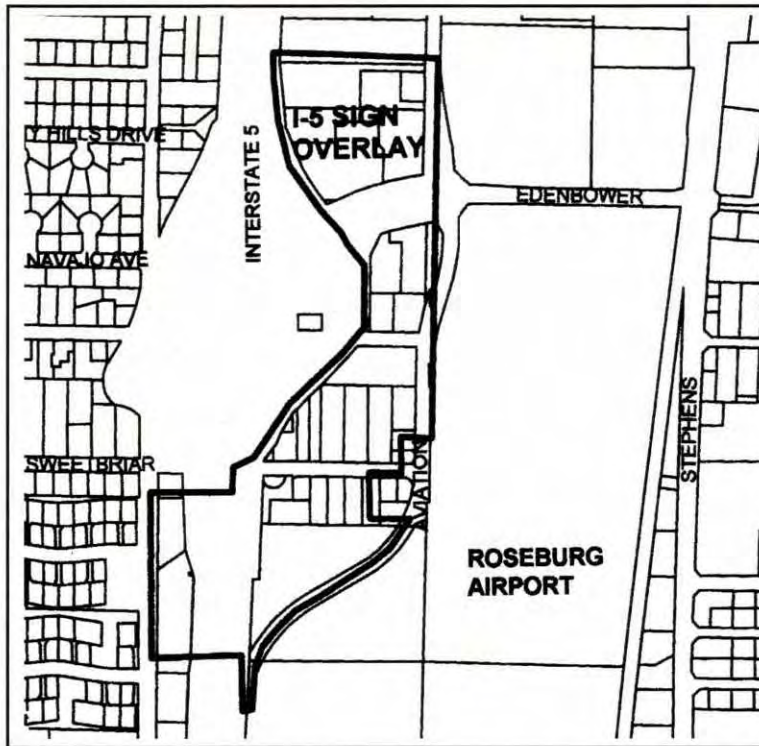


FIGURE 4-3: I-5 EXIT 127 (EDENBOWER)



ARTICLE 3

TELECOMMUNICATION FACILITIES

SECTION 4.3.010 PURPOSE AND INTENT

The provisions of this Article are made to establish a reasoned approach for the construction, placement, modification, maintenance, and removal of telecommunication facilities. The establishment of these regulations recognizes the need of telecommunication providers to build out their systems over time to provide wireless telecommunication services to municipal residents and businesses. The specific purposes of this Article are as follows:

- 1) To minimize the number of transmission towers throughout the community;
- 2) To encourage the co-location of telecommunication facilities;
- 3) To encourage the use of existing buildings, structures, utility poles or water towers as opposed to the construction of new telecommunication towers;
- 4) To ensure that all telecommunication facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community; and
- 5) To minimize public inconvenience and disruption.

It is not the intent of the City to discriminate among providers of functionally equivalent services, or to prohibit or have the effect of prohibiting the provision of wireless services.

SECTION 4.3.020 DEFINITIONS

For the purposes of this Ordinance, the following terms and phrases shall have the following meaning. If the general definitions in Section ~~1.1.110~~ ~~4.090~~ conflict, the following definitions shall control.

Alternative Structures: Existing man-made structure that camouflages or conceals the presence of telecommunication facilities, such as clock tower, bell tower, church steeple, water tower, light pole, and similar alternative-design mounting structure.

Ancillary Facilities: The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennas: An electrical conductor or group of electrical conductors that transmit or receive radio waves that function at line of sight transmission, excluding amateur radio antennas.

Cellular System: A wireless system that operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells (frequency reuse).

Co-location: The mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Existing Structure: Structure in existence prior to an application for a wireless communication facility installation.

Private Telecommunications Network: A system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly.

Provider: A person in the business of offering telecommunication services for monetary or other consideration.

Stealth Design: A telecommunication facility that is designed or located in such a way that its appearance is not readily recognizable as telecommunications equipment.

Telecommunication Facility: A facility designed or used for the purpose of transmitting, receiving, or relaying wireless voice or data signals from one or more telecommunication services, including any transmission towers, poles, antennas, or other structures.

Telecommunication Service: The business of transmission, for money or other consideration, wireless telecommunications in electromagnetic, electronic, or optical form. This includes but is not limited to cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, commercial paging services, and digital television.

Tower: Any structure built for the sole or primary purpose of supporting antennas and their associated facilities.

- 1) **Guyed tower:** A tower supported by the use of permanently anchored cables (guy wires).
- 2) **Lattice tower:** A tower characterized by an open framework of lateral cross members that stabilize the tower.
- 3) **Monopole tower:** A single upright pole, engineered to be self-supporting without lateral cross supports or guys.

SECTION 4.3.030 PERMIT PROCEDURES

- 1) **Permit Required:** No telecommunication facility, as defined in Section ~~4.3.020~~ ~~3.29.040~~, shall be constructed, modified to increase its height, installed, or

otherwise located within the City, except as provided in this Section. A telecommunication facility shall require a Conditional Use Permit.

- a) Conditional Use Permit. A telecommunication facility requires a Conditional Use Permit and shall be processed in accordance with the Conditional Use Permit procedures of Article ~~8 39, Sections 3.39.000 to 3.39.070~~ of Chapter 5. The criteria contained in this Section, as well as the criteria contained in Article ~~8 of Chapter 5 39~~ of this code, shall govern approval or denial of the Conditional Use Permit application. In the event of a conflict in criteria, the criteria in this Section shall govern. No building permit shall be issued prior to completion of the Conditional Use Permit process, including any local appeal.
- 2) Fee: The fee for a Conditional Use Permit shall be set by council resolution. The fee for any telecommunication facility that has been erected without a building permit or without a Conditional Use Permit shall be double the regular permit fee.
- 3) Application requirements:
 - a) Co-location or Installation of Antennas: In addition to standard required application material, an applicant who proposes to install or co-locate an antenna shall submit the following information. Additional application materials are required, as specified in ~~Subsection paragraph "c"~~ below, for applications for the required Conditional Use Permit.
 - i) A description of the proposed antenna's location, design and height.
 - ii) A statement documenting ~~that~~ whether or not placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.
 - iii) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
 - iv) A written statement indicating whether the frequency used by the applicant is in close proximity to the frequency used by local public safety officials. If the frequency is so close as to potentially interfere with public safety communications, the applicant shall provide a technical evaluation indicating the range of potential interference problems, shall consult with public safety officials about the evaluation, and shall agree in writing to cooperate in good faith with public safety officials to minimize interference to the greatest extent possible prior to installing its facilities.

- b) Construction of Towers: In addition to standard required application material, an applicant for the construction of a transmission tower shall submit the following information.
- i) A description of the proposed tower location, design, and height.
 - ii) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
 - iii) A signed agreement stating that the applicant will allow co-location with other users, provided that all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.
 - iv) A landscaping plan, drawn to scale, of the proposed and existing landscaping, including type, spacing, size, and irrigation methods.
 - v) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
- c) Conditional Use Permit Applications: In addition to the application requirements specified above, applications for Conditional Use Permits shall include the following information.
- i) A visual impact analysis showing the appearance of the proposed tower, antenna, or ancillary facility from at least three (3) points within a two-mile radius. The analysis shall include the following:
 - A) A map of the vicinity within two (2) miles of the proposed facility that shows where any portion of the tower would be visible;
 - B) Photo-simulations, elevations or other visual or graphic simulations that shows the proposed facilities in place; and
 - C) An assessment of potential mitigation measures.
 - ii) Documentation that alternative sites within a one-mile radius of the proposed site have been considered for technological feasibility and availability. Provide documentation why other technologically feasible or available sites are unacceptable.
 - iii) Documentation that co-location is impractical on existing structures for reasons of structural capacity, safety, available space, or failing to meet service coverage area needs.

- iv) A current overall system plan for the City, showing facilities presently constructed or approved, and future expansion plans.
- v) A statement explaining the need for the location, design, and height of the proposed tower or antenna.

SECTION 4.3.040 STANDARDS AND CRITERIA

- 1) Setback: A tower shall be set back at least 150% of its height from the nearest public road. All measurements are from the tower base except that a guyed tower shall be measured from the guy wire ground attachment.
- 2) Building Code Compliance: The construction of all telecommunication facilities shall comply with Roseburg Municipal Code Chapter 10.04 16.05 and the International Building Code that is in effect at the time the building permit is approved.
- 3) Visual Impact:
 - a) Towers and attached antennas shall be made of galvanized steel, painted in neutral shades that are compatible with the surrounding environment, or constructed according to a stealth design, as approved by the City. Ancillary facilities shall be finished in such a way as to blend with the surrounding environment.
 - b) The lowest six (6) feet of the facility or tower shall be visually screened by trees, large shrubs, solid walls or fences.
 - c) Towers shall be located so that visual impacts from any point within the City to the ridgelines surrounding the City shall be minimized to the greatest possible extent.
 - d) Alternative structures and stealth designs shall be used whenever feasible in locating antennas.
- 4) Tower Height: Telecommunication facilities shall be subject to the height limitations of the zone in which the facility will be located as well as the height limitations in Subsection 15. The height and mass shall not exceed that which is essential for its intended use and public safety.
- 5) Separation Between Towers: No tower shall be constructed within 2,000 feet of any existing tower, unless this requirement is specifically waived by the City for purposes of mitigating visual impact or improving compatibility with other uses of the property.
- 6) Co-location: Joint use of any new telecommunication tower is required whenever feasible. New transmission towers shall be designed to accommodate co-location of additional providers. Providers who own or manage towers shall

provide co-location sites for additional telecommunication service providers at a reasonable cost, to the extent practicable. All co-located facilities shall be designed in such a way as to be visually compatible with the structures on which they are placed.

- 7) Equipment Shelters: All associated transmittal equipment shall be housed in an enclosed shelter. Equipment shelters adjacent to towers shall not exceed 750 square feet in area or 12 feet in height. The shelter shall be screened and landscaped to minimize visual impact.
- 8) Fencing: Telecommunication facilities shall be surrounded with protective fencing and entered through a locked gate.
- 9) Roadways: All roadways constructed to access telecommunication facilities will be paved with an all-weather surface designed to support emergency equipment and of sufficient width, with approved turn-around in accordance with Uniform Fire Code rules and regulation.
- 10) Display: No signs, striping, graphics, or other attention-getting devices shall be permitted on towers, except that one (1) non-illuminated sign, not to exceed three (3) square feet, is permitted to identify the owner and to provide emergency contact information.
- 11) Lighting: No lighting shall be permitted on towers except as required by the Federal **Aviation Aeronautics** Administration or the Oregon Department of Aviation.
- 12) Removal of Wireless Telecommunication Facilities: A lease agreement between the property owner(s) and the provider shall be made available including a provision establishing responsibility for the removal of a wireless telecommunication facility within one (1) year after active operation has been discontinued. The property owner(s) shall be responsible for ensuring that this provision of the lease is met. The City is an intended third party beneficiary of the lease provision and shall be recorded as such with the County Clerk as a deed covenant.
- 13) Modification of Telecommunication Facilities: Pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this Article to the contrary, a request for a modification of an existing telecommunication facility for the collocation of new transmission equipment shall be approved ministerially without the processing of a conditional use permit provided that such modification does not substantially change the physical dimensions of such telecommunications facility from the dimensions approved as part of the original conditional use permit for the telecommunication facility. However, any modification to a telecommunication facility that substantially changes the physical dimensions of the telecommunication facility, and any other modification to a telecommunication facility, shall be subject to the permits and authorizations as required by this

~~Article. All modifications of a telecommunication facility shall be reviewed as a new use, subject to the standards/design regulations pertinent to the zone designation in which it is located. It will be reviewed through a Conditional Use Permit process.~~

- 14) Maintenance: All telecommunication facilities shall be maintained in good repair and in a safe and clean condition. All telecommunication facilities determined by the Building Department to be in other than good repair or a safe and clean condition shall be considered nuisances and subject to abatement proceedings.
- 15) Specific Standards and Criteria by Zone: All criteria of the underlying Zoning District shall apply unless superseded by the following standards/criteria.
 - a) Telecommunication Facilities in Residential Zones: In the RO, R10, R7.5, R6, MR3, MR2.4, MR1.5, and MR1 zones, telecommunication facilities will be allowed as follows:
 - i) Antennas attached to existing alternative structures shall be allowed subject to Conditional Use Permit approval. For the purpose of this Section in residential Zoning Districts, "existing alternative structures" shall include the replacement of existing pole, mast, or tower structures (such as stadium light towers) for the combined purpose of their previous use and wireless facilities.
 - ii) A stealth design facility that does not exceed the height of the existing structure on which it is mounted shall be allowed subject to Conditional Use Permit approval.
 - iii) Towers are prohibited.
 - b) Telecommunication Facilities in Non-Residential Zones:
 - i) PR Zone. Telecommunication facilities shall be allowed upon Conditional Use Permit approval, subject to the following conditions:

The maximum height for any antenna or tower shall not exceed ten (10) feet above the tallest structure on the subject property and/or within 50 feet of the antenna or tower. If no other structures are located on the property the height shall not exceed that permitted by the underlying zoning. (Ord. No. 3289, 9/2008)
 - ii) C-1, C-2, C-3, PO Zones. Telecommunication facilities attached to existing structures or alternative structures and towers shall be allowed upon Conditional Use Permit approval, subject to the following conditions:

The maximum height for any antenna or tower shall not exceed ten (10) feet above the tallest structure on the subject property and/or within 50

feet of the antenna or tower. If no other structures are located on the property the height shall not exceed that permitted by the underlying zoning. (Ord. No. 3289, 9/2008)

- iii) CBD Zone. Telecommunication facilities attached to existing structures or alternative structures shall be allowed upon Conditional Use Permit approval, subject to the following conditions:

Documentation of compliance with Section 106 of the National Historic Preservation Act and the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas in the Roseburg Downtown Historic District shall be submitted with the application.

- iv) M-U, M-1, M-2, and M-3 zones. Telecommunication facilities shall be allowed upon Conditional Use Permit approval, subject to the following conditions:

The maximum height for any antenna or tower shall not exceed 160 feet from grade.

- v) Airport District: Telecommunication facilities attached to existing structures or alternative structures are permitted upon Conditional Use Permit approval, subject to the following conditions:

The facility shall be a stealth design that does not exceed the height of the existing structure or alternative structure. (Article 29 entirely, Ord No. 3114, 6/13/02)

ARTICLE 4

SUPPLEMENTAL PROVISIONS

SECTION 4.4.010 SIMILAR USES

The Director may permit in any zone a use not listed in this Ordinance, if the requested use is of the same general type and is similar to the uses permitted within the zone. However, the Director may request the Planning Commission's interpretation pursuant to Section 1.1.080. The decision of the Director may be reviewed by the Commission on its own motion, or appealed to the Commission pursuant to Section 5.1.170 ~~2.140~~ of this Ordinance.

SECTION 4.4.020 MAINTENANCE OF MINIMUM REQUIREMENTS

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking, and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This Section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots.

SECTION 4.4.030 GENERAL EXCEPTION TO YARD REQUIREMENTS

The following exception to yard requirements is authorized for a lot in any Zoning District:

If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.

SECTION 4.4.040 GENERAL EXCEPTIONS TO BUILDING HEIGHT REQUIREMENTS

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and similar objects not used for human occupancy or storage of materials or products are not subject to the building height limitations of this Ordinance unless otherwise specified by the regulations of the Airport Impact Overlay or of Telecommunication Facilities.

SECTION 4.4.050 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sun-shades, gutters, chimneys, and flues shall not project more than 25 inches into a required yard unless otherwise provided for in this Ordinance.

SECTION 4.4.060 CLEAR VISION AREAS

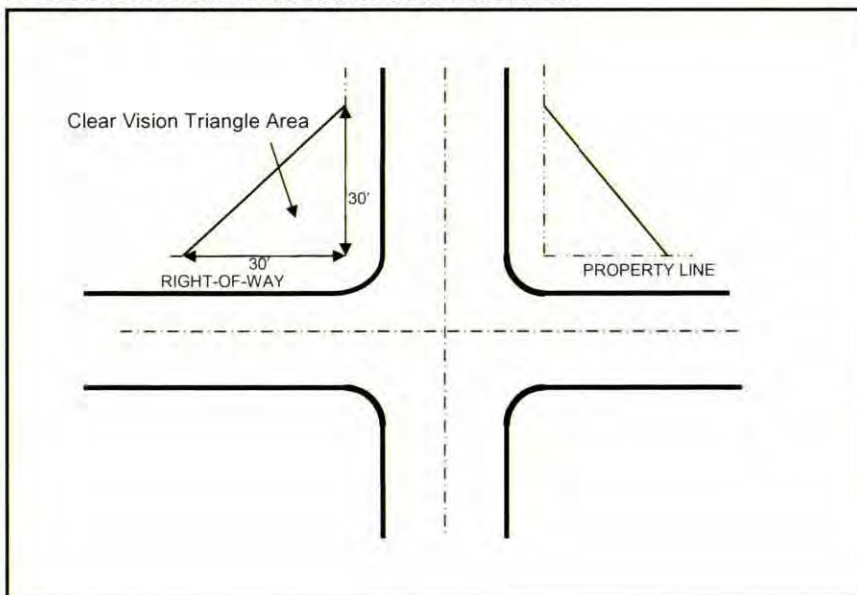
A clear vision triangle area shall be maintained at the corner of all properties at the intersections of two (2) streets, or at a street and a railroad. Within the clear vision

triangle area nothing shall be erected including plantings, fences, walls, signs, structures, vehicles, or temporary or permanent obstructions between three (3) feet and twelve (12) feet in height above the finished grade of the driving surface, except as provided in items 1 through 5 below.

- 1) A single public utility pole;
- 2) A single tree trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection;
- 3) An official street sign, warning sign or signal;
- 4) Two (2) sign poles other than above the clear vision height, with a maximum cross-section of any sign pole not exceeding 12 inches;
- 5) A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

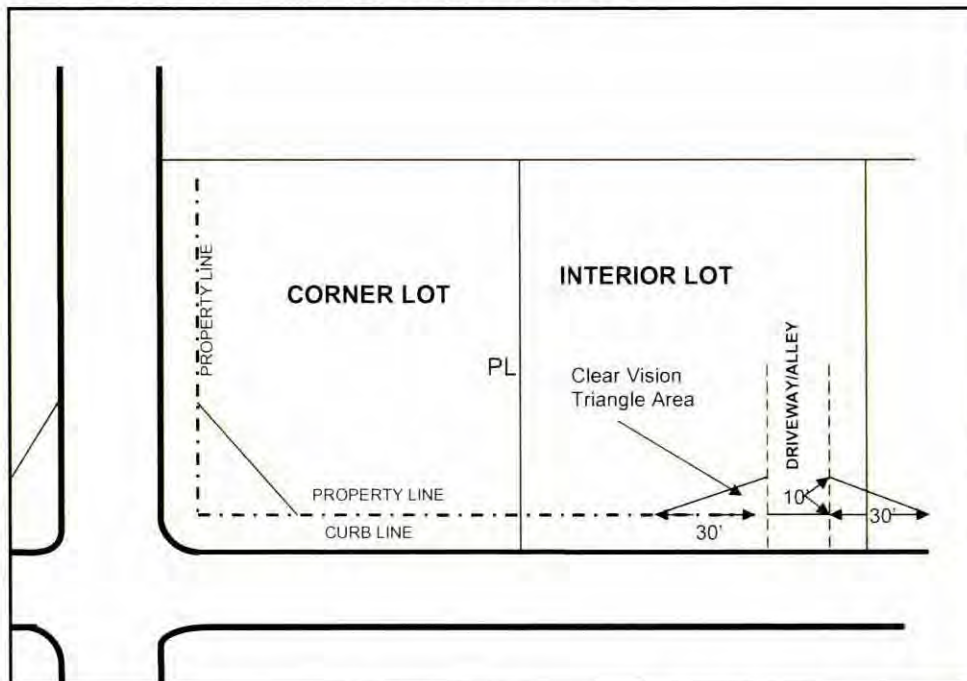
A clear vision triangle area shall be formed by connecting a straight line at the back of the right-of-way line a distance of 30 feet along each street as shown in Figure 4-4: Clear Vision Area for Intersections. Where lot lines have rounded corners, the measurement shall be based on the lot lines extended to the point of intersection forming a right angle. Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the Public Works Director, upon finding that additional sight distance is required (i.e. due to roadway alignment, etc.).

FIGURE 4-4: CLEAR VISION AREA FOR INTERSECTIONS



In addition to the clear vision triangle area required at intersecting streets, except for single family and two family developments, a clear vision triangular area shall be maintained at the intersection of an alley and a street or a driveway and a street. The required clear vision triangle area shall be formed by connecting a straight line at a distance of 30 feet of each street and ten (10) feet along the edge of the driveway or alley as shown in Figure 4-5: Clear Vision Area at a Driveway or Alley, below.

FIGURE 4-5: CLEAR VISION AREA AT A DRIVEWAY OR ALLEY



The Community Development Director, after receipt of a recommendation from the Director of Public Works, and relying the City's Transportation System Plan (TSP), the American Association of State Highway Transportation Officials (AASHTO), adopted Public Works standards, recognized and accepted "Best Practices," and/or other such references may reduce or eliminate the requirements at the intersection of an alley and a street or a driveway and a street in conjunction with Site Plan Review.

(Rev. Ord. No. 3289, 9/2008)

SECTION 4.4.070 FENCES

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that is, or has become, dangerous to the public safety, health, or welfare shall be considered a violation of this [Section](#) ~~chapter~~.

- 1) Barbed wire fencing and other fences constructed of sharp materials shall only be permitted at the top of a fence, which exceeds six (6) feet in height in commercial or industrial Zoning Districts.
- 2) No fence, hedge, or wall, other than a retaining wall, higher than three-and-one-half (3-1/2) feet shall be erected in the front yard setback area, measured from the property line in any residential district. (Ord. No. 3289, 9/2008)
- 3) No fence or wall, other than a retaining wall, higher than six (6) feet shall be erected in the required side or rear yard setback area in any residential district. Height shall be measured as follows:
 - a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.
 - b) In other required yards, it shall be the total effective height measured from the top of the fence directly above the finished grade measured of ground on the subject property ~~side nearest the abutting property.~~
- 4) There shall be no limit on the height of a fence or wall in non-residential districts, except that any fence or wall, which exceeds six (6) feet in height, shall conform to the International Building Code.
- 5) Fences, hedges and walls located within required clear vision areas shall conform to height limitations and site distance requirements established in Section 4.4.070 3.35.050.
- 6) No person shall construct a berm upon which to locate a fence or wall, unless the total height of the berm plus the fence or wall would not exceed the maximum height allowable for the fence or wall if the berm was not present.
- 7) No fence or wall shall be erected so as to stand in, or in front of, any required landscaping unless approved at the time of approval of landscaping plans.

SECTION 4.4.080 SWIMMING POOLS – FENCES OR WALLS

- 1) Every person in possession of land within a residential district, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping, or immersion purposes of a depth of more than 24 inches, shall maintain an enclosure on the lot and completely surrounding the pool or other body of water of a minimum height of four (4) feet. The enclosure shall consist of a fence which shall be of a pattern and type which is resistant to climbing over. The enclosure may also consist of a wall not less than four (4) feet in height above the underlying ground or base. All enclosures must be incapable of being crawled under, and sufficient to make the body of water inaccessible to small children, with opening, holes or gaps therein no larger than four (4) inches in any dimension except for doors or gates. In the event a picket fence is used, the

openings between the pickets shall not exceed four (4) inches in width, provided that a dwelling house or accessory building may be used as a part of an enclosure.

- 2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device installed at least 40 inches above the ground or base, capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any occupied dwelling forming any part of the enclosure herein above required need not be so equipped.

SECTION 4.4.090 CONDITIONALLY PERMITTED SIDEWALK CAFÉS

Conditionally permitted sidewalk cafés ~~within the CBD~~ may be permitted to operate on a public sidewalk as defined below:

- 1) Limitations and Requirements. A sidewalk café may be permitted ~~only in the CBD District~~ if the sidewalk café is situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk café's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.
 - a) Existing indoor restaurants and delicatessens must conform to all Sections of the City of Roseburg Municipal Code, including LUDO, in order to be eligible for approval of sidewalk services.
 - b) A sidewalk café may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the café, provided that the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this Section are fulfilled.
 - c) An indoor restaurant or delicatessen may be permitted to operate only one (1) sidewalk café and each sidewalk café shall be confined to a single location on the sidewalk.
 - d) A sidewalk café may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of five (5) feet clear distance free of all obstructions, in order to allow adequate pedestrian movement.
 - e) All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a Conditional Use Permit.
 - f) No signing shall be allowed at any outdoor café except for the name of the establishment on an awning or umbrella valance.

- g) A sidewalk café may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen; provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the sidewalk café has been authorized as part of a Conditional Use Permit approval. Each of the following requirements must also be met:
 - h) The area in which the sidewalk café is authorized is identified in a manner, as approved by the Director, which will clearly separate and delineate it from the areas of the sidewalk, which will remain open to pedestrian traffic.
 - i) The sidewalk café operation is duly licensed in accordance with the Roseburg Municipal Code, or prior to the service of any beer or wine at the café, will be duly licensed, by State authorities to sell beer or wine, or both, for consumption within the area of the sidewalk café.
 - j) The outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the café shall be easily cleanable and shall be kept clean at all times by the permittee.
 - k) Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.
 - l) Hours of operation shall be no greater than nor outside of normal operating hours of the indoor restaurant or delicatessen. All furniture used in the operation of an outdoor café shall be removed from the sidewalk and stored indoors whenever the indoor restaurant or delicatessen is closed.
 - m) The City shall have the right to prohibit the operation of a sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee will be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the City.
 - n) The sidewalk café shall not require the provision of additional off-street parking.
- 2) Findings and Conditions. In connection with approval of a Conditional Use Permit, the Director shall make findings that the proposed operation meets the limitations of this Section. The Director may impose such conditions in granting approval as deemed necessary to assure that the proposed operation will meet the operating requirements and conditions set forth in this Section and to assure

that the general public health, safety and welfare will be protected.

- 3) Term and Renewal. A Conditional Use Permit for a sidewalk café may be approved by the Planning Commission for a maximum period of one (1) year. Thereafter, the Director, if an extension application is filed prior to any expiration date of the Conditional Use Permit, may extend the permit for additional periods, not to exceed one (1) year each, following his review and approval of the café's operations. In the event the Director considers additional or revised conditions are necessary and should be imposed if the permit is to be extended or if the Director is of the opinion that the permit should not be extended at all, he or she shall refer the application to the Planning Commission which shall hold a public hearing and thereafter decide the matter. The Planning Commission may make any extension of a Conditional Use Permit subject to such additional and revised conditions and requirements as it deems appropriate or necessary and any extension granted by the Planning Commission shall not exceed a period of one (1) year.
- 4) Revocation. A Conditional Use Permit may be revoked by the Director, following notice to the permittee and a public hearing, upon a finding that any of the following are true:
 - a) One or more conditions of the permit have been violated;
 - b) That one or more conditions of this Section have been violated;
 - c) That the sidewalk café is being operated in a manner which constitutes a nuisance; or
 - d) That the operation of the sidewalk café unduly impedes or restricts the movement of pedestrians past the sidewalk café.
- 5) Appeals. The applicant or any interested party may appeal a decision of the Director to the Planning Commission. All applications for appeal shall be accompanied by the required fee.

(Article 13, Ord. No. 3060, 1/00)

SECTION 4.4.100 HOME OCCUPATION

No person shall conduct a home occupation, as defined by this Section, without first registering as a business and completing a Statement of Compliance for Home Occupations. The statement shall be in the form of an agreement between the applicant and the City and shall contain such specifications and requirements as are contained herein.

- 1) **DEFINITION:** A home occupation is an occupation carried on within a dwelling by members of a family occupying the dwelling with no non-family employees performing work.

- 2) **BUSINESS REGISTRATION:** The authorization to conduct a home occupation is supplementary to Roseburg's Business Registration process. Nothing in this Section is intended to supersede the Business Registration process or other applicable Ordinances or government codes.
- 3) **INFORMATION REQUIRED:** The applicant for home occupation shall state the name, location, and owner of the business and shall also describe the nature of the business to be conducted. Planning Department verification of the appropriate nature of the home occupation and zoning of the property shall be required.
- 4) **GENERAL REQUIREMENTS:** A person who wishes to conduct a home occupation shall signify their willingness to comply with the provisions of this Section, including the following General Requirements, by signing a Statement of Compliance for Home Occupations. Authorization to conduct a home occupation is not transferable and a change in occupancy or the nature of the business shall require a separate authorization.
 - a) All aspects of a home occupation shall be contained within a completely enclosed building which shall be the same structure as the principal residence or an appropriate accessory building.
 - b) The occupation shall be a secondary use on the premises and shall occupy no more than 25% of the ground floor area of the principal residence, including an attached garage. The allowable floor area resulting from this calculation may be applied to any portion of the principal residence or an appropriate accessory building which is to be used for the home occupation.
 - c) No new construction that is undertaken for the express purpose of accommodating a home occupation shall be permitted. This restriction shall not apply to the removal of architectural barriers or construction undertaken to improve access for the handicapped.
 - d) There shall be no outside display or storage of merchandise or equipment on the premises.
 - e) A home occupation shall be primarily service oriented. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers.
 - f) Home occupations shall be allowed one (1) non-illuminated sign, not to exceed one (1) square foot in area, which identifies the nature of the occupation and the operator thereof. The sign shall not be located in any required yard unless it is flat mounted and affixed to the structure.
 - g) No more than two (2) off-site parking spaces may be used in conjunction with the home occupation at any one time.

- h) The home occupation shall not cause any external affect that will infringe in any manner upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Such external effects may include, but are not limited to: increased noise, dust, smoke, objectionable odors, traffic congestion, excessive lighting or any effect which is in violation of the Land Use and Development Ordinance, or other applicable government codes.
- 5) **EXCEPTIONS:** Garage sales or other isolated sales shall not be subject to the provisions of this Section provided that they are not conducted during any more than three (3) consecutive days of the week and a total of five (5) days during any calendar month. Such sales are limited to merchandise that is composed of the real or personal property of the seller not acquired for the purpose of resale.

For the purpose of this Section a day care center, day care group home, or family day care home, as defined by this Ordinance, is not a home occupation. Bed and Breakfast establishments, as defined or as may be defined by this Ordinance, are not home occupations for the purpose of this Section.

SECTION 4.4.110 BED AND BREAKFAST FACILITY

- 1) **DEFINITION:** A single family dwelling unit where lodging and meals are provided, for compensation, in which no more than two (2) guest rooms are provided for no more than six (6) travelers or transient guests. A guest shall not rent for a time period longer than 15 consecutive nights.
- 2) **WHERE PERMITTED:** Bed and Breakfast Facilities are allowed as an outright permitted use in all commercial zones. They are permitted as a conditional use in all residential zones. Bed and Breakfast Facilities are subject to the provisions of Section 5.1.090 2-080 and 5.1.120 2-090 and Article 8.39 of this Chapter 5. In addition, the following minimum standards shall also apply:
- a. All residences used as Bed and Breakfast Facilities shall be owner-occupied.
 - b) Each guest room shall have one off-street parking space, in addition to the parking required for the dwelling by the provisions of Article 2 of Chapter 3, Section 3.35.100.
 - c) All residences used as Bed and Breakfast Facilities shall be inspected and approved by the Community Development Director, Fire Prevention Officer, and Building Official prior to the issuance of an occupancy permit. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector as required by State code.
 - d) Signing shall be limited to one (1) non-illuminated sign, the size and location to be approved as part of the Conditional Use Permit process.
 - e) All residences used as Bed and Breakfast Facilities shall maintain an up-to-date guest register listing all guests.

- f) Transfer of ownership shall be subject to issuance of a separate Conditional Use Permit.
7. Bed and Breakfast Facilities shall be inspected by the County Health Department when required by Douglas County Ordinance.
8. All residences used as Bed and Breakfast Facilities shall be subject to the provisions of Ordinance No. 2366, the Hotel-Motel Room Tax.
9. For structures on the Roseburg Historic Inventory, any external modification shall be fully compatible with the original design and shall comply with Article 11 of Chapter 2 Sections 2.3.300 and 2.3.400 of Roseburg Land Use and Development Ordinance No. 2363.

SECTION 3.35.080 — SIGNS IN RESIDENTIAL ZONES

~~In the RO, R-1-10, R-1-7.5, R-1-6, MR-14, MR-18, MR-29 and MR-40 zones, no sign shall be allowed except the following:~~

- ~~1. A sign identifying only the name of the owner or occupant of a building, provided such sign does not exceed six (6) inches by eighteen (18) inches (6" x 18") in size, is unilluminated, and is located not less than fifteen (15) feet from the front lot line.~~
- ~~2. A sign pertaining to the lease or sale of a building or property, provided such sign does not exceed six (6) square feet in area.~~
- ~~4) One identification sign facing each bordering street, not to exceed six (6) square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but non-flashing, and shall not be located in a required yard.~~
- ~~5) Temporary sign, for one (1) year, advertising a new subdivision, provided such sign does not exceed thirty-two (32) square feet in area, advertises only the subdivision in which it is located, is unilluminated, and is erected only at a dedicated street entrance and within the lot lines. Such sign shall be removed if construction on the subdivision is not in progress within sixty (60) days following the date of the sign permit.~~

Comment [PH17]: already exists in Article 2

SECTION 3.35.750 RECYCLING SITE AT A MULTIFAMILY HOUSING COMPLEX

~~An owner of a multifamily housing complex shall provide an enclosed location for adequate recycling containers for at least four (4) principal recyclable materials. For purposes of this section, a "multifamily housing complex" means a multiple-family dwelling, multiple-family dwelling complex or mobile home park having five (5) or more units on a single premise or five (5) or more manufactured dwellings in a single facility.~~

Comment [PH18]: already exists Article 1 of Chapter 2.

ARTICLE 5

SURFACE MINING OPERATIONS AND RECLAMATION

RESOURCE UTILIZATION APPROVAL FOR SURFACE MINING OPERATIONS AND RECLAMATION

SECTION 4.5.010 COMPLIANCE STANDARDS

~~SECTION 3.36.000~~ SURFACE MINING TO COMPLY WITH STANDARDS

Issuance of a development permit for land surface mining and the continuance of existing land surface mining, including that which is a non-conforming development, shall comply with ~~the other applicable~~ requirements of ~~this Ordinance~~ ~~§3.35.000 to §3.35~~. These requirements are in addition to the requirements for excavation and fill activities within the Flood Plain Overlay District. If the land surface mining operation will extract more than 5,000 cubic yards of materials or affect land equivalent in area to one acre or more, the application for a development permit shall be accompanied by a site investigation report.

SECTION 4.5.020 ANNUAL VALIDATION OF MINING OPERATION

- 1) No land surface mining operation that will extract more than 5,000 cubic yards of minerals or affect land equivalent in area to one acre or more shall continue unless a validation of the operating authorization is in effect. The operating authorization shall be validated annually, only if the operation is being conducted in compliance with requirements.
- 2) A lawful surface mining operation commenced before the effective date of this Ordinance and under a permit from the state Department of Geology and Mineral Industries that was in effect on that date is validated, if it continues in accordance with the state approval, until the state permit expires or becomes due for renewal. The permittee, if desiring to continue the mining after that date, shall apply to the Director for a validation to continue the mining. The permittee shall submit with the application the reclamation plan approved by the state for mining, together with additional information to permit review of the activity and thereby establish that subsequent mining by the permittee conforms to the standards established in this Article. Reclamation completed under the state permit at the time of application for a validation shall be accepted if it complies with the plan approved by the state for that reclamation.

SECTION 4.5.030 VALIDATION PROCEDURE

- 1) An application for validation shall be submitted not less than 30 days before the annual date of required renewal except as follows:
 - a) The information required by Subsection (2) of ~~Section 4.5.020~~ ~~§3.36.010~~ shall be submitted 90 days prior to such date.

- b) When seeking removal from an inactive status, information shall be submitted not less than 30 days prior to the desired date of reactivation.
- 2) Validation shall be issued by the Director upon determination of continued compliance with the approved operation and reclamation program or upon determination that the operation is in an inactive status as provided by Section 4.5.040 ~~§3.36.030~~. If the application for validation indicates a change in operation conditions or practices, the Director shall refer the validation to the Approving Authority for review if the changes are within the provisions of the standards. If the changes appear to be contrary to the development permit or to be an unauthorized enlargement of a nonconforming development, the application will be advised to submit an application for a new development permit. Operations may continue as authorized for the prior year during validation processing until validation is granted or, in the case of denial, for 30 days or, if appealed, until 30 days after a decision by the appeal body.
- 3) The validation will be granted annually so long as the permittee maintains a satisfactory bond and otherwise complies with the conditions of the permit and with these standards.

SECTION 4.5.040 INACTIVE SURFACE MINING PERMIT

- 1) The Director may, upon request, classify an operating permit as inactive if the site is inactive at the time of renewal and no extractive mining activity is planned during the ensuing permit year. While inactive, the annual fee will not be collected. To be inactive, the site must be in compliance with the reclamation plan with no deficiencies to either the development or reclamation plan. The bond or other security must remain current and in effect. Reactivation of an inactive permit requires prior notice to the Director and payment of the annual fee at least 30 days before reactivation.
- 2) When a mining operation is classified inactive, previously stockpiled material may be removed and other materials such as rejects, oversized materials, and pit run materials not exceeding 5,000 cubic yards may be removed if the removal does not significantly alter the contours of the site. No previously un-mined areas may be disturbed and no blasting or ripping is permitted while inactive. If a deficiency develops at an inactive site, the permit must be immediately reactivated and the deficiencies corrected.
- 3) Violation of any of the conditions for inactive classification will result in the inactive classification being revoked by the Director. All operations shall then cease until reactivation has been approved.

SECTION 4.5.050 BACKGROUND DATA IN SURFACE MINING SITE INVESTIGATION

When a site investigation report is required for an application for a development permit for surface mining, the applicant shall submit the following background information to the Director.

- 1) Vertical aerial photographs or equivalent delineation of the general area where the surface mining is to take place, to a scale of at least one (1) inch to 200 feet, accurately representing the condition of the property at the time the application is made and accompanied by a signed statement that the photographs or drawings do represent that condition.
- 2) A boundary map of the property drawn on an assessor's map, or its equivalent, or an overlay for the photographs indicating the boundaries of the property, public roads providing access to the property and any significant natural or man-made features in the area including streams, water bodies, contours, rock outcrops, trees, vegetation, buildings, and fences.
- 3) If the applicant does not own the land on which the mining is to take place, a written statement from the owner containing the following:
 - a) Consent of the owner for the mining to take place there.
 - b) Concurrence as to the proposed subsequent development as necessary to establish the reclamation plan.
 - c) Acknowledgment of the owner's obligation to see that the land reclamation is completed after the mining ceases, and consent for the Governing Body to impose on the land, if necessary as security, a lien for expense the Governing Body necessarily incurs in reclaiming the land.

SECTION 4.5.060 INVESTIGATION REPORT ANALYSIS

A site investigation report for a surface mining proposal shall be submitted to the Director and shall provide the following operations data and analysis.

- 1) One or more transparent overlays showing the areas for the following, together with a statement specifying the approximate acreage of each of these activities
 - a) Excavation and the average thickness of overburden and topsoil in the area proposed for excavation.
 - b) Proposed setback areas.
 - c) Settling ponds and washing plants.
 - d) Processing and stockpiling.
 - e) Buildings and other structures.
 - f) Facilities for resources related operation.
- 2) A description of materials to be extracted.
- 3) A general description of the modes of excavation, the types of equipment to be used, and the disposition of the overburden.

- 4) The starting date for the mining.
- 5) A reclamation plan meeting the requirements of Section 4.5.060 ~~§3.36.060~~.
- 6) The modes of controlling contaminants and disposing of refuse.
- 7) A series of typical cross-sections of excavated areas.
- 8) For the purpose of evaluating possible flood and erosion hazards of the proposed operation, an erosion control plan detailing ground cover plantings and other modes of controlling erosion of surfaces affected by the mining.
- 9) A plan for the visual screening by vegetation, walls, fences or other means to obscure operations from adjacent occupied properties and from public rights-of-way.

SECTION 4.5.070 RECLAMATION PLAN

A plan for reclaiming land used for surface mining shall be prepared by the applicant and shall state a timetable for continually protecting the land during the mining and for completion of the land reclamation. The timetable shall provide in part for initiating final reclamation work within one (1) year after mining or related activity ceases on any segment of the area where mining has occurred and for completing reclamation within three (3) years after the mining ceases. If stated in the reclamation plan, the reclamation may be for a use other than the use of the land before the mining if the use is one for which a development permit could be issued under the Zoning District within which the subject land is located. The plan shall provide for the following where applicable:

- 1) Rehabilitation of stream banks and channels to prevent erosion, sedimentation, and other water polluting effects of stream flow from exceeding their degree before the mining.
- 2) Sloping and other control to stabilize final surfaces and minimize public hazards.
- 3) Vegetating disturbed areas in a manner conducive to restoring them to a natural state consistent with the future use stated in the plan.
- 4) Preventing pools of water from becoming public nuisances or health or safety hazards.
- 5) Removing structures and equipment that otherwise would be abandoned after termination of the mining.
- 6) Otherwise minimizing the adverse impact of the mined land on the livability, value, and appropriate development of adjacent property, at least to the extent that adjacent property could be adversely affected by other common development that is allowable on the mined property.

SECTION 4.5.080 SLOPING AND GRADING

The grading of an excavation and the final slope of the ground shall comply with the following:

- 1) Final surfaces shall be stabilized by sloping, benching or other ground control methods. If the reclaimed site is to contain slopes steeper than one vertical to one and one-half horizontal, the steeper slopes must be specifically approved for stability and appropriate blending into the natural land forms of the immediately surrounding terrain.
- 2) The bottom of an excavation shall be gradually sloped and graded to allow surface water to drain into one low area of the excavation. Where normal drainage is practicable, the excavated areas shall be graded to drain surface water.
- 3) A slope shall be no steeper below water level than the contours of the immediately surrounding area except that a steeper slope shall be permitted if the slope is designed to be stable by an engineer licensed in the State of Oregon.
- 4) If a water depth exceeding three (3) feet can occur, provisions shall be made for the safe egress from any point on the shoreline of the excavation. A shoreline that slopes at a ratio no steeper than one (1) vertical to three (3) horizontal to a water depth of five (5) feet measured from the low watermark constitutes safe egress. If the bank above water is steeper than one (1) vertical to one and one-half (1½) horizontal, a safety bench of more than two (2) feet below the high watermark and at least five (5) feet wide may replace the sloping shoreline. If the future use of the water-filled depression warrants omission of provisions for safe egress, protection by other means such as fencing may be used.
- 5) The minimum depth of an excavation extending to water-producing depth, in a location that is not subject to periodic re-depositing of extractive material by inundation of a stream or river, shall not be less than eight (8) feet below the low watermark measured in the year of excavation. Such a condition may be waived if evidence presented by the applicant shows, and the Approving Authority finds that measures shall be taken to prevent the stagnation of water and the growth of undesirable water vegetation.

SECTION 4.5.090 DRAINAGE

- 1) Natural flows of groundwater and surface water and storm water drainage shall be maintained so as to prevent harmful effects on surrounding property. Erosion shall be controlled in accordance with an erosion control plan.
- 2) Upon completion of operations in any portion of the area being mined, the condition of the land shall allow for drainage, while avoiding undue erosion and the formation of water pockets.

SECTION 4.5.100 TOPSOIL AND COVER PLANTING

- 1) Sufficient topsoil and overburden shall be stored on the property in a stabilized condition to restore graded or backfilled areas and shoreline slopes above the high water level. Such areas shall be covered with not less than four (4) inches of topsoil of at least equal quality to that removed, provided that, if the average depth of the topsoil prior to excavation was less than four (4) inches, then the depth required need not exceed such lesser average. If the proposed subsequent development of the reclaimed area is to be farm or forestry, greater topsoil depth may be required consistent with the future utilization of the land.
- 2) Upon replacement of topsoil, the operator shall provide ground cover selected by the operator adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development.

SECTION 4.5.110 SCREEN LANDSCAPE

Existing trees and other natural vegetation adjacent to a public park, public road, or residential district shall be preserved for a width of 25 feet. If such trees and other vegetation are insufficient to provide a screen, screening shall be provided at the boundary of the property on which the surface mining operation is located in the form of an ornamental fence or wall, or a landscaped berm to supplement any screening due to a natural slope or vegetation. If the Approving Authority finds that natural conditions exist that, as a practical matter make screening impossible, the requirements of this Section may be waived in part or in whole.

SECTION 4.5.120 SAFETY FENCING

During operations, when an open excavation will have a depth of ten (10) feet or more, and will create a slope steeper than one (1) vertical to two (2) horizontal and is located within 200 feet of residentially occupied structures or a public road or park, a fence shall be erected at least ten (10) feet outside the edge of such excavation at least four feet in height.

SECTION 4.5.130 ROAD CONDITION

- 1) Excavation shall not be conducted closer than 150 feet to any property boundary except where the applicant submits a plan and written proof of compliance with the following:
 - a) The eventual utilization of the site shall be compatible with the smaller setback and, in addition to providing appropriate screening, excavation shall be at least 50 feet from the right-of-way of a public road and 100 feet from the boundary of an area having residential development.
 - b) No flood hazard increase shall result from the allowance of a smaller setback.
 - c) If necessary, the applicant shall refill excavated area closer than 150 feet from a property boundary. The materials shall not pollute underground

waters and, unless the area is approved as a solid waste landfill, fill material shall not be decomposable.

2. Equipment for processing operations shall not be located closer than 50 feet to the boundary of the property including that along the right-of-way of a public road, except the setback shall be 150 feet from a residential district.
3. A sand or gravel stockpile or sedimentation pond shall not be located closer than 25 feet to the boundary of the property including that along the right-of-way of a public road.
4. Upon completion, the setback area shall be smoothed, all excavation debris removed and all trees which are in an unsafe condition removed.

SECTION 4.5.140 STREAM OPERATIONS

Operations in or adjacent to a stream shall conform to the following additional standards.

- 1) The turbidity of the stream adjacent to the operations shall not be increased by more than five (5) Jackson Turbidity Units, or such clearer turbidity required by DEQ.
- 2) There shall be no direct discharge of gravel washing waters into an adjacent stream.
- 3) Operations shall be conducted behind dikes which are of sufficient height to control turbidity during low water seasons. Where the dike forms a permanent river bank, the berm of the dike shall be of sufficient width and height to contain annual high water.
- 4) Equipment shall not be operated in the flowing streams except to construct or maintain berms or to make channel improvements, such improvements having been authorized by the Approving Authority.
- 5) The river channel shall not be diverted from its normal course unless a permanent river channel is developed to the satisfaction of the Approving Authority.
- 6) Any necessary permit from the Department of State Lands shall be obtained.

SECTION 4.5.150 CLEANUP AND REMOVAL OF STRUCTURES

- 1) During operations, the site shall be kept free of debris. Overburden shall be stockpiled or removed and stumps, brush or other debris resulting from clearing or excavating shall be removed.
- 2) Except for structures approved for permanent retention, within 36 months of the termination of the operation, all buildings, equipment and other structures which

were used or incidental to the operation shall be dismantled and removed.

SECTION 4.5.160 NOISE

If sound from the mining exceeds the maximum permitted by the state DEQ for a new industry, a berm shall be installed near the site to reduce the sound from the site to the level permitted by the DEQ for a new industry.

CHAPTER 5

PROCEDURES

ARTICLE 1

DEVELOPMENT APPROVAL PROCEDURES

SECTION 5.1.010 PURPOSE

The purpose of this Article is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

SECTION 5.1.020 REVIEW PROCESS

An application for development approval required by this Ordinance shall be processed by quasi-judicial public hearing or administrative action, pursuant to applicable Sections of this Ordinance. Quasi-judicial hearings shall be held on all applications, except that hearings shall not be held in those matters the Director has authority to act upon, unless appealed or referred pursuant to the provisions of this Chapter. Notwithstanding anything required by this Ordinance, when requested by the applicant, an application for development approval which is an "expedited land division" as defined by state law shall be processed according to the procedures set forth in state law and shall not be subject to this Chapter.

SECTION 5.1.030 COORDINATION OF DEVELOPMENT APPROVAL

- 1) The Director shall be responsible for the coordination of a development application and decision-making procedures, and shall approve or recommend that the approving authority approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Roseburg Urban Area Comprehensive Plan. Before approving or recommending approval of any development, the Director shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance and the Plan. Before approving any development, the Director shall consider comments received from other public agencies during the comment and public hearing period.
- 2) After an application has been submitted, no building or occupancy permit for the proposed use shall be issued until final action has been taken. (Ord. No. 3279 3/2008)

SECTION 5.1.040 WHO MAY APPLY

- 1) Applications for development approval may be initiated by one or more of the following:
 - a) The owner of the property which is the subject of the application; or

- b) The purchaser of such property who submits a duly executed written contract or copy thereof; or
- c) A lessee in possession of such property who submits written consent of the owner to make such application; or
- d) Resolution of the Governing Body.

Any of the above may be represented by an agent who submits written authorization by his/her principal to make such application.

SECTION 5.1.050 PRE-APPLICATION CONFERENCE

An applicant ~~may~~ shall request a pre-application conference prior to submitting a request for development approval. The purpose(s) of the conference may include: to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The requirements of this Section may be waived at the discretion of the Director.

SECTION 5.1.060 APPLICATION

Application for development approval shall be made pursuant to applicable Sections of this Ordinance on forms provided by the Director. An application shall be complete, contain the information required by this Ordinance, and address the appropriate criteria for review and approval of the request. All documents or evidence relied upon by the applicant shall be submitted to the Director and be made available to the public. All applications shall be accompanied by the required fee.

~~[Note: Former Section 2.060(1) replaced by Sections 2.080 and 2.090, and former Section 2.060(2) replaced by Section 2.201.]~~

An applicant may apply at one time for all development approvals required by this Ordinance for a specific single development or use. Notice of such option for a consolidated procedure shall be given to the applicant, and upon the applicant's request such a procedure shall be utilized. If the applicant elects to use such consolidated procedure, all required development approvals and the respective public hearings, public notices, and approving authority actions therefore shall be consolidated into a single public hearing process, a single public notice, and a single written findings, and decision. Such consolidated procedure shall be subject to the time limitations set out in ORS 227.178. Where the applicant chooses such consolidated procedure, and is applying for actions listed in Sections 5.1.090 ~~2.080~~ and 5.1.120 ~~2.090~~ and also Section 5.1.180 ~~2.201~~, all such matters shall be heard by the Commission.

~~[Note: Former Section 2.065 replaced by Sections 2.070, 2.095, and 2.210.]~~

SECTION 5.1.070 GENERAL PROVISIONS REGARDING NOTICE

- 1) The records of the Douglas County Assessor's Office shall be used for notice required by this Ordinance. Persons whose names and addresses are not on file with the Assessor at the time of the filing of the application need not be notified of the action. The failure of a person to receive notice shall not impair or invalidate the action if the City can demonstrate by affidavit that the prescribed notice was sent to the persons entitled thereto as shown by the Assessor's records.
- 2) Any person who requests, in writing, and pays a fee established by the Director, shall be entitled to receive copies of notices for applications for development approvals, either on an urban area wide or site-specific basis, as specified by such person.
- 3) Public agencies providing transportation facilities and services shall be notified of the following:
 - a) Land use applications that require a public hearing
 - b) Subdivision and partition applications
 - c) Applications that involve major private access to public streets and roads, such as private streets, and large commercial and multi-family developments
 - d) Applications within the Airport Impact Overlay (Article 8 of Chapter 2 3.35.600) (Ord. No. 3279 , 3/2008)

SECTION 5.1.080 ESTABLISHMENT OF PARTY STATUS

- 1) In order to have standing under this Chapter, a person shall be recognized as a party by the approving authority.

Party status, when recognized by the approving authority, establishes the right of the person to be heard, whether orally or in writing, and to pursue a review or appeal under this Chapter.
- 2) A written request for establishment of party status shall be made at least eight (8) days before the date set for a quasi-judicial public hearing or administrative decision of the Director by a person filing with the Planning Department a written statement regarding the application being considered. Such statement shall include:
 - a) The name, address, and telephone number of the person filing the statement;
 - b) How the person qualifies as a party, as defined in Chapter 1 of this Ordinance;
 - c) Comments which the party wishes to make with respect to the application under consideration; and

- d) Whether the person desires to appear and be heard at the hearing.
- 3) Seven (7) or more days before the date set for a public hearing, the Director shall mail the applicant any statements that have been filed to date.

SECTION 5.1.090 LIMITED LAND USE DECISIONS BY THE DIRECTOR

The Director shall have the authority to review the following applications for administrative action, as limited land use decisions, and shall follow the procedure provided by this Ordinance and by state law to accomplish such review.

- 1) Partitions (Chapter 64).
- 2) Subdivisions (Chapter 64).

SECTION 5.1.100 MINISTERIAL DECISIONS BY THE DIRECTOR

The Director shall have the authority to review the following applications as ministerial decisions and shall follow the procedures provided by this Ordinance and by state law to accomplish such review.

- 1) Approval of final plat map (Chapter 64)
- 2) Common Boundary Line Adjustments (Chapter 46)
- 3) Signs Permit (Chapter 42, Article 24)

SECTION 5.1.110 COMPREHENSIVE PLAN STANDARDS AND APPLICABLE TO LIMITED LAND USE DECISIONS

- 1) The following comprehensive plan standards are applicable to partitions (Chapter 46) and are fully incorporated herein in full by this reference:
 - a) Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18
 - b) Economic Growth Policy 7
 - c) Transportation Policies 1, 4, 5, 6, 7, 10, 11, 14, and 15
 - d) Energy Conservation Policies 2 and 3
 - e) Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11
 - f) Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10
 - g) Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13
 - h) Residential Development (Urban Growth) Policy 1

- i) Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12
- j) Industrial Development (Urban Growth) Policies 1, 2, and 4
- k) Transportation Development (Urban Growth) Policies 1, 2, 3, and 4
- l) Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4

2) The following Comprehensive Plan standards are applicable to Subdivision preliminary plat (Chapter 4 6) and are fully incorporated herein ~~in full~~ by this reference:

- a) Natural Resources Policies 6, 7, 8, 11, 12, 13, 14, 17, and 18
- b) Economic Growth Policy 7
- c) Transportation Policies 1, 4, 5, 6, 7, 10, 11, 14, and 15
- d) Energy Conservation Policies 2 and 3
- e) Facilities and Services Policies 2, 3, 5, 7, 8, 9, 10, and 11
- f) Housing Policies 1, 2, 3, 4, 5, 6, 7, 8, and 10
- g) Urbanization, Land Use, and Growth Management (Urban Growth) Policies 3, 5, 6, 7, 8, 10, 11, 12, and 13
- h) Residential Development (Urban Growth) Policy 1
- i) Commercial Development (Urban Growth) Policies 6, 7, 8, 9, and 12
- j) Industrial Development (Urban Growth) Policies 1, 2, and 4
- k) Transportation Development (Urban Growth) Policies 1, 2, 3, and 4
- l) Resource Area and Hazardous Area Development (Urban Growth) Policies 2, 3, and 4

SECTION 5.1.120 OTHER ADMINISTRATIVE ACTIONS BY THE DIRECTOR

- 1) The Director shall have the authority to review the following applications for administrative action, as well as all other reviews and other actions required by other provisions of this Ordinance constituting land use decisions and not specifically listed elsewhere in this Chapter.
 - a) Administrative variance, except where Planning Commission review is required by Section 5.6.030 ~~3.45.040~~ (Chapter 5 ~~3~~, Article 6 ~~45~~).

- b) Temporary Use Permit (Chapter 5.3, Article 9.44).
- c) Alteration or Repair of a Nonconforming Use (Chapter 4.3, Article 1.37).
- d) Private Road Approval (Chapter 6.4).
- e) Conditional Use Permit (Chapter 5.3, Article 8.39).
- f) Variances (Chapter 5.3, Article 5.40).

SECTION 5.1.130 NOTICE OF ADMINISTRATIVE ACTION BY DIRECTOR

- 1) Notice of applications for administrative actions pursuant to Sections 5.1.090 2.080 and 5.1.120 2.090 shall be sent by the Director to all property owners within 100 feet of the property subject to the application at least 15 days prior to the decision.
- 2) Notice shall also be posted by the applicant in at least three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least ten (10) days prior to the date of the action. An affidavit of posting shall be filed by the applicant or his/her authorized representative on a form to be provided by the Director.
- 3) The notice shall:
 - a) Include:
 - i) The location, file number, and title of the file containing the request and the date such notice was sent.
 - ii) A description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.
 - iii) The deadline established for rendering a final decision.
 - iv) The deadline for filing comments on the request.
 - b) Explain the nature of the application and the proposed use or uses which could be authorized.
 - c) List the applicable criteria from this Ordinance and the plan that apply to the application at issue.
 - d) Set forth the street address or other easily understood geographical reference to the subject property.

- e) State that failure of an issue to be raised or failure to provide statements or evidence sufficient to afford the approving authority an opportunity to respond to the issue precludes appeal based on that issue.
- f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
- g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

SECTION 5.1.140 ADMINISTRATIVE ACTION PROCEDURE OF THE DIRECTOR

- 1) Within 45 days after accepting a completed application for administrative action pursuant to Section ~~5.1.090 2.080~~ or ~~5.1.120 2.090~~ of this Ordinance, the Director shall act on the application or refer it to the Planning Commission, unless such time limitation is extended with the consent of the applicant.
- 2) Within such 45 day period, the Director shall:
 - a) Give notice pursuant to Section ~~5.1.130 2.095~~;
 - b) Prepare a decision to approve or deny the request including findings of fact and conclusions of law or refer the application to the Planning Commission. Approvals may include conditions considered necessary to assure conformance with the purpose and intent of this Ordinance.
- 3) If the application does not meet the criteria, or if written objections are received, or if the applicant or the Director so desire for any reason, the Director may schedule any application for public hearing before the Commission, as if on appeal pursuant to Section ~~5.1.170 2.140~~ and the Commission shall hear and decide the matter as if the matter were listed in Section ~~5.1.180 2.201~~.
- 4) The Director shall provide for a register of all applications for administrative action which have been filed, all such applications which have been acted upon initially and are awaiting final decision, and all such applications which are the subject of administrative review or appeal.

[Note: Former Section 2.110 replaced by Sections 2.095 and 2.210.]

SECTION 5.1.150 DECISION OF THE DIRECTOR

- 1) In making a decision on an administrative action under Section ~~5.1.090 2.080~~ or ~~5.1.120 2.090~~, the Director shall consider the following:
 - a) The burden of proof is placed upon the applicant seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Article, such burden shall be to prove:
 - i) The proposed action fully complies with the applicable land use map element of the Comprehensive Plan, and also the written policies of the Comprehensive Plan.
 - ii) The proposed action is in accordance with the applicable criteria of this Ordinance.
 - b) Written comments from parties.
- 2) In all cases, the Director shall prepare findings and conclusions to justify his/her decision.
- 3) If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least 12 months from the date of the prior application.

SECTION 5.1.160 NOTICE OF A DECISION BY THE DIRECTOR

- 1) Notice of a decision by the Director shall be filed in the records of the Director, and mailed to the applicant and all parties. Notice shall also be forwarded to the Commission and the Governing Body.
- 2) Notice of a decision shall contain:
 - a) Identification of the application;
 - b) The findings of fact and conclusions of law of the Director;
 - c) Other information pertinent to the application, if any;
 - d) The date of the decision of the Director;
 - e) Notice that any party may appeal the decision within 14 days from the date of the decision by filing a timely statement with the Director.
- 3) The decision of the Director shall be final unless an appeal from a party is received by the Director within the 14 days after the date of a decision on an administrative action, or unless any two (2) members of the Commission or Governing Body request review within 14 days after the date of the proposed decision.

SECTION 5.1.170 APPEAL FROM DECISION OF THE DIRECTOR

- 1) Any action taken by the Director in the interpretation, administration, or enforcement of this Ordinance shall be subject to review by the Commission.
- 2) Any party may appeal a decision of the Director relative to an administrative action.
- 3) The Commission may review the action of the Director upon written notice from two (2) members of the Commission filed within 14 days of the Director's decision, or upon receipt of a notice of appeal as prescribed herein. For the purposes of this Section, an appeal shall be filed with the Director no later than 14 days following the date of the decision or action of the Director.
- 4) Every notice of appeal shall contain:
 - a) A reference to the application sought to be appealed.
 - b) A statement as to how the petitioner qualifies as a party.
 - c) The specific grounds relied upon in the petition request for review.
 - d) The date of the final decision on the action.
- 5) The appeal shall be accompanied by the required fee. The maximum fee shall be the cost to the City of preparing for and conducting the appeal, or \$500, whichever is less.
- 6) At least 15 days prior to the date of the Commission hearing, the Director shall give notice as provided by Section 5.1.190 2-240 of the time and place of the hearing to all parties.
- 7) Appeal of an action of the Director to the Commission shall be de novo and shall be conducted in accordance with Section 5.1.200 2-300.

SECTION 5.1.180 LAND USE DECISIONS OF THE COMMISSION

The following applications for development approval shall be heard by the Commission, pursuant to Section 5.1.200 2-300:

- 1) Planned Unit Development (Chapter 6 5).
- 2) Comprehensive Plan Map amendment (Chapter 5 6).
- 3) Revocation hearing (Section 5.13.070 3-52-300).
- 4) Reviews and appeals of actions and interpretations by the Director (Section 5.1.170 2-140).
- 5) Appeals of decisions of the Director (Section 5.1.170 2-140).

- 6) Interpretations of this Ordinance (Section 1.1.080 ~~1.060~~)
- 7) Matters referred to the Commission by the Director pursuant to Section 5.1.140 ~~2.100~~.
- 8) Administrative variance as required by Section 5.6.030 ~~3.45.040~~ (Chapter 5.3, Article 6.45).
- 9) Temporary permit for additional dwelling unit for a family hardship (Chapter 5.3, Article 9.42).
- 10) Zone change recommendations to the Governing Body (Chapter 5.3, Article 4.38).

SECTION 5.1.190 NOTICE OF COMMISSION HEARINGS

- 1) At least 20 days prior to the date of a quasi-judicial public hearing under Section 5.1.180 ~~2.204~~, notice shall be sent by mail to: The applicant and all owners or contract purchasers of record of the property which is the subject of the application; all owners of property within 300 feet of the property; and any affected governmental agency which has entered into an agreement with the Governing Body to coordinate planning efforts and to receive notices of such hearings.
- 2) Notice shall also be posted by the applicant in three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least 15 days prior to the date of the hearing.
- 3) Notice shall also be given by publication in a newspaper of general circulation in the area affected at least 20 days prior to the date of the hearing. An affidavit of publication shall be made part of the record.
- 4) If an application would change the zone of property which includes all or part of a mobile home park, written notice shall also be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The director may require the applicant for such a zone change to pay the cost of such notice.
- 5) The notice shall:
 - a) Include:
 - i) The location, file number, and title of the file containing the request and the date such notice was sent.
 - ii) A description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this Section, shall include, but not be limited to, metes and bounds descriptions or the tax map

designations of the Douglas County Assessor's Office.

- iii) The deadline for filing comments on the request.
- b) Explain the nature of the application and the proposed use or uses which could be authorized.
- c) List the applicable criteria from this Ordinance and the plan that apply to the application at issue.
- d) Set forth the street address or other easily understood geographical reference to the subject property.
- e) State the date, time, and location of the hearing.
- f) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the approving authority an opportunity to respond to the issue precludes appeal based on that issue.
- g) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
- h) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
- i) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
- j) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

SECTION 5.1.200 HEARING PROCEDURE

- 1) Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence are provided by any party, the approving authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 227.178.
- 2) Any and all issues which may be the basis for an appeal shall be raised and accompanied by statements or evidence sufficient to afford the approving authority and the parties an adequate opportunity to respond to each issue.
- 3) In the conduct of a public hearing, the approving authority shall have the authority, pursuant to the provisions of this Ordinance, to:

- a) Dispose of procedural requirements or similar matters.
 - b) Rule on offers of proof and relevancy of evidence and testimony.
 - c) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses, and rebuttal of testimony.
 - d) Take such other action appropriate for conduct commensurate with the nature of the hearing.
 - e) Grant, deny, or, in appropriate cases, attach conditions to the matter being heard.
- 4) The applicant or any party wishing to subpoena witnesses to a hearing may do so by application to the Director. Such subpoenas shall be enforceable upon proper completion and inclusion of those fees applicable to civil cases in the Douglas County Circuit Court. Payment of fees and services shall be the responsibility of the party desiring such service.
- 5) Order of Procedure: Unless otherwise specified, the approving authority, in the conduct of a hearing, shall:
- a) At the commencement of the hearing, read a statement to those in attendance that:
 - i) Lists the applicable substantive criteria;
 - ii) States that testimony and evidence must be directed toward the criteria described in paragraph subpart (i) of this Subsection or other criteria in the plan or this Ordinance which the person believes to apply to the decision; and
 - iii) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the approving authority and the parties an opportunity to respond to the issue precludes appeal based on that issue.
 - b) Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;
 - c) Recognize parties;
 - d) Request the Director to present the introductory report of the Director and explain any graphic or pictorial displays which are a part of the report. Request the Director to read findings and recommendations, if any, and provide such other information as may be requested by the approving authority;

- e) Allow the applicant to be heard first, on his/her own behalf, or by representative;
 - f) Allow parties or witnesses in favor of the applicant's proposal to be heard;
 - g) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
- 6) Questions may be asked at any time by the approving authority. Questions by the parties or Director may be allowed by the approving authority upon request. Upon recognition by the approving authority, questions may be submitted directly to the witnesses or parties. The witnesses or parties shall be given a reasonable amount of time to respond solely to the questions.
- 7) Prior to the conclusion of the hearing, any party may request an opportunity to present additional evidence or testimony regarding the application. The approving authority shall grant such requests by continuing the hearing pursuant to paragraph (a) of this Subsection or leaving the record open for additional written evidence or testimony pursuant to paragraph (b) of this Subsection.
- a) If the approving authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven (7) days later. An opportunity shall be provided at the continued hearing for parties to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any party may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
 - b) If the approving authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any party may file a written request with the approving authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the approving authority shall reopen the record pursuant to Subsection 8 of this Section.
 - c) A continuance or extension granted pursuant to this Subsection shall be subject to the limitations of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant.
 - d) Unless waived by the applicant, the approving authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
- 8) When the approving authority reopens the record to admit new evidence or testimony, any party may raise new issues which relate to the new evidence,

testimony, or criteria for decision-making which apply to the matter at issue.

9) For purposes of this Section:

- a) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed by the proponent relevant to the decision. "Argument" does not include facts.
- b) "Evidence" means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

10) At the conclusion of the hearing, the approving authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The approving authority may request proposed findings and conclusions from any party to the hearing. The approving authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the approving authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the approving authority shall not be final until reduced to writing and signed by the approving authority. The approving authority shall grant, deny, or, in appropriate cases, attach conditions to the proposal being heard, and the Director shall notify by mail the parties of the decision.

11) General Conduct of Hearing. The following rules apply to the general conduct of the hearing:

- a) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- b) No person shall testify without first receiving recognition from the approving authority and stating his^{her} full name and address.
- c) No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.
- d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing, shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

SECTION 5.1.210 QUASI-JUDICIAL HEARINGS – CHALLENGES TO IMPARTIALITY

- 1) Any party to a matter to be heard under this Article, and any member of the approving authority or of the Governing Body may challenge the qualification of

any other member of that authority or body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger as the basis for the challenge.

- a) Except for good cause shown, the challenge shall be delivered by personal service to the City Recorder and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.
 - b) The challenge shall be made a part of the record of the hearing.
- 2) No member of the approving authority or of the Governing Body may discuss or vote on a matter when:
- a) Any of the following has a direct or substantial pecuniary interest in the matter: the member or his or her spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization in which the member is then serving as an officer or director or has so served within the previous two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment, or other business affiliation.
 - b) The member owns all or a portion of the property that is the subject of the matter before the approving authority or Governing Body or owns abutting or adjacent property.
 - c) The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially. This includes matters where by past conduct or statements the member: has a bias which in the exercise of sound judgment the member cannot vote upon the matter impartially and without prejudice to the substantial rights of the challenging party; owes a present or future fiduciary duty to one of the parties; shares the member's residence with a party which has a pecuniary interest in the matter; or has a personal bias or prejudice against a party.
- 3) Because of the importance of preserving public confidence in decisions made by the approving authority or Governing Body, a member of that authority or body may elect to abstain from a particular hearing when in fact the member is not disqualified but simply desires to avoid the mere appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this Section shall seek the advice of the authority or body and then state the member's decision and the reasons therefore.
- 4) No other officer or employee of the City who has a financial or other private interest in a matter before the approving authority or Governing Body may participate in discussion of the matter with, or give an official opinion on the matter to the authority or body without first declaring for the record the nature and extent of that interest.

- 5) At the commencement of the hearing on a matter, members of the approving authority or of the Governing Body shall reveal all significant pre-hearing and ex parte contacts they have had about the matter. If the contacts have not impaired the member's impartiality, the member shall so state that fact and participate or abstain in accordance with Subsection 4 of this Section and with the member's own judgment.
- 6) Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member's interest at a hearing, provided the member joins the audience, makes full disclosure of the member's status and position when addressing the approving authority or Governing Body and abstains from discussion and from voting on the matter as a member of the authority or body.
- 7) Whenever the qualifications of a member of the approving authority or of the Governing Body are challenged, the presiding officer of the authority or body shall give precedence to the challenge by first giving the challenged member an opportunity to respond and then, if necessary, putting the challenge to the authority or board for decision.
- 8) Disqualification for reasons set forth in Subsections 1, 2, 3, or 5 of this Section may be ordered by a majority of the approving authority or Governing Body. The member who is the subject of the motion for disqualification may not vote on the motion.
- 9) If all members of the body abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after stating their reasons for abstention or disqualification, shall by so doing be re-qualified and proceed to resolve the issues.
- 10) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless he or she has reviewed the evidence received.

SECTION 5.1.220 OFFICIAL NOTICE

- 1) The approving authority may take official notice of the following:
 - a) All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
 - b) The Comprehensive Plan and other officially adopted plans, Ordinances, rules and regulations.
- 2) Matters officially noticed need not be established by evidence, and may be considered by the approving authority in the determination of the application.

SECTION 5.1.230 RECORD OF PROCEEDING

- 1) A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony except as provided for in Section 5.1.240 2-500. In all cases, the tape, transcript of testimony, or other evidence of the proceedings shall be part of the record.
- 2) All exhibits received shall be marked so as to provide identification upon review.

[Note: Former Section 2.400 replaced by Section 2.140.]

SECTION 5.1.240 REVIEW OF DECISIONS OF COMMISSION

Fifteen (15) days from the date of a written decision of the Commission, the decision shall become effective, unless review is sought pursuant to this Section.

- 1) Review of the decision of the Commission:
 - a) Shall be made by the Governing Body upon any party filing a Notice of Review with the Director within 14 days of the date of the written decision sought to be reviewed. Review by the Governing Body shall be conducted pursuant to Section 5.1.250 2-700.
 - b) May be made by the Governing Body on any two (2) members of the Governing Body giving written notice to the City Manager within 14 days of the date of the written decision sought to be reviewed. Review by the Governing Body shall be conducted pursuant to Section 5.1.250 2-700.
- 2) Notice of the time and place of the review, together with any Notice of Review filed, shall be mailed to parties at least ten (10) days prior to the date of review.
- 3) A record of the review shall be the same as that required at the hearing before the Commission, pursuant to Section 5.1.230 2-320.
- 4) Every Notice of Review shall contain:
 - a) A reference to the decision sought to be reviewed;
 - b) A statement as to how the petitioner qualifies as a party;
 - c) The specific grounds relied upon in the petition request for review;
 - d) The date of the decision sought to be reviewed.
- 5) Except when filed by members of the Governing Body, a Notice of Review shall be accompanied by a fee established by the Governing Body.
 - a) If the reviewing body does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it in the manner provided in this Section. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of

such estimate, the person making the request for a transcript shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person.

- b) Failure to comply with this Subsection shall be a jurisdictional defect.
- c) If a transcript is desired by the Governing Body, the costs shall be borne by the Governing Body.

SECTION 5.1.250 REVIEW BY GOVERNING BODY

- 1) Except upon the election of the Governing Body to take additional evidence, the review of a decision of the Commission by the Governing Body shall be confined to the record of the proceeding, which will include the following:
 - a) All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence;
 - b) All materials in the record submitted by the Director with respect to the application;
 - c) The transcript of the hearing, if required by the Governing Body or otherwise provided, or the tape recording or other evidence of the proceeding of the hearing and review by the Commission;
 - d) The findings and conclusions of the Commission;
 - e) Argument by the applicant or parties or their legal representatives upon the record at the time of review by the Governing Body.
- 2) Except upon the election of the Governing Body communicated to the parties with reasonable time to prepare, review by the Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.
- 3) The Governing Body may affirm, reverse, modify, or remand the action of the Commission, and may approve or deny the request, or grant approval subject to conditions necessary to carry out the purpose and intent of this Ordinance.
 - a) For all cases, the Governing Body shall make findings and conclusions, and make a decision based on the record before it as justification for its final action.
 - b) The Governing Body shall enter such findings, conclusions, and final orders upon the close of its hearings or upon continuance of the matter to a time certain.
 - c) The Governing Body shall cause copies of a final order to be sent to all parties participating in the review before it.

- 4) The Governing Body may remand the matter to the Commission if it is satisfied that testimony or other evidence essential to the Governing Body's decision was not presented at the initial hearing.
- 5) Only those members of the Governing Body reviewing the entire record may act on the matter reviewed. The agreement of a majority of those reviewing is necessary to amend, reverse, or remand the action of the Commission. Upon failure of a majority of those reviewing to agree, the decision of the Commission shall stand.

ARTICLE 2

LEGISLATIVE ACTIONS PROCEDURES

SECTION 5.2.010 PURPOSE

The purpose of Sections ~~5.2.010 2.00.010~~ through ~~5.2.090 2.00.080~~ is to establish procedures for considering legislative proposals and actions, including but not limited to legislative amendments of the Roseburg Urban Area Comprehensive Plan, text or map, legislative amendments of the text of this Ordinance, ~~pursuant to Article 53 hereof~~ and legislative zone changes.

SECTION 5.2.020 DETERMINATION OF APPLICABLE PROCESS

The Director, in consultation with the City Attorney, shall be responsible for determining if a particular proposal is a legislative action under applicable law or an application for development approval. A legislative action shall be processed according to ~~this Article Sections 2.00.010 through 2.00.080~~. An application for development approval shall be processed by quasi-judicial public hearing or administrative action, pursuant to the Development Approval Procedures set forth in ~~Article 1 of Chapter 5 of~~ this Ordinance (~~Sections 2.010, et seq.~~). The determination of the Director as to whether a particular proposal is a legislative action shall be subject to review by the Commission and the Governing Body.

SECTION 5.2.030 WHO MAY INITIATE

Proposals for legislative actions may only be initiated by the Director, the Commission, the Governing Body, or any individual member of the Governing Body.

SECTION 5.2.040 NOTICE AND HEARING BY COMMISSION

The Commission shall hold a public hearing on any proposed legislative action after publishing notice of the hearing at least ten (10) days prior to the hearing in a newspaper of general circulation published in the area affected by the proposed legislative action. The notice shall contain the time, place, and purpose of the hearing and a description of the land to be subject to the proposed legislative action.

SECTION 5.2.050 HEARING PROCEDURE

- 1) In the conduct of public hearings pursuant to ~~this Article Sections 2.00.010 through 2.00.080~~, the Commission and the Governing Body shall have the authority to:
 - a) Rule on procedural questions;
 - b) Impose reasonable limitations on the time for public testimony, and to restrict irrelevant or repetitive testimony and presentations;
 - c) Prohibit persons from being disorderly, abusive, or disruptive of the orderly conduct of the hearing;

- d) Prohibit persons from testifying without first receiving recognition and stating their full name and address;
 - e) Prohibit persons from presenting irrelevant, immaterial, or unduly repetitious testimony;
 - f) Prohibit audience demonstrations such as applause, cheering, and display of signs or other conduct disruptive of the hearing. Any such conduct may be cause for immediate suspension or termination of the hearing.
- 2) Order of procedure. Unless otherwise specified, the Commission or the Governing Body, in the conduct of hearings, shall:
- a) At the commencement of the hearing, announce the nature and purpose of the hearing and summarize the rules for conducting the hearing;
 - b) Request the Director to present the introductory report of the Director;
 - c) Allow members of the public to speak about the proposal and to submit relevant documents.
- 3) At the conclusion of the hearing, the Commission or Governing Body may, at its sole discretion, continue the hearing or leave the record open for a time during which any person may submit additional documents or written evidence or testimony.

SECTION 5.2.060 RECOMMENDATION BY COMMISSION

- 1) At the conclusion of a hearing by the Commission, and following any continuances or period in which the record remains open, the Commission may: make a decision recommending approval or disapproval of the proposal and transmit such recommendation to the Governing Body; or may recommend modification or approval with conditions; or may take the matter under advisement. If the Commission's recommendation has not been received by the Governing Body prior to the expiration of 60 days after the conclusion of the Commission's initial hearing, the Governing Body may consider the proposal without recommendation of the Commission thereon.
- 2) The recommendation of the Commission shall be supported by written Findings and Conclusions. In addition to any other substantive criteria which may be deemed to apply, all legislative action proposals shall be analyzed for consistency with the policies of the Plan, state-wide planning goals, and other provisions of this Ordinance. All actions taken by the Commission in adopting Findings and Conclusions shall be made a part of the record.

SECTION 5.2.070 CONSIDERATION BY GOVERNING BODY

- 1) Upon receiving the Commission's recommendation, or upon the expiration of the 60 day period abovementioned, the Governing Body shall hold a public hearing

in the same manner as the Commission pursuant to Section ~~5.2.050~~ ~~2.00.050~~ above after giving notice of the hearing in the same manner as provided in Section ~~5.2.040~~ ~~2.00.040~~ above. The same rules of procedure which applied to the hearing by the Commission shall apply to the hearing by the Governing Body. The Governing Body may approve or disapprove the proposal or modify it or grant approval subject to conditions. For all cases, the Governing Body shall make written Findings and Conclusions, addressing the criteria mentioned in Subsection ~~5.2.060~~ ~~2.00.060~~(2) above or incorporating the Findings and Conclusions of the Commission regarding such criteria. The Governing Body may remand the matter to the Commission if it deems it helpful to obtain further consideration or recommendations from the Commission on the matter.

- 2) Upon adoption or amendment of any Ordinance or regulation to which ORS 92.044 or 92.046 applies, the Governing Body shall comply with ORS 92.048, including the requirement of filing with the recording officer of the County.
- 3) The Director shall send notice of any legislative action proposal to the State as required under ORS 197.610 and, upon adoption, as required under ORS 197.615.

SECTION 5.2.080 CONFLICTS OF INTEREST

Section ~~5.1.210~~ ~~2.305~~ of this Ordinance shall be applicable to proceedings to consider legislative action proposals under this Article ~~Sections 2.00.010 through 2.00.080~~, except where the context otherwise indicates, and except that there shall be no prohibition against or requirement for disclosure of ex parte contacts.

SECTION 5.2.090 ZONING TEXT AMENDMENTS

It may be necessary from time to time to amend the text of this Ordinance in order to conform with the Comprehensive Plan, or to meet other changes in circumstances and conditions. An amendment to the text of this Ordinance is, as is original zoning, a legislative act solely within the authority of the Governing Body and shall be processed pursuant to this Article ~~Sections 2.00.010 through 2.00.080~~.

Comment [PH19]: formerly a standalone article

ARTICLE 3

QUASI-JUDICIAL PLAN AMENDMENT

SECTION 5.3.010 PURPOSE

This ~~Article Chapter~~ provides the substantive requirements for quasi-judicial amendments of the Roseburg Urban Area Comprehensive plan. Procedural provisions for such plan amendments, ~~unless otherwise provided by this Chapter,~~ are set forth in ~~this Chapter 2 of this Ordinance.~~

A quasi-judicial amendment is a change in the Comprehensive Plan Map for a particular parcel or limited number of parcels of land. Legislative amendments of the Plan or Map shall be processed pursuant to ~~Article 2 of this Chapter Sections 2.00.010 through 2.00.080.~~

SECTION 5.3.020 INITIATION OF AMENDMENT

A quasi-judicial plan amendment may be initiated by an application as provided in Section ~~5.1.040 2.040~~ of this Ordinance.

SECTION 5.3.030 APPLICATION AND HEARING DATES

Applications for a quasi-judicial plan amendment may be submitted to the City Community Development Director at any time. Quasi-judicial plan amendment hearings shall be scheduled and conducted only on the first regular meeting dates in the months of April and October.

The City Planning Commission may schedule a quasi-judicial plan amendment hearing on any other date if it finds the provision of this Section would result in an undue hardship on the applicant. Hearing dates may be continued by the City Planning Commission upon its own motion or upon request of continuance by the applicant.

All quasi-judicial plan amendment applications shall be filed with the City Community Development Director at least 60 days prior to a hearing date. Application shall be made on forms provided by the City Community Development Director, and shall be accompanied by the required fee.

SECTION 5.3.040 APPLICATION FORM AND CONTENT AND AMENDMENT STANDARDS

- 1) The City Community Development Director shall prescribe forms for applications for quasi-judicial plan amendments which, when completed, shall be sufficient to describe the nature and effect of the proposed amendment.
- 2) The application shall address the following requirements, which shall be the standard for amendment.
 - a) That the amendment complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, pursuant to ORS

197.240, or as revised pursuant to ORS 197.245. If it appears that it is not possible to apply an appropriate goal to specific properties or situations, then the application shall set forth the proposed exception to such goal as provided in Statewide Planning Goal 2, Part II. Compelling reasons and facts shall be given why an exception should be adopted, including:

- i) Why the proposed use should be provided for;
 - ii) What alternative locations within the area could be used for the proposed use;
 - iii) What are the long-term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the proposed use; and
 - iv) How the proposed use will be compatible with other adjacent uses.
- b) That the amendment complies with applicable policies of the Comprehensive Plan.
 - c) That there is a public need for a change of the kind in question.
 - d) That such need will be best served by changing the Plan designation of the particular piece of property in question as compared with other available property.
- 3) Applications for quasi-judicial plan amendments may be combined with an application, on the same property, for an administrative action. If a combined application is made, the time periods in this ~~Article Chapter~~ shall apply, even if such periods conflict with time periods set forth in ~~other Articles Chapter 2~~ of this Ordinance.

SECTION 5.3.050 NOTICE

- 1) Prior to the hearing by the City Planning Commission, notice thereof shall be given as provided in ORS 197.610 – Notice to State Department of Land Conservation and Development (DLCD) – Notice of Proposed Amendment. Thereafter, notice of further proceeding shall be given as provided in ~~this Chapter 2 of this Ordinance~~. (Ord. No. 3289, 9/2008)
- 2) If the application proposes an exception to a goal as described in Section ~~5.3.040(2)(a) 6-150(2)(a)~~, such exception shall specifically be noted in the notice.

SECTION 5.3.060 NOTIFICATION OF COUNTY PLANNING COMMISSION

Within 15 days of receipt of an application for a quasi-judicial plan amendment for property lying partly or wholly within the unincorporated area of Douglas County, the City shall forward written notice of the proposed amendment to Douglas County. The

County shall conduct its proceedings to review and act on the application in accordance with the process established by the Urban Growth Management Agreement.

SECTION 5.3.070 HEARING BY PLANNING COMMISSION

The City Planning Commission shall conduct a public hearing upon the proposed plan amendment, and, if the proposed amendment is combined with an application for administrative action, the Commission shall conduct any required hearing at the same time. The hearing shall be conducted pursuant to the provisions of ~~this Chapter 2 of this Ordinance~~.

The City Planning Commission shall hear and consider all evidence, comments and recommendations presented by: the applicant or his/her authorized agent; the public or any other body; the County Planning Commission; and the Director.

After the close of the hearing, the Commission shall recommend approval, conditioned approval or denial of the application, and shall adopt findings of fact and conclusions of law supporting its recommendation.

SECTION 5.3.080 PUBLIC HEARING BY CITY COUNCIL

Within 30 days of the decision of the Commission, a public hearing shall be scheduled before the City Council.

The Council shall conduct a public hearing within 60 days of the decision of the Planning Commission upon all matters heard by the Commission under this Chapter. If a Notice of Review is filed with the Director, the Council shall conduct a hearing pursuant to ~~this Chapter 2 of this Ordinance~~. If there is no request for review of the Commission's action, the Council may adopt the findings and conclusions, and initial decision, at a regular public business meeting. If the Council elects to review the Commission's initial decision, either on its own motion or otherwise pursuant to Section ~~5.1.250 2-700~~ of this Ordinance, notice of the hearing shall be given pursuant to ~~this Chapter 2 of this Ordinance~~. The public hearing shall be confined to the record of the proceeding before the Commission, which shall include those matters contained in Section ~~5.3.040 6-150~~ of this ~~Article Chapter~~, and, in addition, argument by the parties or their legal representatives at the time of review before the Council.

SECTION 5.3.090 DECISION OF CITY COUNCIL

After the close of the hearing, the Council shall adopt, amend, deny, or remand to the Commission the application heard by it, and shall adopt written findings and conclusions and a decision supporting its action.

SECTION 5.3.100 RESOLUTION OF CONFLICT

Resolutions of conflict between the City and County on Plan Amendments concerning lands in the unincorporated area within the Urban Growth Boundary shall be resolved by utilization of the steps prescribed in the Urban Growth Management Agreement.

SECTION 5.3.110 LIMITATION

Except when the Commission finds new substantial evidence is now available which the applicant could not have presented with due diligence, or finds a change of circumstance warrants it, no application for a quasi-judicial plan amendment shall be considered while a previous decision on such request is being appealed as provided by this Ordinance and state law or considered within the 12 month period immediately following the filing of the application, whichever last occurs.

SECTION 5.3.120 APPEAL

Appeal of the final action of the Council relative to an application for a quasi-judicial plan amendment may be pursued in the manner prescribed by statute.

ARTICLE 4

ZONE CHANGE

SECTION 5.4.010 PURPOSE

This Article provides the criteria for amending the boundaries of any Zoning District delineated on the official zoning maps. Zoning shall be consistent with the Comprehensive Plan and maintain the general purpose of this Ordinance and specific purpose of the applicable zone classification. Application of Overlay Districts to any property requires a zone change application per LUDO Section ~~2.1.070 3.1.080~~.

SECTION 5.4.020 NOTICE REQUIREMENTS FOR MOBILE HOME PARKS

If an application would change the zone of property which includes all or part of a mobile home park, written notice shall also be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The director may require the applicant for such a zone change to pay the cost of such notice. Procedure otherwise to be followed subject to Section ~~5.1.190 2.240~~ Notice.

SECTION 5.4.030 CRITERIA FOR ZONE CHANGE

The approving authority may grant a zone change only if the following circumstances are found to exist:

- 1) The rezoning will conform with the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
- 2) The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.
- 3) The rezone is consistent with the safety and performance measures of the transportation system. (Ord. No. 3279, 3/2008)

SECTION 5.4.040 ~~ZONE CHANGE – CONDITIONS RELATIVE TO THE OF APPROVAL OF A~~ ZONE CHANGE

Reasonable conditions may be imposed, as are necessary to ensure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- 1) Special yards and spaces;
- 2) Fences and walls;
- 3) Special parking and/or loading provisions;

- 4) Street dedication and improvements or traffic control devices or facilities or bonds or other monetary contributions in lieu of improvements; (Ord. 3279 – 3/2008)
- 5) Control of points of vehicular ingress and egress;
- 6) Special provisions for signs;
- 7) Lighting, landscaping, and maintenance of grounds;
- 8) Control of noise, vibration, odors, or other similar nuisances.

SECTION 5.4.050 GRANT OF AUTHORITY FOR ZONE CHANGE

- 1) The Governing Body shall have the authority to order a change in the official map to effectuate the rezoning of property as provided by the provisions of this Ordinance.
- 2) The Governing Body shall order a change in the official map within ten (10) days of the date the decision becomes final.

SECTION 5.4.060 ZONING OF ANNEXED AREAS

Areas annexed to the City shall retain their existing zoning classifications until they are rezoned by the City. The Governing Body may rezone such area(s) to City zoning classification(s) concurrent with the effective date of the annexation(s). At the option of the Governing Body such rezoning may be heard by the Commission pursuant to Section ~~5.1.200~~ ~~2.060(2)~~, or the choice of zoning classification(s) for such area(s) may be done as legislative act(s) within the authority of the Governing Body pursuant to ~~Article 2 of this Chapter Sections 2.00.010 through 2.00.080~~. In either event, the Governing Body may seek recommendations from the Commission regarding such zoning classifications. Such classifications shall conform to the criteria set forth in Section ~~3.38.100~~ ~~5.4.010~~, conditions may be imposed as provided in Section ~~3.38.200~~ ~~5.4.040~~, and the official map shall be changed as provided in Section ~~3.38.300~~ ~~5.4.050~~.

ARTICLE 5

VARIANCES

SECTION 5.5.010 PURPOSE

A variance may be granted whenever the strict application of a requirement of this Ordinance would impose unusual practical difficulty on the applicant. Practical difficulty may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic, or other physical conditions on the site or in the immediate vicinity, or street location or traffic conditions in the immediate vicinity. The authority to grant variances does not extend to use regulations. In granting a variance, conditions may be imposed which are necessary to protect surrounding uses and otherwise achieve the purpose of this Ordinance.

SECTION 5.5.020 CRITERIA FOR DECISION

A variance to the requirements of this Ordinance may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences, and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.
- 2) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.
- 3) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.
- 4) The variance requested is the minimum variance which would alleviate the difficulty.
 - a) The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owner.

SECTION 5.5.030 INVALIDATION OF VARIANCE

A variance will become invalid without special action if the variance is not exercised within one (1) year of the date of approval.

SECTION 5.5.040 GRANTING OF EXTENSIONS

An applicant may request an extension of the validity of a variance approval. Such request shall be considered an administrative action, and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to 12 months in the validity of the variance approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from exercising the variance within the original time limitation.

ARTICLE 6

ADMINISTRATIVE VARIANCES

SECTION 5.6.010 ~~ADMINISTRATIVE VARIANCE FROM BUILDING SETBACK VARIANCE~~ REQUIREMENTS

An administrative variance from regulations covering any building setback requirements may be authorized by the Director, pursuant to the administrative action process of Section 5.1.060 2.060(1), of up to a maximum of fifty percent (50%) of the requirement, provided the variance does not result in a setback of less than four (4) feet.

SECTION 5.6.020 ~~ADMINISTRATIVE VARIANCE FROM FENCE HEIGHT VARIANCE~~ REQUIREMENTS

An Administrative variance from regulations covering limitations on fence height as established in Section 4.4.070 3.35.060 may be authorized by the Director, pursuant to the administrative action process of Section 5.1.130 2.095.

SECTION 5.6.030 ~~ADMINISTRATIVE VARIANCE FROM OFF-STREET PARKING VARIANCE~~ REQUIREMENTS

An Administrative variance from regulations covering parking requirements may be authorized by the Director, pursuant to the administrative variance action process of Section 5.1.060 2.060(1), provided the requested amount of reduction in parking from that required by Article 2 of Chapter 3 Section 3.35.100 is twenty-five percent (25%) or less. Where the reduction will exceed twenty-five (25) percent, the request will be heard by the Planning Commission at a public meeting.

SECTION 5.6.040 ~~CRITERIA FOR ADMINISTRATIVE VARIANCE, OTHER THAN AS PROVIDED~~ ELSEWHERE IN THIS ARTICLE

An administrative variance, as authorized by this Article, may be granted only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.
- 2) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.
- 3) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is

located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

- 4) The variance requested is the minimum variance which would alleviate the difficulty.
- 5) The need for the variance is not the result of a practical difficulty created by the actions of the current owner or previous owners.

SECTION 5.6.050 CRITERIA FOR ADMINISTRATIVE PARKING VARIANCE

An administrative variance to the off-street parking requirements, as authorized by this Article, may be granted only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

- 1) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.
- 2) The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.
- 3) The variance requested is the minimum variance which would alleviate the difficulty.
- 4) Circumstances (1), (2), and (3) above are found to be met with respect to the following:
 - a) The nature of the use, the number of parking spaces required, and the anticipated frequency of turn-over of parking;
 - b) The number of spaces which are or could be provided on-site;
 - c) The number of employees expected to be on-site at one time;
 - d) Availability of parking available under the provisions of Sections 3.2.090 ~~3.35.205~~ and 3.2.110 ~~3.35.230~~ of this Ordinance;
 - e) General parking and congestion in the vicinity of the site;
 - f) Other uses allowed on the site which would satisfy or be more in compliance with the parking regulations;
 - g) Anticipated impacts to neighboring properties resulting from not providing parking in accordance with the parking regulations.
- 5) Sufficient parking appropriate to the circumstances can be provided by one or

more of the following alternative solutions:

- a) Off-site parking which is provided by recorded agreement and is convenient to client use, and does not require pedestrian access across a street classified as a collector or higher classification unless adequate provision for pedestrian crossing is made;
- b) On-street parking readily available in the immediate vicinity, or public off-street parking provided in a convenient location;
- c) Payment into a public parking fund at a rate per space established by resolution of the City Council.

SECTION 5.6.060 INVALIDATION OF ADMINISTRATIVE VARIANCE

An administrative variance will become invalid if:

- 1) An administrative variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.
- 2) The variance is not exercised within one (1) year of the date of the approval.

SECTION 5.6.070 GRANTING OF EXTENSIONS

An applicant may request an extension of the validity of an administrative variance. Such request shall be considered an administrative action, and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to 12 months in the validity of the variance approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from exercising the variance within the original time limitation.

ARTICLE 7

OCCUPANCY PERMITS

SECTION 5.7.010 GENERAL

No lot or parcel in any District established under the provisions of this Ordinance shall hereafter be occupied or used, and no building or structure hereafter shall be used or occupied until an occupancy permit is issued therefor by the Building Official, except as otherwise exempted from the requirements of this Article.

SECTION 5.7.020 EXCEPTIONS

The provisions of this Article shall not apply to a dwelling where such dwelling is a permitted use in the applicable District and the use of the dwelling is for residential purposes, nor shall the provisions of this Article apply to agricultural and resource management activities where the applicable District permits such activities. Uses and activities which lawfully exist at the time this Ordinance becomes effective shall be exempt from the provisions of this Article until such time as a change in use or occupancy occurs as specified in Section ~~5.7.010 2.2.000~~ of this Article.

SECTION 5.7.030 APPLICATION

Application for an occupancy permit for a new use, a change in land use, for a new building or structure, or for an existing building or structure shall be made to the Building Official before any such building, structure, or land is occupied or used.

SECTION 5.7.040 ISSUANCE

An occupancy permit shall be issued within five (5) working days after:

- 1) Written notice is received by the Building Official that the premises are ready for use or occupancy; and
- 2) Inspection by the Building Official indicates that the building or use is in conformity with this Ordinance and other applicable laws and regulations of the jurisdiction and the State of Oregon.

SECTION 5.7.050 RECORDS

The Building Official shall maintain a current record of all occupancy permits issued under the provisions of this Article.

ARTICLE 8

CONDITIONAL USE PERMITS

SECTION 5.8.010 DESCRIPTION AND PURPOSE

Uses identified in ~~this Ordinance Articles 4 through 22~~ as requiring Conditional Use Permits may be permitted, enlarged or altered in accordance with the provisions of this Article. In addition, where a proposed use or similar use is not listed in ~~Chapter 2 Articles 4 through 22~~, or where ambiguity exists concerning the appropriate classification of a particular use or type of development within this Ordinance, said use or type of development may be established by a Conditional Use Permit in accordance with this Article.

The purpose of Conditional Use Permits is to allow determination of the appropriateness and compatibility of certain uses proposed to be located in areas not specifically designated for such uses and which may only be suitable for location in such areas with application of special conditions as allowed by this Article.

SECTION 5.8.020 APPLICATION PROCEDURE

An application for a Conditional Use Permit shall be processed as an administrative action by the Director. The Conditional Use Permit application shall be prepared and submitted by the owner of the subject property or authorized agent on a form prescribed by the Community Development Department and shall be accompanied by the prescribed fee and evidence demonstrating compliance with the criteria stated in Section ~~5.8.060 3.39.040~~. An application for a Conditional Use Permit and for Site Plan Review may be combined in a single application. When so combined the requirements of Article ~~7 2~~ and Article ~~8 of this Chapter 39~~ shall apply, except appeals shall be governed by Section ~~5.8.030 3.39.020~~.

SECTION 5.8.030 APPEAL PROCEDURE

The Director's decision regarding an application for a Conditional Use Permit may be appealed to the Commission as provided in ~~Section 5.1.170 Article 2~~. The decision by the Commission shall be final and no party shall be entitled to review by the governing body under Sections ~~5.1.240 2-500~~ and ~~5.1.250 2-700~~ unless the governing body votes to allow review as provided in Section ~~5.8.040 3.39.025~~.

Comment [PH20]: Incorrect reference to Occupancy Permits. Should be a reference to "Appeal from Decision of the Director"

SECTION 5.8.040 REVIEW BY GOVERNING BODY

- 1) Any party seeking to obtain review of a decision of the Commission under Section ~~5.8.030 3.39.020~~ shall file a request for review within 14 days of the filing of the written decision sought to be reviewed.
- 2) Every request for review shall contain:
 - a) A reference to the decision sought to be reviewed;

- b) The date of the decision sought to be reviewed;
 - c) A statement as to how the petitioner qualifies as a party;
 - d) The specific grounds relied upon in the request for review, including a concise statement of each reason asserted for reversal or modification of the decision of the Commission;
 - e) A statement of specific reasons, apart from those asserted for review, why the issues presented have importance beyond the particular case and require decision by the governing body.
- 3) A request for review shall be allowed if a majority of the governing body present at the time of consideration of the request for review vote to allow it.
 - 4) If the governing body accepts review, it may limit the questions on review. If review is not so limited the questions before the governing body include all questions properly before the Commission that the request for review claims were erroneously decided by the Commission.
 - 5) Except where otherwise specified in this Section, review by the governing body shall be conducted according to the procedures set forth in Section [5.1.250 2.700](#).

SECTION 5.8.050 PLAN REQUIREMENTS

The applicant for a Conditional Use Permit shall submit to the Director plans consisting of maps, drawings, written descriptions, or other materials necessary and appropriate for the Director to determine that the proposed development will conform with the general requirements of this Article and the specific requirements of this Ordinance. The Director may require an applicant proposing to site a residential facility within the City to supply the City with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. However, the Director shall not require independent proof of the same conditions that have been required by the Department of Human Resources for licensing of a residential facility.

SECTION 5.8.060 CRITERIA

A Conditional Use Permit shall be granted only if the approval authority finds that the proposal conforms with all five of the following criteria, the conditions set forth in Article [1 of Chapter 3 3](#), Site Plan Review, and any additional criteria made applicable by other Sections of this Ordinance:

- 1) That the proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design;
- 2) That the development is consistent with the purpose of the base zone and

enhances the operation characteristics of the particular neighborhood;

- 3) That the site for the proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use;
- 4) That the proposed development will not have an adverse physical effect on the development or use of abutting or contiguous property; and
- 5) The proposed development will conform to the policies of the Comprehensive Plan and adopted plans and policies of the Governing Body.

SECTION 5.8.070 CONDITIONS

In addition to the requirements of Site Plan Review detailed in Article 1 of Chapter 3.3, the approval authority may designate conditions in granting a Conditional Use Permit as it deems necessary to secure the purpose of this Article and may require guarantees and evidence that such conditions shall be met. Such conditions may include:

- 1) Regulation of uses;
- 2) Special yards and spaces;
- 3) Fences and walls;
- 4) Street right-of-way dedications and street improvements;
- 5) Regulation of points of vehicular ingress and egress;
- 6) Regulation of signs;
- 7) Landscaping, screening, and buffering where necessary to increase compatibility with adjoining uses;
- 8) Regulation of noise, vibration, odors, or other similar nuisances;
- 9) Regulation of hours for certain activities;
- 10) Time period within which the proposed shall be completed;
- 11) Duration of use;
- 12) Regulation of building textures, colors, architectural features and height;
- 13) Preservation of natural vegetative growth and open space;
- 14) Transportation improvements to mitigate the impact of increased traffic and to protect transportation facilities. (Ord. No. 3279, 3/2008)

SECTION 5.8.080 LIMITATIONS ON CONDITIONAL APPROVAL

The following limitations shall be applicable to Conditional Use Permit approvals:

- 1) Conditions shall be fulfilled within the time limitations set forth in the approval.
- 2) Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:
 - a) Protection of the public from the potentially deleterious effects of the proposed use; or
 - b) Fulfillment of the need for public service demands created by the proposed use.
- 3) Changes or alterations of conditions shall be processed as a new administrative action.
- 4) The conditional approval may require the owner of the property to sign a contract with the City for enforcement of the conditions. Such contract shall be executed within 30 days after conditional approval is granted, provided, however, the Director may grant time extensions for practical difficulty. The Director shall have the authority to execute such contracts on behalf of the City. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded in the real property records of Douglas County. Such contract shall not restrict the power of subsequent administrative action with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors and assigns.
- 5) Failure to fulfill any conditions of approval within the time limitations provided may be grounds for revocation of approval.
- 6) A bond, in a form acceptable to the Director, or, upon appeal or review by the Commission, or a cash deposit from the property owners or contract purchasers in such an amount as will assure compliance with the conditions imposed pursuant to this Article may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Douglas County Clerk.

SECTION 5.8.090 INVALIDATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit is automatically revoked when:

- 1) The permit is not exercised within one (1) year of the date of approval.
- 2) The use approved by the Conditional Use Permit is discontinued for any reason for more than one (1) year.

ARTICLE 9

TEMPORARY USE PERMITS

SECTION 5.9.010 PURPOSE

A Temporary Use Permit may be approved to allow uses and activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No Temporary Use Permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

SECTION 5.9.020 PERMITTED TEMPORARY USES

Temporary structures, activities, or uses may be permitted, pursuant to Section ~~5.1.060~~ ~~2.060(1)~~ of this Ordinance, as necessary to provide for housing of personnel, storage and use of supplies and equipment, or to provide for temporary uses. Uses may include temporary signs, outdoor gatherings, short-term uses, roadside stands, or other uses not specified in this Ordinance and not so recurrent as to require a specific or general regulation to control them. Exempt from an Administrative Approval process is the use of a lot for the temporary sales of seasonal items such as pumpkins and Christmas trees. (Rev. Ord. No. 3289, 9/2008)

SECTION 5.9.030 CRITERIA FOR DECISION

No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a Zoning District of any use which is not permitted within the Zoning District, or any use for which a Conditional Use Permit is required.

SECTION 5.9.040 CONDITIONS RELATIVE TO THE ISSUANCE OF TEMPORARY ~~USE~~ PERMITS

~~– CONDITIONS OF APPROVAL~~

- 1) Reasonable conditions may be imposed pursuant to Section ~~5.8.070~~ ~~3.39.050~~ by the approving authority in connection with the Temporary Use Permit to minimize the potential impact of the proposed use to other uses in the vicinity. 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, the following:
 - a) Special yards and spaces;
 - b) Fences or walls;
 - c) Control of points of vehicular ingress and egress;
 - d) Special provisions on signs;
 - e) Landscaping and maintenance thereof;

- f) Maintenance of the grounds;
- g) Control of noise, odors, or other nuisances;
- h) Limitation of time for certain activities;
- i) Any temporary permit shall clearly set forth the conditions under which the permit is granted, and shall clearly indicate the time period for which the permit is issued. No Temporary Use Permit shall be transferable to any other owner or occupant, but may be renewable through the administrative action process.

j) Changes or alterations of conditions shall be processed as a new administrative action.

- 2) All structures for which a Temporary Use Permit is issued:
 - a) Shall meet all other requirements of the Zoning District in which they are located;
 - b) Shall meet all applicable health and sanitation requirements;
 - c) Shall meet all applicable building code requirements;
 - d) Shall be removed upon expiration of the Temporary Use Permit unless renewed by the Director or converted to a permitted use.

SECTION 5.9.050 ISSUANCE OF PERMITS

- 1) Temporary permits shall be issued for the time period specified by the approving authority, but may be renewed upon expiration by an administrative action if all applicable conditions can again be met. In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the temporary permit is renewed.
- 2) Renewal of a temporary permit shall follow the same procedure as the initial application.

ARTICLE 10

FAMILY HARDSHIP PERMITS

SECTION 5.10.010 PURPOSE

When a family hardship exists because a medical condition which relates to and is caused by handicap or infirmity or relates to a person otherwise incapable of maintaining a separate residence, the hearings body may authorize the placement of a mobile home on a lot in addition to a principal residence. Such authorizations shall be considered similar to Conditional Use Permits and the hearings body shall attach conditions to approval as it may deem necessary to assure minimization of adverse impact on neighboring properties.

SECTION 5.10.020 APPLICATION

Requests for a temporary mobile home permit must be submitted on a completed Planning Department application form which shall include the names and addresses, and telephone numbers of the property owner, the resident if different from the owner, the applicant if different from the owner or resident, the proposed occupant of the mobile home and their relationship to the resident, and the estimated period of time that the hardship will necessitate the use of the mobile home. Property information and a site plan will also be required.

The applicant is also required to file with the permit application a written statement describing any infirmity, debility, or other reason why the additional dwelling is necessary. Reasons for not utilizing the existing residence for such accommodation must be included. The applicant must arrange for a physician to submit a written statement detailing the medical necessity for such an accommodation and stating why the person with the handicap or infirmity is incapable of maintaining a separate residence.

The hearings body may require the applicant to provide other such evidence deemed necessary for just consideration of the request.

SECTION 5.10.030 EXPIRATION AND REAPPLICATION

- 1) The temporary permit shall expire upon termination of the hardship or two (2) years from the date of issuance whichever comes first. Renewals of the permit will require reapplication in writing to the Community Development Department two months prior to the expiration date.
- 2) For reapplications or where the Director has reason to believe the terms of the permit have been violated or there are other adverse impacts to the neighborhood, notice shall be sent to property owners as specified in Section ~~5.1.070 2-070~~, ~~5.1.130 2-095~~, and ~~5.1.190 2-210~~. If:
 - a) Written objections are received;

- b) The Director or the applicant so desire, or
- c) Three years have elapsed since the last hearing,

the matter shall be scheduled for public hearing as if the matter were listed in Section 5.1.120 2.060(3).

- 3) The permits are not transferable. If ownership of the property is transferred or the occupant changes, the permit is void. If the person who is the subject of the hardship relocates, the permit is void and a new application must be submitted for any new hardship or any new location.
- 4) The mobile home must be removed within 30 days of the expiration of the permit.

SECTION 5.10.040 STANDARDS AND CONDITIONS

- 1) The person(s) residing in the additional dwelling shall be member(s) of the immediate family of the resident(s) of the permanent residence.
- 2) There shall be no compensation involved in the hardship case.
- 3) The mobile home shall:
 - a) Meet the requirements of and be approved by the Building Department;
 - b) Be connected to the public sewer and water systems as directed by the Director of Public Works and shall pay fees for such connections as required by City Ordinance;
 - c) Have a permanent electrical installation;
 - d) Meet all setbacks and coverage requirements pertaining to the zone and shall be a minimum of six (6) feet from the main building and all other buildings;
 - e) Be manufactured after June 15, 1976, and exhibit the "Oregon Department of Commerce Insignia of Compliance";
 - f) Not be structurally connected to the principal residence;
 - g) Have skirting as required by Section 5.11.040 3-50.300.
- 4) The mobile home and accessory building foundations, pads, and support blocking shall be sufficient strength to support the required live-loads and actual dead-loads imposed by the mobile home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning and wind forces on the mobile home and any attached or supported structures based on accepted engineering design standards.

SECTION 5.10.050 PERMIT TO BE A DEED RESTRICTION

The requirements of this Article and any conditions imposed by the hearings body shall be recorded with the County Clerk and made a deed restriction. This shall be required prior to installation of the additional dwelling.

ARTICLE 11

MOBILE HOME SUBDIVISIONS – GENERAL PROVISIONS

SECTION 5.11.010 PURPOSE

It is the intent of this Article to provide manufactured home residents with an alternative to renting space in a mobile home park; provide the opportunity for smaller groupings of manufactured homes in areas where land development constraints do not permit mobile home park development of an adequate size to be financially feasible; establish standards for permanent installation of manufactured homes in subdivisions; and establish certain design features enabling manufactured homes to blend with conventional housing.

SECTION 5.11.020 WHERE PERMITTED

Manufactured home subdivisions may be established in MR3, MR2.4, MR1.5 or MR1 any residential Zoning District ~~which has a Manufactured Home Subdivision Overlay Zone.~~

SECTION 5.11.030 DEVELOPMENT STANDARDS – GENERAL

The establishment and development of a mobile home subdivision shall follow the procedures established in Chapter 6 4 of this Ordinance, and shall conform to all standards therein, except that where the special development standards established in Section 5.11.040 ~~3-50-300~~ of this Article impose additional special development requirements, such additional special requirements shall apply.

Mobile Home subdivisions may be established and developed as a Planned Unit Development (PUD) in accordance with the procedures and standards established in Chapter 6 5 of this Ordinance, in addition to the special standards established in this Article.

SECTION 5.11.040 DEVELOPMENT STANDARDS – SPECIAL

- 1) Dwelling Type Permitted. All manufactured homes in a manufactured home subdivision shall be used as permanent residences and conform to the standards established in this Section as well as the standards applicable to single family dwellings.
- 2) Dwelling Standards. All dwellings in a manufactured home subdivision shall be:
 - a) Equipped with skirting which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home, unless the manufactured home is anchored to a permanent, continuous concrete or block foundation. Such skirting or foundation, or both, shall be such that there are no gaps or openings between the unit and the ground, except for windows or vents.

- b) Covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is finished in non-reflective paint or permanently covered with non-reflective material.
- 3) Minimum Width. Manufactured homes shall be a minimum of 20 feet in width for a minimum of 20% of its length measurement.
- 4) Manufactured Home and Accessory Building Support and Tie-Down. Manufactured home and accessory building foundations, pads, and support blocking, shall be sufficient strength to support the required live-loads and actual dead-loads imposed by the manufactured home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning and wind forces on the manufactured home and any attached or supported structures based on accepted engineering design standards.
- 5) Manufactured homes in manufactured home subdivisions shall conform in all respects to local, state and federal requirements in effect at the time of their installation.

SECTION 5.11.050 CONFORMANCE TO ZONING DISTRICT

In addition to the provisions of this Article, the provisions of the zoning district within which the manufactured home subdivision is located, with respect to use, area, coverage, setbacks, height and parking, shall apply.

ARTICLE 12

MOBILE HOME PARKS

SECTION 5.12.010 ADMINISTRATIVE REVIEW

In addition to the general provisions of this Ordinance, special provisions for the establishment of a new mobile home park or the expansion of an existing mobile home park are required. No mobile home park shall be established or expanded without first receiving approval of the approving authority. The approving authority may grant such approval only after reviewing preliminary site plans for the proposed mobile home park.

SECTION 5.12.020 INFORMATION REQUIRED FOR PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS REVIEW

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department in the form prescribed by the Director, and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one (1) inch representing 50 feet. The drawing shall show the following information:

- 1) Name of the property owner, applicant, and person who prepared the plan.
- 2) Name of the mobile home park and address.
- 3) Scale and North point of the plan.
- 4) Vicinity map showing relationship of mobile home park to adjacent properties.
- 5) Boundaries and dimensions of the mobile home park.
- 6) Location and dimensions of each mobile home site; each site designated by number, letter, or name.
- 7) Location and dimensions of each existing or proposed structure.
- 8) Location and width of park streets.
- 9) Location and width of walkways.
- 10) Location of each lighting fixture for lighting the mobile home park.
- 11) Location of recreational areas and buildings, and area of recreational space.
- 12) Location and type of landscaping plantings, fence, wall, or combination of any of these or other screening materials.
- 13) Location of point where mobile home park water system connects with public system.

- 14) Location of available fire and irrigation hydrants.
- 15) Location of public telephone service for the park.
- 16) Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.
- 17) Location of recycling containers required by Section 3.35.750.

SECTION 5.12.030 FINAL SITE PLAN AND SUBMISSION REQUIREMENTS

At the time of application for final approval to construct a new mobile home park or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies as required by law or Ordinance:

- 1) New structures;
- 2) Water supply and sanitary sewer facilities;
- 3) Electrical systems;
- 4) Road, sidewalk and patio construction;
- 5) Drainage system;
- 6) Recreational area improvements.

SECTION 5.12.040 GENERAL STANDARDS FOR MOBILE HOME PARK DEVELOPMENT

- 1) Access. A mobile home park shall not be established on any site that does not have frontage on or direct access to a publicly-owned and maintained street that has a minimum right-of-way width of 60 feet. No park entrance shall be located closer than 100 feet away from any intersection of public streets.
- 2) Park Street. A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of 30 feet in width, with a surface width of at least 20 feet if no parking is allowed, and 30 feet if parking is allowed on one side only.
- 3) Walkways. Walkways of not less than three (3) feet in width shall be provided from each mobile home site to any service building or recreation area.
- 4) Paving. Park streets and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing, according to the structural specifications established for streets.
- 5) Off-Street Parking.
 - a) Two (2) parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park, which shall be not less than nine (9) by eighteen (18) feet in size and paved with asphaltic

macadam or concrete surfacing.

- b) Guest parking shall also be provided in every mobile home park, based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be paved with asphaltic macadam or concrete surfacing, and shall be clearly defined and identified.

6) Fencing and Landscaping.

- a) Every mobile home park shall provide a sight-obscuring fence, wall, evergreen or other suitable screen/planting along all boundaries of the mobile home park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.
- b) Walls or fences shall be six (6) feet in height. Evergreen plantings used in perimeter screening shall not be less than five (5) feet in height, and shall be maintained in a healthy, living condition for the life of the mobile home park. No fence, hedge or wall, other than a retaining wall, higher than three (3) feet shall be located within the required clear vision area on a corner lot.
- c) There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

7) Area.

- a) Size of mobile home park site. No mobile home park shall be created on a lot or parcel of land containing less than two-and-one-half (2 ½) acres.
- b) Mobile home sites. The average area of all mobile home sites within a mobile home park shall not be less than 3,000 square feet per site, and in no case shall any one mobile home site be less than 2,500 square feet.
- c) Setbacks. No mobile home or access thereto shall be located any closer than 25 feet from a park property line abutting on a public street or road, five (5) feet from all other park property lines and ten (10) feet from any such areas as a park street, a common parking area, or a common walkway.
- d) Spacing. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of 15 feet.
- e) Overnight spaces. Not more than five percent (5 %) of the total mobile home park area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight.

8) Other Site Requirements.

- a) Recreational area. An average of 200 square feet of recreational area shall

be provided for each mobile home site. This area may be in one (1) or more locations in the park, and shall be suitably improved and maintained for recreational purposes.

- b) Pad improvements. Mobile home pads or stands shall be paved with asphaltic or concrete surfacing, or with crushed rock.
- c) Skirting. Every mobile home located on a mobile home site shall be equipped with skirting which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the mobile home.
- d) Accessories. Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
- e) Utilities. Each mobile home site shall be provided with a connection to a community sanitary sewer system and a community water supply system. All utilities within a mobile home park shall be underground.
- f) Storage yards. Storage yards in parks for boats, campers, and recreational vehicle equipment shall be constructed of a dust-free all-weather surface, and shall be enclosed by a six (6) foot high sight-obscuring decorative fence and gate. Wash racks, if provided, shall be located in the storage yard, with adequate drainage. Except for temporarily locating the same in a storage yard, no mobile home shall be hauled to and stored in a mobile home park unless it is properly installed on a lot or site.
- g) State requirements. Rules and regulations governing mobile home facilities as contained in Oregon Revised Statutes Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks," adopted by the Oregon State Department of Human Resources, Health Division, shall be applicable in the development and operation of a mobile home park, provided that the provisions of this Ordinance shall prevail where said provisions are more stringent than those imposed by State law, rules or regulations.
- 9) Recycling Container Location. A mobile home park with five (5) or more manufactured dwellings shall provide a separate location for adequate recycling containers for at least four (4) of the principal recyclable materials identified as in the Roseburg Municipal Code. The requirements of Section 3.1.040(14) 3-35.750 as modified shall be required in conjunction with formal approval from the local designated refuse collector.

ARTICLE 13

ADMINISTRATION AND ENFORCEMENT

SECTION 5.13.010 ADMINISTRATION

It shall be the duty of the Director to enforce the provisions of this Ordinance pertaining to land use and to the construction, erection, location or enlargement of any structure located within the Roseburg Urban Growth Boundary under the jurisdiction of this Ordinance as prescribed in the City-County Urban Growth Management Agreement.

SECTION 5.13.020 BUILDING PERMITS

No permit shall be issued by the Building Official or any government agency for the construction, erection, location, enlargement, or the change of use of a building, structure or lot that does not conform to the requirements of this Ordinance.

SECTION 5.13.030 AUTHORITY

Whenever necessary to enforce the provisions of this Ordinance, the Director shall have recourse to every remedy provided by law. The Director shall recommend to legal counsel for the governing body a recommended course of action. Legal counsel shall review the entire case and make the final decision on appropriate enforcement of the Ordinance.

SECTION 5.13.040 VIOLATION OF ORDINANCE AS A NUISANCE

The construction, erection, location, enlargement, or use or change in use or uses of any structure or property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 5.13.050 REVOCATION FOR FALSE STATEMENT

The Commission may revoke any permit granted pursuant to the provisions of this Ordinance, if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.

SECTION 5.13.060 REVOCATION FOR NONCONFORMANCE

The Commission may revoke any permit granted pursuant to the provisions of this Ordinance for failure to comply with those conditions and limitations placed upon the exercise of the permit.

SECTION 5.13.070 REVOCATION HEARING

No permit shall be revoked without a public hearing held pursuant to the provisions of [this](#) Chapter 2.

SECTION 5.13.080 WHO MAY REQUEST REVOCATION HEARING

A revocation hearing shall be held by the Commission at the request of the Governing Body. The Commission may hold a revocation hearing on its own motion or at the request of an interested person when it has reasonable cause to believe that the provisions of this Ordinance have been violated.

SECTION 5.13.090 LIMITATIONS ON RE-FILING

No application for an administrative action which has been denied wholly or in part shall be resubmitted for a period of 12 months from the date of the original application.

SECTION 5.13.100 PENALTIES FOR VIOLATION OF THIS ORDINANCE

- 1) A fine of not more than \$500 for each day of violation where the offense is a continuing offense, but such fine may not exceed \$10,000.
- 2) A fine of not more than \$5,000 where the offense is not continuing offense.

SECTION 5.13.110 ENFORCEMENT

Notwithstanding the foregoing and regardless of whether a permit has been revoked, a person who violates this Ordinance may be charged in the appropriate court of law.

ARTICLE 53

1. ZONING TEXT AMENDMENTS

SECTION 3.53.000 PURPOSE

~~It may be necessary from time to time to amend the text of this Ordinance in order to conform with the Comprehensive Plan, or to meet other changes in circumstances and conditions. An amendment to the text of this Ordinance is, as is original zoning, a legislative act solely within the authority of the Governing Body and shall be processed pursuant to Sections 2.00.010 through 2.00.080.~~

Comment [PH21]: Relocated to Article 2 of Ch. 5 (Legislative Actions Procedures)

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CHAPTER 6 LAND DIVISIONS

ARTICLE 1

PARTITIONS AND SUBDIVISIONS

SECTION 6.1.010 LAND DIVISIONS

As authorized by law, including ORS Chapters 92, 197, and 227, subdivisions, ~~major and minor~~ partitions and streets created for the purpose of partitioning land and lot line adjustments shall be approved in accordance with this Chapter. This Chapter applies to all incorporated land within the City of Roseburg. A person desiring to subdivide land, to partition land, to accomplish a common boundary line adjustment, or to create a street or road shall submit preliminary plans and final documents for approval as provided in this Chapter and State statutes. Licensed engineers and surveyors shall be engaged to perform appropriate services as set forth in applicable State statutes.

SECTION 6.1.020 PURPOSE

Any person desiring to divide land or accomplish a common boundary line adjustment within the City of Roseburg shall submit preliminary plans and final plats or maps for such subdivisions and partitions and common boundary line adjustments to the City Community Development Director for review. Such review of proposed subdivisions and partitions and common boundary line adjustments is necessary in order that the City of Roseburg provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of Roseburg; for recreation, safety, and health; provide for the orderly development of centers of population; and promote the public health, safety, and general welfare, as defined in ORS Chapters 92, 197 and 227. Land divisions shall be designed to help improve the health of Roseburg's citizens and encourage the availability of a variety of transportation choices for moving people with a balanced transportation system that supports walking, bicycling and transit, that avoids principal reliance upon any one mode of transportation, and that encourages residents to achieve recommended levels of exercise. (Ord. No. 3279, 3/2008)

SECTION 6.1.030 DEFINITIONS

The definitions set forth in Section ~~1.1.110~~ 1.090 of this Ordinance shall be utilized for the purpose of this Chapter.

SECTION 6.1.040 HILLSIDE DEVELOPMENTS

In the case where standards and criteria in Sections ~~Article 10 of Chapter 2: 3-35.700 through 3-35.740~~ Hillside/Geologic Review Area, and in the reference application checklists, of this Ordinance conflict with provisions in this Chapter, development shall conform to Sections ~~Article 10 of Chapter 2: 3-35.700 through 3-35.740~~ and the

referenced checklists as determined applicable by the approving authority. (Ord. No. 3274, 8/2007)

SECTION 6.1.050 GENERAL REQUIREMENTS AND STANDARDS OF DESIGN AND DEVELOPMENT FOR PRELIMINARY PLANS

The following are the requirements and standards to which the preliminary plan and improvement plan of a subdivision or partition or common boundary line adjustment must conform.

- 1) Conformity with the Comprehensive Plan. All divisions of land and common boundary line adjustments shall conform with the Roseburg Urban Area Comprehensive Plan with respect to the type and intensity of use, population densities, locations, and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps.
- 2) Conformity with Zoning Chapter. All divisions of land and common boundary line adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 2.3 of this Ordinance.
- 3) Variance from Subdivision Provisions. Variance from the strict application of the standards and provisions of this Chapter may be granted by the approving authority when such standards and provisions would impose unusual practical difficulty on the applicant. Application for a variance as authorized by this Section shall be heard by the approving authority concurrently with the proceedings for preliminary plat approval. The criteria for granting a variance shall be the same as that required in Section 5.5.020 3.40.100. However, if the variance is a modification to the standards of Sections 6.1.060 4.150, 6.1.070 4.200, 6.1.090 4.220, and 6.1.120 4.250, the variance shall also address the following criteria:
 - a) Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this chapter. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, flood plains, or water bodies where a connection could not reasonably be provided. Grades that are too steep for a street may not be too steep for an accessway.
 - b) Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.
 - c) Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.

d) Abutting undeveloped or underdeveloped property is within the 100-year flood plain. (Ord. No. 3279, 3/2008)

- 4) Relation to Adjoining Street System and Bicycle System. A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. The connecting street network shall have capacity to support the proposed land uses. Connections shall also be made for pedestrian, bicycle, and vehicle access to schools, parks, employment, and recreation areas. Where the approving authority finds that topographic conditions make such continuation or conformity impractical, appropriate exceptions to this requirement shall be made. (Ord. No. 3279, 3/2008)

- 5) Future Subdivision or Partition of Lots or Parcels. Where the subdivision or partition will result in a lot or parcel which in the judgment of the approving authority is likely to be further divided in the future, the approving authority may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Ordinance and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record by having a deed restriction filed with the County Clerk.

a) If a subdivision or partition is created which contains lots or parcels of sufficient size to otherwise qualify for future re-division, and the approving authority does not require special provisions for future re-division as specified in this Subsection, the approving authority may attach a condition to such subdivision or partition preventing any future re-division of the lots or parcels. Such condition shall be a special deed restriction and shall be filed with the County Clerk.

- 6) Access.

a) Every lot or parcel created by partition or subdivision or common boundary adjustment shall have direct access to a public street or road except as provided in this Section.

A lot or parcel shall be considered to have direct access to a public street or road if:

- i) The lot or parcel abuts a public street or road; and
 - ii) The public street or road abutting the lot or parcel provides actual, practical and usable physical access to the lot or parcel.
- b) Access to a lot or parcel created by partition or subdivision or common boundary line adjustment may be accomplished by a private easement of way

established by deed, if:

- i) The approving authority finds that such private easement is the only reasonable method of providing sufficient access to the rear portion of an unusually narrow and deep lot, otherwise large enough to warrant partitioning.
- ii) There is an express grant or reservation of an easement in a document recorded in the office of the County Clerk.
- iii) No more than one (1) lot or parcel will be provided access via the easement.
- iv) Residential use of a lot or parcel provided access via an easement will be limited to a single-family dwelling.
- v) Commercial uses establish common access points in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

- 7) Special Investigations Required. In addition to the information and data submitted in fulfillment of other Sections of this Ordinance, the subdivider may be required to accomplish special investigations, studies and reports concerning soil, geologic and foundation conditions, and other conditions determined by the approving authority to be of concern. Such information, reports, etc. shall be submitted for review by the approving authority. The information and findings may form the basis for conditions to be applied by the approving authority to the subdivision plan and improvements.

SECTION 6.1.060 PLATTING AND MAPPING STANDARDS – STREETS AND ROADS
(Section 4.150(2) Table A modified & (4)(b) modified, Ord. No. 3005, 10/97)

1) General.

- a) Dedication. The approving authority may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this Ordinance. The street system shall accommodate bicycle and pedestrian facilities within the public right-of-way. (Ord. No. 3279, 3/2008)
- b) Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the approving authority may require that local streets be so designed as to discourage their use by non-local traffic.

Traffic-calming features such as traffic circles, roundabouts, curb extensions, speed humps on residential streets, chicanes and other special paving treatments may be required by the approving authority to slow traffic and discourage use of local streets by non-local traffic. (Ord. No. 3279, 3/2008)

- c) Transportation System Plan. Any such adopted plan and amendments thereto shall be considered as the correct designation of the transportation, access and safety needs of the Roseburg Urban Area or sub-areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under Subsections (a) and (b) above of this Section, unless convincing evidence to the contrary is presented to the approving authority. (Ord. No. 3279, 3/2008)

2) Width.

- a) Generally. Widths of street right-of-way and paving design for streets shall be not less than those set forth in Table 6-1. Standard Street Widths, below following.
- b) New Street Adjoining Undeveloped Land. For a street abutting land not in the subdivision or partition area, a lesser width than shown in the table may be allowed at the discretion of the approving authority where the applicant presents a satisfactory plan for ultimate expansion of the street to the width otherwise required.
- c) Existing Adjacent Street. The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the subdivision or partition, and the applicant shall dedicate additional right-of-way, as determined by the approving authority in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in said table.

TABLE 6-1: STANDARD STREET WIDTHS(Streets in Hillside areas may use Street Standards shown in Section 2.10.040 3-35.715)

| TYPE OF STREET | MINIMUM RIGHT-OF-WAY WIDTH | | |
|--|----------------------------|------------------|------------|
| Arterials [3][4][5] | 70' -120' [1] | | |
| Collector Streets and All Business Streets Other than Arterials [3][4][5] | 60'-70'[2] | | |
| Local Streets in Single-Family Density Areas[3] | 60' | | |
| Circular Ends of Cul-de-Sacs where allowed under Section <u>6.1.060 4-150 #7</u> | 96' Diameter | | |
| All Streets Not Specifically Provided for Above | 60' | | |
| STANDARD STREET PAVEMENT WIDTH AND DESIGN FEATURES | | | |
| TYPE OF STREET | PARKING BOTH SIDES | PARKING ONE SIDE | NO PARKING |
| Local [3] | 34-36' | 26-28'* | 20'* |
| Collector [3] | 48-50' | 40-42' | 32-34' |
| Arterial [4][5][6] | N/A | N/A | |
| 3 lane | | | 48-50' |
| 5 lane | | | 70-74' |
| * Where allowed | | | |
| 1. The approving authority may require a width within the limits shown, based upon adjacent physical conditions, safety of the public and the traffic needs of the community, sidewalk width, and in accordance with other specifications of this Ordinance. | | | |
| 2. Right-of-way to 70 feet may be required with wider sidewalks; where other design features are included, additional right-of-way may be required. | | | |
| 3. Pavement width in excess of that shown may be required for other road configurations, such as for turn lanes, etc. | | | |
| 4. Collector and arterial streets require bike lanes. Local streets utilize shared lanes. | | | |
| 5. Freight route shall have minimum lane width of 12 feet. | | | |
| 6. Bus route shall have minimum lane width of 11 feet. | | | |

(Ord. No. 3279, 3/2008)

- d) Slope Easements. The approving authority may require special slope easements which shall be dedicated in accordance with the specifications and procedures established by this Ordinance.
- 3) Reserve Strips. The approving authority may require the land divider to create a reserve strip controlling the access to a street, said strip to be deeded to the Governing Body when the approving authority determines that a strip is necessary:
- a) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street (also known as a "street plug").
 - b) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in ~~the table of Subsection 2 of this Section~~ Table 6-1: Standard Street Widths, above.
 - c) To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.
- 4) Intersections of Streets.
- a) Angles. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius.
 - b) Offsets. With the exception of residential zones intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections; and with the exception of residential zones, shall there be an offset of less than 200 feet from centerline to centerline. Larger offsets may be required for major arterials and collector streets if traffic circulation is adversely impacted
- 5) Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of Section 6.1.020 ~~4.000~~ of this Ordinance.
- 6) Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part, where the approving authority determines that such continuation is necessary to provide for the orderly division of such adjacent land, or the transportation and access needs of the community. A temporary all-weather turn-around of asphalt concrete shall be provided at the end of any such street, together with any necessary easements. It shall be the responsibility of the developer extending the street in the future to remove the turn-around and

construct necessary pavement, curbs and gutters, and sidewalks.

7) Cul-de-Sacs. Cul-de-Sacs and other permanent dead-end streets shall be prohibited unless the approving authority finds:

- a) The configuration with the cul-de-sac is the minimum necessary to address the constraint;
- b) The application of the standard is impractical due to one or more of the following circumstances:
 - i) Physical or topographic conditions make it impractical to satisfy the street connection requirements of this chapter. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, flood plains, or water bodies where a connection could not reasonably be provided. Grades that are too steep for a street may not be too steep for an accessway.
 - ii) Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.
 - iii) Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.
 - iv) Abutting undeveloped or underdeveloped property is within the 100-year flood plain.

c. If a determination is made under Section ~~6.1.060(7)(a-b)~~ 4.150.7 a and b that a permanent dead-end street is necessary, it shall provide adequate access for emergency vehicles, as determined by the Fire Chief, and it shall not serve more than 20 single-family dwellings, or multi-family or commercial uses generating more than 200 vehicles per weekday. (Ent. Ord. No. 3279, 3/2008)

8) Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the ~~Planning~~ Director, and shall not unnecessarily duplicate or resemble the name of any existing platted street in the greater Roseburg area.

9) Grades and Curves. Unless otherwise approved by the approving authority because topographical conditions will not reasonably permit, grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets, and fifteen percent (15%) on all other streets. When it can be shown that steeper grades cannot be avoided by different street alignment and redesign of the

preliminary plan, grades not exceeding twenty percent (20%) may be permitted for short steep pitches not exceeding 300 feet in length. For street grades steeper than six percent (6%), a centerline profile shall be included in the preliminary plan. No street grades flatter than five-tenths percent (.5%) shall be used. Improvement plans shall include top of curb profiles of all curbs. Centerline radii on curves shall not be less than 300 feet on arterials and high traffic collector industrial streets, 200 feet on other collector streets, or 100 feet on all other streets.

- 10) Subdivision Adjacent to Arterial and Collector Street. Where a subdivision abuts or contains an existing or proposed collector or arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 11) Traffic Impact Study. A Traffic Impact Study shall be submitted as required by Section 3.1.040 2.3.075(4). (Ord. No. 3279, 3/2008)

SECTION 6.1.070 PLATTING AND MAPPING STANDARDS – ALLEYS

- 1) Dedication. The approving authority may require in other than the RO, R10, R7.5, and R6 zones adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 6.1.020 4.000.
- 2) Width. Width of right-of-way and paving design for alleys shall be no greater than 20 feet, except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed in the discretion of the approving authority where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. (Rev. Ord. No. 3289, 9/2008)
- 3) Corner Radius. Where two (2) alleys intersect, right-of-way corners shall have a radius of not less than twelve (12) feet.
- 4) Grades and Curves. Unless otherwise approved by the approving authority where topographical conditions will not reasonably permit, grades shall not exceed 12% on alleys, and centerline radii on curves shall be not less than 100 feet.
- 5) Other Requirements. All provisions and requirements with respect to streets in Section 6.1.060 4.150(3)(4)(5) and (6) shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys," respectively.

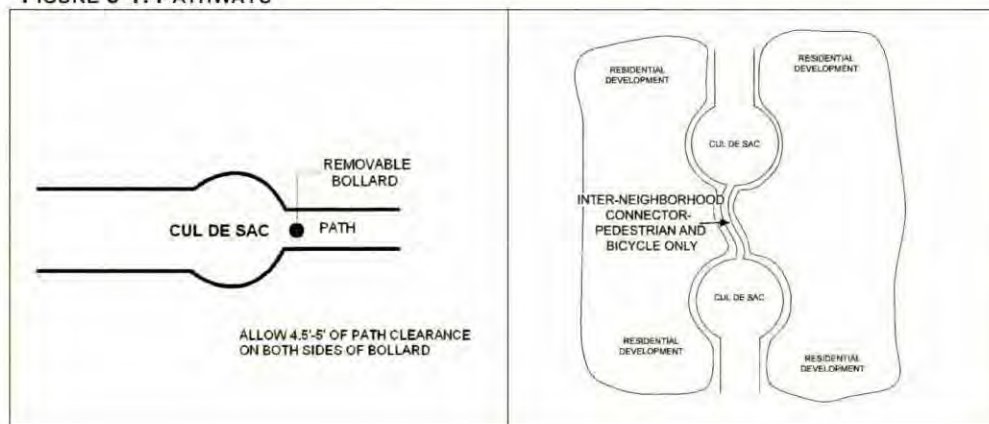
SECTION 6.1.080 GRADING PLAN

Where the developer proposes to grade, cut or fill, or change existing ground contours in areas of the subdivision or partition outside the limits of street construction, the approving authority may require submittal of a grading plan as part of the preliminary plan or improvement plans in order to evaluate impact of the work on drainage, soil stability, driveways, access, foundation conditions, etc. A grading plan may also be required to evaluate impact of street construction cuts and fills, probable lot grading by subsequent buyers to achieve building sites or access, or to evaluate borrow or spoil areas.

SECTION 6.1.090 WALKWAYS AND PUBLIC ACCESSWAYS

Pathways (i.e. for both bicycles and/or pedestrians) shall be provided at or near mid-block where the block length exceeds 500 feet (the maximum length allowable under Section [6.1.120 4.250](#)). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned that would exceed the maximum length allowable under Section [6.1.120 4.250](#). Pathways shall connect the ends of the streets together, connect to other streets, and/or connect to other developments, as shown below [in Figure 6-1](#).

FIGURE 6-1: PATHWAYS



Pathways used to comply with this Section shall meet all of the following criteria:

- 1) Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface. The paved width of pathways shall be no less than six (6) feet wide, and shall conform to ADA requirements. Multi-use pathways shall be no less than ten (10) feet wide.
- 2) If the streets within a subdivision or neighborhood are lighted, the pathways shall also be lighted.

- 3) Stairs or switchbacks in a narrower paved width may be required in lieu of a multi-use pathway where grades are steep. Troughs for bicycle tires shall be provided where stairs are used.
- 4) Landscaping or fencing is required along the pathway to protect the privacy of adjoining properties. (Ord. No. 3279, 3/2008)

SECTION 6.1.100 OFF-SITE IMPROVEMENTS REQUIRED

The approving authority may determine that the proposed subdivision or partition may result in impacts extending beyond the boundaries of the area to be divided, and in order to provide for the health and welfare of the broader neighborhood area, or the urban area as a whole, may require the developer to construct or participate in the construction of improvements or facilities to alleviate those impacts. Included may be street repair, widening, extension, drainage improvements, measures to facilitate traffic flow, traffic signals, sewer improvements, etc. It is the intent of these requirements to cause development to proceed in an orderly and timely manner, and to avoid overburdening existing facilities and creating hardship for other users of the public facilities that may result if the proposed development proceeded without correcting or participating in correction of deficiencies.

SECTION 6.1.110 EASEMENTS

- 1) Public Easements. Dedication to the public of easements for storm drains, sanitary sewers, and other public utilities, and for access, walkways, and other public access needs, may be required. Widths shall be sufficient for the intended purpose, and may vary to suit the need as determined by the approving authority. Required easements will normally be located along lot or parcel lines, but may also be located elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the Comprehensive Plan and purpose of this Ordinance.

Easements shall be shown on the preliminary map or plat and on the final plat or map with proper language for dedication included in the narrative, and with proper notation on the map as to the purpose (e.g., Public Utility Easement, Public Access Easement, etc.). Temporary easements shall be so noted. Dimensioning of easement boundaries on the map shall be sufficient to allow proper field location from survey monuments.

If a subdivision or partition is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel stream, creek or river, there shall be dedicated to the public storm drain easements approved as adequate by the approving authority to provide for present and future drainage needs of the area, including access for maintenance. Where the approving authority determines that the public need would be better served by dedication of rights-of-way rather than easement, the map/plat shall so indicate, and the land shall be conveyed to public ownership by instrument. In the layout of the subdivision or partition, streets or parkways or walkways parallel and

adjacent to water courses may be required.

In addition to being shown and dedicated on the map, all public easements shall be conveyed to the Governing Body by properly executed and recorded standard grant of easement instruments with purpose of the easement and agency rights clearly described. No building, structure, retaining wall, or fill in excess of three (3) feet shall be placed or located on or in the public easement. The time of recording may precede or accompany the map or plat recording, but all easement instruments shall be prepared and approved for recording before the approving authority acts to approve a final map or plat.

- 2) **Private Easements.** Easements may be required on the map or plat to provide for private drainage, sewer, or other private utility purposes, or for private access purposes. Such easements shall be shown, dimensioned, and adequately labeled and described to show clearly the private purpose and to whose benefit the easement is being granted (e.g., a Storm Drain Easement to serve Lot 1, Block 1).

SECTION 6.1.120 PLATTING AND MAPPING STANDARDS - BLOCKS

- 1) **General.** The length, width, and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.
- 2) **Size.** For local streets, no blocks shall be more than 500 feet in length between street corner lines unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along a collector street is 1,000 feet. The recommended minimum length of blocks along an arterial street is 1,800 feet. (Ord. 3279 – 3/2008)

SECTION 6.1.130 PLATTING AND MAPPING STANDARDS – LOTS AND PARCELS

- 1) **General Size and Frontage Requirements**

a. General Requirements

- a) **Width.** Each lot and parcel shall have an average width between the side lot lines of not less than 60 feet, or as otherwise stipulated in the Zoning District where located. Each corner lot and parcel shall have an average width between the side lot ~~and parcel side~~ lines of not less than 65 feet.
- b) **Depth.** Each lot and parcel shall have an average depth between the front and rear lot lines of not less than 80 feet and not more than two-and-one-half (2½) times the average width between the side lines. Each double frontage lot and parcel shall have an average depth between the ~~lot~~ front and rear lot lines of not less than 120 feet unless a lesser depth is approved by the approving authority necessitated by unusual topographical conditions.

- c) The approving authority may authorize the reversal of average minimum lot and parcel dimension with respect to width and depth upon a finding that such reversal is necessitated by unusual topographic conditions or that such reversal would facilitate improved subdivision or partition design.
- d) Area. Each lot shall comprise a minimum of 6,000 square feet, or as otherwise stipulated in the Zoning District where located. Except, however, the approving authority shall allow a maximum of 30% of the lots in a subdivision to contain less than the minimum lot area otherwise required in the applicable zoning district, provided that the average area of all lots in the subdivision must be at least the minimum specified in the applicable zoning district, but in no case shall any lot contain less than 85% of the minimum area specified for the applicable zoning district.

NOTE: The minimum areas required in this and other Sections of this Ordinance are intended to be ultimate minimums which may often be impractical and impossible in terrain which presents development difficulties, such as steep slopes. In such cases, the requirements of suitability of access and buildability of each lot, which must be adequately demonstrated in the review process, will often rule out the possibility of approval of lots at the absolute minimum, and as a result, a larger lot size may be required.

- e) Frontage. Except as otherwise permitted for townhouses, each lot and parcel shall have frontage of not less than 60 feet upon a street having a proposed right-of-way width of at least 50 feet, except that a lot or parcel on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc. In the case of flag lots or partitioning of odd-shaped lots with narrow frontages, the minimum lot frontage shall be 25 feet, provided minimum average lot width is maintained. (Ord. No. 3279, 3/2008)
- f) Exceptions.
 - i) Subdivisions Developed as a Planned Unit. The approving authority may use discretion to authorize the relaxation of lot and parcel size and frontage requirements as specified herein where the applicant presents a plan satisfactory to the approving authority whereby the entire subdivision will be designed and developed in accordance with the provisions of Article 2 of this Chapter 5 of this Ordinance.
 - ii) Designated Duplex Lots. In Zoning Districts within which duplexes are permitted conditionally, the approving authority may allow up to a maximum of 25% of the lots in a subdivision to be designated as Duplex Lots. Such Duplex Lots shall contain at least ten percent (10%) more lot area than the minimum specified by the applicable zoning district. Designated Duplex Lots shall allow duplex or single-family dwellings, and the lot designations shall be reviewed by the approving authority

concurrently with review of the tentative plat. After final subdivision approval, designated Duplex Lots will be considered fixed, and shall be identified on the final plat.

iii) Land Zoned for Commercial Use. The approving authority may use discretion to authorize relaxation of the lot or parcel size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Ordinance.

iv) Lot or Parcel Retained for Future Subdivision or Partition. The approving authority may use discretion to waive frontage requirements where a lot or parcel will be retained by the applicant, and future subdivision or partition of such lot or parcel will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such lot or parcel from any street.

- 2) Lot and Parcel Side Lines. As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets, they shall be radial to the curve.
- 3) Suitability for Intended Use. All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the approving authority in accordance with the purpose of this Ordinance.

SECTION 6.1.140 PLATTING AND MAPPING STANDARDS – RAILROADS

- 1) Crossings. Special requirements may be imposed by the approving authority, including, but not limited to, provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this Ordinance. The distance from the railroad to intersection on the cross street shall be determined to provide minimum distance required for approach grades to grade separation. Crossing street rights-of-way and setbacks to buildings shall allow for the grade separation.
- 2) Streets Parallel to Railroad. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way to be set back at a distance suitable for the appropriate use of the land between the streets and the railroad, including sufficient lot depth to allow screen planting along the railroad right-of-way.

SECTION 6.1.150 PLATTING AND MAPPING STANDARDS – MASTER DEVELOPMENT PLANS

Where the subdivision or partition includes only part of the area owned by the applicant, the approving authority shall determine the remaining area for which a Master Development Plan of future development shall be submitted by the subdivider or developer showing streets, tentative uses, and lots ting, drainage, major utilities, and other features that will have a bearing on and guide future development of the property in question and surrounding areas. The property may be proposed for development in phases, and the limits of each phase shall be shown on the Master Development Plan. The approved Master Development Plan may be revised by the subdivider or developer from time to time, or with each phase, but it shall serve the purpose of providing comprehensive guidance to the overall development of the property to facilitate and achieve optimum street design and traffic circulation, proper storm drainage, integrated utilities, etc.

The Master Development Plan shall be reviewed by the approving authority and with necessary and appropriate revisions and conditions shall be approved as the plan to which future development of the subject property shall conform. The adopted Master Development Plan shall apply to development of the subject property, regardless of change in applicant. Changes desired by a new applicant must be approved by the approving authority, and in no case shall a subdivision or partition be approved that is not in conformance to the latest approved Master Development Plan.

SECTION 6.1.160 IMPROVEMENT PROCEDURES

- 1) The subdivider shall engage the services of properly licensed professional engineers and surveyors to perform the work of designing, supervising construction of and surveying the improvements. The engineer shall be responsible for subdivision planning and design, preparation of plans and specifications, and, in the event of bonding, cost estimates.
- 2) The applicant shall have a contact person who shall have authority to control the work of the engineer, surveyor and contractor constructing the improvements, and who shall be responsible for coordination with agency representatives through the project. The applicant or his/her engineer(s) are in the best position to perform this role.
- 3) The developer's engineer shall design the improvements according to the standards and specifications of the approving authority. Full plans and specifications shall be prepared and submitted for the approving authority's review, comment, and approval, and for approval by any other agency having authority over the work. Plans shall be prepared on stable base polyester film to generally accepted engineering standards. All revisions and changes resulting from review and comments shall be made on the original plans before prints are made for construction. The City Engineer shall stamp five (5) sets of approved plans before any construction is undertaken.
- 4) Advance notice shall be provided to the affected agency that work to be

approved and inspected by that agency is to begin. Initial notice shall be 48 hours in advance of work, and if work that has been discontinued is to resume, a 24 hour advance notice shall be provided. Notice shall be considered to have been made when it is confirmed by the agency person responsible for construction inspection.

- 5) All work to construct improvements in conformance with approved plans shall be inspected and approved by the agency person responsible for such construction inspection within two (2) working days of a written request for such inspection. The approving authority may refuse to accept and allow occupancy of any part of the subdivision if improvements have not been inspected, or if they do not conform in all respects to the standards and specifications of the affected agency as to workmanship, materials, equipment, etc. It is the responsibility of the developer to see that all phases of the work are inspected before proceeding to the next phase. Weather conditions, change in work schedules, and other circumstances beyond the control of the affected agency do not excuse the developer from necessary inspections.
 - 6) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will obviate the necessity for disturbing street improvements when service connections are made.
 - 7) In the event unusual or changed conditions occur during construction which in the opinion of the Director of Public Works differ from original design assumptions and conclusions such that they will result in a project not in conformance with the development standards in effect at the time of initial preliminary plat approval, or be in the public interest, the Director of Public Works may require changes in the design, layout, details, materials, or any applicable part of the work to accommodate the changed conditions. Where such changes require revision of the design and plans prepared by the developer's engineer, such revisions shall be accomplished by that engineer.
 - 8) The developer and his/her contractor shall carry out the improvements in a manner that will not damage or disturb the lands or improvements of adjoining owners. Special conditions may be required by the approving authority to prevent damage, inconvenience, disruption or other infringement from erosion, dust, noise, blasting, construction traffic, drainage, or other impacts resulting from the work. The developer is solely responsible for the action of his/her contractor in carrying out the work.
- The developer and his/her contractor may be required to submit specific plans or outline measures to be taken to deal with and carry out solutions to problems. If construction activity is to take place in the winter months October through April, or if any part of the uncompleted work is to "winter over" before completion and acceptance by the Governing Body, the developer may be required to receive

approval for and carry out a plan to control erosion and damage, both onsite and off-site, until the work is complete, including reconstruction of damaged areas. Exposed earth slopes may be required to be seeded if native grasses will not develop before erosion can occur.

- 9) A complete set of "as-built" plans on stable base polyester film shall be filed with the Director of Public Works and with other affected agencies upon completion of the improvements.

SECTION 6.1.170 IMPROVEMENT REQUIREMENTS

Improvements to be installed at the expense of the subdivider shall be as follows:

- 1) Streets. Streets within or partially within the subdivision, and the extension of such streets to a point of conformance with existing streets with which such streets intersect, shall be improved to the following minimum standards:
 - a) The street shall be brought to proper grade, including portions outside the roadway where necessary to serve pedestrians, to protect the roadway, or to serve abutting property.
 - b) Standard concrete curbs and gutters shall be constructed along the edge of the roadway.
 - c) Roadway base and concrete or asphaltic concrete surfacing of sufficient width to meet local street design shall be installed to adopted design standards.
 - d) Sidewalks and walkways shall be constructed to adopted design standards required by Section 3.2.010 3-35-300 through 3.3.030 3-35-350.
- 2) Monuments.
 - a) Permanent iron pipe monuments shall be set at each boundary corner of the subdivision, along exterior boundaries at intervals of not over 500 feet, and at other points as may be required by the approving authority.
 - b) Concrete monuments depressed below street grade shall be set at intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom. The exact location of all monuments shall be shown on the final map before approval is requested.
 - c) Any monument required by this Ordinance that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- 3) Storm Drains. Excepting as is hereinafter provided, storm drains shall be constructed in the easement or drainage right-of-way areas specified in Section 6.1.120 4-250, or in dedicated streets. Storm drain design shall conform to the standards of design set by the Director of Public Works, but in no case shall

facilities provide for carrying less than the ten (10) year storm runoff with one-and-a-quarter (1.25) feet of freeboard to the top of curb or top of channel. Requirements for major storm drains (trunk mains) may be increased commensurate with their importance and function in providing for public safety. Off-site drainage shall be provided for, and each lot shall be capable of being drained in a reasonably practical manner. Drainage easements shall be dedicated or granted where necessary to provide for present or future needs.

- 4) Sewers. Sanitary sewer lines to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the sewer utility serving the area and the State Department of Environmental Quality. All systems shall be gravity, except in special circumstances reviewed and approved by the approving authority and the affected agency. Pumping of sewage where facilities are to be privately owned and maintained may be approved, provided the owner is clearly aware of his/her responsibilities. Provisions for maintenance must be assured, and ownership clearly defined. Pumping of sewage where facilities are to be publicly owned and maintained may be approved if it is clear that the area can never be served by a gravity system that would be extended to the area over time as development occurs pursuant to the adopted Comprehensive Plan. Long-term costs and maintenance shall be among factors considered in establishing the minimum size of pump facility which the affected agency would accept for ownership and maintenance.
- 5) Water System. Water lines with valves and fire hydrants to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be designed and installed according to requirements of the water utility serving the area.
- 6) Deposit Required for Improvements and Services. The developer shall deposit with the affected agencies a sum of money determined to be sufficient to cover the cost of construction inspection services, street sign installation, barricades and other miscellaneous items provided or installed by the affected agencies as part of completing the subdivision. The balance of the deposit that is unexpended after completion of the work shall be returned to the developer. The developer shall pay any amounts exceeding the deposit before approval of the plat or acceptance of the improvements, whichever occurs last.
- 7) Underground Utilities.
 - a) All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision ~~or partition~~ shall be permitted, except that in the case of a ~~minor~~ partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

- b) The developer's engineer shall prepare a utility plan showing the coordinated location of all new and existing utilities, and shall have the responsibility to coordinate utility location. The plan shall be the product of a coordinated effort among the affected agencies, so as to allow conflicts to be resolved and locations to be settled before construction begins. Copies of the plan shall be submitted with improvement plans for approval, and shall be given to all affected agencies and the Director of Public Works before construction begins.
 - c) The applicant shall be responsible for complying with the requirements of this Section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.
- 8) Street Lights. The subdivider shall enter into an agreement with the electric utility for the installation of street lights at such locations as determined by the Director of Public Works.

SECTION 6.1.180 PRELIMINARY SUBDIVISION PLAN APPROVAL

The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Section 5.1.060 2.060(3) of this Ordinance.

- 1) Application for Preliminary Subdivision Plan Approval.
 - a) An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 5.2 of this Ordinance.
 - b) The applicant shall file with the Director a preliminary subdivision plan and five (5) additional copies, together with such other data and plans as may be required by other Subsections of this Ordinance, or the approving authority, and together with other supplementary information required by Subsection 2 of this Section to demonstrate the design and objectives of the subdivision.
 - c) The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the approving authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals 100 feet, or one (1) inch equals 50 feet.
 - d) The Community Development Director shall notify the applicant within 30 working days if it is found that the application for preliminary subdivision plan approval is incomplete or if additional information is needed.
- 2) Information Required in the Preliminary Subdivision Plan.
 - a) The proposed name of the subdivision.

- b) North point, scale, and date of the drawing.
- c) Appropriate identification clearly stating the map is a preliminary plan.
- d) Names and addresses of the landowners, subdivider, and the engineer, surveyor, land planner, or landscape architect responsible for designing the subdivision.
- e) The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number, Assessor's Tax Account Number, Lot Number, Block Number, and Subdivision or metes and bounds description).
- f) The boundary line (accurate in scale) of the tract to be subdivided, and approximate acreage of the property.
- g) Contour lines based upon USGS data having the following intervals:
 - i) One (1) foot contour intervals for ground slopes up to five percent (5%).
 - ii) Two (2) foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).
 - iii) Five (5) foot contour intervals for ground slopes exceeding ten percent (10%).
- h) The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of un-subdivided land.
- i) The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features, such as section lines, political subdivision boundary lines, and school district boundaries.
- j) Existing sewers, water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
- k) Location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
- l) Proposed plan for draining surface water from the development and accepting off-site runoff water, and a description of any effects on adjacent properties.
- m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys, and curve radii of centerline and rights-of-way.

- n) Private streets and all restrictions or reservations relating to such private streets.
- o) Easements, together with their dimensions, purpose, and restrictions on use.
- p) List proposed suppliers of utility services and show locations of proposed facilities for sanitary sewer, storm drain, water lines, electric/telephone, fire hydrants, street lights, etc.
- q) Proposed blocks, numbered in consecutive order.
- r) Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
- s) Sites, if any, for residences other than single-family dwellings.
- t) Parks, playgrounds, recreation areas, parkways, walkways, bikeways, signs, landscaping, and open space for public use, and any other special features that are proposed to be part of the subdivision.
- u) Zoning classification of the land and Comprehensive Plan Map designation.
- v) Draft of proposed restrictions and covenants affecting the plat.
- w) Predominant natural features such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.
- x) Show minimum setback lines if more restrictive than provided for in this Ordinance.

3) Development Phasing. (Rev. Ord. 3289, 9/2008)

- a) A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
- b) Time limitations for the various phases must meet the following requirements:
 - i) Phase 1 final plat shall be approved within 24 months of preliminary approval.
 - ii) Phase 2 final plat shall be approved within 24 months of final approval of Phase 1.
 - iii) Phase 3 final plat shall be approved within 24 months of final approval of Phase 2.

- iv) In no case shall the preliminary approval of any phase last longer than ten (10) years beyond the preliminary approval in compliance with ORS.

4) Criteria for Approval of Preliminary Subdivision Plan.

- a) A decision on the preliminary subdivision plan application shall be made by the approving authority as provided in Chapter 5.2 of this Ordinance, within 180 days of filing a complete application.
- b) The preliminary subdivision plan shall be approved if the approving authority finds the following:
 - i) The information required by this Chapter has been provided;
 - ii) The design and development standards of this Chapter have been met; and;
 - iii) If the preliminary plan provides for development in more than one phase, the approving authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.
- c) Should the approving authority find that conditions of approval are necessary to ensure that the preliminary plan will meet all applicable standards, it shall approve the plan with conditions in cases where the necessary conditions of approval can be applied with sufficient specificity.
- d) Should the approving authority find that the preliminary plan submitted cannot be reasonably approved with conditions of sufficient specificity so as to ensure that the plan will meet all applicable standards, it shall deny the submitted plan with a statement indicating the areas of deficiency.

5) Duration of Preliminary Subdivision Plan Approval. (Rev. Ord. No. 3289, 9/2008)

- a) Approval of a preliminary subdivision plan shall be valid for 36 months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 6.1.180 4.600(3) of this Ordinance.
- b) If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new administrative action.

6) Granting of Extensions (Rev. Ord. No. 3289, 9/2008)

- a) An applicant may request an extension of a preliminary subdivision plan

approval, or, if the preliminary plan provides for phased development, an extension of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered a limited land use decision, and shall be submitted to the approving authority in writing, stating the reason why an extension should be granted.

- b) The approving authority may grant an extension of up to 36 months of a preliminary subdivision plan approval, or if the preliminary plan provides for phased development, an extension of up to 12 months of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one (1) year each may be granted by the approving authority if extraordinary circumstances are shown by the applicant. However, in no case shall the preliminary approval extend beyond ten (10) years in compliance with ORS.

SECTION 6.1.190 FINAL SUBDIVISION PLAT APPROVAL

Action upon a final subdivision plat by the approving authority is a ministerial action, and must be undertaken within 30 days of receipt of the final plat.

1) Application for Final Subdivision Plat Approval.

- a) Before expiration of the preliminary subdivision plan approval obtained pursuant to Section ~~6.1.180~~ 4.600 of this Ordinance, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
- b) The applicant shall initiate a request for final plat approval by filing with the approving authority a final plat, other supporting documents as described in Subsections 2 to 6 of this Section, and the appropriate fees as established by the Governing Body.

2) Final Subdivision Plat Requirements.

- a) A preliminary subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises, shall be submitted with the final subdivision plat prior to final approval.
- b) Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision, and their mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with permanent black ink, not ball point.

- c) A certificate by the Director of Public Works certifying that the subdivider has installed improvements in accordance with the requirements of these regulations, other required standards, and with the action of the approving authority giving conditional approval of the preliminary plat; or a certificate by the County Clerk that an agreement has been recorded as provided in Section 6.1.190 4.650(5) to ensure completion of required improvements.
 - d) A copy of the covenants, if any, that will be placed on the subdivision.
 - e) A copy of all documents relating to establishment and maintenance of private facilities, common areas, and easements, including the volume and page of recording with the Douglas County Clerk.
 - f) A copy of all documents relating to additional requirements or restrictions required by the approving authority as a condition of approval.
 - g) Declaration: A notarized certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - h) Dedication: A notarized certificate, signed, and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including, but not limited to, streets, roads, parks, sewage disposal, and water supply systems, the dedication of which was made a condition of approval of the preliminary plan.
 - i) Certification line by the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date.
- 3) Information Required on the Final Subdivision Plat. The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250:
- a) Name of subdivision.
 - b) North arrow, scale, and date the plat was prepared.
 - c) Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by Quarter Section, Township, and Range.
 - d) Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.
 - e) Subdivision block and lot boundary lines and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and

distances, and tangent bearings. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings.

- f) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.
- g) Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- h) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the subdivision.
- i) Ties to any City, County, condominium, or adjacent subdivision boundary lines, and geodetic control monuments as required by ORS 92.050.
- j) Numbering of blocks and lots, as follows:
 - i) Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.
 - ii) Block numbers continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as to not obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
 - iii) Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.
- k) Zoning classification of the property within the subdivision.
- l) The course of all lines traced or established, giving the basis of bearing and the distance and course to a Section Corner, Quarter Corner, Sixteenth Corner, or Donation Land Claim Corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a recorded condominium, or a parcel corner of a recorded partition.
- m) Space for date and signature of the officials specified in Section 6.1.190 ~~4.650~~(10).

- n) Any conditions specified by the approving authority upon granting preliminary approval.
- o) A narrative pursuant to the provisions of ORS 209.250(2).
- p) Dedications and/or declarations shall be notarized.
- q) A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk.
- r) Planning Department File Number.
- s) The plat shall conform to the requirements of ORS 92 and ORS 209.250.
- t) Except for a plat subject to ORS 92.110, a statement of water rights and a copy of the acknowledgment from the State Water Resources Department if this statement indicates a water right is appurtenant.

4) Survey Requirements for Final Plat.

- a) Format. All plats shall be drawn with a good quality black ink, approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size, with a three (3) inch extension at the left end (overall size shall be 18" x 27") that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than four (4) inches.
- b) Scale. The plat shall be drawn to a scale of 1" = 100'. Any deviation from this scale shall be allowed only with the approval of the County Surveyor.
- c) Survey Accuracy.
 - i) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision plat, whichever is greater.
 - ii) The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.
 - iii) The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.
- d) Measurements. The plat shall contain the following measurements:

- i) The boundary lines with distances, bearings, and the exact location and width of existing or recorded streets intersecting the boundary. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.
- ii) The lengths of arcs, radii, internal angles, lengths, and bearings of tangents and lengths and bearings of chords and the central angle.
- iii) Block indications, lot numbers, and lot lines with dimensions and bearings and/or angles to street and alley lines.
- iv) The area of each lot in either acres to the nearest 1/100th of an acre, or square feet.
- v) All bearings or measured angles and distances separately indicated from those of record.
- vi) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included, and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

e) Monuments.

- i) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval. Interior monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where such interior monuments will be set.
- ii) Monuments shall meet the specifications of The County Surveyor, and shall be no less than those required by ORS 92.060.
- iii) If the interior monuments are not set prior to the approval of the plat:
 - A) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not to exceed one year from the date of submission of the plat for approval. The County Surveyor may extend the one-year period, and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the approving authority.
 - B) The subdivider shall furnish to the Douglas County Surveyor's Office a bond, cash deposit, or other security at the option of the Douglas

County Surveyor's Office, in an amount equal to not more than 120% of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

- C) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.
 - D) Upon completion of the interior monumentation, the person performing the survey shall notify the County Surveyor within five (5) days.
 - E) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the subdivision plat in the County Clerk's Office on the exact copy filed in the County Surveyor's Office.
 - F) Upon approval of the work by the County Surveyor, the person performing the work shall reference the monuments on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.
 - G) The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.
- iv) Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- A) A standard Bench Mark shall be a minimum of 36 inches in depth and eight (8) inches in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least 30 inches in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be third order or higher.
 - B) The Bench Mark location shall be indicated on the face of the plat or final survey map, along with its name and elevation and the name, year and elevation of the Bench Mark upon which the elevation is based.
 - C) The level notes or a copy thereof shall be filed with the final map.

Any exceptions shall be allowed only with the approval of the County Surveyor.

- f) Field Notes and Closure Copies to County Surveyor.

- i) Copies of all lot closures, block closures, and plat closures of the subdivision shall be furnished to the County Surveyor upon his/her request.
- ii) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his/her request.
- g) County Surveyor Fees. The subdivider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2) to cover the second field check as provided in most monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his/her discretion, charge a second fee or partial fee.

5) Agreement for Improvements.

- a) Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the Governing Body an agreement between himself and the Governing Body specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the Governing Body may complete the work and recover the full cost and expense thereof from the applicant.
- b) An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limits.

6) Performance Bond.

- a) To assure full performance of the improvement agreement, an applicant shall provide one of the following:
 - i) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the Governing Body; or
 - ii) Cash deposit with the Governing Body
- b) Such assurance of full and faithful performance shall be for a sum determined

by the Director of Public Works to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, administration, inspection, utilities, fees, and other incidental expenses to obtain finished streets and saleable lots, and may include an additional percentage as determined by the Director of Public Works to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.

- c) If the applicant fails to carry out provisions of the improvement agreement, and the Governing Body has reimbursed costs or expenses resulting from such failure, the Governing Body shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the Governing Body.
 - d) The subdivider and his/her contractor shall provide a guarantee of one (1) year extending from the date of final plat approval, or certification by the engineer that improvements are complete and the bond can be released. The guarantee shall cover workmanship and materials, during which time the subdivider and his/her contractor are responsible for and must make good any defects through faulty, improper or inferior workmanship or materials, arising from or discovered in any part of his/her work during this time.
 - e) Upon completion of the improvements, the Director of Public Works shall inspect the work and all other requirements and conditions for conformity with the preliminary plan, and if complete and acceptable and all accounts are settled or satisfactory provisions are made for settlement, he shall certify the work complete and ready for acceptance by the approving authority, after which the final plat may be approved, or the bond on improvements released.
- 7) Development Phasing. If the preliminary subdivision plan approval pursuant to Section ~~6.1.180~~ ~~4.600~~ of this Ordinance provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subsections (1) through (6) of this Section, for that phase only.
- 8) Review of Final Plat. The official plat for final approval shall be delivered to the Director for final review and approval. The Director shall cause the final map and other data to be reviewed by appropriate agencies and officials, who shall examine them to determine that the subdivision as shown substantially conforms to the approved preliminary plan as conditionally approved.

If the Director determines that substantial conformity to the preliminary plat with conditions has not been made, he shall advise the subdivider and shall afford him an opportunity to make such changes or additions necessary to comply with the preliminary plat as conditionally approved.

9) Standards for Final Subdivision Plat Approval.

- a) The Director shall grant final subdivision plat approval if he determines that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the approving authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Section ~~6.1.220~~ ~~4.750~~ (1)(a) of this Ordinance.
- b) The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.

10) Filing and Recording of Final Plat.

- a) After final plat approval, the applicant shall submit without delay the final plat for signatures of the following officials, in the order listed:
 - i) Planning Commission Chairman;
 - ii) Community Development Director;
 - iii) Public Works Director;
 - iv) Surveyor, in accordance with the provisions of ORS 92.100;
 - v) Assessor;
 - vi) Board of County Commissioners;
 - vii) County Clerk.
- b) At least two (2) members of the Board of County Commissioners shall sign the plat prior to its submission to the County Clerk.

The final plat shall be recorded within 30 days of the date that signatures and approvals required by Subsections (8) and (9) of this Section were obtained, or the approval shall be null and void.
- c) Upon filing the final plat, the applicant shall submit to the Director three (3) prints of the final plat as filed.
- d) Following approval of the final plat, the Recorder shall certify such to the State Real Estate Commission, as required by that office.

SECTION 6.1.200 LAND PARTITIONING APPROVAL

- 1) Approval of Preliminary Partition Plans. Approval of a preliminary partition plan is an administrative action subject to the provisions of Section 5.1.060 2.060(1) of this Ordinance.
 - a) An application for preliminary partition plan approval shall be initiated as provided in Chapter 5.2 of this Ordinance. Applicants shall file with the Director five (5) copies of the preliminary plan. The Director shall notify the applicant within 30 working days if it is found that the application for preliminary partition plan approval is incomplete or if additional information is needed.
 - b) A preliminary partition plan and supporting documents shall include the following:
 - i) An identifying name or title of the partition.
 - ii) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and other land parcels.
 - iii) North arrow, scale, and date.
 - iv) A plan of the proposed partitioning, showing tract dimensions, bearings of all lines, area of each tract, and the names of existing and proposed streets or roads and walkways. (Ord. No. 3279, 3/2008)
 - v) Existing or proposed private streets or roads and walkways and all restrictions or reservations relating to such private streets ~~or roads~~, and walkways.
 - vi) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.
 - vii) Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved.
 - viii) Names of adjacent owners and property identification.
 - ix) Proposed means and location of water supply and sewage disposal for each tract.
 - x) Proposed drainage plan.
 - xi) Zoning classification of the land and Comprehensive Plan Map designation.

Comment [PH22]: Recommended by 2006 TSP (page 9-12).

- xii) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings and areas subject to flooding, sliding, or other natural hazards.
 - xiii) Existing structures and distances from all existing and proposed property lines.
 - xiv) Contours as called for on preliminary subdivision plats.
 - xv) Draft of any proposed restrictions and covenants affecting the partitioned land.
- c) Standards for approval of a preliminary partition plan:
- i) A decision on a preliminary partition plan application shall be made by the approving authority as provided in Chapter 5.2 of this Ordinance.
 - ii) The preliminary partition plan shall be approved if the approving authority finds that the information required by this Subsection has been provided, and if the design and development standards of this Chapter and the Comprehensive Plan have been met.
- d) The approving authority may require dedication or reservation of land and utility or drainage easements, and may impose conditions promoting redevelopment of the parcels, if, in view of the zoning and Comprehensive Plan Map designation, the acreage of the parcel or parcels in contiguous ownership makes additional partitioning of the subject property feasible.
- 2) Land Partition Plat Requirements.
- a) Conformance to Tentative Plan. The plat shall substantially conform to the tentative plan as approved.
 - b) Conformance to State Law. In addition to the requirements of this Subsection, the plat shall conform to all requirements of state law.
 - c) Preparation. All plats shall be prepared by a professional land surveyor registered with the State of Oregon and shall otherwise comply with ORS 209.250.
 - d) Format. All plats shall be drawn with good quality black ink approved by the County Surveyor, on .003 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, 18 inches by 24 inches in size with a three (3) inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one (1) inch and no nearer the left or binding edge than

four (4) inches.

- e) Scale. The partition plat shall be drawn to a scale of 1"=100' or to such other scale, approved by the County Surveyor.

- f) Survey Accuracy.

- i) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot to within 1/5,000 of the distance shown on the partition plat, whichever is greater.
- ii) The survey for the plat shall be of such accuracy that the error of closure shall not exceed one (1) foot in 10,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.
- iii) The dimensions shown on the plat shall be of such accuracy that the error of closure on any portion shall not exceed one (1) foot in 10,000 feet.

- g) Measurements. The plat shall contain the following measurements:

- i) The boundary lines with distance bearings, and the exact location and width of existing or recorded streets intersecting the boundary of the parcel. Distances shall be to the nearest 1/100th of a foot and bearings or angles to the nearest second.
- ii) The lengths of arcs, radii, internal angles, lengths and bearings of the tangents and lengths and bearings of chords and the central angle.
- iii) The area of each parcel in either acres to the nearest 1/100th of an acre, or square feet.
- iv) All bearings or measured angles and distances separately indicated from those of record.
- v) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

- h) Monuments.

- i) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the plat before the plat is offered for approval.

- ii) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.
- iii) For partitions involving land in a flood plain, the provisions of Section 6.1.190 ~~4.650~~(4)(e)(5) shall apply.
- i) General Information. The plat shall comply with ORS 209.250, and shall contain the following information:
 - i) Location of the parcel by Quarter Section, Township, and Range.
 - ii) Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat.
 - iii) North arrow, scale, and date submitted.
 - iv) The names of any streets intersecting or within the parcels. In the event any streets are created or dedicated, data as required in Section 6.1.190 ~~4.650~~(3)(e)&(f) shall be provided.
 - v) Easements provided for public services or utilities and any limitations of the easements, as required in Section 6.1.190 ~~4.650~~(3)(g).
 - vi) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets and along the edge of partial width streets on the boundary of the partition.
 - vii) A copy of the covenants, if any, that will be placed on the partition, including the volume and page of recording with the Douglas County Clerk.
 - viii) A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page of recording with the Douglas County Clerk.
 - ix) Declaration. A notarized certificate, signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the partition.
 - x) Dedication. A notarized certificate, signed and acknowledged by all parties having any record title interest in the land, dedicating all land intended for public use and common improvements, including, but not limited to streets, roads, parks, sewage disposal, and water supply systems the donation of which was made a condition of the approval of the preliminary partition.
 - xi) Zoning classification.

- xii) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, boundary corner of a condominium or a parcel corner of a recorded partition.
- xiii) Space for date and signatures of the following officials for plats of partitions:
 - A) Community Development Director;
 - B) Public Works Director;
 - C) County Surveyor.
- xiv) Narrative per ORS 209.250.
- xv) Any additional information made a condition of approval of the tentative plan.
- xvi) A surveyor's certificate per ORS 92.070 and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation.
- xvii) When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and their relationship with the parcel(s) requiring monumentation and surveying.
- xviii) Tie to geodetic control monument as required by ORS 92.050.
- xix) Planning Department File number.
- xx) The partitioner shall pay a fee to the County Surveyor for checking partition plats and such fee shall be established by the County Surveyor.
- xxi) Certification line for the Douglas County Tax Collector certifying that taxes and assessments on the tract are paid to date

3) Approval of Final Partition Plat.

- a) The applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance with those standards specified in Section 6.1.190 ~~4.650~~(3) of this Chapter.
- b) If the parcel of land to be partitioned exceeds five (5) acres, and within a year is being partitioned into more than two (2) parcels any one of which is less than one (1) acre, full compliance with all requirements for subdivision may be

required if the approving authority should determine, in its judgment, that the entire parcel being partitioned is in the process of being divided into small parcels.

- c) The approval of a final partition plat by the Director is a ministerial action. The Director shall grant final approval within 180 days if he determines that:
 - i) The final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
 - ii) Any conditions imposed by the approving authority have been met.

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in Section ~~6.1.200~~ ~~4.700~~(1)(a) of this Ordinance.

- d) Every lot or parcel created by a partition shall conform to the access requirements specified in Section ~~6.1.050~~ ~~4.100~~(6).
- e) The granting of final plat approval shall not be affected by a change in the zone or plan plat designation of the subject property made after approval of the preliminary partition plan.
- f) After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the plat. The plat shall be recorded with the County Clerk.
- g) Upon filing the final partition plat, the applicant shall submit to the Director three (3) prints of the final partition plat.

SECTION 6.1.210 COMMON BOUNDARY LINE ADJUSTMENTS

- 1) Application for Approval of Common Boundary Line Adjustments. Approval of a common boundary line adjustment is an administrative action subject to the provisions of Section ~~5.1.090~~ ~~2.082~~ of this Ordinance. (Ord. No. 3289, 9/2008)
 - a) An application for common boundary line adjustment approval shall be initiated as provided in Chapter ~~5~~ ~~2~~ of this Ordinance.
 - b) An application for common boundary line adjustment approval shall include the following:
 - i) An identifying name or title of the common boundary line adjustment;
 - ii) A vicinity map locating the proposed common boundary line adjustment in relation to adjacent land parcels and roadways;
 - iii) North arrow, scale and date.

- iv) A plan of the proposed common boundary line adjustment, showing all affected lots, boundaries to be adjusted, parcel dimensions, areas of each parcel, all streets or roads both public and private, existing structures with dimensions and distances from all existing and proposed property lines, driveways, and location of utilities (gas, sewer, water, electricity, and any others) with appropriate dimensions.
- v) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.
- vi) Name and address of landowners, the applicant, and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved.
- vii) Names of adjacent owners and property identification.
- viii) A notarized certificate, signed and acknowledged by all parties having any record title interest in any affected units of land, consenting to the preparation and recording of the common boundary line adjustment. The certificate shall include legal descriptions of all adjusted lots prepared at the applicant's expense.
- ix) Space for date and signature of the Director.
- x) Any additional information made a condition of approval.
- xi) A non-refundable filing fee in an amount determined by Ordinance or resolution of the governing body.
- xii) Map and Monuments Required.
 - A) For any resulting lot or parcel ten (10) acres or less, a survey map that complies with ORS 209.250 shall be prepared.
 - B) The survey map shall show all structures within ten (10) feet of the adjusted line.
 - C) The survey shall establish monuments to mark the adjusted line.

2) Standards for Approval:

- a) A decision on a common boundary line adjustment application shall be made by the approving authority as provided in Chapter 5.2 of this Ordinance.
- b) The common boundary line adjustment shall be approved if the approving authority finds that:
 - i) The information required by this Section has been provided.

- ii) The design and development standards of this Ordinance and the Comprehensive Plan have been met.
 - iii) All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building set back requirements for the given zone.
 - iv) All adjustments are within a given zone and not among differing zones.
 - v) No substandard lots shall be created.
 - vi) The adjustment will not affect or impede the public right of way or any recorded easement.
- c) After approval of the common boundary line adjustment the Director shall endorse ~~his~~his/her or her approval on the Plat in the place provided and notify the applicant in writing. The survey plat, if required, shall be filed with the County Surveyor. Deeds of conveyance conforming to the approved common boundary line adjustment shall be recorded with the County Clerk within 30 days after approval is granted.

SECTION 6.1.220 AMENDMENTS TO PRELIMINARY PLANS AND FINAL PLATS OR MAPS

1) Definitions.

a) "Minor amendment" means a change which:

- i) Does not change the number of parcels created by the subdivision or partition or common boundary line adjustment;
- ii) Does not enlarge the boundaries of subdivided or partitioned area;
- iii) Does not change the general location or amount of land devoted to a specific land use; or
- iv) Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, and does not result in conflicts or other conditions unacceptable to the approving authority.

b) "Major amendment" means any change which is not a minor amendment.

- 2) Approval of Minor Amendments. A minor amendment to an approved preliminary subdivision or partition plan or common boundary line adjustment, or to an approved final subdivision plat or final partition map may be approved by the Director.
- 3) Approval of Major Amendments. Approval of a major amendment to an approved preliminary subdivision or preliminary partition plan, or to an approved

final subdivision plat or final partition map, shall be an administrative action subject to the provisions of Section 5.1.060 ~~2.060(1)~~ of this Ordinance.

SECTION 6.1.230 PROHIBITION ON SALE

No person shall sell any lot or adjusted lot or parcel of land before the subdivision or partition or common boundary line adjustment creating the same has been approved by the approving authority and the plat or partition has been recorded with the County Clerk.

ARTICLE 2

PLANNED UNIT DEVELOPMENT

SECTION 6.2.010 PURPOSE

The purposes of Planned Unit Development are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

The purpose of the Planned Unit Development process is also to provide special site review for development occurring in areas designated in the Comprehensive Plan and Zoning Map by a PUD Overlay.

SECTION 6.2.020 TYPES OF PUD'S AND GENERAL PROCESS OF CONSIDERATION

1) Planned Unit Developments shall fall into two basic categories:

- a) PUD's involving land division and/or condominiums, and development of property the nature of which requires the application of flexible standards of development not afforded by strict application of the usual zoning and land division regulations, and/or involving cases where the applicant seeks such flexibility to achieve a desired design. The consideration process in this case is substantively a specialized subdivision proceeding with special site review.

The proceeding shall include a determination of the appropriate development standards to be applied, wherein appropriate regulatory flexibility is granted in specific terms in exchange for development amenities and/or mitigation of potential adverse impacts on significant landscape features, neighboring properties and uses.

The consideration process shall culminate in the review and approval of a detailed site plan and formal articulation of conditions and standards of development.

Factors to be reviewed by the hearings body include the following:

- i) Clustered or compact development with open space protection and enhancement.
- ii) Dedications of land to public for public recreational facilities.

- iii) Increased density.
 - iv) Architectural design regulation.
 - v) Extraordinary landscaping.
 - vi) Amenities and design for the special needs of children, the elderly, the handicapped or disadvantaged persons.
 - vii) Recreational and cultural amenities.
 - viii) Urban agriculture/silviculture production.
 - ix) Low-cost housing programs.
 - x) Traffic and parking regulation and provisions.
 - xi) Energy conservation enhancement.
 - xii) Special protection of environmentally sensitive areas and historical and natural resources on-site, and those off-site.
 - xiii) Development of uses not normally permitted in the zoning district(s) of the subject property.
 - xiv) Structure height, setbacks, and lot coverage.
 - xv) Lot area and dimension.
- b) PUD's involving the development without land division or condominium on property whose nature and/or location have been determined by designation in the Comprehensive Plan and/or Zoning Map to be of a sensitive nature with an acknowledged potential for adverse impacts on surrounding properties or uses, either directly adjacent or in the general vicinity, and/or on the community in general. The process in this instance is substantively a special site review with public hearing.
- The site plan approval process may provide for the application of conditions to the site plan. Such conditions may consist of development criteria articulated herein or conditions in addition to the standard development criteria.
- c) Factors to be applied:
- i) Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way.
 - ii) Protection of significant landscape features and historic and natural resources.

- iii) Traffic and parking regulation.
- iv) Enhancement of storm drainage facilities.
- v) Uses not normally permitted by the zoning.
- vi) Extraordinary landscaping.
- vii) Structure height, setbacks, and lot coverage.

SECTION 6.2.030 DEFINITIONS

The following definitions apply only to this Chapter:

- 1) Essential Improvements. Public and/or private streets and other improved vehicular and emergency access provisions, sanitary sewer, storm drainage facilities, water for domestic and fire flows, electricity, and telephone.
- 2) Gross Acreage. The acreage of the entire PUD, less the acreage devoted to public streets, public or semi-public buildings, kindergarten or day-care centers, and commercial uses.
- 3) Landscape Features. Natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas, and significant wildlife habitat areas.
- 4) Net Acreage. The acreage of the PUD devoted to residential use, including residential building sites, private open space and private streets and driveways.
- 5) Open Space. Land not covered by buildings or structures, except minor recreational structures. Open space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of 50% of actual roof area devoted to these uses.
 - i) Common Open Space. Open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowners association or other legal arrangement.
 - ii) Private Open Space. Open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.
 - iii) Public Open Space. Open space dedicated in fee to a public agency and maintained by the agency for public use.

SECTION 6.2.040 PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

Approval of a PUD preliminary development plan is an administrative action subject to the provisions of Section 5.1.060 ~~2.060(3)~~ of this Ordinance.

- 1) An application for PUD preliminary development plan approval shall be initiated as provided in Chapter 5.2 of this Ordinance.
- 2) The PUD preliminary development plan shall consist of the following:
 - a) Written Documents.
 - i) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning, or any proposed zoning.
 - ii) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.
 - iii) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
 - iv) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, commercial and industrial structures, etc.
 - v) Information regarding the establishment of a property owners association or other similar entity, if any common space or facilities are contemplated.
 - vi) Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of nonresidential construction; economic feasibility studies or market analysis where necessary to support the objectives of the development.
 - vii) Proposed covenants, if any.
 - b) Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PUD, containing the following minimum information:
 - i) The existing site conditions, including contours at five (5) foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.
 - ii) Proposed lot lines and layout design.

- iii) The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, and non-residential structures, including commercial and industrial facilities, and elevation plans of major structures. Major structures do not include single-family and two-family dwellings.
 - iv) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common or public open spaces or recreational areas, school sites, and similar public and semi-public uses.
 - v) The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership - public or private - should be included where appropriate.
 - vi) The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
 - vii) The existing and proposed system for providing sewage disposal, water, electricity, gas, fire protection, and telephone services.
 - viii) A general schematic landscape plan indicating the technique and materials to be used for private, common, and public open spaces.
 - ix) A preliminary subdivision or partition plan if the land is to be divided, including all information required for the filing of a preliminary subdivision or partition plan as specified in [Article 1 of this Chapter 4 of this Ordinance](#).
 - x) Enough information on land areas adjacent to the proposed PUD, including land uses, zoning classifications, densities, circulating systems, public facilities and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.
 - xi) The proposed treatment of the perimeter of the PUD, including materials and techniques to be used, such as landscaping, screens, fences, and walls.
- 3) The approving authority shall decide on the PUD preliminary development plan application as provided in Chapter [5.2](#) of this Ordinance, and shall approve the preliminary development plan if it finds:
- a) The proposed PUD is consistent with applicable Comprehensive Plan goals, policies, and map designations, and with the purpose set forth in Section [6.2.010 5.000](#) of this Chapter.
 - b) The preliminary development plan meets the development standards of Section [6.2.060 5.250](#) to [6.2.080 5.350](#) of this Chapter.

- c) If the preliminary development plan provides for phased development, pursuant to Section ~~6.2.070 5.300~~ of this Chapter, that each phase meets the standards of Section ~~6.2.070 5.300~~(3), and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
- d) Exceptions from the standards of the underlying zone district or from the quantitative requirements of ~~Article 1 of this Chapter 4 of this Ordinance~~ are warranted by amenities and other design features of the PUD furthering the purpose of Section ~~6.2.010 5.000~~.
- e) Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section ~~6.2.060 5.250~~ to ~~6.2.080 5.350~~, to further the purposes of Section ~~6.2.010 5.000~~, or to comply with the Comprehensive Plan.

SECTION 6.2.050 PUD STANDARDS AND CRITERIA FOR PUD DEVELOPMENT IN NON-RESIDENTIAL DISTRICTS

PUD's in non-residential districts shall be developed to standards applied by the approving authority pursuant to Sections ~~6.2.010 5.000~~ and ~~6.2.020 5.050~~.

SECTION 6.2.060 PUD STANDARDS AND CRITERIA FOR PUD DEVELOPMENT IN RESIDENTIAL DISTRICTS

A PUD must meet the development standards of this Section and those applied in conditions of approval pursuant to Section ~~6.2.020 5.050~~.

- 1) Minimum Site Size. A parcel to be developed as a PUD in any residential district shall be of such a size that at least four (4) dwelling units would be permitted by the underlying district.
- 2) Permitted Uses. The following uses are permitted subject to the general standards of this Chapter:
 - a) Residential Uses. Single-family dwellings, duplexes, mobile homes conforming to the standards established in Article ~~11 of Chapter 5 50 of this Ordinance~~, multi-family dwellings, including townhouses, row houses, apartments and condominiums, and accessory buildings such as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses may be permitted.
 - b) Commercial Uses. Retail commercial uses may be permitted in a PUD if the approving authority determines that they are designed to serve primarily the residents of the PUD. The approving authority may require that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD.

- c) Other Uses. If designed to serve primarily the residents of a PUD, the following uses may be permitted. If designed to serve residents of adjacent areas, as well, the following uses may be permitted by the approving authority if it finds that such use is consistent with the purposes of Section ~~6.2.010~~ ~~5.000~~ of this Chapter and with the surrounding zone district:
- i) Public and semi-public buildings, including schools, churches, libraries, community centers, fire stations, pump stations, and substations.
 - ii) Park, playground or golf course.
 - iii) Privately-operated kindergartens or day nurseries.
- 3) Density Criteria. ~~Basic Allowable Density~~. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation, except that the Commission may allow an increase of up to 15% if it finds that such increase is compensated by the provision of amenities described in Section ~~6.2.020~~ ~~5.050~~(1)(a) and can be reasonably accommodated on the site without adversely affecting public facilities, significant landscape features, or properties and uses in the vicinity.
- 4) Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.
- 5) Building Spacing and Yard Requirements.
- a) General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
 - b) Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.
 - c) Yard Requirements - Attached Dwellings. Yard requirements for attached dwellings in a PUD shall be as established by the applicable zoning district, except that two (2) single-family dwellings may be attached along one common lot line and may also have a garage or carport attached along the same

common line, provided the conditions of Section ~~6.2.060~~ ~~5.250~~(5) are satisfied.

d) Front Yard Variation. In a PUD, front yards may be varied so as to facilitate a staggered effect to avoid monotony and enhance the aesthetics of the development, provided the following requirements are met:

- i) The average front yard of no more than every three (3) consecutive dwellings along a street shall be no less than the minimum requirement of the applicable zoning district, and in no case shall a front yard be less than ten (10) feet.
- ii) Front and side yards of corner lots shall not be varied under the provisions of this Article if such variation would result in encroachment into the required clear vision area otherwise established by this Ordinance.

e) Zero Lot Line Development.

- i) Zero lot line attached development shall only be permitted in a Planned Unit Development approved pursuant to the provisions and standards set forth in this Article.
- ii) All lots utilizing zero lot line attached development shall be clearly identified on the development plan. Once approved, such specified lots shall be considered fixed and shall not be transferable except as provided for in Section ~~6.2.120~~ ~~5.550~~.
- iii) When a side yard is eliminated as a result of zero lot line attached development, the other side yard on the same lot shall be increased by 50% over the minimum side yard requirement of the applicable zoning district.
- iv) In addition to the declaration of covenants and restrictions otherwise required by this Article, the applicant or developer shall prepare special deed restrictions that run with each lot to be approved for zero lot line attached development. Such special deed restrictions shall be acceptable to the approving authority, and shall make provision for the following:
 - 1) Assurance that the lots and the dwellings thereon will be used for residential purposes only.
 - 2) Provisions for the repair and maintenance of the lots, the dwellings thereon, and all related facilities, as well as a method of fair payment for such repairs and maintenance.
 - 3) Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior, as well as the location, height and design of fencing and major landscape work.
 - 4) Provisions for equitably resolving liens filed against areas of common

responsibility or interest.

- 5) Provisions granting access or easement to each owner for the purpose of maintaining or repairing the lots, the dwellings located thereon, and related facilities and improvements.
- 6) Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty.
- 7) Provision for emergency action by one (1) party in the absence of the other where an immediate threat exists to the property of the former.

Such special deed restrictions, when accepted by the approving authority, shall be filed with the County Clerk, and shall become perpetual deed restrictions running with the subject lots. No building permit shall be issued for zero lot line development until the deed restrictions required by this Section have been filed with and recorded by the County Clerk.

- f) Special Setbacks. If the approving authority finds it necessary to meet the perimeter design standards of Section ~~6.2.060~~ 5.250(9), it may require a special setback from all or a portion of the perimeter of the PUD.

6) Open Space.

- a) Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone (i.e., the total land area less that area permitted to be covered, as prescribed in the property development standards of each zone under "Coverage").
- b) Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the approving authority requires otherwise, ~~to meet~~ the environmental design standards of Section ~~6.2.060~~ 5.250(7), common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.
- c) Open spaces shall be altered only to the extent necessary for their intended use or as otherwise reasonably necessary to permit development, use and maintenance of the PUD. Open spaces containing significant landscape features shall be left unimproved, or may be improved to assure protection of the features, subject to the requirements imposed by the approving authority pursuant to Section ~~6.2.060~~ 5.250(6).
- d) The development schedule required by Section ~~6.2.040(2)(a)(iii)~~ 5.200(2)(a)(3) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.
- e) The approving authority shall require that the applicant assure the permanent

maintenance of the common or public open space in a manner provided for by ORS 94.550 to 94.780.

7) Environmental Design.

- a) The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The approving authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.
- b) Excessive site clearing of topsoil, trees, and natural features before the commencement of construction operations shall be discouraged. The approving authority may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.
- c) Sites for residential and non-residential buildings shall be discouraged in areas of natural hazards, such areas subject to flooding, landslides, and areas with unstable soil formations. The approving authority may require that all floodplains be preserved as permanent common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.
- d) All slopes shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting for a period of time established by the approving authority.
- e) Preliminary development plans are encouraged to promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

8) Traffic Circulation. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, and uses. Design of facilities shall be appropriate to the anticipated usage and shall be approved by the Director of Public Works.

9) Perimeter Design.

- a) The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.
- b) If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the approving authority shall require one (1) or more of the following:
 - i) A special setback or setbacks of residential and nonresidential structures located on the perimeter.
 - ii) Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

SECTION 6.2.070 DEVELOPMENT PHASING

- 1) The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.
- 2) In acting to approve the preliminary development plan, the approving authority may require that development be completed in up to three (3) specific phases, if it finds that existing public facilities would not otherwise be adequate to serve the entire development.
- 3) If the preliminary development plan provides for phased development, each phase shall provide a suitable share of the development facilities and amenities, as approved by the approving authority.
- 4) If the preliminary development plan provides for phased development, the approving authority shall establish time limitations for the approval of final development plans for each phase, except that the final development plans for the first phase must be approved within 12 months of the date of preliminary approval.

SECTION 6.2.080 DURATION OF PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

- 1) Approval of the preliminary development plan shall be valid for 12 months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Section 6.2.070 5.300(4) of this Chapter.
- 2) If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new administrative action.

SECTION 6.2.090 EXTENSIONS OF PUD PRELIMINARY DEVELOPMENT PLAN APPROVAL

- 1) An applicant may request an extension of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of preliminary development plan approval with respect to the phase the applicant is then developing.
- 2) Such request shall be considered an application for administrative action, and shall be submitted to the Director in writing, stating the reasons why an extension should be granted.
- 3) The Director may grant an extension of up to 12 months of preliminary development plan approval, or, if the preliminary development plan provides for phased development, an extension of up to 12 months of a preliminary development plan approval with respect to the phase then being developed, if he determines that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final development plan approval within the original time limitation.

SECTION 6.2.100 IMPROVEMENT PROCEDURES

The design and installation of improvements to be dedicated to the public shall conform to the standards of Section ~~6.1.160~~ 4.500.

SECTION 6.2.110 PUD FINAL DEVELOPMENT PLAN APPROVAL

Approval of a PUD final development plan by the Director shall be considered a ministerial act.

- 1) Within 12 months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Sections ~~6.2.070~~ 5.300 and ~~6.2.090~~ 5.400 of this Ordinance, the applicant shall submit a final development plan, prepared by an Oregon registered professional engineer, and supporting documents to the Director.
- 2) The final development plan shall include:
 - a) The site plan and maps submitted pursuant to Section ~~6.2.040~~ 5.200(2) in their final, detailed form.
 - b) The documents submitted pursuant to Section ~~6.2.040~~ 5.200(2)(a) amended to incorporate any conditions imposed on the preliminary development plan approval.
 - c) Final subdivision plat or partition map, if the land is to be divided.
 - d) Declaration of creation of a planned community as required by ORS 94.550 to 94.780.

- e) Certification by the Director of Public Works that public improvements have been installed in conformance with applicable standards.
- 3) Acceptance of Improvements.
- a) Before approval of the final development plan, the applicant shall install the essential improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the PUD. The applicant may enter into an agreement with the property owners association, if one is incorporated, to construct nonessential improvements after approval of the final development.
 - b) Such agreement shall specify the time period within which the required improvements will be completed. Such agreement is subject to the approval of the approving authority, and shall be accompanied by an assurance as specified in Section ~~6.2.110~~ 5.450(4).
 - c) An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).
- 4) Performance Bond for Nonessential Improvements.
- a) To assure full performance of the improvement agreement, an applicant shall file one (1) of the following:
 - i) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the Governing Body; or
 - ii) A cash deposit with the property owners association.
 - b) Such assurance of full and faithful performance shall be for a sum determined by the Director of Public Works to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the Director of Public Works to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.
- 5) The Director shall act on the application for final development plan approval within 30 days, and shall approve the final development plan if he finds:
- a) The applicant has submitted all information and documents required pursuant to Subsections (2), (3), and (4) of this Section; and

- b) The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the approving authority. Substantial compliance means that any differences between the final and preliminary plans are "minor amendments," as defined in Section 5.550(1) of this Chapter.

Comment [PH23]: reference

- 6) Filing and Recording of Final Development Plan. After final development plan approval, the applicant shall submit without delay the final development plan for signatures of the following officials, in the order listed:
 - a) Planning Commission Chairman;
 - b) Community Development Director;
 - c) Director of Public Works;
 - d) Surveyor, in accordance with the provisions of ORS 92.100;
 - e) Assessor;
 - f) Board of County Commissioners;
 - g) County Clerk.
- 7) The approved final development plan shall be recorded in the County Clerk's Office within 30 days of the date of approval.

SECTION 6.2.120 AMENDMENTS TO APPROVED PRELIMINARY AND FINAL PLANS

- 1) Definitions.
 - a) "Minor amendment" means a change that:
 - i) Does not increase residential densities;
 - ii) Does not enlarge the boundaries of the approved plan;
 - iii) Does not change any use;
 - iv) Does not change the general location or amount of land devoted to a specific land use, including open space;
 - v) Does not eliminate the preservation of a significant landscape feature; and
 - vi) Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.
 - b) "Major amendment" is any change which does not meet the definition of a "minor amendment."
- 2) A minor amendment to an approved preliminary or final development plan may be

approved ministerially by the Director.

- 3) A major amendment to an approved preliminary or final development plan shall be considered an administrative action subject to the provisions of Chapter 5.2 of this Ordinance.



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CITY OF ROSEBURG

900 S.E. DOUGLAS AVENUE
ROSEBURG, OR 97470-3397

TO:



Plan Amendment Specialist
Department Of Land Conservation & Development
635 Capitol St NE Ste 150
Salem, OR 97301-2540

DEPT OF

MAR 22 2013

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