



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

September 5, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Roseburg Plan Amendment
DLCD File Number 005-08

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: September 16, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Marion Thompson, City of Roseburg

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DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

AUG 27 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Roseburg**

Local file number: **LUDO-08-1**

Date of Adoption: **8/25/2008**

Date Mailed: **8/26/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/13/2008

☐ 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".

Land Use and Development Ordinance amendment to correct existing errors, clarify provisions, eliminate inconsistencies and provide updated standards. These are summarized in a listing and shown in the text document with strike-out and double underlining. These revisions cause no measurable change in existing provisions and in some cases add flexibility or reduce standards. There are no changes to the existing zone classifications or to the Comprehensive Plan.

Does the Adoption differ from proposal? Yes, Please explain below:

Some minor revisions were made from the original draft to include items identified after the initial notice, but again: no significant or major alterations are occurring.

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

to:

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

to:

Location: **City wide**

Acres Involved:

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

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

DLCD # 005-08 (16894)

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Local Contact: **Marion J. Thompson, AICP**

Phone: (541) 440-1177 Extension: 253

Address: 900 SE Douglas Ave

Fax Number: 541-440-1185

City: Roseburg OR

Zip: 97470-

E-mail Address:

mthompson@cityofroseburg.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

ORDINANCE NO. 3289

**AN ORDINANCE OF THE CITY OF ROSEBURG
AMENDING THE ROSEBURG LAND USE AND DEVELOPMENT
ORDINANCE NO. 2981 BY ADOPTING UPDATES AND CLARIFICATION
TO PORTIONS OF CHAPTERS 1 THROUGH 6**

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a public hearing on July 21, 2008, and

WHEREAS, Article 53, Section 3.35.000 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to met changes in circumstances and conditions, and

WHEREAS, the last comprehensive update was completed in December 1996;

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

SECTION 1: On the basis of the facts contained in the record, the City Council finds that there is sufficient justification and need to accept the Planning Commission's recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission attached hereto as Exhibit "A".

SECTION 2: Land Use and Development Ordinance Section 1.090 is amended to read as follows:

SECTION 1.090 DEFINITIONS

1. 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.
2. For the purposes of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:

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.

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.

ACCESS EASEMENT. A private street, approved pursuant to Chapter 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.

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.

ACCESSORY USE. A use incidental, appropriate, and subordinate to the main use of a lot or building.

ACCRETION. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

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.

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)

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.

ALLEY. A public or private way having a maximum width of 20 feet affording only a secondary means of access to abutting property.

ALTERATION. 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.

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.

AMENDMENT. A change in a portion of the Roseburg Urban Area Comprehensive Plan Maps pursuant to Chapter 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.

APPROVING AUTHORITY. The person or body given authority to decide applications for development approval under the provisions of this Ordinance.

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.

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.

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.

BABYSITTER. A person who provides day care services.

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.

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.

BOARDING HOUSE. A single family dwelling where lodging and meals are provided to guests, for compensation, for time periods of at least sixteen (16) consecutive nights.

BOUNDARY LINE. The property line bounding a lot or parcel. (Ord 3005, 10/97).

BOUNDARY LINE ADJUSTMENT. The relocation of a common boundary between lots or parcels. (Ord. 3005, 10/97)

BUILDING. For the purposes of this Ordinance, the terms "building" and "structure" shall be synonymous. See "Structure".

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.

BUILDING SITE. The ground area of a building or buildings, together with all open spaces required by this Ordinance.

CAMPGROUND. An area where facilities are provided to accommodate the temporary use of tents, campers, recreational vehicles, and motor homes by the traveling public.

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.

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.

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.

CHILD. A child under thirteen (13) years of age, or eighteen (18) years of age for those with special needs or disabilities as defined by State law.

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.

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.

COMMISSION. The Planning Commission of the City of Roseburg, Oregon.

COMMUNICATION FACILITY. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

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.

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.

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.

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.

CONDOMINIUM. Property, any part of which is submitted and approved in accordance with the provisions of ORS 91.500 to 91.671.

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.

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.

COUNCIL. The City Council of the City of Roseburg, Oregon.

DAY CARE. Supervision provided to a child during a part of the twenty-four (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.

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.

DENSITY. The number of dwelling units to be contained within a specified land area.

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 three thousand (3,000) square feet of asphalt or other impervious paving surfaces shall not be included in this definition.

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.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works for the City of Roseburg, Oregon, or his duly authorized representative.

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.

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.

DWELLING, MULTIPLE-FAMILY. A building designed and used for occupancy by three (3) or more families, all living independently of each other, and have separate housekeeping facilities for each family.

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:

1. Has passed inspection for compliance with the International Building Code ("IBC") standards, or
2. Is a manufactured home constructed after June 15, 1976, which also meets all of the following standards:
 - a. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
 - b. 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 sixteen (16) inches above grade.
 - c. The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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 2 of the foregoing definition shall not apply to any area designated in the Comprehensive Plan or in this Ordinance as a historic district, nor 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).

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

DWELLING UNIT. One (1) or more habitable rooms 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 passing inspection for compliance with the 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.

FACILITY. A structure that is constructed, placed, or erected for the purpose of furthering a permitted conditional use.

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.

FAMILY DAY CARE HOME. A facility which provided day care in the home of the provider to fewer than seventeen (17) children, including children of the provider, regardless of full-time or part-time status.

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".

FAMILY HARDSHIP DWELLING. A mobile home or recreational vehicle used temporarily during a family hardship situation, pursuant to Chapter 3 of this Ordinance, when an additional dwelling is allowed to house aged or infirm persons or persons physically incapable of maintaining a complete separate residence apart from their family.

FISH AND WILDLIFE MANAGEMENT. The protection, preservation, propagation, promotion, and control of wildlife by either public or private agencies or individuals.

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.

FOSTER HOME. See Residential Home.

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.

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).

GOVERNING BODY. The City Council of the City of Roseburg, Oregon.

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.

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.

HARDSHIP A substantial injustice which deprives the landowner of beneficial use of his 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.

HELIPORT. An area used or intended to be used for landing or takeoff of helicopters or other VTOL aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

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 Section 3.35.700 providing flexibility from traditional siting and land use regulations. (Ord. 3274 8/2007)

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 twenty-four (24) hours.

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.

IMMEDIATE FAMILY MEMBER. Family member of the first degree of kinship or equivalent thereof.

INTERMEDIATE CARE FACILITY. See Nursing Home.

INTERNATIONAL BUILDING CODE ("IBC"). The currently adopted and applicable International Building Code and any amendments thereto, including the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC), as applicable.

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.

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.

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.

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.

LOT AREA. The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.

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.

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.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose 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.

LOT, INTERIOR. A lot other than a corner lot with only one frontage on a street.

LOT LINE. The property line bounding a lot or parcel. (Ord. 3005, 10/97)

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 3005, 10/97);

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.*

LOT LINE, REAR. The lot line or lines opposite and most distant from the front lot line. In the case of irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at maximum distance from the front lot line.

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.

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 provided in Chapter 4, Section 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.

LOT MEASUREMENTS.

1. Depth of a lot shall be considered to be the distance between the midpoints of 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.
2. Width of a lot shall be considered to be the average distance between 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.

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

1. A lot in an existing, duly recorded subdivision.
2. A parcel in an existing, duly recorded major or minor land partition; or
3. An adjusted lot resulting from an approved lot line adjustment; or
4. 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
5. 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.

MANUFACTURED DWELLING.

1. "Manufactured Dwelling" for purposes of this Ordinance is synonymous with "manufactured home" and "mobile home" and means:

- a. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy.
2. "Manufactured Dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450.

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.

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 issuance of the Certification of Occupancy. (Ord. 3072 10/11/00)

MINISTERIAL DECISION. A decision by the Community Development Director that is not a limited land use or land use decision per State law.

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

MOBILE HOME. For purposes of this Ordinance, "mobile home" is synonymous with "manufactured home" and "manufactured dwelling."

MOBILE HOME PARK. Any place where four (4) or more mobile homes are located within five hundred (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.

MODULAR HOME. A building which is not framed on site in the conventional manner but which does meet the definitional criteria for a single-family dwelling under this Ordinance.

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.

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.

NONCONFORMING STRUCTURE OR NONCONFORMING USE. 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.

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.

NURSING HOME. Any home, place, or institution which operates and maintains facilities providing convalescent and/or chronic care, for a period exceeding twenty-four (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.

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.

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.

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.

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.

PARKING AREA, AUTOMOBILE. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office, and work area, for the temporary parking or storage of one automobile.

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.

PARKING SPACE. An area within a private or public parking area, building or structure, for the parking of one automobile.

PARTITION. An act of partitioning land or an area or tract of land partitioned, as defined in this section.

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.

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:

1. 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.
2. All property owners of record, as provided in (1) above, within three hundred (300) feet of the property which is the subject of the application.
3. 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.
4. Any other person, or his representative, who is specially, personally, adversely, and substantially affected in the subject matter, as determined by the approving authority.

PERSON. A natural person, his heirs, executors, administrators, or assigns, or a firm, partnership, 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.

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.

PLANNED UNIT DEVELOPMENT (P.U.D.). 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 5 of this Ordinance.

PLANNING COMMISSION. See Commission.

PLANNING DEPARTMENT. The City of Roseburg Department of Community Development or such other department designated by the City Manager.

PLANNING DIRECTOR. See Director.

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.

PROFESSIONAL OFFICE. The place of business of a person engaged in a profession, such as accountant, architect, attorney-at-law, estate broker, landscape architect, or medical and dental practitioners.

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.

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, directly or indirectly to the public.

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.

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.

RESIDENTIAL CARE CENTER. A dwelling for sixteen (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 fifteen percent (15%) of the gross floor area of the facility or fifteen hundred (1500) square feet. Providers must be licensed, certified, or registered as required by state law.

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.

RESIDENTIAL CARE HOME. See Residential Facility.

RESIDENTIAL FACILITY. A dwelling for up to fifteen (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.

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.

ROOMING HOUSE. A single-family dwelling where lodging, but not meals, is provided to guests, for compensation, for time periods of at least sixteen (16) consecutive nights.

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.

SCHOOL. Any public or private institution for learning meeting State of Oregon accreditation standards.

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. 3048, 9/99)

SIGN. 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.

SPECIAL HOUSEHOLD. A household containing an individual such as an elderly or handicapped person with special housing needs.

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)

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.)

STREET PRIVATE. Any street, road, or right-of-way which is not a public street as defined in this Ordinance.

STREET, PUBLIC. A street or road which has been dedicated or deeded to 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.

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.

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.

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.

SWIMMING POOL. Any constructed or prefabricated pool used for swimming or bathing, twenty-four (24) inches or more in depth.

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:

1. A single lot of record;
2. A lot or adjusted lot as defined herein;
3. A parcel as defined herein;
4. A series of contiguous units of land, including lots and parcels.

URBAN AREA. All territory, whether incorporated or unincorporated, located within the Roseburg Urban Growth Boundary.

USE. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

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.

USE, PRINCIPAL. The primary use of a lot or site, and includes a permitted or conditional use.

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.

VENDING. The sale of food or merchandise from a stand operating on private property within the Downtown area. (Ord. 3048, 9/99)

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.

YARD. An open space on a property which is unobstructed from the ground upward, except as otherwise provided in these regulations.

YARD, FRONT. A yard extending between lot lines 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.

YARD, REAR. A yard between side property lines measured horizontally at right angles from the side 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.

YARD, SIDE. A yard between the front and rear yard measured horizontally at right angles from the side 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.

SECTION 3: Land Use and Development Ordinance Section 2.082 is added to read as follows:

CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.082 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.

- a. Approval of final plat map (Chapter 4)
- b. Common Boundary Line Adjustments (Chapter 4)

- c. Signs Permit (Chapter 2, Article 4)

SECTION 4: Land Use and Development Ordinance Section 2.090 is amended to read as follows:

SECTION 2.090 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 3.45.040 (Chapter 3, Article 45).
 - b. Temporary Use Permit (Chapter 3, Article 41).
 - c. Alteration or Repair of a Nonconforming Use (Chapter 3, Article 37).
 - d. Private Road Approval (Chapter 4).
 - e. Conditional Use Permit (Chapter 3, Article 39).

SECTION 5: Land Use and Development Ordinance Section 2.3.075 is amended to read as follows:

ARTICLE 3 - SITE PLAN REVIEW

SECTION 2.3.075 CRITERIA AND STANDARDS

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 3.35.100 shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (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 twenty-four (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 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 access and driveways shall include a review of driveway location in relation to intersecting streets and driveway spacing. With respect to vehicular, bicycle and pedestrian ingress, egress, and circulation, including walkways, interior drives, and parking and loading areas, 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 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 Sections 3.35.100 through 3.35.300.

Driveway access to local streets is generally encouraged in preference to access to streets of higher classification.

- a. 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 to 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 A.

TABLE "A" MINIMUM SPACING STANDARDS

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 and Duplexes	500'	200'	30'

- g. Distances shown in Table A may be reduced in the following circumstances:
 - 1. Access is from a one-way street.
 - 2. The driveway is designed and marked "right turn entrance only".
 - 3. The driveway is marked "exit only" and is designed to prevent left turns.
 - 4. 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

1. 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:

1. An anticipated increase of at least 5% of the current traffic volume during the peak hour and at least 100 trips per day.
2. 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
Unsignalized intersection:	LOS E

Downtown Intersection: 0.95 and LOS E

3. 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:
1. Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.
 2. Consider cumulative impacts of existing and proposed development in the study area.

3. Include long-term impact (20-year) of the development in the context of the projected traffic environment at 5-year increments.
 4. Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.
 5. Extend the analysis coverage of the street system until the peak traffic impact becomes less than 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 sixty (60) degrees. The right of way and street paving within the acute angle shall have a minimum of thirty (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 five thousand (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 five thousand (5,000) square feet of gross floor area, for which site plan review is required by this Article, any development subject to the requirements of Chapters 4 and 5 of this Ordinance, and/or any development where underground utilities are available and accessible.

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 designated to avoid unnecessary glare upon other properties.
9. Screening. Except in the Heavy Industrial District (M-3), exposed storage areas, utility buildings, machinery, 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 otherwise conforms with the standards established by this Ordinance. Screening or buffering of parking areas in all districts shall conform to the standards established in Section 3.35.250.
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, 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 2.090 a. through d. below, 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 Director acting with the advice of the Department of Fish and Wildlife.

SETBACK		
	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 40 of 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 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 Containers area that 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 of sixty-five (65) feet x twelve (12) feet 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 eighteen (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 ninety (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. (Par 11 entirely, Ord. 3005, 10/97)
 - k. Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garage container area that has curbs and an approved grease trap.
15. Site Development – Excavation and Fill Placement. 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. (Par 12, Ord. 3274, 8/07)
 - The volume of fill placement or excavation exceeds 5 cubic yards for any one thousand (1000) square feet of land area.

- The proposed excavation will result in disturbing a parcel/lot or land area of 3,000 or more square feet.
 - 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.
 - 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 Section 3.35.700.
- a. Exceptions. A site development permit shall not be required for the following activities:
- (1) Projects or developments which have received Site Plan Review approval.
 - (2) 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.
 - (3) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
 - (4) 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.
- (1) Map/Plan: The submitted map/plan shall include date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, contours at no more than 2-foot intervals.
 - (2) Property description(s): Legal description including accurate property lines and boundaries.
 - (3) Planned Improvements: Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.
 - (4) Topography: Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.

- (5) Stabilization/Erosion Control Method(s): Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
- (6) 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.
- (7) Grading Plan: Plan including cut and fill areas, existing and finish grades and slope height.
- (8) Drainage: Drainage plan complying with the Storm Drainage Master Plan.
- (9) Supplementary Information: Name and address of property owner.

c. Written Information:

- (1) Project Description: General description of the proposed project.
- (2) Schedule: Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
- (3) 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.
- (4) Other: Other information as deemed necessary by the Community Development Department in order to adequately review and approve the application.

d. Minimum Requirements:

- (1) Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
- (2) Removal of vegetation shall not occur more than 30 days prior to grading or construction.
- (3) 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.
- 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. (Par. 13 entirely, Ord. 3049, 9/99)

SECTION 6: Land Use and Development Ordinance Section 2.3.325 is amended to read as follows:

SECTION 2.3.325 HISTORIC RESOURCES

For the purpose of this Section, historic resources are those within the Roseburg city limits on the City of Roseburg Historic Resource Register, the Douglas County Historic Register or, the National Register of Historic Places.

SECTION 7: Land Use and Development Ordinance Section 2.3.350 is amended to read as follows:

SECTION 2.3.350 EXTERIOR REMODELING OR ALTERATION OF HISTORIC STRUCTURES

Upon receipt by the Community Development Department of all site plan review requests for exterior alteration of a historic building, the Director shall within fifteen (15) working days, review the permit application for compliance with the requirements in Section 2.3.400 of this Ordinance and shall refer the request to the Historic Resource Review Commission and schedule a hearing to review the permit request. The Commission shall review the permit request and shall:

1. Initiate review within thirty (30) working days of the date the completed permit application was submitted to the Planning Department. The applicant shall be notified of the time and place of the review and be encouraged to be present. A failure to initiate review within thirty (30) working days 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 2.3.400.
3. Initiate one of the following if the Commission finds the proposed alterations to be in non-compliance with Section 2.3.400,

- a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.3.400, or
- b. Place up to a sixty (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 8: Land Use and Development Ordinance Section 2.3.375 is amended to read as follows:

SECTION 2.3.375 DEMOLITION OF HISTORIC STRUCTURES OR NEW CONSTRUCTION OF HISTORIC SITES

Upon receipt by the Community Development Department of a request for demolition of a historic building or new construction on historic sites on which no structure exists, 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 seventy percent (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, then the Director shall schedule a hearing before the Historic Resource Review Commission to review the demolition request. A failure to initiate review within thirty (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 sixty (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 2.3.400; 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.

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 fourteen (14) days after the date on which the decision was filed.

SECTION 9: Land Use and Development Ordinance Section 3.1.050 is amended to read as follows:

SECTION 3.1.050 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 10: Land Use and Development Ordinance Section 3.1.070 is amended to read as follows:

SECTION 3.1.070 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 1.060.
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.

SECTION 11: Land Use and Development Ordinance Section 3.5.100 is amended to read as follows:

ARTICLE 5 – RESIDENTIAL OPEN SPACE (RO)

SECTION 3.5.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter.

1. Day Care Facility.
2. Public and Semi-Public Uses and Activities.
3. Residential Facility.
4. Telecommunication Facilities. (Section 3.5.100, 5, entirely Ord. 3115, 6/13/02)

SECTION 12: Land Use and Development Ordinance Section 3.6.100 is amended to read as follows:

ARTICLE 6 - LOW DENSITY RESIDENTIAL (R-1-10)

SECTION 3.6.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Day Care Facility, subject to the development standards in Section 3.6.150.
2. Parks and playgrounds.
3. Public and semi-public uses and activities.

4. Residential Facility, subject to the development standards in Section 3.6.150.
5. Two-family dwellings other than those permitted in Section 3.6.050.
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 3.6.150.
8. Telecommunication Facilities. (Section 3.6.100, 9. entirely, Ord. 3115, 6/13/02)

SECTION 13: Land Use and Development Ordinance Section 3.6.150 is amended to read as follows:

1. Area and Density.
 - a. Single-family dwelling: 10,000 square feet minimum lot size.
 - b. Two-family dwellings: 5,500 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 building 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) For exterior side property lines for corners lots the side setback shall be no less than 10 feet.
 - 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 per 2.060(1) 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.

SECTION 14: Land Use and Development Ordinance Section 3.7.100 is amended to read as follows:

ARTICLE 7 - SINGLE FAMILY RESIDENTIAL (R-1-7.5)

SECTION 3.7.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) 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. 3115, 6/13/02)

SECTION 15: Land Use and Development Ordinance Section 3.7.150 is amended to read as follows:

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 dwelling: 4,125 square feet minimum lot area for each dwelling units.
 - 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.
 - c. 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.

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) For exterior side property lines for corners lots the side setback shall be no less than 10 feet.
 - 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 per 2.060(1) 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.

SECTION 16: Land Use and Development Ordinance Section 3.8.100 is amended to read as follows:

ARTICLE 8 - SINGLE FAMILY RESIDENTIAL (R-1-6)

SECTION 3.8.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) 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. 3115, 6/13/02)

SECTION 17: Land Use and Development Ordinance Section 3.8.150 is amended to read as follows:

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 side property lines for interior lots.
 - (2) For exterior side property lines for corners lots the side setback shall be no less than 10 feet.
 - (3) Nothing in this provision shall eliminate the need to comply with the clear vision requirements in Section 3.35.050.
 - 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 per 2.060(1) 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.

SECTION 18: Land Use and Development Ordinance Section 3.9.100 is amended to read as follows:

ARTICLE 9 – LIMITED MULTIPLE-FAMILY RESIDENTIAL (MR-14)

SECTION 3.9.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) 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.
6. Residential Care Center, subject to the development standards set forth in Section 3.9.150.
7. 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. 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

SECTION 19: Land Use and Development Ordinance Section 3.9.150 is amended to read as follows:

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.
 - (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 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 or be less than twenty-five (25) square feet on any side.
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:
- a. Churches;
 - b. Day Care Facility;
 - c. Residential Facility; and
 - b. 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 per 2.060(1) 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.

SECTION 20: Land Use and Development Ordinance Section 3.10.100 is amended to read as follows:

ARTICLE 10 - MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (MR-18)

SECTION 3.10.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

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

- 2. Nursing Home.
- 3. Parks and playgrounds.
- 4. Privately operated kindergartens.
- 5. Public and semi-public uses and activities.
- 6. Residential Care Center, subject to the development standards set forth in Section

3.10.150.

7. Schools.
8. Bed and Breakfast Facilities, subject to the development standards set forth in Section 3.35.075(1)-(9).
9. Churches, lot size less than 40,000 square feet.
10. Residential Care Facility subject to the development standards set forth in Section 3.10.150.
11. Telecommunication Facilities. (Section 3.10.100, 12. entirely, Ord. 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, and
 - c. The use complies with Article 39.

SECTION 21: Land Use and Development Ordinance Section 3.10.150 is amended to read as follows:

SECTION 3.10.150 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. 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
 - d. Mobile Home Parks: Shall conform to the area and density standards established in Article 51.
 - 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 2,350 square feet of lot area.

- 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 eighty percent (80%) 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.
 - (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 or be less than twenty-five (25) feet on any side.
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:
 - 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. 3005, 10/97)
9. The use of a temporary sales office for a new development shall be exempt from the Administrative Approval per 2.060(1) 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.

SECTION 22: Land Use and Development Ordinance Section 3.11.100 is amended to read as follows:

ARTICLE 11 - MULTIPLE-FAMILY RESIDENTIAL (MR-29)

SECTION 3.11.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Ambulance service.
2. Day Care Facility, subject to the development standards set forth in Section 3.11.150.
3. Nursing homes.
3. Parks and playgrounds.
4. Privately operated kindergartens.
5. Public and semi-public uses and activities.
6. Schools.
7. Bed and Breakfast Facility, subject to the standards set forth in Section 3.35.075 (1)-(9).
8. Churches, lot size less than 40,000 square feet.
9. Telecommunication Facilities. (Section 3.11.100, 11. entirely, Ord. 3115, 6/13/02)
10. 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, and
 - c. The use complies with Article 39.

SECTION 23: Land Use and Development Ordinance Section 3.11.150 is amended to read as follows:

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

- 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 3,000 square feet of lot area.
- d. 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.
 - 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.
 - (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 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 or be less than twenty-five (25) feet on any side.
 - 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.
 - 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.
 - 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 per 2.060(1) 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.

SECTION 24: Land Use and Development Ordinance Section 3.12.100 is amended to read as follows:

ARTICLE 12 - HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL (MR-40)

SECTION 3.12.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Ambulance service.
2. 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.
 - e. 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.
3. Day Care Facility, subject to the development standards set forth in Section 3.12.150.
4. 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:
 - a. That any commercial use must be developed in conjunction with residential units.
 - b. That the commercial activity must be restricted to the first floor of the building with provision of dwelling units above the first floor.
5. Bed and Breakfast Facility, subject to the development standards set forth in Section 3.35.075.
6. Churches, lot size of less than 40,000 square feet.
7. Telecommunication Facilities. (Section 3.12.100, 8. entirely, Ord. 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, and
 - c. The use complies with Article 39.

SECTION 25: Land Use and Development Ordinance Section 3.12.150 is amended to read as follows:

SECTION 3.12.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.
 - a. 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.
 - b. 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.
 - c. 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.
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. All buildings, parking, and auto maneuvering areas except access driveways 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.
 - (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, with a maximum required yard of twenty (20) feet.
 - b. 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 or be less than twenty-five (25) feet on any side.
 - 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:
 - a. 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 per 2.060(1) 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.

SECTION 26: Land Use and Development Ordinance Section 3.13.050 is amended to read as follows:

ARTICLE 13 - CENTRAL BUSINESS DISTRICT (CBD)

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:

1. 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.
2. 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.
3. 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.)
4. Commercial Banks, Savings, Loan Associations, and Credit Unions
5. 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.
6. 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.
- l. Delicatessen Shops.
- m. Department Stores.
- n. Drug Stores.
- o. Floor Covering/Drapery Stores.
- p. Florist Shops.
- q. 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.
- 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.
- 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 27: Land Use and Development Ordinance Section 3.13.100 is amended to read as follows:

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 2.060(1) 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 Sections 3.13.050.
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.
7. Health Clubs.
8. Dwelling units not part of a commercial development subject to the development standards of the MR-29 Zone Classification.
9. Mini-Retail Business (not more than two (2) on any host business location and no larger than two hundred fifty (250) square feet).
10. Restaurants, Eating Establishments, Coffee Houses, Juice Bars, Delicatessen, and similar uses with outdoor seating for more than twelve (12) persons.
11. Theaters.
12. Ground floor Professional Office with Jackson Street frontage subject to development standards listed in Section 3.13.150(8).
13. Sidewalk cafes. Subject to development standards listed in Section 3.13.150(9).
14. Telecommunication Facilities. (Section 3.13.100, 16. entirely, Ord. 3115, 6/13/02)

SECTION 28: Land Use and Development Ordinance Section 3.14.050 is amended to read as follows:

ARTICLE 14 PROFESSIONAL OFFICE (PO)

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:

1. Professional membership organizations, labor unions, civic, social, and fraternal.
2. Art, music, dance, photography schools, studios and galleries.
3. 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.

4. Youth clubs, senior centers, and community centers.
5. Personal Service providers e.g. barber, beauty, massage, tanning salons, tailor, and shoe repair.
6. Professional offices e.g. medical, legal, accounting, engineering, architectural.
7. Family Day Care Home, within an existing dwelling currently used as a residence.
8. Parks and playgrounds.
9. Dwelling units in conjunction with a permitted use, subject to the development standards of the MR-14 zone.
10. Religious, political, civic, social, labor organizations.

SECTION 29: Land Use and Development Ordinance Section 3.14.100 is amended to read as follows:

SECTION 3.14.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) 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. Dwelling units, subject to the development standards of the MR-14 zone.
9. Religious, political, civic, social, labor organizations lot size less than 40,000 square feet.
10. Residential home within an existing residential use.
11. Recycling Center.

12. Food Services within an office park complex.
13. Telecommunications Facilities. (Section 3.14.100, 13. entirely, Ord. 3115, 6/13/02)

SECTION 30: Land Use and Development Ordinance Section 3.14.150 is amended to read as follows:

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.
 - 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 district, a rear yard of no less than ten (10) feet is required.
 - d. Exception. Alleys contiguous to or within the property being used may be included in the required setback.
 - 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.
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.

SECTION 31: Land Use and Development Ordinance Section 3.15.050 is amended to read as follows:

ARTICLE 15 - LIMITED COMMERCIAL (C-1)

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:

1. Community Centers, youth clubs.
2. Professional office limited to 1,500 square feet in area.
3. 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.
4. Pharmacy (limited to 1,500 sq. ft. in area).
5. Laundromat (limited to 1,500 sq. ft. in area).
6. Dwelling units above or behind a permitted use, subject to the development standards of the MR-14 zone.
7. Religious, political, civic, social, labor organizations subject to the property development standards set forth in Section 3.15.150.
8. Family day care home.
9. Recycling Center (neighborhood) less than 1,500 sq.ft., subject to development standards set forth in section 3.15.150.
10. Day Care Facility, subject to the property development standards set forth in Section 3.15.150.

SECTION 32: Land Use and Development Ordinance Section 3.15.100 is amended to read as follows:

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 2.060(1) 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.
5. Residential Facility, subject to the property development standards set forth in

Section 3.15.150.

6. Religious, political, civic, social, labor organizations 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. 3115, 6/13/02)

SECTION 33: Land Use and Development Ordinance Section 3.15.150 is amended to read as follows:

SECTION 3.15.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.
 - a. 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.
 - b. 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.
3. Setbacks.
 - a. Front Yard. No structure shall be located closer than ten (10) 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 properties, ten (10) feet from exterior side property lines for corner building sites.
4. Heights. Maximum height of all structures shall be thirty-five (35) feet.
5. Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.6.
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.

SECTION 34: Land Use and Development Ordinance Section 3.17.050 is amended to read as follows:

ARTICLE 17 - COMMUNITY COMMERCIAL (C-2)

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.

1. Any use permitted in the C-1 Zone, Section 3.16.050.
2. Ambulance, police, fire, rescue service.
3. Art, pottery, music and photography shop, gallery, studio and supplies, handicraft shop.
4. Automobile service station.
5. Bakery.
6. Bank, finance institution, credit agencies, brokers, insurance or real estate office. etc.,
7. Barber or beauty shop and personal services e.g. tailor, shoe repair.
8. Book or stationery store.
9. Business and professional offices.
10. Religious, political, civic, social, labor organizations, subject to the development standards set forth in Section 3.17.150.
11. Laundromat or linen service (no dry-cleaning).
12. Clubs or lodges, fraternal and religious associations.
13. Curios and antiques.
14. Day Care Facility, subject to the property development standards set forth in Section 3.17.150.
15. Delivery services.
16. Drug store, liquor store.
17. Dwelling units above or behind a permitted use, subject to the development standards of the MR-29 zone.
18. 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.
28. Public parking areas developed in accordance with provisions established under Article 35. (No Structures).
29. Residential Care Center.
30. Restaurant, cafe, tavern and lounge, bakery, deli, confectionery, catering.
31. Recycling Center, less than 5, 000 square feet, subject to development standards of Section 3.17.150.
32. Seed and Garden supplies.
33. Second-hand store, if conducted wholly within an enclosed building.
34. 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 35: Land Use and Development Ordinance Section 3.17.100 is amended to read as follows:

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 2.060(1) and Article 39 of this Chapter.

1. Public and semi-public buildings and uses.
2. Dwelling units, subject to the development standards of the MR-29 zone.
3. Residential Facility, subject to the property development standards set forth in Section 3.17.150.
4. Religious, political, civic, social, labor organizations lot size of less than 40,000 square feet.
5. Plant nursery and Greenhouse.
6. Drive-up Window service for permitted use.
7. Residential Home within an existing residential dwelling.
8. Telecommunication Facilities. (Section 3.17.100, 9. entirely, Ord. 6/13/02)

SECTION 36: Land Use and Development Ordinance Section 3.18.050 is amended to read as follows:

ARTICLE 18 - GENERAL COMMERCIAL (C-3)

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:

1. Any use permitted in the C-2 Zone, Section 3.17.050.
2. Agricultural supplies and machinery sales rooms.
3. Automobile, truck and motorcycle sales agencies, garages, service stations, wash, and detailing.
4. Auto parts and tool supply stores.
5. Builders supplies, including retail sales of lumber.
6. Commercial storage units.

7. Department or sporting goods store.
8. Drive-up Window Service for permitted uses.
9. Dwelling above Commercial structures. The maximum number of dwelling units shall be limited to one (1) dwelling unit per 800 square feet of lot area.
10. Dry cleaning facility (retail).
11. General retail sales of previously prepared products.
12. Indoor racquet sports clubs; spas; athletic, exercise, and health clubs.
13. Mini-Retail Business (MRB) (not more than two (2) on any host business location and no larger than 250 square feet).
14. Mobile home and recreational vehicle sales. (Section 3.18.050, 11. entirely, Ord. 3073, 10/11/00)
15. Motel, hotel.
16. Motion picture production and distribution and services.
17. Public parking and equipment parking not incidental or accessory to another use on the premises.
18. Places of amusement, such as billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, and miniature golf.
19. Plumbing, heating, electrical and sheet metal shop.
20. Printing and publishing.
21. Public and semi-public buildings and uses.
22. Residential Care Center, subject to the property development standards set forth in Section 3.18.150.
23. Recycling Center, less than 5,000 square feet, subject to development standards of Section 3.18.150.
24. Store (retail and wholesale) and business uses similar to the above and normally located in a commercial district, provided that:
 - a. 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.
 - a. Use is not objectionable due to odor, dust, smoke, noise, vibration, or

appearance.

25. Trailer Parks.

SECTION 37: Land Use and Development Ordinance Section 3.18.100 is amended to read as follows:

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 2.060(1) and Article 39 of this Chapter:

1. Residential Facility, subject to the property development standards set forth in Section 3.18.150.
2. Churches, lot size of less than 40,000 square feet.
3. Body shop in conjunction with an auto sales agency.
4. Crematory, mausoleum, or mortuary.
5. Dwellings units, subject to the development standards of the MR-29 zone.
6. Residential Home within an existing residential dwelling.
7. Outdoor recreational facilities e.g. golf and country clubs, driving ranges, swimming or tennis clubs, skateboard parks, water slides, and similar uses.
8. Adult entertainment or adult bookstore.
9. Stadium or Coliseum.
10. Telecommunication Facilities.

(Ord. 3279 – 3/2008)

SECTION 38: Land Use and Development Ordinance Section 3.19.050 is amended to read as follows:

ARTICLE 19 - AIRPORT DISTRICT (AP)

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:

1. 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.

2. Air cargo terminals.
3. Air passenger terminals.
4. 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.

SECTION 39: Land Use and Development Ordinance Section 3.29.150 is amended to read as follows:

ARTICLE 29 - TELECOMMUNICATIONS FACILITIES

SECTION 3.29.150 STANDARDS AND CRITERIA

1. Setback: A tower shall be set back at least one hundred fifty percent (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 Code Chapter 16.05 and the Oregon Electrical Safety Specialty Code 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 two thousand (2000) 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 seven hundred fifty (750) square feet in area or twelve (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 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 insuring 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: 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, R-1-10, R-1-7.5, R-1-6, MR-14, MR-18, MR-29, and MR-40 zones, telecommunication facilities will be allowed as follows:

- (1) 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.
- (2) 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.
- (3) Towers are prohibited.

b. Telecommunication Facilities in Non-Residential Zones:

- (1) PR Zone. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the following conditions:
 - (a) 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 fifty (50) feet of the antenna or tower. If there are no other structures on the property the height shall not exceed that permitted by the underlying zoning.
- (2) 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:
 - (a) 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 fifty (50) feet of the antenna or tower. If there are no other structures on the property the height shall not exceed that permitted by the underlying zoning.
- (3) CBD Zone. Telecommunication facilities attached to existing structures or alternative structures shall be allowed upon conditional use permit approval, subject to the following conditions:

- (a) 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.
- (4) 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:
 - (a) The maximum height for any antenna or tower shall not exceed one hundred sixty (160) feet from grade.
- (5) Airport District: Telecommunication facilities attached to existing structures or alternative structures are permitted upon conditional use permit approval, subject to the following conditions:
 - (a) The facility shall be a stealth design that does not exceed the height of the existing structure or alternative structure.

(Article 29 entirely, Ord 3114, 6/13/02)

SECTION 40: Land Use and Development Ordinance Section 3.30.520 is amended to read as follows:

ARTICLE 30 - FLOODPLAIN OVERLAY

SECTION 3.30.520 FLOODWAY DISTRICT

In the Floodway District, the following restrictions shall apply:

1. Encroachments, including, but not limited to, fill, new construction, substantial improvements, and other development are not permitted unless an Oregon registered professional engineer or architect certifies that such encroachments (and cumulative like encroachments) shall not result in any increase in flood levels during the occurrence of a regional flood.
2. If such certification is obtained, all construction development and substantial improvements shall comply with all applicable provisions of Section 3.30.400.
3. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway District.
4. No mobile home may be placed in the Floodway District except in an existing mobile home park. Any mobile homes placed, or additions thereto shall conform to standards of 3.30.460.

SECTION 41: Land Use and Development Ordinance Section 3.35.050 is amended to read as follows:

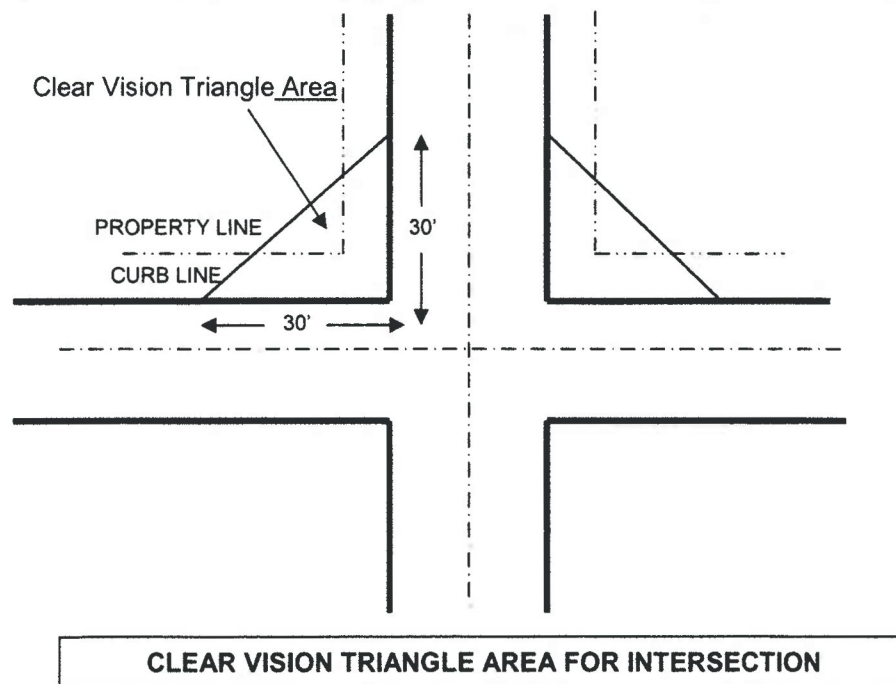
ARTICLE 35 - SUPPLEMENTARY PROVISIONS

SECTION 3.35.050 CLEAR VISION AREAS

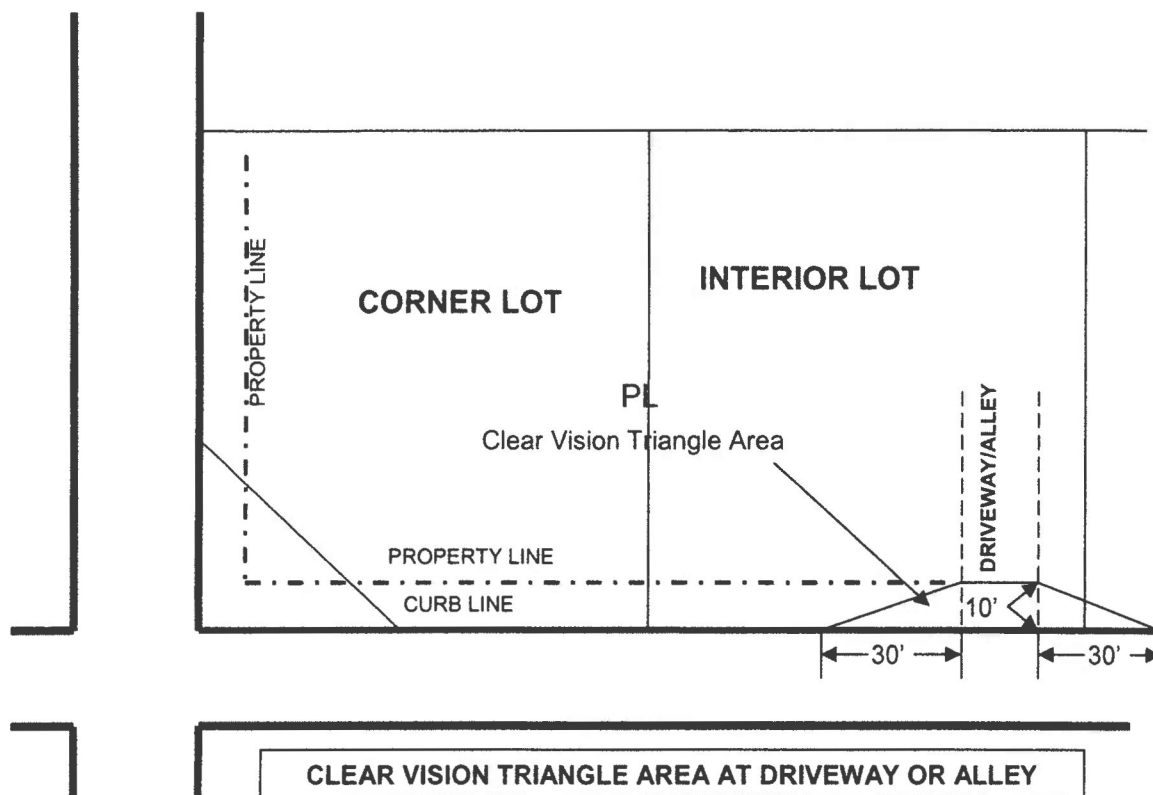
A clear vision triangle area shall be maintained at the corner of all properties at the intersections of two (2) streets, or at a street and a railroad. Within the clear vision triangle area nothing shall be erected including plantings, fences, walls, signs, structures, vehicles, or temporary or permanent obstructions between three (3) feet and twelve (12) feet in height above the finished grade, 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 twelve (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 thirty (30) feet of each street as shown on the Figure below.



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 thirty (30) feet of each street and ten (10) feet along the edge of the driveway or alley as shown in the figure below.



The Community Development Director, after receipt of a recommendation from the City Public Works Director, and relying on 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 similar 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.

SECTION 42: Land Use and Development Ordinance Section 3.35.060 is amended to read as follows:

SECTION 3.35.060 FENCES

General Provisions

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 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 fences, hedge, or wall, other than a retaining wall, higher than 3-1/2 feet shall be erected in the front yard setback area, measured from the property line in any residential district.
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 above the finished grade measured on the 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 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 43: Land Use and Development Ordinance Section 3.35.100 is amended to read as follows:

SECTION 3.35.100 OFF-STREET PARKING

At the time of erection of a new structure, 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 Section, 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 Section. Where square feet are specified, the area measured shall be the gross floor area open to the public, excluding 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 1 space.

USE		MINIMUM VEHICULAR PARKING STANDARD	MINIMUM BICYCLE PARKING*
1.	Residential		N/A
a.	One and two family dwellings	2 spaces per dwelling unit	
b.	Multi-family dwelling, three (3) or more dwelling units		1 per 5 units
	1. One-bedroom units	1.5 spaces per dwelling unit	
	2. Two-bedroom units	1.75 spaces per dwelling unit	
	3. Three or more bedrooms units	2 spaces per dwelling unit	
c.	Residential Home	1 space for every 2 rooms	
d.	Bed and Breakfast	2 spaces plus 1 space per guest room	
2.	Commercial/Residential		
a.	Motel/Hotel	1 space per guest room or suite plus required parking for on-site uses	1 per 15 required auto spaces
b.	Residential Care Center	1 space per each 5 beds	
3.	Institutional		
a.	Welfare or Correctional Institution	1 space per 5 beds based on maximum capacity	1 per 15 required auto spaces
b.	Residential Facility	1 space per 2 beds based on maximum capacity	1 per 15 required auto spaces
c.	Hospital	2 spaces 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 space per 4 seats in the main auditorium based on maximum capacity, or 1 parking space 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 space per 300 square feet of floor area	1 per 10 required auto spaces
c.	Pre-School, Nursery, Day Care	2 spaces for the first 16 children plus one additional	1 per classroom

	Facility, Kindergarten	space for every 12 children thereafter, along with off-street loading and unloading area	
d.	Elementary or Junior High School	2 spaces per classroom, plus one space 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 spaces per classroom, plus one space 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 spaces per classroom plus one space 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 with a reduction of 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.
g.	Political, Civic, Social or Labor Organization Meeting Halls	1 space per 4 seats based on maximum capacity or 1 space for each 5 occupants based on maximum calculated in the building code.	1 per 25 required auto spaces
h.	Other Auditorium, meeting room	1 space per 4 seats based on maximum capacity or 1 space for each 5 occupants based on maximum as calculated in the building code.	1 per 20 required auto spaces

5. Recreation		
a. Stadium, Arena, Theater	1 space per 5 seats based on maximum capacity or 1 space 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 spaces per lane	1 per 15 required auto spaces
c. Dance Hall	1 space per 100 square feet of floor area	1 per 15 required auto spaces
d. Skating Rink	1 space per 200 square feet of floor area	1 per 15 required auto spaces
e. Swimming pool facility	1 space per 200 square feet of pool surface area	1 per 15 required auto spaces
f. Racquet court, athletic club	1 space per court, plus 1 space per 100 square feet of exercise area	1 per 15 required auto spaces
g. Other indoor recreation facility	1 space per 100 square feet of floor area	1 per 15 required auto spaces
h. Outdoor recreation facility	25 spaces per field or recreation area	1 per 10 required auto spaces
6. Commercial		
a. Grocery store, retail store, bank, professional office, medical or dental office, clinic, laboratory, beauty and barber shop, dining establishments located in a multi-tenant development that is not located in a freestanding building and having a gross square footage of no greater than 2,500 square feet, or other personal service	1 space 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 space per 700 square feet of floor area	1 per 25 required auto spaces

c.	Emergency or Urgent Care Clinics	1 space per 200 square feet of floor area	
d.	Sit-down and carry-out restaurant, tavern, bar and nightclub	1 space per 100 square feet of floor area	1 per 30 required auto spaces
e.	Drive-in restaurant or other drive-in services	1 space per 4 seats or one space per 200 square feet of floor area, whichever is greater	
f.	Mortuary, Funeral Parlor or Mausoleum	1 space per 4 occupants based on maximum capacity as calculated under the provisions of the building code	
g.	Ambulance or Rescue Services	1 space per rescue vehicle, plus 1 space per employee	
h.	Repair Garages and Automobile	At least 4 parking spaces for each service stall, and 1 per 2 gasoline pumps	
i.	Truck, trailer and automobile rental	1 space per 300 square feet of building area plus one space for every 10 spaces devoted to rental vehicles	
j.	Private Utility (gas, electric, telephone, etc.)	1 space per 300 square feet of building area, and in the case of an unstaffed facility, at least 2 spaces	
k.	Laundromat and Dry cleaning Facility	1 space per 300 square feet	
l.	Passenger Transportation Terminal	1 space for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period	
7.	Industrial		
a.	Manufacturing Establishments	1 space 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 space per each 1,500 square feet floor area	1 per 20 required auto spaces
c.	Building or Specialty Trade Contractor Office or	1 space per 500 square feet of floor area	As determined by the Community Development Director

Shop		
8. Uses Not Specified	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 2.140 of this Ordinance.	

* BICYCLE PARKING IS NOT REQUIRED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE

SECTION 44: Land Use and Development Ordinance Section 3.35.240 is amended to read as follows:

SECTION 3.35.240 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.
3. Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be arranged and designed so as to prevent light from adversely affecting any abutting or adjacent residential district.
 - a. 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 twenty (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)

4. Striping. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Director and otherwise comply with Section 3.35.260 of this Ordinance.
5. 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) inches in height, nor less than six (6) feet in length, and shall be set back a minimum of two-and-one-half (2½) feet from the front of the stall.

SECTION 45: Land Use and Development Ordinance Section 3.35.253 is amended to read as follows:

SECTION 3.35.253 PARKING AREA LANDSCAPING AND BUFFERING

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 4 or more spaces or to any paved vehicular use area 3000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use. Parking area landscaping requirements are limited to 10% of the gross land area.
 - a. 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 twenty percent (20%) of the gross floor area. In addition, any paved vehicular area which provides fewer than ten (10) 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.
 - 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. 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 one hundred percent (100%) coverage and weed free.
3. Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a five (5) foot wide strip of landscaping materials.
- a. Required Buffer Areas. The parking area shall be buffered from the following areas:
 - (1) Street frontage. The parking area shall be buffered from adjacent lineal street frontage, exclusive of driveways, entrances, and exits, with the designated landscaping strip.
 - (2) 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 3.35.250, 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 fifty (50) lineal feet of required buffer area is as follows:
 - (1) One (1) tree at least six (6) feet in height. The tree shall be selected from the Street Tree List (See Table "B") in order to avoid root damage to pavement and utilities.

The following tree species are recommended for use as street/landscaping trees.

TABLE B

SMALL MATURE STATURE	
Common Name	Botanical Name
Amur Maple	Acer Ginnala
Trident Maple	Acer Buergeranum
Hedge Maple	Acer Campestre
Globe Norway Maple	Acer Plantinoides
Bradford Pear	Pyrus Calleryana
(Varieties include: "aristocrat", chanticleer", etc.)	
Golden Rain Tree	Koelreuteria Paniculata
Redbud	Cercis Canadensis
(needs protection from southwest sun)	
Kwanzan Cherry	Prunus serrulata
Crape Myrtle	Lagerstroemia indica
Flowering Plum	Prunus cerasifera

(blireiana, Thundercloud, etc.)		
Raywood Ash		Fraxinus oxycarpa
Flame Ash		Fraxinus oxycarpa
Snowdrift Flowering Crabapple		Malus 'snowdrift'
Japanese Crabapple		Malus floribunda
Washington Hawthorn		Crataegus phaenopyrum
European Hornbeam		Caripinus betulus
Profusion Crabapple		Malus profusion'
MEDIUM OR SMALL 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
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

- (2) Five (5) five-gallon or eight (8) one-gallon shrubs.
- (3) The remaining area shall be treated with living ground cover, lawn, or other ground cover.
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 area 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. Interior Parking Area Landscaping Standards. Trees and landscaping shall be installed as follows:
 - (1) Each one hundred sixty (160) square feet of required interior parking area landscaping shall contain one (1) tree at least six (6) feet high. At least two (2) shrubs shall be placed for every one hundred (100) square feet of interior parking lot landscaping. The remaining planter area shall be treated with ground cover.
 - (2) The tree species may be selected from the Street Tree List (See Table "B") to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.
 - (3) Planters shall be surrounded by a perimeter curb not less than four (4) inches high.
 - (4) The tree shall be planted in a landscaped area such that the tree trunk is at least two (2) feet from any curb or paved area.
5. Prohibited Trees. Trees listed in Table "C" 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.

TABLE C

PROHIBITED STREET TREES	
Common Name	Botanical Name
Evergreen Conifers	Numerous species
Poplar and related species	Populus tricarpa
Black Locust	Robinia psuedoacacia
Box Elder (except varigated)	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	Caltalpa speciosa
Tree of Heaven	Ailanthus altissima
Big Leaf Maple	Acer macrophyllum
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of trees:	Numerous species
(i.e. cherry, mulberry, crabapple)	
Female Ginkgo	Ginkgo biloba

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 one hundred percent (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 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:

- (1) A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit.
 - (2) 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.
 - (3) 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 3.35.253(4)). Credit for preserved trees shall be limited to sixty percent (60%) of the total interior parking area landscaping requirement. The remaining forty percent (40%) shall be provided according to Section 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. 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.
- (1) The landscaping strip shall be at least five (5) feet in depth.
 - (2) The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately thirty-six (36) inches.
 - (3) 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.
 - (4) Plant materials, walls, or structures within a traffic safety sight area of a driveway shall not exceed thirty (30) inches in height.

b. Interior Parking Lot Landscaping.

- (1) A minimum of two percent (2%) of the parking lot area shall be landscaped.
- (2) 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.
- (3) Parking lots with more than one hundred (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 46: Land Use and Development Ordinance Section 3.37.460 is added to read as follows:

ARTICLE 37 - NON-CONFORMING USES

SECTION 3.37.460 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 provisions (insert date) are consider conforming to the base district. If any building on said properties is substantially destroyed as defined by Section 3.37.250 and 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 twelve (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.

SECTION 47: Land Use and Development Ordinance Section 3.37.500 is amended to read as follows:

SECTION 3.37.500 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 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 48: Land Use and Development Ordinance Section 3.41.100 is amended to read as follows:

ARTICLE 41 - TEMPORARY USE PERMIT

SECTION 3.41.100 PERMITTED TEMPORARY USES

Temporary structures, activities, or uses may be permitted pursuant to Section 2.060(1) of this Ordinance, as necessary to provide for housing of personnel, storage and uses 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 lots for the temporary sales of seasonal items such as pumpkins and Christmas trees.

SECTION 49: Land Use and Development Ordinance Section 4.200.2 is amended to read as follows:

SECTION 31: CHAPTER 4 - LAND DIVISIONS

SECTION 4.200 PLATTING AND MAPPING STANDARDS – ALLEYS

2. Width. Width of right-of-way and paving design for alleys shall no greater than twenty (20) feet, except that 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.

SECTION 50: Land Use and Development Ordinance Section 4.600 is amended to read as follows:

SECTION 4.600 PRELIMINARY SUBDIVISION PLAN APPROVAL

The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Section 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 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 inch (1") equals one hundred feet (100'), or one inch (1") equals fifty feet (50').

- d. The Community Development Director shall notify the applicant within thirty (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 U.S.G.S. data having the following intervals:
 - (1) One (1) foot contour intervals for ground slopes up to five percent (5%).
 - (2) Two (2) foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).
 - (3) 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 unsubdivided 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 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 the Zoning Ordinance.

3. Development Phasing.

- 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:

- (1) Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval or ORS.
- (2) Phase 2 final plat shall be approved within twenty-four (24) months of final approval of the Phase 1.
- (3) Phase 3 final plat shall be approved within twenty-four (24) months of final approval of the Phase 2.
- (4) 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 2 of this Ordinance, within one hundred eight (180) days of filing a complete application.
- b. The preliminary subdivision plan shall be approved if the approving authority finds the following:
 - (1) The information required by this Chapter has been provided;
 - (2) The design and development standards of this Chapter have been met; and
 - (3) 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.

- a. Approval of a preliminary subdivision plan shall be valid for thirty-four (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 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

- 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 thirty-six (36) months of a preliminary subdivision plan approval, or if the preliminary plan provides for phased development, an extension of up to twelve (12) months of a preliminary subdivision plan approval with respect to each 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 51: Land Use and Development Ordinance Section 4.725 is amended to read as follows:

SECTION 4.725 COMMON BOUNDARY LINE ADJUSTMENTS

- 1. Application for Approval of Common Boundary Line Adjustments. Approval of a common boundary line adjustment is subject to the provisions of Section 2.082 of this Ordinance.
 - a. An application for common boundary line adjustment approval shall be initiated as provided in Chapter 2 of this Ordinance.
 - b. An application for common boundary line adjustment approval shall include the following:
 - (1) An identifying name or title of the common boundary line adjustment.
 - (2) A vicinity map locating the proposed common boundary line adjustment in relation to adjacent land parcels and roadways.
 - (3) North arrow, scale and date.
 - (4) 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.

- (5) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.
- (6) 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.
- (7) Names of adjacent owners and property identification.
- (8) 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.
- (9) Space for date and signature of the Director.
- (10) Any additional information made a condition of approval.
- (11) A non-refundable filing fee in an amount determined by ordinance or resolution of the governing body.
- (12) 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 2 of this Ordinance.
- b. The common boundary line adjustment shall be approved if the approving authority finds that:
 - (1) The information required by this section has been provided.
 - (2) The design and development standards of this Ordinance and the Comprehensive Plan have been met.

- (3) 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.
 - (4) All adjustments are within a given zone and not among differing zones.
 - (5) No substandard lots shall be created.
 - (6) The adjustment will not affect or impede the public right of way or any recorded easement.
- b. After approval of the common boundary line adjustment the Director shall endorse his 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 thirty (30) days after approval is granted.

SECTION 52: Land Use and Development Ordinance Section 5.450 is amended to read as follows:

CHAPTER 5 - PLANNED UNIT DEVELOPMENT

SECTION 5.450 P.U.D. FINAL DEVELOPMENT PLAN APPROVAL

Approval of a P.U.D. final development plan by the Director shall be considered a ministerial act.

1. Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Sections 5.300 and 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 5.200(2) in their final, detailed form.
 - b. The documents submitted pursuant to Section 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 P.U.D. The applicant may enter into an agreement with the property owners association, if one is incorporated, to construct non-essential improvements after approval of the final development.

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 5.450(4).

- 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 limit(s).

4. Performance Bond for Non-Essential Improvements.

- a. To assure full performance of the improvement agreement, an applicant shall file one (1) of the following:

- (1) 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

- (2) 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 thirty (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.

6. Filing and Recording of Final Development Plan.
 - a. 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:
 - (1) Planning Commission Chairman;
 - (2) Community Development Director;
 - (3) Director of Public Works;
 - (4) Surveyor, in accordance with the provisions of ORS 92.100;
 - (5) Assessor;
 - (6) Board of County Commissioners;
 - (7) County Clerk.
7. The approved final development plan shall be recorded in the County Clerk's Office within thirty (30) days of the date of approval.

SECTION 53: Land Use and Development Ordinance Section 6.100 is amended to read as follows:

CHAPTER 6 - QUASI-JUDICIAL PLAN AMENDMENT

SECTION 6.100 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 provisions 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 sixty (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 fees.

SECTION 54: Land Use and Development Ordinance Section 6.150 is amended to read as follows:

SECTION 6.150 APPLICATION FORM AND CONTENT AND AMENDMENT STANDARDS

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.

SECTION 55: Land Use and Development Ordinance Section 6.200 is amended to read as follows:

SECTION 6.200 NOTICE

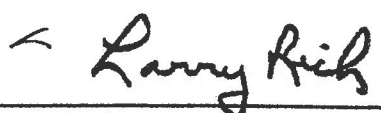
1. At least forty-five (45) prior to the hearing by the City Planning Commission, notice thereof shall be given as provided in ORS 197.610 – Notice to State Department of Land Conservation and Development (DLCD) – Notice of Proposed Amendment. Thereafter, notice of further proceeding shall be given as provided in Chapter 2 of this Ordinance.

SECTION 56: All other sections and subsections of the Land Use and Development Ordinance shall remain in effect as written.

SECTION 57: The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Roseburg Municipal Code and/or the Land Use and Development Ordinance as amended by the provisions added, amended, or repealed herein.

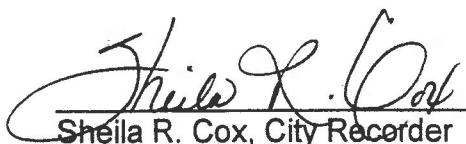
PASSED BY THE COUNCIL THIS 25TH DAY OF AUGUST 2008.

APPROVED BY THE MAYOR THIS 25TH DAY OF AUGUST 2008.



Larry Rich, Mayor

ATTEST:



Sheila R. Cox, City Recorder

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ROSEBURG

IN THE MATTER OF a Legislative)
Amendment to the Land Use and)
Development Ordinance to clarify,)
update and incorporate needed)
revisions to various Sections and)
Articles.)

FINDINGS OF FACT
AND DECISION

FILE NO. LUDO-08-1

FINDING NO. 1

This matter came before the Planning Commission for public hearing on July 21, 2008, in the Council Chambers of Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.

Finding No. 2

Notice of the Legislative public hearing was given by publication in The News-Review, a newspaper of general circulation, at least 20 days prior to the date of the hearing.

Finding No. 3

The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of the 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, as both may have been amended from time-to-time. The Planning Commission takes official notice of the records of the Community Development Department.

Finding No. 4

Comments and conditions received from City of Roseburg Departments, as well as the comments provided at the public hearing have been taken into consideration and incorporated herein.

Finding No. 5

As required by Section 2.00.060 and 3.53.000 of the Roseburg Land Use and Development Ordinance the proposed legislative action was analyzed for consistency with the policies of the Comprehensive Plan, Statewide Planning Goals, and other provisions of the Ordinance.

FINDING NO. 6

A review of the Comprehensive Plan goals, objections and policies did not identify any existing or potential conflicts. The following Statewide Planning Goals determined to be applicable are Goals 1, 2, 12, 13, and 14. An evaluation of each follows:

Statewide Planning Goal No. 1 – Citizen Involvement - To develop citizen involvement programs that ensure 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. In order to implement the Comprehensive Plan the City adopted the Roseburg LUDO. Section 3.35.000 of LUDO states that it may be necessary from time-to-time to amend the text of the Ordinance in order to conform to the Comprehensive Plan or to meet other changes in circumstances and conditions.

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 State of Oregon Revised Statutes (ORS). In addition, State legislative action requires all property owners having the potential to be subject to new zoning regulations be given individual notice of the proposed action (commonly referred to as Measure 56 Notice). In this case it has been determined that no new or increased requirements are being put in place as a part of this action; therefore, a Measure 56 notice is not required.

The City of Roseburg provides notice of proposed change as mandated through the ORS requirements and LUDO, which included publishing notice of the proposed action in *The News-Review*, a newspaper of general circulation. Through the Planning Commission and City Council public hearings, the public will have opportunities to provide comments and present issues, influence the Commission and eventually the Council, provide technical information, and/or provide information regarding conditional approval.

The Citizen Involvement program responsible for compliance with Goal 1 occurred during the adoption and acknowledgement of the Comprehensive Plan and LUDO. The Comprehensive Plan indicates the Planning Commission is responsible for continuing the advisory involved through their public hearings.

Roseburg has an established Planning Commission with 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.

Statewide Planning Goal No. 2 – Land Use Planning - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such actions

Part I - Planning

As noted, 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.

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. As noted above, Section 3.35.000 of LUDO recognizes the need to amend the text of the Ordinance in order to conform to the Comprehensive Plan, or to meet other changes in circumstances and conditions. (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 and the 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, as both may have been amended from time to time).

Part II – Exceptions

The exceptions section within Goal 2 does not apply in this case because there is no exception required and the City has not requested an exception.

Statewide Planning Goal No. 12 - Transportation – To provide and encourage a safe, convenient and economic transportation system

This action is not anticipated to result in any changes in land uses currently identified through the Comprehensive Plan or implemented by LUDO. Based on the review of the TSP, sufficient and needed capacity exists on the existing roadways or is planned for to accommodate future development without affecting the level of service. Roadways will continue to function at an acceptable performance level. In addition, any future development will need to comply with development standards such as on-site parking, access and circulation sufficient to meet the needs of the development.

While these changes should have a positive effect on encouraging a mixture of uses, and in some areas help to retain existing uses, there are no direct changes proposed to the transportation provisions of the Comprehensive Plan and LUDO. With more opportunities for mixed uses there could be a reduction in vehicle miles traveled; thereby meeting the goals for safe, convenient and economic transportation.

Statewide Planning Goal No. 13 – Energy Conservation – To manage and control land and uses so as to maximize the conservation of all forms of energy, based on sound economic principles

LUDO provides standards and regulations for property situated within the established urban area. The purpose for these regulations is to promote efficient energy-related use of existing and planned energy facilities by allowing urban property to develop thereby potentially delaying the need to develop more remote rural areas. Whether the property is developed per current commercial or residential designation does not conflict the goals to manage and control energy resources. Keeping LUDO current with recognized practices is a means to continue to address energy conservation.

Statewide Planning Goal No. 14 – Urbanization – To provide for orderly and efficient transition from rural to urban land use

As the implementing document for development of lands within the existing Roseburg Area Urban Growth Boundary it is essential to update the LUDO to be current with adopted policies and programs established for urban use continuing to assure orderly and efficient transition from rural to urban land uses.

FINDING NO. 7

CONCLUSION

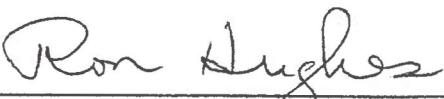
The proposed text revisions are consistent with the policies and goals identified in the Comprehensive Plan and will not result in the need to amend or revise the City of Roseburg Area Comprehensive Plan. Proposed changes to the Land Use and Development Ordinance will not alter the intent or purpose of any portions of the document. The changes provide needed and reasonable updates, clarifications and corrections.

Finding No. 8

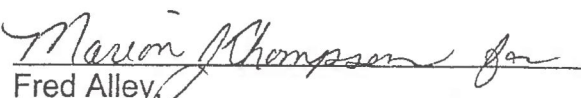
DECISION:

In consideration of the foregoing Findings of Fact and conclusions, the Planning Commission supports a recommendation to the City Council for APPROVAL of File No. LUDO-08-1, a Legislative Text Amendment to the Land Use and Development Ordinance as detailed in Exhibit 3 attached hereto.

DATED THIS 21 DAY OF JULY, 2008



Ron Hughes, Chairman



Fred Alley,
Community Development Director

Planning Commission Members:

Ron Hughes, Chairman
Patrick Parson, Vice Chair
Meagan Conry - Absent
Mychal Fox
Harvey Lopez
John McDonald

USE AND DEVELOPMENT ORDINANCE Amendments of Exhibit 1 proposed revisions

	ORDINANCE STANDARD	SECTION	PAGE
	Update/Change terms: 1) Planning Director to Community Development Director; 2) Uniform Building Code to International Building Code; 3) Committee to Commission as needed 4) Replace Planning Department with Community Development Department where appropriate	1.090, 2.075, 2.3.075.8, 2.3.325, 2.3.350, 2.3.375, 3.1.050, 3.29.150, 3.35.060, 4.600, 5.450.6, 6.100, 6.150	1, 2, 3, 10, 14, 15, 16, 51, 59, 72, 80
2	Correct measurement reference for alley	1.090, 4.200.2	1, 71
3	Revise the definition of single family dwelling to recognize and be consistent with the International Building Code	1.090	1
4	Update Day Care Facility to eliminate duplication and reflect current ORS 657A.440 (4) standards defining "Child" as well as maximum number of children to be cared for with CUP	1.090, 3.100, 3.6.100, 3.7.100, 3.8.100, 3.9.100, 3.10.100, 3.13.000, 3.15.000, 3.17.000	1, 2, 18, 19, 22, 24, 25, 27, 28, 31, 32, 34, 35, 40, 41, 42, 43, 46, 60
5	Clarify and expand definition for through lots (a lot having frontage on two streets, other than a corner)	1.090	2, 3
6	Add definition for Ministerial Actions (actions that are not discretionary and can be granted by the Community Development Director without notice or hearing)	1.090, 2.082, 2.090	3, 4, 76
7	Clarified requirements for undergrounding utilities in any development where such facilities are available	2.3.075.4	9
8	Corrected cross reference to actually identify proper items	2.3.075.8, 3.1.070.7 & 8, 3.37.500, 4.725	10, 12, 17, 76
9	Updates requirements related to garbage enclosures to include space for recycling and to require enclosures for any new development except Single Family and Two Family	2.3.075.11	11
10	Minor word or phrase correction to provide consistency with actual applications for Historic Review	2.3.075.12, 2.3.350, 2.3.375.4	12, 14, 16
11	Update requirements associated with Accessory Residential Units to provide for limitations to be recorded to advise future owners of restrictions	3.6.150, 3.7.150, 3.8.150, 3.9.150, 3.10.150, 3.11.100, 3.12.150	19, 21, 23, 26, 29, 33, 36

12	Add the provision allowing temporary sales office by right associated with sales of lots in new subdivision	3.6.150.7, 3.7.150.7, 3.8.150.7, 3.9.150.9, 3.10.150.9, 3.12.150.10, 3.41.100	20, 22, 28, 32, 38
13	Correct lot area needed for two-family in R-1-7.5 to be consistent with other zone district and Comprehensive Plan	3.7.150	21
14	Add provisions to allow limited office type uses in MR residential zones on property abutting office and residential zones (transitional lots)	3.9.100.12, 3.10.100.12, 3.11.100.11, 3.12.100.8	25, 29, 32, 36
15	Recognizes flexibility and corrects limits of building size based solely on unit numbers	3.10.150.1.e	29
16	Update uses permitted in CBD Zone relating to wine bars and alcoholic sales in conjunction with a restaurant permitted by right	3.13.050	39, 40
17	Provide for an expansion of residential uses with CUP in commercial zones	3.14.100, 3.15.050, 3.15.100, 3.17.050, 3.17.100, 3.18.100	42, 44, 46, 47, 49
18	Revise and update setback requirements in Single-Family residential, PO and commercial zones	3.6.150.3(b), 3.7.150.3(b), 3.8.150.3(b), 3.14.150.3 a, c & d, 3.15.150.3a	17, 21, 24, 43, 45
19	Clarify use of drive-up windows in C-3 zone allowed by right	3.18.050	48
20	Revise dining uses in AP removing "airport clientele" only restriction	3.19.050	50
21	Clarify measurement of telecommunication tower on vacant properties in commercial zones	3.29.150.15 b.1 & 2	53
22	Correct "Flood District" to Floodway District	3.30.520	54
23	Update and revise wording for clear vision requirements	3.35.050	54, 55, 56, 57
24	Correct reference to fence height in front yards	3.35.060.2	58
25	Reduce parking requirement for small dining uses in shopping center	3.35.100.6 a	61
26	Correct location of required perimeter curb for parking areas	3.35.240	63
27	Correct size and number of plants required in parking areas	3.35.253.3 b(2)	66
28	Provide for replacement of non-conforming dwelling units in commercial zones	3.37.460	70
29	Increase time for completing final map requirements from one year to 36 months or 24 if phased	4.600.3, 4.600.5, 4.600.6	74, 75, 76
30	Add requirement for signing of Final PUD map to match subdivision requirements	5.450.6	80
31	Clarify notice time line related to Quasi-Judicial Plan Amendments	6.200	81

**ROSEBURG LAND USE AND DEVELOPMENT ORDINANCE
PROPOSED TEXT AMENDMENTS
FILE NO. LUDO-08-1
EXHIBIT "1"**

Following are proposed amendments to the Land Use and Development (LUDO) to address a range of items which include such things as updating terminology, needed corrections, recognition of policies application, and revisions to current standards. Text to be added is shown with double underlining and deletions are shown with strikeouts.

Section 1.090 to be amended to read as follows:

SECTION 1.090 DEFINITIONS

ALLEY. A public or private way ~~not less than thirty (30) feet in~~ having a maximum width of 20 feet affording only a secondary means of access to abutting property.

CHILD. A child under ~~fifteen (15)~~ thirteen (13) years of age, ~~or eighteen (18) years of age for those with special needs or disabilities as defined by State law.~~

DAY CARE FACILITY CENTER. A facility which provides day care for six (6) ~~thirteen (13)~~ or more children on either a full or part-time basis and other than in the home of the provider.

DAY CARE GROUP HOME. A facility which provides day care for six (6) or more full time children ~~with a maximum of twelve (12) full or part-time children.~~

DWELLING, SINGLE-FAMILY. A ~~detached unit~~ 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:

1. Has passed inspection for compliance with the ~~State of Oregon Uniform Building code ("UBC")~~ International Building Code ("IBC") standards, or
2. Is a manufactured home constructed after June 15, 1976, which also meets all of the following standards:
 - a. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
 - b. 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 sixteen (16) inches above grade.
 - c. The manufactured home shall have a pitched roof, with a slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.

- d. 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.
- e. 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.
- f. 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.
- g. 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 2 of the foregoing definition shall not apply to any area designated in the Comprehensive Plan or in this Ordinance as a historic district, nor 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).

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 State of Oregon Uniform Building code ("UBC")~~ International Building Code ("IBC") standards. This definition shall not include mobile homes and manufactured dwellings.

DWELLING UNIT. One (1) or more habitable rooms 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 passing inspection for compliance with the ~~State of Oregon Uniform Building code ("UBC")~~ International Building Code ("IBC") standards. This definition shall not include mobile homes and manufactured dwellings.

FAMILY DAY CARE HOME. A facility which provided day care in the home of the provider to fewer than ~~thirteen (13)~~ seventeen (17) children, including children of the provider, regardless of full-time or part-time status.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots ~~and through 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.

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 provided in Chapter 4, Section 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.

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 Uniform 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 issuance of the Certification of Occupancy. (Ord. 3072 10/11/00)

MINISTERIAL DECISION. A decision by the Community Development Director that is not a limited land use or land use decision per State law.

INTERNATIONAL BUILDING CODE ("IBC") The currently adopted and applicable International Building Code and any amendments thereto, including the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC), as applicable.

Section 2.082 to be added to read as follows:

CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.082 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.

- a. Approval of final plat map (Chapter 4)
 - b. Common Boundary Line Adjustments (Chapter 4)
 - c. Signs Permit (Chapter 2, Article 4)
-

Section 2.090 to be amended to read as follows:

SECTION 2.090 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 3.45.040 (Chapter 3, Article 45).
- a. Temporary Use Permit (Chapter 3, Article 41).
- c. Alteration or Repair of a Nonconforming Use (Chapter 3, Article 37).
- d. Private Road Approval (Chapter 4).
- e. Conditional Use Permit (Chapter 3, Article 39).
- f. Variances (Chapter 3, Article 40).
- g. ~~Signs (Chapter 2, Article 4).~~

Section 2.3.075 to be amended to read as follows:

ARTICLE 3 - SITE PLAN REVIEW

SECTION 2.3.075 CRITERIA AND STANDARDS

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 3.35.100 shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (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 twenty-four (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 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 access and driveways shall include a review of driveway location in relation to intersecting streets and driveway spacing. With respect to vehicular, bicycle and pedestrian ingress, egress, and circulation, including walkways, interior drives, and parking and loading areas, 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 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 Sections 3.35.100 through 3.35.300.

Driveway access to local streets is generally encouraged in preference to access to streets of higher classification.

- a. 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 with 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 A.

TABLE "A" MINIMUM SPACING STANDARDS

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 and Duplexes	500'	200'	30'

- g. Distances shown in Table A may be reduced in the following circumstances:
1. Access is from a one-way street.
 2. The driveway is designed and marked "right turn entrance only".
 3. The driveway is marked "exit only" and is designed to prevent left turns.
 4. 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
 1. 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:

1. An anticipated increase of at least 5% of the current traffic volume during the peak hour and at least 100 trips per day.
2. 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

Unsignalized intersection: LOS E

Downtown Intersection: 0.95 and LOS E

3. 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:
1. Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.
 2. Consider cumulative impacts of existing and proposed development in the study area.
 3. Include long-term impact (20-year) of the development in the context of the projected traffic environment at 5-year increments.
 4. Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.
 5. Extend the analysis coverage of the street system until the peak traffic impact becomes less than 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 sixty (60) degrees. The right of way and street paving within the acute angle shall have a minimum of thirty (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, ~~as defined in this Subsection,~~ 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 five thousand (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 five thousand (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 Chapters 4 and 5 of this Ordinance, and/or any development where underground utilities are available and accessible.

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 designated to avoid unnecessary glare upon other properties.
9. Screening. Except in the Heavy Industrial District (M-3), exposed storage areas, utility buildings, machinery, 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 otherwise conforms with the standards established by this Ordinance. Screening or buffering of parking areas in all districts shall conform to the standards established in Section 3.35.250.
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, 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 2.090 (4)(f) a. through d. below, 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 Planning Director acting with the advice of the Department of Fish and Wildlife.

SETBACK		
	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 40 of 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 zoned or rezoned.
14. Design Specifications for Garbage Containers Service Areas for all Zones. New Development, except single family and two family dwellings, shall provide an

~~containing~~ enclosed Garbage and Recycle Containers area that 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 of sixty-five (65) feet x twelve (12) feet 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 eighteen (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 ninety (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. (Par 11 entirely, Ord. 3005, 10/97)
 - k. Uses having cooking grease contained for recycling purposes shall provide appropriate containment areas within the garage container area that has curbs and an approved grease trap.
15. Site Development – Excavation and Fill Placement. 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. (Par 12, Ord. 3274, 8/07)
- The volume of fill placement or excavation exceeds 5 cubic yards for every any one thousand (1000) square feet of land area.
 - The proposed excavation will result in ~~clearing~~ disturbing a parcel/lot or land area of 3,000 or more square feet.

- 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.
 - 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 Section 3.35.700.
- a. Exceptions. A site development permit shall not be required for the following activities:
- (1) Projects or developments which have received Site Plan Review approval.
 - (2) 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.
 - (3) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
 - (4) 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:
- (1) Map/Plan: The submitted map/plan shall include date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, contours at no more than 2-foot intervals.
 - (2) Property description(s): Legal description including accurate property lines and boundaries.
 - (3) Planned Improvements: Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.
 - (4) Topography: Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.

- (5) Stabilization/Erosion Control Method(s): Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
- (6) 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.
- (7) Grading Plan: Plan including cut and fill areas, existing and finish grades and slope height.
- (8) Drainage: Drainage plan complying with the Storm Drainage Master Plan.
- (9) Supplementary Information: Name and address of property owner.

c. Written Information:

- (1) Project Description: General description of the proposed project.
- (2) Schedule: Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
- (3) 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.
- (4) Other: Other information as deemed necessary by the Community Development Department in order to adequately review and approve the application.

d. Minimum Requirements:

- (1) Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
- (2) Removal of vegetation shall not occur more than 30 days prior to grading or construction.
- (3) 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.
- 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. (Par. 13 entirely, Ord. 3049, 9/99)

Sections 2.3.325, 2.3.350, and 2.3.375 are to be amended to read as follows:

SECTION 2.3.325 HISTORIC RESOURCES

For the purpose of this Section, historic resources are those within the Roseburg city limits on the City of Roseburg Historic Resource Register, the Douglas County Historic Register ~~and or~~, the National Register of Historic Places.

SECTION 2.3.350 EXTERIOR REMODELING OR ALTERATION OF HISTORIC STRUCTURES

Upon receipt by the ~~Planning~~ Community Development Department of all ~~building permit site plan review~~ requests for exterior alteration of a historic building, the Director shall within fifteen (15) working days, review the permit application for compliance with the requirements in Section 2.3.400 of this Ordinance and shall refer the request to the Historic Resource Review ~~Committee~~ Commission and schedule a hearing to review the permit request. The ~~Committee~~ Commission shall review the permit request and shall:

1. Initiate review within thirty (30) working days of the date the completed permit application was submitted to the Planning Department. The applicant shall be notified of the time and place of the review and be encouraged to be present. A failure to initiate review within thirty (30) working days 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 2.3.400.

3. Initiate one of the following if the ~~Committee~~Commission finds the proposed alterations to be in non-compliance with Section 2.3.400,
 - a. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 2.3.400, or
 - b. Place up to a sixty (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 2.3.375 DEMOLITION OF HISTORIC STRUCTURES OR NEW CONSTRUCTION OF HISTORIC SITES

Upon receipt of ~~by~~ the ~~Planning~~ Community Development Department of a request for demolition of a historic building or new construction on historic sites on which no structure exists, the Director shall schedule a hearing before the Historic Resource Review ~~Committee~~ Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of seventy percent (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 ~~Committee~~ Commission. If the ~~Committee~~ Commission does not ratify a demolition permit, then the Director shall schedule a hearing before the Historic Resource Review ~~Committee~~ Commission to review the demolition request. A failure to initiate review within thirty (30) working days shall be considered as an approval of the application.

The ~~Committee~~ Commission may delay the issuance of the demolition permit or building permit for up to sixty (60) days from the date of the hearings action ~~by the Planning Department~~. The ~~Committee's~~ Commission's decision shall be based upon consideration and completion of the following factors:

1. Reasonable efforts shall be made by the ~~Committee~~ 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 ~~Committee~~ 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 2.3.400; and,
4. The ~~Committee~~ Commission, may request the Director and/or applicant to ~~shall~~ seek assistance through referrals from at least the following appropriate agencies

and organizations which may include: The State Historic Preservation Office, the Douglas County Museum, and the Douglas County Historic Resource Review Committee, ~~and the Umpqua Historic Preservation Society.~~

Following review, the ~~Committee~~ 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 ~~Planning Community Development~~ Department and shall send a copy to the applicant by mail.

The decision of the ~~Committee~~ Commission is final unless a written appeal from the property owner is received by the Director within fourteen (14) days after the date on which the decision was filed.

Sections 3.1.050 and 3.1.070 are to be amended to read as follows:

CHAPTER 3 - ZONING REGULATIONS - ARTICLE 1 - INTRODUCTORY PROVISIONS

SECTION 3.1.050 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 ~~Planning~~ 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 ~~Planning Community Development~~ Director as long as this Ordinance remains in effect.

SECTION 3.1.070 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 5 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 5 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 1.060.
 9. Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.
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Section 3.5.100 to be amended to read as follows:

ARTICLE 5 – RESIDENTIAL OPEN SPACE (RO)

SECTION 3.5.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter.

1. Day Care Center Facility.
 - ~~2. Day Care Group Home.~~
 2. Public and Semi-Public Uses and Activities.
 3. Residential Facility.
 4. Telecommunication Facilities. (Section 3.5.100, 5, entirely Ord. 3115, 6/13/02)
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Article 6 to be amended to read as follows:

ARTICLE 6 - LOW DENSITY RESIDENTIAL (R-1-10)

SECTION 3.6.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Day Care Facility Center, subject to the development standards in Section 3.6.150.
- ~~2. Day Care Group Home, subject to the development standards in Section 3.6.150.~~
2. Parks and playgrounds.
3. Public and semi-public uses and activities.
4. Residential Facility, subject to the development standards in Section 3.6.150.
5. Two-family dwellings other than those permitted in Section 3.6.050.
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 3.6.150.
8. Telecommunication Facilities. (Section 3.6.100, 9. entirely, Ord. 3115, 6/13/02)

SECTION 3.6.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.
 - a. Single-family dwelling: 10,000 square feet minimum lot size.
 - b. Two-family dwellings: 5,500 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 building 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. and twenty (20) feet from exterior side property lines for corner lots.
 - (2) For exterior side property lines for corners lots the side setback shall be no closer than 10 feet.
 - 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 Center;
 - c. ~~Day Care Group Home~~; 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 Center;
 - ~~c. Day Care Group Home; and~~
 - c. Residential Facility.
7. The use of a temporary sales office for a new development shall be exempt from the Administrative Approval per 2.060(1) 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.
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Article 7 to be amended to read as follows:

ARTICLE 7 - SINGLE FAMILY RESIDENTIAL (R-1-7.5)

SECTION 3.7.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Day Care Facility Center, subject to the development standards in Section 3.7.150.
- ~~2. Day Care Group Home, 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. 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 dwelling: ~~4,125~~ 6,000 square feet minimum lot area for each dwelling units.
 - 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.
 - c. 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. and twenty (20) feet from exterior side property lines for corner lots.
 - (2) For exterior side property lines for corners lots the side setback shall be no closer than 10 feet.
 - 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 Center;
 - ~~c. Day Care Group Home; and~~
 - a. 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 Center;
 - ~~c. Day Care Group Home; and~~
 - c. Residential Facility.
 7. The use of a temporary sales office for a new development shall be exempt from the Administrative Approval per 2.060(1) 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.
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Article 8 to be amended to read as follows:

ARTICLE 8 - SINGLE FAMILY RESIDENTIAL (R-1-6)

SECTION 3.8.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Day Care Facility Center, subject to the development standards in Section 3.8.150.
- ~~2. Day Care Group Home, 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. 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 side property lines for interior lots. and twenty (20) feet from exterior side property lines for corner lots.
 - (2) For exterior side property lines for corners lots the side setback shall be no closer than 10 feet.
 - (3) Nothing in this provision shall eliminate the need to comply with the clear vision requirements in Section 3.35.050.
- 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 Center;
- c. ~~Day Care Group Home~~; 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 Center
- c. ~~Day Care Group Home~~; and
- c. Residential Facility.

7. The use of a temporary sales office for a new development shall be exempt from the Administrative Approval per 2.060(1) 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.

Article 9 to be amended to read as follows:

ARTICLE 9 – LIMITED MULTIPLE-FAMILY RESIDNETIAL (MR-14)

SECTION 3.9.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Day Care Facility Center, subject to the development standards set forth in Section 3.9.150.
- ~~2. Day Care Group Home, 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.
6. Residential Care Center, subject to the development standards set forth in Section 3.9.150.
7. 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. 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

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.
 - (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 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 or be less than twenty-five (25) square feet on any side.
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 Center;
 - c. ~~Day Care Group Home~~;
 - 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:

- a. Churches;
- b. Day Care Facility Center;
- c. ~~Day Care Group Home~~;
- d. Residential Facility; and
- e. 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 per 2.060(1) 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.
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Article 10 to be amended to read as follows:

ARTICLE 10 - MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (MR-18)

SECTION 3.10.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

- 1. Day Care Facility Center, subject to the development standards set forth in Section 3.10.150.
- 2. ~~Day Care Group Home, subject to the development standards set forth in Section 3.10.150.~~
- 2. Nursing Home.
- 3. Parks and playgrounds.
- 4. Privately operated kindergartens.
- 5. Public and semi-public uses and activities.
- 6. Residential Care Center, subject to the development standards set forth in Section 3.10.150.

7. Schools.
8. Bed and Breakfast Facilities, subject to the development standards set forth in Section 3.35.075(1)-(9).
9. Churches, lot size less than 40,000 square feet.
10. Residential Care Facility subject to the development standards set forth in Section 3.10.150.
11. Telecommunication Facilities. (Section 3.10.100, 12. entirely, Ord. 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; and
 - c. The use complies with Article 39.

SECTION 3.10.150 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. 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
 - d. Mobile Home Parks: Shall conform to the area and density standards established in Article 51.
 - 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 2,350 square feet of lot area, ~~except that there shall not be more than eight (8) dwelling units in any one (1) 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 eighty percent (80%) 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.
 - (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 or be less than twenty-five (25) feet on any side.

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 Center;
 - c. ~~Day Care Group Home~~
 - d. Residential Facility; and
 - e. 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 Center;
 - c. ~~Day Care Group Home~~;
 - d. Residential Facility; and
 - e. 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. 3005, 10/97)
9. The use of a temporary sales office for a new development shall be exempt from the Administrative Approval per 2.060(1) 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.

Section 11 to be amended to read as follows:

ARTICLE 11 - MULTIPLE-FAMILY RESIDENTIAL (MR-29)

SECTION 3.11.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Ambulance service.
2. Day Care Facility Center, subject to the development standards set forth in Section 3.11.150.
- ~~3. Day Care Group Home, 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).
9. Churches, lot size less than 40,000 square feet.
10. Telecommunication Facilities. (Section 3.11.100, 11. entirely, Ord. 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; and
 - c. The use complies with Article 39.

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

- 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 3,000 square feet of lot area.
- e. 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.
 - 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.
 - (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 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 or be less than twenty-five (25) feet on any side.
- 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 Center; and
 - c. ~~Day Care Group Home.~~
- 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 Center; and
 - c. ~~Day Care Group Home.~~
- 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 per 2.060(1) 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.

Article 12 to be amended to read as follows:

ARTICLE 12 - HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL (MR-40)
SECTION 3.12.100 USES PERMITTED CONDITIONALLY

The following uses and activities may be permitted subject to the provisions of Section 2.060(1) and Article 39 of this Chapter:

1. Ambulance service.
2. 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.
 - a. 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.
3. Day Care Facility Center, subject to the development standards set forth in Section 3.12.150.
- ~~4. Day Care Group Home.~~
4. 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:
 - a. That any commercial use must be developed in conjunction with residential units.
 - b. That the commercial activity must be restricted to the first floor of the building with provision of dwelling units above the first floor.

5. Bed and Breakfast Facility, subject to the development standards set forth in Section 3.35.075.
6. Churches, lot size of less than 40,000 square feet.
7. Telecommunication Facilities. (Section 3.12.100, 8. entirely, Ord. 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; and
 - c. The use complies with Article 39.

SECTION 3.12.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.
 - a. 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.
 - b. 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.
 - c. 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.

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. All buildings, parking, and auto maneuvering areas except access driveways 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.
 - (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, with a maximum required yard of twenty (20) feet.
 - b. 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 or be less than twenty-five (25) feet on any side.
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:
 - a. 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 per 2.060(1) 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.
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Article 13 to be amended to read as follows:

ARTICLE 13 - CENTRAL BUSINESS DISTRICT (CBD)

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:

1. 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.
2. 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.
3. 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.)
4. Commercial Banks, Savings, Loan Associations, and Credit Unions
5. Dwelling units 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.

6. 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.
 - l. Delicatessen Shops.
 - m. Department Stores.
 - n. Drug Stores.
 - o. Floor Covering/Draperies Stores.
 - p. Florist Shops.
 - q. 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.
 - 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 ~~incidental~~ serving of beer, wine and/or alcoholic beverages, but without drive-thru facilities, ~~or bar/lounge~~. May include outdoor seating for up to twelve (12) persons.
 - 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 2.060(1) 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 Sections 3.13.050.
3. Day-Care Facility Center, 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.
7. Health Clubs.
9. Dwellings not part of a commercial development subject to the development standards of the MR-29 Zone Classification.
10. Mini-Retail Business (not more than two (2) on any host business location and no larger than two hundred fifty (250) square feet).
11. Restaurants, Eating Establishments, Coffee Houses, Juice Bars, Delicatessen, and similar uses with outdoor seating for more than twelve (12) persons.
- ~~12. Restaurants and Eating Establishments with a separate bar/lounge area, serving of alcoholic beverages, and/or with live entertainment. (Section 3.13.100, 12. entirely, Ord. 3073, 10/11/00)~~
12. Theaters.
13. Ground floor Professional Office with Jackson Street frontage subject to development standards listed in Section 3.13.150(8).
13. Sidewalk cafes. Subject to development standards listed in Section 3.13.150(9).
14. Telecommunication Facilities. (Section 3.13.100, 16. entirely, Ord. 3115, 6/13/02)

Article 14 to be amended to read as follows:

ARTICLE 14 PROFESSIONAL OFFICE (PO)

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:

1. Professional membership organizations, labor unions, civic, social, and fraternal.
2. Art, music, dance, photography schools, studios and galleries.
3. 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.
4. Youth clubs, senior centers, and community centers.
5. Personal Service providers e.g. barber, beauty, massage, tanning salons, tailor, and shoe repair.
6. Professional offices e.g. medical, legal, accounting, engineering, architectural.
7. Family Day Care Home, within an existing dwelling currently used as a residence.
8. Parks and playgrounds.
9. ~~Single-family~~ Dwellings units in conjunction with a permitted use, subject to the development standards of the MR-14 zone.
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 2.060(1) 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 Group Home, subject to the property development standards set forth~~

~~in Section 3.14.150.~~

7. Day Care ~~Facility Center~~, subject to the property development standards set forth in Section 3.14.150.
8. Dwelling units, subject to the development standards of the MR-14 zone.
9. Religious, political, civic, social, labor organizations lot size less than 40,000 square feet.
10. Residential home within an existing residential use.
11. Recycling Center.
12. Food Services within an office park complex.
13. Telecommunications Facilities. (Section 3.14.100, 13. entirely, Ord. 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 ~~fifteen (15)~~ ten (10) 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 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 district, a rear yard of no less than ten (10) feet is required.
 - d. Exception. ~~When abutting other than a professional office, 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.
 - 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.
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 15 to amended to read as follows:

ARTICLE 15 - LIMITED COMMERCIAL (C-1)

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:

1. Community Centers, youth clubs.
2. Professional office limited to 1,500 square feet in area.
3. 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.
4. Pharmacy (limited to 1,500 sq.ft. in area).
5. Laundromat (limited to 1,500 sq.ft. in area).
6. ~~Common-wall~~ Dwelling units above or behind a permitted use, subject to the development standards of the MR-14 zone.
7. Religious, political, civic, social, labor organizations subject to the property development standards set forth in Section 3.15.150.
8. Family day care home.
9. Recycling Center (neighborhood) less than 1,500 sq.ft., subject to development standards set forth in section 3.15.150.
- ~~10. Day Care Group Home, subject to the property development standards set forth in Section 3.15.150.~~
10. Day Care Facility Center, 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 2.060(1) 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.
5. Residential Facility, subject to the property development standards set forth in Section 3.15.150.
6. Religious, political, civic, social, labor organizations 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. 3115, 6/13/02)

SECTION 3.15.150 PROPERTY DEVELOPMENT STANDARDS

1. Area and Density.
 - a. 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.
 - b. 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.
3. Setbacks.
 - a. Front Yard. No structure shall be located closer than ~~twenty (20)~~ ten (10) 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 properties, ten (10) feet from exterior side property lines for corner building sites.

4. Heights. Maximum height of all structures shall be thirty-five (35) feet.
 5. Off-Street Parking. All development shall meet off-street parking requirements of Section 3.35.100.6.
 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.
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Article 17 to be amended to read as follows:

ARTICLE 17 - COMMUNITY COMMERCIAL (C-2)

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.

1. Any use permitted in the C-1 Zone, Section 3.16.050.
2. Ambulance, police, fire, rescue service.
3. Art, pottery, music and photography shop, gallery, studio and supplies, handicraft shop.
4. Automobile service station.
5. Bakery.
6. Bank, finance institution, credit agencies, brokers, insurance or real estate office. etc.,
7. Barber or beauty shop and personal services e.g. tailor, shoe repair.
8. Book or stationery store.
9. Business and professional offices.
10. Religious, political, civic, social, labor organizations, subject to the development standards set forth in Section 3.17.150.
11. Laundromat or linen service (no dry-cleaning).

12. Clubs or lodges, fraternal and religious associations.
13. Curios and antiques.
14. ~~Day Care Group home, subject to the property development standards set forth in Section 3.17.150.~~
14. Day Care Facility Center, subject to the property development standards set forth in Section 3.17.150.
15. Delivery services.
16. Drug store, liquor store.
17. Dwelling units above or behind a permitted use, subject to the development standards of the MR-29 zone.
18. 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.
28. Public parking areas developed in accordance with provisions established under Article 35. (No Structures).
29. Residential Care Center.
30. Restaurant, cafe, tavern and lounge, bakery, deli, confectionery, catering.
31. Recycling Center, less than 5, 000 square feet, subject to development standards of Section 3.17.150.
32. Seed and Garden supplies.

33. Second-hand store, if conducted wholly within an enclosed building.
34. 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 2.060(1) and Article 39 of this Chapter.

1. Public and semi-public buildings and uses.
- ~~2. Single family residence in conjunction with another use permitted or conditionally permitted by this Article.~~
- ~~3. Dwellings above commercial structures, subject to the development standards of the MR-14 classification.~~
2. Dwelling units, subject to the development standards of the MR-29 zone.
3. Residential Facility, subject to the property development standards set forth in Section 3.17.150.
4. Religious, political, civic, social, labor organizations lot size of less than 40,000 square feet.
5. Plant nursery and Greenhouse.
6. Drive-up Window service for permitted use.
7. Residential Home within an existing residential dwelling.
8. Telecommunication Facilities. (Section 3.17.100, 9. entirely, Ord. 6/13/02)

Article 18 to be amended to read as follows:

ARTICLE 18 - GENERAL COMMERCIAL (C-3)

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:

1. Any use permitted in the C-2 Zone, Section 3.17.050.
2. Agricultural supplies and machinery sales rooms.
3. Automobile, truck and motorcycle sales agencies, garages, service stations, wash, and detailing.
4. Auto parts and tool supply stores.
5. Builders supplies, including retail sales of lumber.
6. Commercial storage units.
7. Department or sporting goods store.
8. Drive-up Window Service for permitted uses
9. Dwelling units above Commercial structures. The maximum number of dwelling units shall be limited to one (1) dwelling unit per 800 square feet of lot area.
10. Dry cleaning facility (retail).
11. General retail sales of previously prepared products.
12. Indoor racquet sports clubs; spas; athletic, exercise, and health clubs.
12. Mini-Retail Business (MRB) (not more than two (2) on any host business location and no larger than 250 square feet).
14. Mobile home and recreational vehicle sales. (Section 3.18.050, 11. entirely, Ord. 3073, 10/11/00)
15. Motel, hotel.
16. Motion picture production and distribution and services.
17. Public parking and equipment parking not incidental or accessory to another use on the premises.

18. Places of amusement, such as billiard parlors, bowling alleys, drive-in theaters, dance halls, video arcades, and miniature golf.
19. Plumbing, heating, electrical and sheet metal shop.
20. Printing and publishing.
21. Public and semi-public buildings and uses.
22. Residential Care Center, subject to the property development standards set forth in Section 3.18.150.
23. Recycling Center, less than 5,000 square feet, subject to development standards of Section 3.18.150.
24. Store (retail and wholesale) and business uses similar to the above and normally located in a commercial district, provided that:
 - a. 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.
 - a. Use is not objectionable due to odor, dust, smoke, noise, vibration, or appearance.
25. 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 2.060(1) and Article 39 of this Chapter:

1. Residential Facility, subject to the property development standards set forth in Section 3.18.150.
2. Churches, lot size of less than 40,000 square feet.
3. Body shop in conjunction with an auto sales agency.
4. Crematory, mausoleum, or mortuary.
5. Dwelling units, subject to the development standards of the MR-29 zone.
6. Residential Home within an existing residential dwelling.
7. Outdoor recreational facilities e.g. golf and country clubs, driving ranges, swimming or tennis clubs, skateboard parks, water slides, and similar uses.
8. Adult entertainment or adult bookstore.

9. Stadium or Coliseum.
10. Telecommunication Facilities.

(Ord. 3279 – 3/2008)

Section 3.19.050 to be amended to read as follows:

ARTICLE 19 - AIRPORT DISTRICT (AP)

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:

1. 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.
2. Air cargo terminals.
3. Air passenger terminals.
4. Public and semi-public buildings, structures and uses essential for the operation of the airport.
5. Restaurant for airport clientele and Eating Establishments, including the serving of beer, wine and/or alcoholic beverages, but without drive-thru facilities.

Section 3.29.150 to be amended to read as follows:

ARTICLE 29 - TELECOMMUNICATIONS FACILITIES

SECTION 3.29.150 STANDARDS AND CRITERIA

1. Setback: A tower shall be set back at least one hundred fifty per cent (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 Code Chapter 16.05 and the Oregon Electrical Safety Specialty Code and the Uniform International Building Code (~~Oregon Structural Specialty 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 two thousand (2000) 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 seven hundred fifty (750) square feet in area or twelve (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 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 insuring 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: 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, R-1-10, R-1-7.5, R-1-6, MR-14, MR-18, MR-29, and MR-40 zones, telecommunication facilities will be allowed as follows:

 - (1) 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.
 - (2) 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.
 - (3) Towers are prohibited.
 - b. Telecommunication Facilities in Non-Residential Zones:
 - (1) PR Zone. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the following conditions:

- (a) The maximum height for any antenna or tower shall not exceed ten (10) feet above the tallest structure on the subject property and/or or landscape element within fifty (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.
- (2) 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:
 - (a) The maximum height for any antenna or tower shall not exceed ten (10) feet above the tallest structure on the subject property and/or or landscape element within fifty (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.
- (3) CBD Zone. Telecommunication facilities attached to existing structures or alternative structures shall be allowed upon conditional use permit approval, subject to the following conditions:
 - (a) 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.
- (4) 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:
 - (a) The maximum height for any antenna or tower shall not exceed one hundred sixty (160) feet from grade.
- (5) Airport District: Telecommunication facilities attached to existing structures or alternative structures are permitted upon conditional use permit approval, subject to the following conditions:
 - (a) The facility shall be a stealth design that does not exceed the height of the existing structure or alternative structure.

(Article 29 entirely, Ord 3114, 6/13/02)

Section 3.30.520 to be amended to read as follows:

ARTICLE 30 - FLOODPLAIN OVERLAY

SECTION 3.30.520 FLOODWAY DISTRICT:

In the Floodway District, the following restrictions shall apply:

1. Encroachments, including, but not limited to, fill, new construction, substantial improvements, and other development are not permitted unless an Oregon registered professional engineer or architect certifies that such encroachments (and cumulative like encroachments) shall not result in any increase in flood levels during the occurrence of a regional flood.
2. If such certification is obtained, all construction development and substantial improvements shall comply with all applicable provisions of Section 3.30.400.
3. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway District.
4. No mobile home may be placed in the Floodway District except in an existing mobile home park. Any mobile homes placed, or additions thereto shall conform to standards of 3.30.460.

Section 3.35.050 to be amended to read as follows:

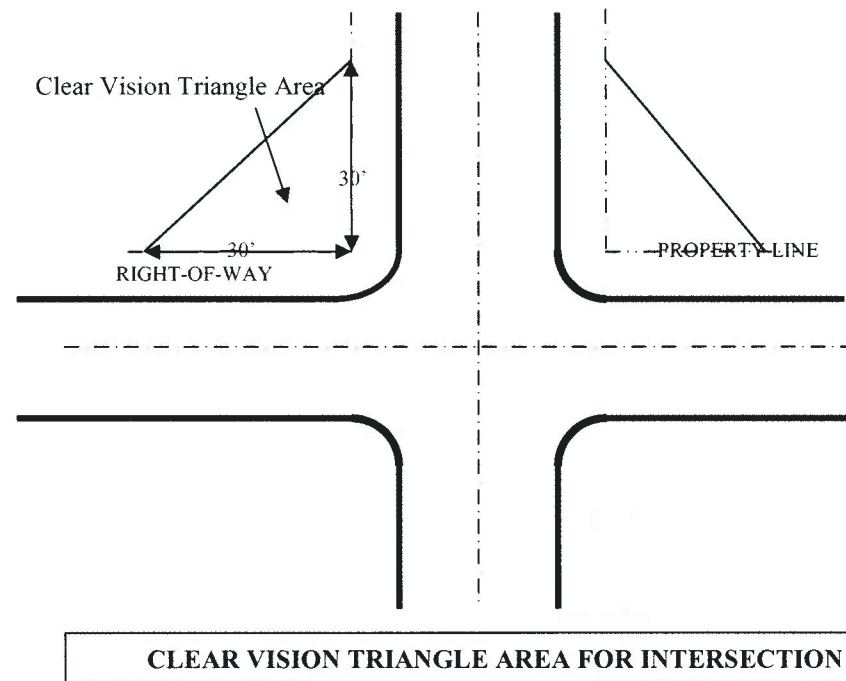
ARTICLE 35 - SUPPLEMENTARY PROVISIONS

SECTION 3.35.050 CLEAR VISION AREAS

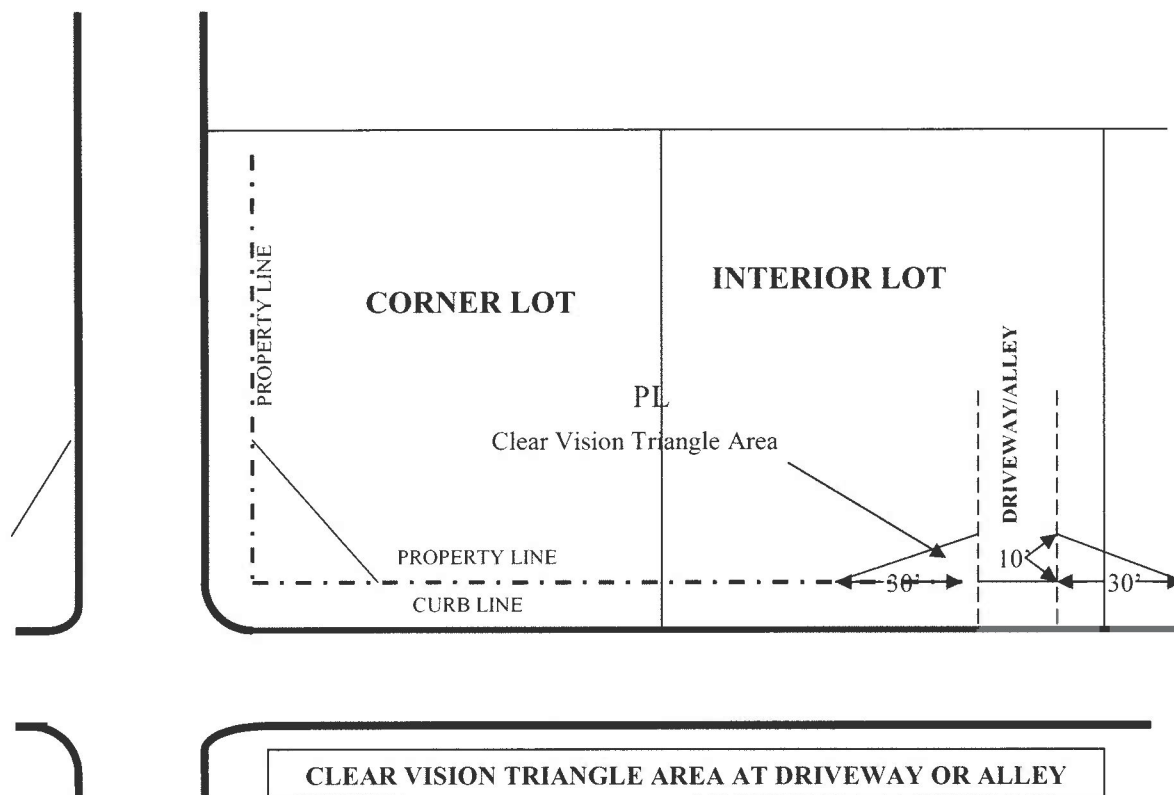
A clear vision triangle area shall be maintained at the corner of all properties at the intersections of two (2) streets, or at a street and a railroad. Within the clear vision triangle area nothing shall be erected including plantings, fences, walls, signs, structures, vehicles, or temporary or permanent obstructions between three (3) feet and twelve (12) feet in height above the finished grade, 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 twelve (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 thirty (30) feet along each street as shown on the Figure below.



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 thirty (30) feet of each street and ten (10) feet along the edge of the driveway or alley as shown in the figure below.



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.

1. ~~A Clear Vision area shall be maintained on the corners of all property at the intersections of two (2) streets, or of a street and a railroad. In multi-family residential, commercial, and industrial zones, a clear vision area shall be maintained at the intersection of an alley and a street or a driveway and a street, except that the Community Development Director may, after receipt of a recommendation from the City Engineer, reduce or eliminate the clear vision area required at an intersection of an alley and a street or a driveway and a street. Required clear vision areas shall contain no planting, fence, wall, sign, structure, vehicle, or temporary or permanent obstruction within the area between three (3) feet and twelve (12) feet in height, measured from the top of the curb, or, where no curb exists, from the alley or driveway or established street centerline grade. However, the provisions of this Section shall not apply to any of the following:~~
 - a. ~~A public utility pole.~~
 - b. ~~A tree, trimmed to the trunk, to a line at least eight (8) feet above the level of the intersection.~~

- ~~c. An official street sign, warning sign, or signal.~~
- ~~d. Two (2) sign poles other than the above per clear vision area. The maximum cross-section of any such sign pole shall not exceed twelve (12) inches.~~
- ~~2. a. In all zones, except as otherwise provided by this Ordinance, a clear vision area at the intersection of two (2) streets, or of a street and a railroad shall be a triangular area formed by the right-of-way lines at such intersections and a straight line connecting said right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines measured along such lines.~~
- ~~b. In multi-family residential, commercial, or industrial zones, except as otherwise provided by this Ordinance, a clear vision area at the intersection of a street and an alley shall be a triangular area, formed by the rights-of-way lines of the street and the alley at such intersections and a straight line connecting said right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines along the street right-of-way, and ten (10) feet distant from the intersection of the right-of-way lines along the alley right-of-way.~~
- ~~a. In multi-family residential, commercial, or industrial zones, except as otherwise provided by this Ordinance, a clear vision area at the intersection of a street and a driveway shall be a triangular area formed by the right-of-way line of the street and the edge of the driveway at such intersections and a straight line connecting said right-of-way line and said driveway edge at points which are thirty (30) feet distant from the intersection along the street right-of-way and ten (10) feet distant from the intersection along the edge of the driveway.~~

Section 3.35.060 to be amended to read as follows:

SECTION 3.35.060 FENCES

General Provisions

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 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 fences, hedge, or wall, other than a retaining wall, higher than 3-1/2 feet shall be erected in the front yard setback area, measured from the property line in any residential district.
 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 above the finished grade measured on the 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 Uniform International Building Code of the State of Oregon.
 5. Fences, hedges and walls located within required clear vision areas shall conform to height limitations and site distance requirements established in Section 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.
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Section 3.35.100 to be amended to read as follows:

SECTION 3.35.100 - OFF-STREET PARKING

At the time of erection of a new structure, 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 Section, 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 Section. Where square feet are specified, the area measured shall be the gross floor area open to the public, excluding 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 1 space.

USE		MINIMUM VEHICULAR PARKING STANDARD	MINIMUM BICYCLE PARKING*
1.	Residential		N/A
a.	One and two family dwellings	2 spaces per dwelling unit	
b.	Multi-family dwelling, three (3) or more dwelling units		1 per 5 units
	1. One-bedroom units	1.5 spaces per dwelling unit	
	2. Two-bedroom units	1.75 spaces per dwelling unit	
	3. Three or more bedrooms units	2 spaces per dwelling unit	
c.	Residential Home	1 space for every 2 rooms	
d.	Bed and Breakfast	2 spaces plus 1 space per guest room	
2.	Commercial/Residential		
a.	Motel/Hotel	1 space per guest room or suite plus required parking for on-site uses	1 per 15 required auto spaces
b.	Residential Care Center	1 space per each 5 beds	
3.	Institutional		
a.	Welfare or Correctional Institution	1 space per 5 beds based on maximum capacity	1 per 15 required auto spaces
b.	Residential Facility	1 space per 2 beds based on maximum capacity	1 per 15 required auto spaces
c.	Hospital	2 spaces 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 space per 4 seats in the main auditorium based on maximum capacity, or 1 parking space 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 space per 300 square feet of floor area	1 per 10 required auto spaces

c.	Pre-School, Nursery, Day or Child Care Facility, Kindergarten	2 spaces 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 spaces per classroom, plus one space 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 spaces per classroom, plus one space 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 spaces per classroom plus one space 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 with a reduction of 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.
g.	Political, Civic, Social or Labor Organization Meeting Halls	1 space per 4 seats based on maximum capacity or 1 space for each 5 occupants based on maximum calculated in the building code.	1 per 25 required auto spaces

h. Other Auditorium, meeting room	1 space per 4 seats based on maximum capacity or 1 space for each 5 occupants based on maximum as calculated in the building code.	1 per 20 required auto spaces
5. Recreation		
a. Stadium, Arena, Theater	1 space per 5 seats based on maximum capacity or 1 space 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 spaces per lane	1 per 15 required auto spaces
c. Dance Hall	1 space per 100 square feet of floor area	1 per 15 required auto spaces
d. Skating Rink	1 space per 200 square feet of floor area	1 per 15 required auto spaces
e. Swimming pool facility	1 space per 200 square feet of pool surface area	1 per 15 required auto spaces
f. Racquet court, athletic club	1 space per court, plus 1 space per 100 square feet of exercise area	1 per 15 required auto spaces
g. Other indoor recreation facility	1 space per 100 square feet of floor area	1 per 15 required auto spaces
h. Outdoor recreation facility	25 spaces per field or recreation area	1 per 10 required auto spaces
6. Commercial		
a. Grocery store, retail store, bank, professional office, medical or dental office, clinic, laboratory, beauty and barber shop, dining establishments located in a multi-tenant development that is not located in a freestanding building and having a gross square footage of no greater than 2,500 square feet, or other	1 space per 300 square feet of floor area	1 per 15 required auto spaces

	personal service		
b.	Furniture, appliance, auto, boat, manufacture or mobile home sales, trailer sales, or other bulk retail	1 space per 700 square feet of floor area	1 per 25 required auto spaces
c.	Emergency or Urgent Care Clinics	1 space per 200 square feet of floor area	
d.	Sit-down and carry-out restaurant, tavern, bar and nightclub	1 space per 100 square feet of floor area	1 per 30 required auto spaces
e.	Drive-in restaurant or other drive-in services	1 space per 4 seats or one space per 200 square feet of floor area, whichever is greater	
f.	Mortuary, Funeral Parlor or Mausoleum	1 space per 4 occupants based on maximum capacity as calculated under the provisions of the building code	
g.	Ambulance or Rescue Services	1 space per rescue vehicle, plus 1 space per employee	
h.	Repair Garages and Automobile	At least 4 parking spaces for each service stall, and 1 per 2 gasoline pumps	
i.	Truck, trailer and automobile rental	1 space per 300 square feet of building area plus one space for every 10 spaces devoted to rental vehicles	
j.	Private Utility (gas, electric, telephone, etc.)	1 space per 300 square feet of building area, and in the case of an unstaffed facility, at least 2 spaces	
k.	Laundromat and Dry cleaning Facility	1 space per 300 square feet	
l.	Passenger Transportation Terminal	1 space for each 5 seats based on maximum capacity for each transporter loading and unloading within any half-hour period	
7.	Industrial		
a.	Manufacturing Establishments	1 space 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 space per each 1,500 square feet floor area	1 per 20 required auto spaces
c.	Building or Specialty Trade Contractor Office or Shop	1 space per 500 square feet of floor area	As determined by the Community Development Director
8.	Uses Not Specified	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 2.140 of this Ordinance.	

* BICYCLE PARKING IS NOT REQUIRED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE

SECTION 3.35.240 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 ~~a minimum of five (5) feet from any one property line.~~

1. Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be arranged and designed so as to prevent light from adversely affecting any abutting or adjacent residential district.
 - a. 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 twenty (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)
4. Striping. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Director and otherwise comply with Section 3.35.260 of this Ordinance.
5. 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) inches in height, nor less than six (6) feet in length, and shall be set back a minimum of two-and-one-half (2½) feet from the front of the stall.

SECTION 3.35.253 PARKING AREA LANDSCAPING AND BUFFERING

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 4 or more spaces or to any paved vehicular use area 3000 square feet or larger on the same lot or on contiguous tax lots under the same common ownership or use. Parking area landscaping requirements are limited to 10% of the gross land area.
 - a. 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 twenty percent (20%) of the gross floor area. In addition, any paved vehicular area which provides fewer than ten (10) 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.
 - 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. 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 one hundred percent (100%) coverage and weed free.
3. Parking Area Buffering. Parking areas shall be buffered from the required areas listed below with a five (5) foot wide strip of landscaping materials.
- a. Required Buffer Areas. The parking area shall be buffered from the following areas:
 - (1) Street frontage. The parking area shall be buffered from adjacent lineal street frontage, exclusive of driveways, entrances, and exits, with the designated landscaping strip.
 - (2) 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 3.35.250, 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 fifty (50) lineal feet of required buffer area is as follows:
 - (1) One (1) tree at least six (6) feet in height. The tree shall be selected from the Street Tree List (See Table "B") in order to avoid root damage to pavement and utilities.

The following tree species are recommended for use as street/landscaping trees.

TABLE B

SMALL MATURE STATURE	
Common Name	Botanical Name
Amur Maple	Acer Ginnala
Trident Maple	Acer Buergeranum
Hedge Maple	Acer Campestre
Globe Norway Maple	Acer Plantinoides
Bradford Pear	Pyrus Calleryana
(Varieties include: "aristocrat", chanticleer", etc.)	
Golden Rain Tree	Koelreuteria Paniculata
Redbud	Cercis Canadensis
(needs protection from southwest sun)	
Kwanzan Cherry	Prunus serrulata
Crape Myrtle	Lagerstroemia indica
Flowering Plum	Prunus cerasifera
(blireiana, Thundercloud, etc.)	
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 SMALL 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
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

- (2) Five (5) five-gallon or eight (8) one-gallon shrubs.
- (3) The remaining area shall be treated with living ground cover, lawn, or other ground cover.

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 area 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. Interior Parking Area Landscaping Standards. Trees and landscaping shall be installed as follows:
 - (1) Each one hundred sixty (160) square feet of required interior parking area landscaping shall contain one (1) tree at least six (6) feet high. At least two (2) shrubs shall be placed for every one hundred (100) square feet of interior parking lot landscaping. The remaining planter area shall be treated with ground cover.
 - (2) The tree species may be selected from the Street Tree List (See Table "B") to avoid root damage to pavement and utilities, and damage from droppings on parked cars and walkways.
 - (3) Planters shall be surrounded by a perimeter curb not less than four (4) inches high.
 - (4) The tree shall be planted in a landscaped area such that the tree trunk is at least two (2) feet from any curb or paved area.
5. Prohibited Trees. Trees listed in Table "C" 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.

TABLE C
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

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 one hundred percent (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 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:
 - (1) A statement confirming that the size, health, and physical appearance of the tree(s) warrant landscape credit.
 - (2) 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.
 - (3) 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 3.35.253(4)). Credit for preserved trees shall be limited to sixty percent (60%) of the total interior parking area landscaping requirement. The remaining forty percent (40%) shall be provided according to Section 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. 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.
 - (1) The landscaping strip shall be at least five (5) feet in depth.
 - (2) The landscaping shall be designed and maintained to screen cars from view from the street and shall be approximately thirty-six (36) inches.
 - (3) 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.
 - (4) Plant materials, walls, or structures within a traffic safety sight area of a driveway shall not exceed thirty (30) inches in height.
- b. Interior Parking Lot Landscaping.
 - (1) A minimum of two percent (2%) of the parking lot area shall be landscaped.
 - (2) 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.
 - (3) Parking lots with more than one hundred (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 3.37.460 to be added as follows:

ARTICLE 37 NON-CONFORMING USES

SECTION 3.37.460 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 provisions (insert date) are consider conforming to the base district. If any building on said properties is substantially destroyed as defined by Section 3.37.250 and 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 twelve (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.

SECTION 3.37.500 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 2.060(4) 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 3.41.100 to be amended as follows:

ARTICLE 41 TEMPORARY USE PERMIT

SECTION 3.41.100 PERMITTED TEMPORARY USES

Temporary structures, activities, or uses may be permitted pursuant to Section 2.060(1) of this Ordinance, as necessary to provide for housing of personnel, storage and uses of supplies and equipment, or to provide for temporary sales offices of uses permitted in the zoning district. ~~Other u~~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.

CHAPTER 4 - LAND DIVISIONS

Section 4.200.2 to be amended to read as follows:

SECTION 4.200 PLATTING AND MAPPING STANDARDS – ALLEYS

2. Width. Width of right-of-way and paving design for alleys shall ~~not be less no~~ greater than twenty (20) feet, except that 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.

Section 4.600 to be amended to read as follows:

SECTION 4.600 PRELIMINARY SUBDIVISION PLAN APPROVAL

The approval of a preliminary subdivision plan is an administrative action subject to the provisions of Section 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 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 inch (1") equals one hundred feet (100'), or one inch (1") equals fifty feet (50').
 - d. The Planning Community Development Director shall notify the applicant within thirty (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 U.S.G.S. data having the following intervals:
 - (1) One (1) foot contour intervals for ground slopes up to five percent (5%).
 - (2) Two (2) foot contour intervals for ground slopes between five percent (5%) and ten percent (10%).
 - (3) 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 unsubdivided 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 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 the Zoning Ordinance.

3. Development Phasing.

- 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:
 - (1) Phase 1 final plat shall be approved within ~~twelve (12)~~ twenty-four (24) months of preliminary approval or ORS.
 - (2) Phase 2 final plat shall be approved within twenty-four (24) months of final approval of the Phase 1 preliminary approval.
 - (3) Phase 3 final plat shall be approved within ~~thirty-six (36)~~ twenty-four (24) months of final approval of the Phase 2 preliminary approval.
 - (4) 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 2 of this Ordinance, within one hundred eighty (180) days of filing a complete application.

- b. The preliminary subdivision plan shall be approved if the approving authority finds the following:
 - (1) The information required by this Chapter has been provided;
 - (2) The design and development standards of this Chapter have been met; and
 - (3) 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.
- a. Approval of a preliminary subdivision plan shall be valid for ~~twelve (12)~~ thirty-six (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 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
- 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 ~~an administrative~~ 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 ~~twelve (12)~~ thirty-six (36) months of a preliminary subdivision plan approval, or if the

preliminary plan provides for phased development, an extension of up to twelve (12) months of a preliminary subdivision plan approval with respect to the (each) 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 4.725 to be amended to read as follows:

SECTION 4.725 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 ~~2.060(1)~~ 2.082 of this Ordinance.
 - a. An application for common boundary line adjustment approval shall be initiated as provided in Chapter 2 of this Ordinance.
 - b. An application for common boundary line adjustment approval shall include the following:
 - (1) An identifying name or title of the common boundary line adjustment.
 - (2) A vicinity map locating the proposed common boundary line adjustment in relation to adjacent land parcels and roadways.
 - (3) North arrow, scale and date.
 - (4) 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.
 - (5) Easements to be conveyed or dedicated, indicating width, location, purpose, affected agencies, etc.
 - (6) 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.
 - (7) Names of adjacent owners and property identification.

- (8) 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.
- (9) Space for date and signature of the Director.
- (10) Any additional information made a condition of approval.
- (11) A non-refundable filing fee in an amount determined by ordinance or resolution of the governing body.
- (12) 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 2 of this Ordinance.
- b. The common boundary line adjustment shall be approved if the approving authority finds that:
 - (1) The information required by this section has been provided.
 - (2) The design and development standards of this Ordinance and the Comprehensive Plan have been met.
 - (3) 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.
 - (4) All adjustments are within a given zone and not among differing zones.
 - (5) No substandard lots shall be created.

- (6) 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 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 thirty (30) days after approval is granted.
-

Section 5.450 to be amended to read as follows:

CHAPTER 5 - PLANNED UNIT DEVELOPMENT

SECTION 5.450 P.U.D. FINAL DEVELOPMENT PLAN APPROVAL

Approval of a P.U.D. final development plan by the Director shall be considered a ministerial act.

1. Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Sections 5.300 and 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 5.200(2) in their final, detailed form.
 - b. The documents submitted pursuant to Section 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 P.U.D. The applicant may enter into an agreement with the property owners

association, if one is incorporated, to construct non-essential improvements after approval of the final development.

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 5.450(4).

- 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 limit(s).

4. Performance Bond for Non-Essential Improvements.

- a. To assure full performance of the improvement agreement, an applicant shall file one (1) of the following:

- (1) 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

- (2) 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 thirty (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.

6. Filing and Recording of Final Development Plan.

- a. 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:

- (1) Planning Commission Chairman;
- (2) Planning Community Development Director;
- (3) Director of Public Works;
- (4) Surveyor, in accordance with the provisions of ORS 92.100;
- (5) Assessor;
- (6) Board of County Commissioners;
- (7) County Clerk.

7. The approved final development plan shall be recorded in the County Clerk's Office within thirty (30) days of the date of approval.

Sections 6.100 and 6.150 are to be amended to read as follows:

CHAPTER 6 - QUASI-JUDICIAL PLAN AMENDMENT

SECTION 6.100 APPLICATION AND HEARING DATES

Applications for a quasi-judicial plan amendment may be submitted to the City Planning 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 provisions 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 Planning Community Development Director at least sixty (60) days prior to a hearing date. Application shall be made on forms provided by the City Planning Community Development Director, and shall be accompanied by the required fees.

SECTION 6.150 APPLICATION FORM AND CONTENT AND AMENDMENT STANDARDS

The City Planning 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.

SECTION 6.200 NOTICE

1. At least forty-five (45) 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 ~~Section 2.065 of this Ordinance~~. Thereafter, notice of further proceeding shall be given as provided in Chapter 2 of this Ordinance.

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08/26/2008

Mailed From 97470

US POSTAGE

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CITY OF ROSEBURG

900 S.E. DOUGLAS AVENUE

ROSEBURG, OR 97470-3397

TO:

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