



# 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

August 13, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Silverton Plan Amendment  
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: August 24, 2007**

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  
Jason Locke, DLCD Regional Representative  
Linda Sarnoff, City of Silverton

<paa> ya/

FORM 2

# 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

DATE STAMP

**DEPT OF**

**AUG 06 2007**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Silverton**

Local file number: **DC-06-01**

Date of Adoption: **9/11/2006**

Date Mailed: **7/31/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/12/2006**

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input checked="" type="checkbox"/> New Land Use Regulation       | <input type="checkbox"/> Other:                           |

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

These proposed amendments provide clear and objective standards in addition to those applicable to permitted uses in a particular zone. The intent is to expand the clearly defined objective standards to address situations that may occur in multiple zones (e.g. caretaker units, contractors offices, accessory structures, drive-up windows, park and ride facilities, etc.) so that conditional use permit review is unnecessary for uses that can meet the standards, which apply in multiple zones.

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

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

to: **N/A**

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

to: **N/A**

Location: **City Wide**

Acres Involved:

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

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                | <b>12</b>                           | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

*DLCD # 004-06 (15231)*

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: **Linda Sarnoff**

Phone: (503) 874-2212 Extension: 212

Address: **306 S Water St**

Fax Number: **503-873-3210**

City: **Silverton**

Zip: **97381**

E-mail Address: **lsarnoff@silverton.or.us**

## **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](http://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](mailto: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 your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**CITY OF SILVERTON  
ORDINANCE NO. 06-23**

**AN ORDINANCE AMENDING TITLE 18: ZONING OF THE SILVERTON MUNICIPAL CODE BY CREATING A NEW ARTICLE 12: ZONING DISTRICTS SPECIAL USE STANDARDS AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Zone Code (Title 18 of the Silverton Municipal Code) is proposed to be considered for text amendments. This includes amendments creating a new article, Article 12: Zoning Districts Special Use Standards.

**WHEREAS**, the Planning Commission held a public hearing on July 11, 2006 that was continued to July 25, 2006, considered public testimony, reviewed the submitted proposal, and unanimously adopted Resolution PC-06-15 recommending that the City Council **APPROVE** the text amendments creating Article 12: Zoning Districts Special Use Standards; and

**WHEREAS**, after proper legal notice, a public hearing was held before the City Council concerning the proposed text amendments on August 7, 2006 and continued the hearing until September 11, 2006, and interested persons and the general public were given an opportunity to be heard. The City Council has reviewed all matters presented and has reviewed the recommendations of the Silverton Planning Commission; and

**WHEREAS**, the City Council has considered all relevant information and finds that the proposed text amendments to create a new Article 12: Zoning Districts Special Use Standards contains regulations relating to the use of land that protect public health, safety, and welfare.

**NOW, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

Section 1. The City Council finds that the text amendments will provide specific standards to address compatibility or other concerns for particular uses within the zoning districts and that these regulations are needed to provide consistency in regulation and protect public health, safety and welfare; and

Section 2. Title 18 - Zoning is hereby amended to include the newly created Article 12: Zoning Districts Special Use Standards as follows in the attached Exhibit A:

Section 3. The Findings of Fact adopted by the City Council of the City of Silverton are attached in Exhibit 'B', which by this reference are incorporated herein and hereby adopted.

Section 4. The proposed amendments affect the public health, safety, and welfare of the City of Silverton and the citizens of Marion County, therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.

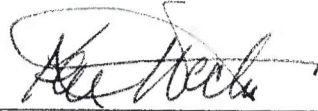
FIRST read by the Council this 7th day of August, 2006.

SECOND read by the Council this 11th day of September, 2006.

PASSED by the Council this 11th day of September, 2006.

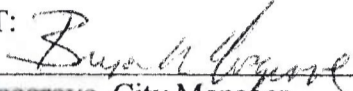
APPROVED by the Mayor this 11th day of September, 2006.

Effective this 11th day of September, 2006.



Ken Hector, Mayor

ATTEST:



Bryan Cosgrove, City Manager

## **CHAPTER 18 - ARTICLE 12**

### **ZONING DISTRICTS SPECIAL USE STANDARDS**

**18.12.005 Overview.** Certain uses are subject to specific standards in addition to those applicable to permitted uses in a particular zone. The standards can be clearly defined so that a conditional use permit review process is unnecessary for uses that can meet the standards. The standards set forth in this Article apply where the particular use is identified as a permitted use in a particular zone. If the special standards are referenced for a conditional use, the standards are intended as guidelines and can be modified or eliminated if the evidence shows that the proposed use, as conditioned, will meet the applicable criteria for approval.

The standards in this Article are in addition to the use and development standards generally applicable in the zone unless specifically exempted by the provisions of this Article. Where the use and development standards herein impose a standard higher than the other applicable standards the higher standard shall be applied. Sites within overlay districts are also subject to the regulations in Article 6. The list below is a summary of the topics covered in this article.

- Accessory Structures, Residential
- Accessory Dwelling Unit, Two Family Shared Housing
- Accessory Uses in Group (Congregate) Living Facilities
- Adult Entertainment
- Aircraft Landing Facilities
- Arcades
- Automotive Dealers and Automotive Repair, Service, and Sales Lots
- Bed and Breakfast Establishments
- Bio-Mass Facilities
- Boat and Recreational Vehicle Storage Areas in Residential Zoning Districts
- Cemetery, Mausoleum, columbarium, Crematories, and Funeral Services
- Child Day Care Centers
- Common Open Space
- Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs in Residential Zoning Districts
- Contractor's Office and Construction Equipment Sheds
- Conversion of a Single Family Residence to a Two Family Shared Housing
- Drive-in Theaters
- Drop Boxes
- Drive-up Window Facilities
- Duplex in Residential Zoning Districts
- Duplex on a Corner Lot
- Duplex on an Interior Lot
- Dwelling Units in Commercial Districts
- Eating and Drinking Places in Industrial Zoning Districts
- Eating Places as Accessory Uses
- Elementary and Secondary Schools
- Energy Facilities
- Fences – Setback and Height Limitations
- Garage and Yard Sales
- Gasoline Service Stations
- Grading

- Height Regulations
- Home Occupations
- Indoor Entertainment and Recreation
- Kennels, Riding Academies, and Public Stables
- Keeping of Livestock
- Manufactured Homes on Individual Lots
- Manufacturing and Production
- Mobile Food Vendors
- Motels/Hotels in Public Amusement Zoning District
- Nursery Schools, Day, or Child Care Facilities
- Nursing Home Facilities and Assisted Living Facilities
- Other Uses in Industrial Districts
- Outside Display of Merchandise
- Park and Ride Facilities
- Poultry Farms
- Projections into Required Yards
- Projections into Public Right-of-way
- Public and Private Golf Courses and Membership Sports Clubs
- Religious Organizations or Other Charitable Institutions in a Residential Zoning District
- Residence for Caretaker or Watchman
- Residential Care or Group Care Facilities
- Residential Care or Group Care Homes
- Residential Sales Offices
- Restaurants With Outdoor Eating Areas
- Retail Services
- Retail Sales and Services in the Residential Commercial, Residential Business, and Industrial Park Zoning Districts
- Scrap and Waste Material Establishments
- Self Service Storage/Mini-Storage Warehouses
- Special Status for Single Family Residences in Commercial and Industrial Zoning Districts
- Swimming Pools, Spas and Hot Tubs-Safety Barriers
- Temporary Use – Carnival or Circus
- Temporary Use – Manufactured Home or Recreational Vehicle
- Temporary Use – Movable Structures and Vehicles
- Temporary Use - Seasonal Sales
- Townhouse Dwellings
- Utilities
- Veterinary Services for Animal Specialties
- Waste and Recycling Related Uses
- Wireless Communications Facilities
- Zero Side Yard Dwelling Unit

**18.12.010 Accessory Structures, Residential.** Residential accessory buildings are permitted outright with residential uses if they meet the following conditions:

1. Detached accessory buildings, garages and carports are less than 750 square feet and have walls no more than eleven feet in height.
2. Attached accessory buildings, garages or carports contain a total area of less than 1,000 square feet.

3. A minimum five (5) foot rear and side yard setback is provided for all detached accessory buildings unless the structure meets Building Code requirements for a common wall structure and a non-revocable ten-foot (10') access/maintenance easement is provided on the adjoining property.
4. Other than a fence, no accessory structure shall be allowed in a required front yard setback.
5. Other than a fence, no accessory structure shall be built or placed over an easement.
6. All other residential district accessory buildings, garages or carports require Conditional Use approval.

**18.12.015 Accessory Dwelling Unit, Two Family Shared Housing.** For purposes of this Article, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within a single-family residential zone shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this Code, ADU's shall comply with the following development standards:

1. The building to be converted to an accessory dwelling unit or for two-family shared housing must have been constructed as a single family dwelling, and have been occupied as such by an owner for any continuous six (6) month period between the date of its first occupancy and the date of its conversion to a two family dwelling.
2. The building must not contain more than two dwelling units after conversion, and there must not be more than two dwelling units per lot.
3. One dwelling unit must contain at least 300 square feet of floor area and the other must contain at least 600 square feet of floor area.
4. Not more than 100 square feet of floor area shall be added to the building to accommodate the conversion; provided, however, the conversion of unfinished areas to habitable space or bathrooms shall not count towards the 100 square foot limitation.
5. Only one of the two dwelling units may be occupied by a family that does not include an owner-occupant of the building.
6. The building shall comply with maximum lot coverage and minimum setback requirements applicable to the parcel containing the primary dwelling unit.
7. The maximum gross habitable floor area (GHFA) of the accessory unit shall not exceed 50 percent of the GHFA of the primary dwelling on the lot, or shall not exceed a maximum of 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
8. Only one entrance may be located on the front of the existing dwelling unit, unless the existing dwelling contained more than one entrance before the addition of the ADU.
9. In order to maintain a consistent architectural character, similar building materials, architectural design and colors shall be used so that the ADU blends with the general appearance of the primary dwelling.
10. A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three (3) off-street parking spaces.
11. ADU's shall not be counted in residential density calculations.



**18.12.020 Accessory Uses in Group (Congregate) Living Facilities.** Incidental personal services including barber shops, beauty shops, gift shops, automated banking services, travel agents and pharmacies may be provided in group (congregate living) facilities under the following conditions:

1. No more than ten (10) percent of the total gross floor area of the facility may be used for such accessory uses.
2. No signs shall be visible from a public right-of-way.
3. Use of the facilities shall be only for tenants and employees of the group housing facility and guests of tenants.

**18.12.025 Adult Entertainment.** Where allowed, Adult Entertainment uses shall meet the following standards:

1. An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
2. An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
3. An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
4. No exceptions to the above will be considered by the Variance procedures.

**18.12.030 Aircraft Landing Facilities.** All aircraft landing facilities shall be so designed and so oriented, that the incidence of aircraft passing directly over dwellings during landing or take off is minimized. They shall be located so that traffic, both land and air, shall not severely impact neighboring uses. Applications shall describe the measures taken to prevent noise, vibrations, dust and glare. New aircraft landing facilities shall require Conditional Use approval. Prior to obtaining approval for a landing facility, the applicant shall furnish proof of compliance with applicable State and Federal laws and regulations.

**18.12.035 Arcades.** Where allowed as a permitted use, arcades shall be subject to the following standards:

1. Adequate space shall be provided for each game machine so as to allow its use without over crowding. All game machines shall be provided with a minimum area equal to the size of the machine plus one (1) foot of unobstructed area on each side. Where machines are located along one side of an aisle, said aisle shall be a minimum of sixty-six (66) inches in width and shall be unobstructed. When machines are located on both sides of any aisle, the aisle shall be not less than ninety (90) inches in width and shall be unobstructed.
2. Bicycle racks shall be provided within twenty-five (25) feet of any arcade and shall provide a total of one bicycle stall for every four games located within the arcade. Bicycle racks shall not be located in any required landscape area, entrances, exits, walkways to buildings, driveways, within a required parking space, public way, or in such a fashion to obstruct any entrance or exit to any premises.
3. There shall be a minimum of one supervisory employee in attendance eighteen (18) years of age or older during operating hours.
4. No arcade shall be maintained or operated unless all portions of the interior of such arcade, except the restrooms thereof, are plainly visible from the outside of the building through unobstructed windows or glass doors. All windows and glass doors that provide a view of the interior of the premises shall remain unobstructed at all times. All entrances and interior areas

shall be well lighted.

5. There shall be attached to the business license application for an arcade a scaled plan prepared by the applicant. The site plan shall identify thereon the following:
  - A. Floor plan for the arcade identifying the location, number, and type of game machines, and the distance between machines as required above.
  - B. Location and number of bicycle stalls.
  - C. Location and number of off-street parking spaces.
  - D. Existing landscaped areas, walkways, and entrances and exits to adjacent buildings, driveways, and public rights-of-way.

**18.12.040 Automotive Dealers and Automotive Repair, Service, and Parking.** Automotive dealers and automotive repair, service and parking shall meet the following use and development standards:

1. The lot shall be paved with a concrete or asphalt hard surface.
2. A sight-obscuring fence, wall or hedge a minimum of 6 feet in height in conformance with Section 18.07.500.030 shall be provided along lot lines abutting residential zones in addition to buffering requirements of Section 18.07.500.040.
3. Repair of vehicles and any storage of merchandise or supplies not in retail packaging or display racks shall occur entirely within an enclosed building.

**18.12.045 Bed and Breakfast Establishments.** Bed and Breakfast establishments shall meet the following use and development standards:

1. In the residential zoning districts, the establishment shall be operated by the resident property owner and not include more than 4 lodging rooms (including any allowable accessory rooming and boarding);
2. A single sign, which may only be indirectly lighted but not flashing, shall be permitted within 10 feet of the front lot line provided the sign does not exceed 8 square feet in area and does not block vision clearance areas and is a monument sign not more than 4 feet in height.
3. Off-street parking shall be provided based upon 1 space per lodging room in addition to the required spaces for the residence. Off-street parking in residential zoning districts for the guests shall be screened from the street and adjacent properties by a 6-foot high sight-obscuring fence, wall, or hedge.

**18.12.050 Biomass Facilities.** Biomass facilities shall meet the following additional use and development standards:

1. The Biomass facility shall comply with Section 18.12.135.
2. The Biomass facility shall not use municipal solid waste as a fuel.
3. The Biomass facility shall be accessory to an industrial or farm use that provides at least 50% of the biomass fuels.
4. If the Biomass facility involves direct combustion it shall be located:
  - A. At least 5 miles from land with an elevation higher than the elevation at which the facility discharges airborne wastes; and
  - B. At least 5 miles from a Class I Prevention of Significant Deterioration Area.

**18.12.055 Boat and Recreational Vehicle Storage in Residential Zoning Districts:** Areas where more than 3 property owners store their boats or recreational vehicles shall meet the following use and development standards:

1. **Screening.** Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a sight-obscuring fence, wall, or hedge.
2. **Landscaping.** All unpaved areas not occupied by buildings or structures shall be landscaped as provided in Section 18.07.300.010.
3. **Surfacing.** All driveways, outdoor storage space, and other outdoor vehicle parking, loading and maneuvering areas shall be improved with an all-weather surface. The surfacing shall be set back from lot lines, except those abutting a street, by at least ten (10) feet.
4. **Lighting.** Outdoor lighting shall be directed away from residential property and public streets.
5. **Ownership.** Storage areas must be owned and operated by a non-profit home owners association or be provided by the management of the development exclusively for the tenants of the development.
6. Storage areas shall be limited to:
  - A. Members/residents boats or recreational vehicles, utility trailers and horse trailers none of which are kept or used in connection with a business or commercial activity.
  - B. Storage buildings for the personal belongings of members or residents may also be provided in conjunction with outdoor storage areas provided the buildings are a minimum of 30 feet from any residential lot line and the wall height shall not exceed 20 feet. Exterior building materials shall be of a durable composition, e.g., stone, brick, stucco, wood, vinyl, hardi plank, cement, etc. Composition wood (such as chip board) and plywood siding shall be prohibited.

**18.12.060 Cemetery, Mausoleum, Columbarium, Crematories and Funeral Services.** A cemetery, crematory, mausoleum or columbarium shall have its principal access on an arterial or collector street as designated on the Silverton Transportation Plan, with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking spaces. Cemeteries located within any residentially zoned district or abutting a residentially zoned district shall establish and maintain appropriate landscaping, buffering and screening in accordance with the requirements of Sections 18.07.500.030 and 040. Funeral service, cemetery and crematories shall meet the following additional use and development standards:

1. **Screening.** The property shall be buffered and screened from all adjacent properties by a sight-obscuring fence, wall or hedge.
2. **Height.** Buildings (including, but not limited to mausoleum, columbaria, and crypts) shall not exceed 35 feet in height.
3. **Lot Area.** The minimum lot area is ten (10) acres for a cemetery except for pet cemeteries where the minimum lot area is 3 acres.

**18.12.065 Child Day Care Centers.** Child day care center providing care for 16 or fewer children, including children of the provider, shall meet the following use and development standards:

1. **Lot Size:** Minimum 6,000 square feet.
2. **Off-street Loading:** At least 1 off-street loading space shall be provided for every 6 children served based on the maximum number served at any given time during the day. Up to two loading spaces may be provided in the required front yard. During normal hours of loading and unloading the off-street loading spaces shall be reserved exclusively for that use.

3. **Screening:** Outdoor play areas shall be fenced and the fence shall be sight-obscuring except in the required yard abutting a street or roadway. Loading areas shall not be located in a required yard abutting a street or roadway and shall be screened by a sight-obscuring fence, wall or hedge.
4. **Owner and/or Occupant:** The provider of the day care services shall be the owner and/or occupant of the residence if the day care service is located in a residential zone and there is a residence on the lot.

**18.12.070 Common Open Space.** When common open space is provided, the common open space shall be in accordance with the following rates:

1. An area equal to at least twenty percent (20%) of the subject site, when the site is up to and including 10 acres in size.
2. An area equal to at least fifteen percent (15%) of the subject site, when the site is more than 10 acres and up to and including 50 acres in size.
3. An area equal to at least ten percent (10%) of the subject site when the site is more than 50 acres in size.
4. Land set aside as required setbacks or buffers shall not be included in the calculation of required open space.
5. Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following.
  - A. An association of owners or tenants, created as a non-profit corporation under the laws of the state which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development or subdivision in the event the association fails to perform as required; or
  - B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed upon it.
  - C. If the common open space is created to fulfill a Design Review condition of approval for the construction of apartment units, it shall be the continuing obligation of the property owner to maintain the common open space in conformance with the conditions of approval. In the event that the common open space is not maintained, the City may intervene and place a lien on the property for the necessary repairs.

**18.12.075 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs Residential Zoning Districts.**

1. All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer and screen adjacent properties.
2. All such uses shall be located on an arterial or collector street as designated on the Silverton Transportation Plan, and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances such as hours of operation.

3. There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.

**18.12.080 Contractor's Office and Construction Equipment Sheds.** Permitted in any zoning district where the use is incidental to a construction project. The Office or shed shall not include sleeping or cooking accommodations and subject to the following requirements:

1. The maximum length of use shall be one (1) year with six-month extensions if substantial progress has been made on the project. Application for the extension shall be made at least fifteen (15) days prior to the expiration of the original permit.
2. The office or shed shall be removed upon completion of the construction project.

**18.12.085 Conversion of a Single Family Residence to a Two Family Shared Housing.**

Two family shared housing shall meet the following use and development standards:

1. The building to be converted for two family shared housing must have been constructed as a single family dwelling, and have been occupied as such by an owner for any continuous six month period between the date of its first occupancy and the date of its conversion to a two family dwelling.
2. The building must contain not more than two dwelling units after conversion, and there must be not more than two dwelling units per lot.
3. One dwelling unit must contain at least 500 square feet of floor area and the other must contain at least 600 square feet of floor area.
4. Not more than 60 square feet of floor area shall be added to the building; provided, however, that conversion of unfinished areas to habitable space or bathrooms shall not count toward the 60 square feet limitation. Conversion of existing garage space to habitable space will require the provision at a minimum of a single car garage.
5. Two family shared housing under this section shall not be separated in ownership under the provisions of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building or space therein.
6. Two family shared housing under this section must meet the use, setback and lot size requirements of the zoning district.

**18.12.090 Drive-in Theaters**

1. Drive-in theaters shall be located only on an arterial street as designated on the Silverton Transportation Plan, and shall provide ingress and egress so designed as to minimize traffic congestion; and
2. Shall be screened and buffered from a residential district or dwelling unit such that noise shall not disturb residents or prospective residents; and
3. Shall be so designed that the projection surface of the screen will be set back from and shall not be clearly visible from any street or highway; and
4. Shall maintain signs and other lights in such a way as not to disturb neighboring residents.

**18.12.095 Drive-up Window Facilities.** The decision making authority shall review proposed drive-up window facilities to determine that the facility has been designed to provide safe, convenient and efficient traffic flow in conformance with the following standards in addition to the standards found in Section 18.07.200.140:

1. Drive-through uses shall be located so that access and egress to the drive-through window features are from an on-site drive aisle or other on-site circulation facility and not a public street.
2. Restaurants providing drive-up window service shall have sufficient parking and seating to accommodate anticipated customer volume.
3. Restaurants providing drive-up window service shall provide at least one (1) designated parking space immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.
4. Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.
5. The design of the stacking area shall allow customers' vehicles to leave the stacking line for emergency reasons.
6. On-site parking for walk-in customers shall be designed to be readily accessible to all public entrances to the building and to provide safe, convenient access.
7. Establishments having drive-up window facilities shall have sufficient stacking area to insure that public right-of-way and shared access driveways are not obstructed.
8. The communication sound system shall not exceed a measurement of 55 decibels at the adjoining property line.

**18.12.100 Drop Boxes.** Recycling receptacles or charity drop boxes shall not be located in any residential district or in any public right-of-way. Recycling receptacles or charity drop boxes are permitted in any commercial or industrial zone. Recycling receptacles may not be located in required parking spaces or within any vision clearance area. Recycling receptacles shall not be placed within 20 feet of a residential zoning district nor within 10 feet of a street right-of-way.

**18.12.105 Duplex in Residential Zoning Districts.**

1. In the Single Family Residential zoning Districts, duplexes are permitted outright on corner lots that meet the minimum lot size and development standards for duplexes in the zone as defined in Sections 18.12.105.010 and 18.12.105.020.
2. In the Single Family Residential zoning Districts, a duplex is permitted as infill development only on lots that are at least 1.5 times the single-family minimum lot size in the zone.
3. In the Multiple Family Residential zoning Districts, duplexes are permitted outright on any lot. The minimum duplex lot size shall be 7,000 square feet in a Low Density multiple family zoning district and 6,000 square feet in a Medium Density multiple family zoning district. There is no minimum lot size in a High Density multiple family zoning district.
4. Duplexes in multi-family developments may be divided so that each can be individually owned by doing a land division in conformance with Article 4. The total land area provided for the development as a whole must conform with the density requirements of the underlying zoning district, however, the amount of land on which each unit is located need not be half of the minimum allowed in the underlying zoning district. For example, the land area for a duplex in an RS-M zoning district must be 10,500 square feet, but that area need not be split equally between the individual lots (one may be larger than 5,250 square feet and one smaller).

**18.12.105.010 Duplex on a Corner Lot.** A duplex on a corner lot outside of a Planned Unit Development shall meet the following additional use and development standards:

1. The corner lot shall contain at least 12,000 square feet in a hillside overlay zoning district; 9,000 square feet in a Single Family Residential zoning district where the average lot size is 7,000 square feet; and 7,000 square feet in a Single Family Residential zoning district where the average lot size is 5,000 square feet.
2. Each dwelling unit shall derive its pedestrian and vehicular access from a different street unless one of the streets is a collector or arterial street as designated on the Silverton Transportation Plan.
3. Only two (2) of the four corner lots of an intersection may contain a duplex.
4. Only two lots within a one-block area on either side of the street may contain a duplex.
5. If the lot was created prior to the adoption of this ordinance or was not approved for a duplex lot at the time of subdivision approval, a Conditional Use application must be approved.
6. If the units are to be sold separately, partition approval must be granted and Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded with the final plat. The CC&Rs shall provide:
  - A. That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the units, including common portions of the buildings, such as foundations, roofs, common walls, etc., and share equitably in the cost of such upkeep.
  - B. Maintenance access easements on the individual lots where necessary for the purpose of property maintenance and repair.
  - C. The specific rights of, or limitation on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the other owner(s).
  - D. Provisions for maintenance of front yard landscaping.

**18.12.105.020 Duplex on an Interior Lot.** A duplex on an interior lot outside of a Planned Unit Development shall meet all of the following additional use and development standards:

1. The interior lot shall contain at least 15,000 square feet in a hillside overlay zoning district; 10,500 square feet in a Single Family Residential zoning district where the average lot size is 7,000 square feet and 7,500 square feet in a Single Family Residential zoning district where the average lot size is 5,000 square feet.
2. Only one lot within a one-block area on either side of the street may contain a duplex.
3. If the lot was created prior to the adoption of this ordinance or was not approved for a duplex lot at the time of subdivision approval, a Conditional Use Permit will be required.
4. If the units are to be sold separately, partition approval must be granted and Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded with the final plat. The CC&Rs shall provide:
  - A. That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the units, including common portions of the buildings, such as foundations, roofs, common walls, etc., and share equitably in the cost of such upkeep.
  - B. Maintenance access easements on the individual lots where necessary for the purpose of

property maintenance and repair.

- C. The specific rights of, or limitation on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the other owner(s).

**18.12.110 Dwelling Units in Commercial Zoning Districts.** Dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by Design Review and are subordinate to the primary commercial use.

**18.12.115 Eating Places As Accessory Uses.** Accessory eating places shall meet the following use and development standards:

1. The gross square footage of the area devoted to the use shall not exceed 20% of the gross square footage of the first floor of the building.
2. The eating place shall be designed to serve primarily the occupants of the building(s) and their clients and shall not have direct access to a public street or parking area, except as may be required by fire, life and safety codes.
3. There shall be no sign advertising the eating place visible from outside the building.

**18.12.120 Elementary and Secondary Schools.** Public or private elementary and secondary schools shall meet the following use and development standards:

1. **Minimum Lot Size.** The minimum site requirement shall be calculated at 500 square feet per student at maximum occupancy, or three acres, whichever is more.
2. **Setbacks.** Buildings shall be setback from every lot line a minimum of 20 feet or one foot for each foot of height to a maximum setback of thirty-five (35) feet whichever is greater.
3. **Portable Classrooms.** The placement of the portable classrooms shall require Option 'C' Design Review approval. Portable classrooms shall maintain the same setbacks as required for the main building on the site.
4. **Off-street Parking.** No off-street parking or loading area shall be permitted within ten (10) feet of a residential use or zone.
5. **Loading Area(s).** A separate or combined driveway shall be provided that is designed for the continuous forward flow of passenger vehicles and buses for the purpose of loading and unloading children.
6. **Other Related Uses.** Permitted and original conditional use approval for schools includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school child care activities; kindergarten; fund raising activities; meeting facilities for clubs and organizations, other uses which are not operated primarily for the purpose of secular education, or school administration; secondary use of school facilities for non-profit events and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 7:00 a.m. Expansion of a school includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the Design Review, Option 'B' process.

**18.12.125 Energy Facilities.** Energy facilities, including hydro-electric facilities, transmission facilities, wind facilities, biomass facilities and geothermal facilities shall meet the following additional use and development standards:



1. An energy facility shall not be located in State of Oregon parks, waysides, refuges, wildlife management areas, and natural areas, preserves, scenic waterways, and adjacent lands designated pursuant to ORS 390.845, nor wild fish streams designated by the Oregon Department of Fish and Wildlife unless the facility complies with the following:
  - A. An energy facility may be permitted as a conditional use in an area listed above if:
    - (1) It is compatible with adjacent uses and resources.
    - (2) It is accessory to a permitted use.
    - (3) The application is authorized or the use is approved by the public agency responsible for designation or management of the protected area in which an energy facility is proposed.

**18.12.130 Fences – Setback and Height Limitations.** A fence may be located on the property or in a yard setback area subject to the following standards:

1. Generally – Fence, Wall or Hedge.
  - A. Any fence, wall or hedge located in front of the front façade of the building or within the front yard setback shall not exceed forty-two (42) inches in total height. On corner lots, a fence, wall or hedge meeting the height restrictions of the zoning district may be constructed beyond the front façade of the building outside of any vision clearance area. Walls and fences may be constructed on the property line but it is recommended that they be located at a minimum of two feet from the right-of-way line to allow space for access to public clean-outs for the sanitary sewer line serving the property. Walls and fences located within public utility easements, shall also be notched out around utility pedestals and poles. This allows for franchise utilities to access their equipment without entering into peoples fenced yards.
  - B. All other fence, wall or hedge other than those described in subsection 1(A) above or those required to meet the buffering and screening requirements of 18.07.500.030 and 18.07.500.040 shall not exceed six (6) feet in height in residential zoning districts and eight (8) feet in height in commercial and industrial zoning districts measured from the finished grade level of the ground on which the fence is constructed. All fences over 6 feet in height require Building Permits. Walls over thirty inches in height require Building Permits. Walls and fences may be constructed on the property line but it is recommended that they be located at a minimum of two feet from the right-of-way line to allow space for access to public clean-outs for the sanitary sewer line serving the property. Walls and fences located within public utility easements, shall also be notched out around utility pedestals and poles. This allows for franchise utilities to access their equipment without entering into peoples fenced yards.
  - C. When a fence, wall, or hedge is located on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards apply:
    - (1) When the retaining wall or artificial berm is thirty (30) inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six (6) feet in a residential zoning district and eight (8) feet in a commercial or industrial zoning district.
    - (2) When the retaining wall or earth berm is greater than thirty (30) inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed eight and one-half (8 ½) feet in residential zoning districts and ten (10) feet in commercial and industrial zoning districts.
    - (3) Fences, walls, or hedges located on top of retaining walls or earth berms in excess of thirty inches above finished grade may exceed the total allowed combined height listed in

(2) above provided that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six (6) feet in height.

**18.12.135 Garage and Yard Sales.** Garage or yard sales shall be permitted in any residential zoning district subject to the following:

1. Limited to the sale of household goods and equipment, plants, clothing, furniture, and the like.
2. Limited to three (3) such sales per year per individual address.
3. The duration of an individual sale shall not exceed three (3) days.
4. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m.

**18.12.140 Gasoline Service Stations.** Gasoline service stations shall meet the following use and development standards:

1. **Lot area and dimensions.** Minimum lot size, 10,000 square feet; minimum of 100 feet of street frontage for an interior lot, 120 feet of frontage on each street abutting a corner lot.
2. **Screening.** The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall or hedge. If a street right-of-way separates the residential zone or use from the subject property, buffering but not screening shall be required.
3. **Lighting.** All lighting shall be directed away from any residential properties.
4. **Use and operation restrictions:**
  - A. No vehicle repairs or disassembling of vehicles other than routine maintenance such as changing lubricants and coolant, replacement of small parts, or changing tires shall be conducted outside of a building.
  - B. No merchandise shall be stored outside a building or underground structure.
  - C. No rental recreational vehicles or moving trucks shall be parked or stored except on side or rear yards not abutting a residential zoning district and shall be no closer than 20 feet to any street right-of-way.
  - D. No inoperative vehicles or used vehicle parts shall be stored outside a building for any period longer than 72 hours.
  - E. The lot shall be paved with a concrete or asphalt hard surface. Pavement shall be graded so that all storm water is collected on the site and carried by pipes to a public storm drainage facility. Storm water shall not run across sidewalks or down driveways into streets. All on-site storm drainage shall be collected and treated prior to discharge to a public storm facility to the specifications of the City Engineer.

**18.12.145 Grading.** Grading within twenty-five (25) feet of a property line shall not change the existing slopes by more than ten (10) percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree. For the purpose of this standard, the tree root zone extends the same distance from a tree trunk as the tree canopy. When grading of a site within twenty-five feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:

1. 0 to 5 feet from property line: Maximum of two-foot (2') slope differential from the existing or finished slope of the abutting property, whichever is applicable.
2. More than 5 feet and up to and including 10 feet from property line: Maximum of four-foot (4')

slope differential from the existing or finished slope of the abutting property, whichever is applicable.

3. More than 10 feet and up to and including 15 feet from property line: Maximum of six-foot (6') slope differential from the existing or finished slope of the abutting property, whichever is applicable.
4. More than 15 feet and up to and including 20 feet from property line: Maximum of eight-foot (8') slope differential from the existing or finished slope of the abutting property, whichever is applicable.
5. More than 20 feet and up to and including 25 feet from property line: Maximum of ten-foot (10') slope differential from the existing or finished slope of the abutting property, whichever is applicable.

**18.12.150 Height Regulations.** The height limitations contained in this Ordinance do not apply to normal appurtenances placed on or extending above the roof level, such as spires, belfries, cupolas, chimneys, ventilators, elevator housing, or other structures, and antennas, except antennas for wireless communication facilities; provided, however, that no structure shall be erected which fails to comply with any applicable state or federal law or regulation.

**18.12.155 Home Occupations.** The home occupation provisions recognize the needs of many persons who are engaged in small scale business ventures or personal hobbies, whether conducted for profit or not, which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full scale enterprise. A home occupation shall be allowed as a permitted accessory use to a residence provided that all of the following conditions are met:

1. The use is carried on only by members of the family residing on the premises and not more than one outside employee or volunteer.
2. The Home Occupation shall be continuously conducted in such a manner as not to create any public or private nuisance, including, but not limited to, offensive noise, vibration, smoke, dust odors, heat or glare resulting from the operation noticeable at or beyond the property line, fire hazards, or electronic, electrical or electromagnetic interference. In a residential zone noise associated with the home occupation of more than 55 dba at the lot line is prohibited.
3. The home occupation shall be conducted entirely within the dwelling or any attached garage or within an unattached enclosed accessory building.
4. In residential zones, no structural alterations shall be made to the dwelling that would be inconsistent with future use of the building exclusively as a dwelling.
5. No alteration to or use of the premises shall be made such as to reduce the number or required on-site parking spaces.
6. One window or wall sign is allowed, not larger than 12 inches by 18 inches.
7. In residential zones there shall be no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a dwelling.
8. There is no visible outside storage of materials other than plant materials.
9. The use does not adversely affect the residential character of the neighborhood, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
10. There is not excessive generation of traffic created by the home occupation, including frequent deliveries and pickups by trucks or other vehicles.

11. All visits by suppliers or customers shall occur between the hours of 8 a.m. and 6 p.m.
12. Construction businesses may be allowed when vehicles are screened by a sight-obscuring fence, wall or hedge or vehicles are parked in a building. All repairs and storage of materials shall occur within a building. There shall not be more than two vehicles associated with the home occupation parked on the premises at one time.
13. Where a home occupation involves deliveries one off-street loading space shall be provided. If visits by customers occur, two additional off-street parking spaces shall be provided if the street along the lot frontage does not provide paved area for at least two parallel parking spaces within 100 feet of the residence. During normal loading/unloading or customer parking periods, the off-street loading and parking shall be reserved exclusively for that use.
14. The residence shall not be used as headquarters or main office for assembly or dispatch of employees to other locations.
15. The rental of separate living quarters within a single family residence is limited to not more than one bedroom which does not contain separate cooking facilities and which has a maximum occupancy of two persons.
16. Home occupations conducted as a for-profit business shall obtain business licenses in accordance with Silverton Municipal Code Chapter 5, 24.

**18.12.155.010 Prohibited Uses.** The following uses are prohibited as home occupations:

1. Auto body repair and painting.
2. Ongoing mechanical repair conducted outside of an entirely enclosed building.
3. Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations which involve toxic or flammable materials which in the judgment of the Fire Chief of the Silverton Fire District poses a dangerous risk to the residence, its occupants, and/or surrounding properties.
4. Junk and salvage operations.
5. Storage and/or sale of fireworks in quantities judged by the Fire Chief of the Silverton Fire District to be dangerous.

**18.12.155.020 Initiation of Complaints.** Complaints may be originated by the City of Silverton or the public. Complaints from the public shall clearly state the objection to the Home Occupation based on the standards listed above.

**18.12.155.030 Review Procedures.** The Community Development Director shall make a determination of whether the alleged violation of the home occupation provisions has occurred. The determination will result in allowing the use to continue as it exists, ordered terminated, or brought into compliance with the standards.

**18.12.155.080 Time to Remedy Infraction After Notice.** If a notice of termination or an order to bring the use into compliance is given, the respondent shall be provided a reasonable time to cure or remedy the alleged infraction after the notice is given. The time allowed shall not be less than 24 hours, nor more than thirty (30) days. Where there is an extreme hardship, additional time may be granted to the respondent. Notwithstanding the remedial time period previously listed, if the Community Development Director determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or than any continuance of the violation would allow the respondent to profit from the violation or would otherwise be offensive to the public at large, the director may require immediate

remedial actions. If, in such cases the Community Development Director is unable to serve a notice of infraction on the respondent or, if after such service the respondent refuse or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section 15.08.790 of the Silverton Municipal Code.

**18.12.160 Indoor Entertainment and Recreation.**

1. Limited uses in Commercial Business zoning district: Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
2. Limited uses in Industrial Park zoning district: Exercise and health clubs or gyms are permitted through Design Review. Convention centers, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
3. Limited uses in Limited Industrial zoning district: Indoor firing ranges or gun clubs, pool halls, paint gun, fairgrounds, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
4. Limited uses in Heavy Industrial zoning district: Indoor firing ranges or gun clubs, pool halls, paint gun, motor racetrack, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.

**18.12.165 Kennels, Riding Academies, and Public Stables**

1. The minimum lot area shall be one (1) acre per horse (includes ponies, mules, donkeys, and other animals used for riding). The following minimum setbacks shall be provided:
  - A. Stables, corrals, pastures, exercise areas, feed, and bedding shall be located fifty (50) feet from any property line or public right-of-way and two hundred (200) feet from any adjacent residence or swimming pool.
  - B. Manure piles shall not be stored or accumulated on land that is within two hundred and fifty (250) feet of a property line.
  - C. Corrals, exercise areas, manure piles are prohibited in areas with slopes greater than ten (10) percent.
2. Kennels, riding academies, and public stables shall provide automobile and truck ingress and egress and shall also provide parking and loading spaces, so designed as to minimize traffic hazards and congestion.

**18.12.170 Keeping of Livestock**

1. The keeping of livestock for more than 72 hours shall be subject to the following restrictions:
  - A. For poultry, fowl including domestic and game birds raised for meat, eggs, breeding, or other purposes, and rabbits, not more than two animals on any lot less than 7,000 square feet in areas; for each additional animal there shall be an additional 3,000 square feet of lot area.
  - B. For horses, cows, sheep, and goats, one-half acre of open yard area shall be provided for the first animal with one acre provided for each additional animal over the age of six months.
  - C. Persons desiring to keep more animals than permitted by this Section may do so with approval of the City Manager only when written approval is obtained from the owners of all improved property contiguous to the applicant(s) and which is within 200 feet of any fence, hutch, or pen containing the animals.

D. Permission granted by the City Manager is revocable by the City Council.

2. **Animal Containment.** All animals covered by this Section shall be contained entirely on private property under the control of the owner(s) of such animals and in accordance with the following additional provision:

- A. All poultry, fowl, and rabbits shall be contained within hutches, fences, or pens inaccessible to other predatory animals and set back a minimum of 10 feet from adjoining property lines and 20 feet from any public right-of-way.
- B. Horses, cows, goats, and sheep, shall be contained within fences at least four (4) feet in height, but not more than six (6) feet in height. The fence shall be adequate to contain the animal(s) and shall be maintained in good repair.
- C. No animal described in this Section shall be contained by means of tethering, hobbling, or by electric or barbwire fences.

3. **Miscellaneous Provisions.**

- A. Pot bellied pigs and pygmy horses shall be regulated in the same manner as required of dogs per Silverton Municipal Code Chapter 8.05.
- B. The keeping of swine, except as provided for in Section 18.12.170.3A, is prohibited within the City Limits.

**18.12.175 Manufactured Homes on Individual Lots.** Manufactured homes are permitted on individual lots in all Residential Districts, except RM-H, if they meet the standards listed in Section 18.12.180.010 and the approval criteria listed in Section 18.12.180.020 and all other provisions of the Development Code for site-built dwellings. They are not allowed within any National Register Historic District or on residential land immediately adjacent to a historic landmark.

**18.12.175.010 Standards for Manufactured Homes on Individual Lots.**

- 1. It shall be a new multi-sectional unit or a unit not more than three years old and encloses a space of not less than 1,000 square feet.
- 2. The roof pitch shall be a minimum of nominal 3/12.
- 3. It will be placed on a permanent foundation. All load bearing foundations, supports, and enclosures shall be installed in conformance with the state regulations and with the manufacturer's installation specifications. Permitted enclosure materials are concrete, concrete block, or other materials approved by the Building Official.
- 4. Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
- 5. Utilities will be connected in accordance with state requirements and the manufacturer's specifications.
- 6. It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement meets applicable building codes.
- 7. Have a garage or carport for at least one vehicle located on the same lot.
- 8. Vertical rolled goods siding is not allowed.
- 9. Have an exterior thermal envelope meeting performance standards that reduce heat loss to levels equivalent to the performance standards required of single-family dwellings

constructed under the State building code as defined in ORS 455.010. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope requirement. Additional evidence shall not be required.

**18.12.175.020 Review Criteria.** In order to be approved, the manufactured home to be placed on an individual lot must be found to have design compatibility with other single-family dwellings in the "review area," which is the area within 200 feet of the subject lot or parcel or the nearest five dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

1. Roofing shall be similar in color, material, and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.
2. Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.
3. The manufactured home shall be placed on an excavated and back-filled foundation (e.g. pit set) and enclosed with a perimeter enclosure, which must be similar in appearance to foundations or enclosures in the review area.
4. A garage is required if more than 50% of the homes in the review area have a garage. If less than 50% of the homes in the review area have a garage, then a carport or garage is required. The garage or carport shall be of like materials and color as the home. The garage or carport will be required to be attached if other dwellings in the review area have attached garages.
5. The manufactured home shall comply with the applicable standards of Article 6, Special Purpose Districts and the following home orientation standards:
  - A. At least one main entrance of the home shall either:
    - (1) Face the street
    - (2) Be at an angle of up to 45 degrees from the street; or
    - (3) Open onto a covered porch. The porch must:
      - (i) Be at least 25 square feet in area;
  - (ii) Have at least one entrance facing the street.

**18.12.180 Manufacturing and Production.** The environmental performance standards of Article 7 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval. Manufacturing uses located in the Commercial Business zoning district must have a retail storefront and sell their products to the public on site.

**18.12.185 Mobile Food Vendors.** Mobile food vendors (see Temporary Use - Movable Structures and Vehicles) shall meet the following use and development standards:

1. "Mobile Food Vendor" means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar devices which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curbside, or walk-up service that remains in or on any one site or tax lot for less than a continuous 24 hours.

2. The use is allowed only in the Commercial Business, Industrial Park, Limited and General Industrial zoning districts unless meeting the requirements listed for the "Temporary Use - Movable Structures and Vehicles.
3. The use shall be limited to the preparation and/or sale of food and beverages from a vehicle, trailer or temporary structure. Temporary structures shall be as defined and regulated by the State Building Code.
4. The use shall not be conducted within public rights-of-way unless a special permit is issued by the City.
5. The use shall be conducted on private property only with the written consent of the property owner.
6. Business operations shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.
7. The use shall not block driveways, entrances or parking aisles.
8. The use shall conform to all setback standards for the zoning district where it is located, including clear vision areas.
9. Signs associated with the use shall be limited to six (6) square feet.
10. A trash receptacle shall be located within ten (10) feet of the temporary unit.
11. The exterior length and width dimensions of the temporary units, when multiplied, shall enclose no more than 128 square feet.
12. The operator of the use shall possess valid County certification of compliance with health and sanitation standards.
13. The base of operations for mobile food service units shall be from commercial or industrial zones. Use of site in residential zones for the preparation, maintenance, or storage area for mobile food service units is prohibited.
14. A business license shall be required pursuant to Chapter 5.14 of the Silverton Municipal Code. The applicant shall submit a site plan drawn to scale to confirm compliance with this Section.

**18.12.190 Motels/Hotels in Public Amusement Zoning District.**

1. **Setbacks.** No occupied accessory building to a motel/hotel shall be located within 100 feet of any residential property line. Tennis courts, and similar sports courts or fields shall be set back 25 feet from all abutting residential zones and uses. Swimming pools shall be set back 50 feet from all abutting residential zones and uses. One story Motel/Hotel buildings shall be setback a minimum of thirty (30) feet from any property line. Two story Motel/Hotel buildings shall be setback a minimum of fifty (50) feet from any property line. Hotel buildings exceeding two stories in height shall be setback from adjoining property lines an additional 1 foot per 2 feet of building height over 30 feet.
2. **Parking.** No access drives, off-street parking or loading areas shall be permitted within fifteen (15) feet of any interior property line and nor within thirty (30) feet adjacent to a public street right-of-way.
3. **Lighting.** Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets. The issue of "dark skies" as it relates to the lighting plan for the proposed development must be addressed. Caps shall be installed on top of the lights to minimize upward glare.
4. **Screening and Buffering.** Buffer yards are not required along any portion of a public right-of-



way or private street or access way but are intended to eliminate potential conflicts caused by nuisances such as dirt, litter, noise, glare of lights, signs, visual impacts of building or parking areas, and differences in intensity of uses. Parking areas shall be screened and buffered from adjacent residential uses by a minimum 6-foot high sight-obscuring fence, wall or hedge, except for yards adjacent to a public or private street or private access way which shall be screened by a minimum 30-inch high landscaped berm, wall or hedge.

A. For the purpose of screening, chain-link fencing with slats is prohibited. The perimeter of the motel/hotel site adjacent to residentially zoned property shall be surrounded by a 6-foot high sight-obscuring fence, wall or hedge meeting one of the following standards:

- (1) A concrete or masonry fencing may be replaced, foot-for-foot of height, by an earth berm (i.e., a 6-foot high fence replaced by a 2-foot berm with a 4-foot high fence, wall, or hedge); or
- (2) A concrete or masonry fencing may be replaced by a 35-foot wide buffer area with a six (6) foot high berm at a 3:1 slope with a five (5) to six (6) foot high chain link fence; or
- (3) One row of evergreen shrubs which will grow to form a continuous hedge at least four (4) feet in height within two years of planting and which shall be maintained at a minimum height of six feet.

B. Minimum plant material for buffer areas shall consist of one deciduous tree, a minimum of one and one-half (1 ½") inch caliper and ten (10) feet in height, not more than 30 feet on center or one evergreen tree, a minimum of six (6) feet in height and fully branched at the time of planting, not more than 15 feet on center and 5 five-gallon shrubs, or 10 one-gallon shrubs, per 1,000 square feet of buffer area. Lawn, low-growing evergreen shrubs, or evergreen ground cover shall be provided for the remaining area.

5. **Access Roads.** One-way access roads shall have a minimum improved width of 20 feet. Two-way access roads shall have a minimum improved width of at least 24 feet. If parallel parking is to be allowed an additional 10 feet of improved width is required along the side where parking is allowed.
6. **Concealment of Heating, Ventilation, and Air Conditioning (HVAC) Equipment.** All HVAC equipment shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the building(s) (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing wall or fences may also serve as sight-obscuring concealment devices. For the purpose of concealing equipment, chain-link fencing, with or without slats, is prohibited.
7. **Outdoor recreation facilities.** No outdoor recreation facilities shall be used between the hours of 10:00 p.m. and 8:00 a.m. unless approved as part of a Conditional Use approval.

**18.12.195 Nursery Schools, Day, or Child Care Facilities.** Nursery schools and day or child care facilities which provide care for more than 16 children shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet for each five children or fraction thereof enrolled in the facility. The Planning Director may approve a reduction of this requirement if the facility cares only for infants up to 6 months in age. In all districts, a fence of at least five (5) feet but not more than eight (8) feet in height shall be provided separating the outdoor play area from abutting lots.

Facilities licensed for 40 or more children shall be required to have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

If Conditional Use approval is required, in addition to that normally required for submittal for a

Conditional Use application, shall also be supplied:

1. The maximum number of children the facility is proposed to be licensed to care for;
2. Ages of the children to be cared for;
3. List of any exceptions to the rules governing standards for the day care facilities that the applicant will be applying through the State of Oregon Children's Services Divisions.

**18.12.200 Nursing Home Facilities and Assisted Living Facilities.** Nursing home facilities shall meet the following use and development standards:

1. **Buffering and Screening.** Parking areas shall be screened from adjacent uses by a minimum 6-foot high sight-obscuring fence, wall or hedge in conformance with Section 18.07.500.040, except for the front yard which shall be screened from the street by a minimum 30-inch high landscaped berm, wall or hedge. Buffering shall be provided in accordance with Section 18.07.500.030.
2. **Yards.** Front yards: 20 feet; Side Yards: 20 feet; Rear Yards: Minimum required in applicable zoning district.
3. **Off-street Parking.** No off-street parking or loading area shall be permitted within six (6) feet of the required side or rear yard nor within 10 feet of the required front yard.
4. **Landscaping.** All lot area not lawfully developed for building, structures, parking, loading or driveways shall be landscaped in conformance with Section 18.07.300(2).
5. **Lighting.** Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets.

**18.12.205 Other Uses in Industrial Zoning Districts.** Permitted eating and drinking places shall not exceed 6,000 square feet of gross floor area in the industrial zones and banking institutions in the industrial zoning districts shall not exceed 3,500 square feet of gross floor area.

**18.12.210 Outside Display of Merchandise.** The outside display of merchandise shall be permitted provided the following standards are met:

1. All operations shall be conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge and materials shall not be stored higher than such fence, wall, or hedge.
2. Outside displayed merchandise shall be arranged in an orderly manner, be located within 3 feet of the building, maintain a 5' pedestrian access way, and be located outside of any required clear vision areas.
3. Outside displayed merchandise shall be located on private property or if in the Downtown Historic district, may be within the public right-of-way provided that a 5' wide, unobstructed direct pedestrian access way is provided.

**18.12.215 Park and Ride Facilities.** Approved off-street parking lots connected with a non-residential use may be used jointly as park and ride lots, if, by determination of the Community Development Director the park and ride use will not conflict with the parking needs of the site's principal use both in terms of traffic volume and hours of use, and as long as there are no specific conditions placed on the site by the approval authority which would preclude such use. Park and ride lots as principal uses are permitted in those zones which allow parking structures and surface parking lots.

**18.12.220 Poultry Farms.** In the A-R (Acreage Residential) zoning district, any building housing more than ten (10) poultry animals shall be located not less than 200 feet from every lot line. Odor, dust, noise, insects or drainage created or fostered by such use shall be controlled in a manner such that surrounding properties and uses are not adversely impacted.

**18.12.225 Projections into Required Yards.** The following structures may project into required yards, but may not project into a utility easement.

1. Paved terraces may project into required front, side or rear yards provided that no structures placed thereon shall violate other requirements of this Ordinance.
2. Unroofed landings and stairs may project into required front and rear yards a maximum distance of 10 feet.
3. Unroofed landings and stairs may project into required side yards a maximum distance of 2.5 feet for single story structures and 3.5 feet for two story structures.
4. Depressed Areas. In any district, open work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls, may be located in required yards, provided that such devices are not more than 3-1/2 feet in height.
5. The following building features may project into the required front yard and rear yards no more than ten feet and into the required interior yards no more than two feet:
  - A. Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways.)
  - B. Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height; structures under 30 inches are not subject to setback provisions).
  - C. Chimneys and fireplaces, provided they do not exceed eight feet in width.
  - D. Signs conforming to applicable ordinance requirements.

**18.12.230 Projections into Public Right-of-way.** Except as otherwise permitted:

1. Except as otherwise permitted, no person shall obstruct any public right-of-way or any portion thereof or place or cause to be placed therein or thereon anything whatsoever tending to obstruct or interfere with the full and free use of such public right-of-way or in a degree interfere with the normal flow of pedestrian or vehicular traffic.
2. Except as otherwise permitted, no person shall erect, construct, build, raise, place or maintain any post, pole, sign, wall, fence, tree, building structure or any other object in or upon any public right-of-way, except trees planted in planter strips.
3. Except as otherwise permitted, no person in charge of property shall allow anything prohibited by this section or which otherwise restricts the public use of a sidewalk or parking strip abutting such property to remain there.

**18.12.235 Public and Private Golf Courses and Membership Sports Clubs.** Public and private golf courses and membership sports and recreation clubs with or without golf courses shall meet the following use and development standards:

1. **Setbacks.** No building accessory to a golf course shall be located within 25 feet of any property line. Golf fairways, tennis courts, and similar sports courts or fields shall be set back 25 feet from all abutting residential or commercial zones and uses. Unenclosed swimming pools shall be set back 50 feet from all abutting residential and commercial zones and uses.

2. **Parking.** No off-street parking or loading area shall be permitted within ten (10) feet of the side and rear lot lines and twenty (20) feet if adjacent to a public street right-of-way.
3. **Screening and Buffering.** Parking areas shall be screened from adjacent uses by a minimum 6-foot high sight-obscuring fence, wall or hedge in conformance with Section 18.07.500.040, except for the front yard which shall be screened from the street by a minimum 30-inch high landscaped berm, wall or hedge. Buffering shall be provided in accordance with Section 18.07.500.030.
4. **Lighting.** Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets.

**18.12.240 Religious Organizations or Other Charitable Institutions in a Residential Zoning District.**

1. **Side and Rear Yards.** Minimum of thirty (30) feet in or abutting every residential zone or use.
2. **Landscaping.** All required yard areas adjacent to streets or property used or zoned for residential use not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped in accordance with Section 18.07.300(2).
3. **Off-Street Parking.** No off-street parking or access area shall be permitted within fifteen (15) feet of a residential use or zone.
4. **Street Access.** Unless permitted by the City, only one vehicle access driveway per street frontage shall be permitted in a residential zone, or on a local street in any other zone abutting a residential zone. Where a parking area is on property having frontage on a collector or arterial street, as designated on the Silverton Transportation Plan, access shall be limited to such collector or arterial unless alternate access is required by the City.
5. **Screening of Off-Street Parking.** Where any portion of an off-street parking area other than a garage is within 15 feet of a lot zoned or used for residential purposes, the perimeter of the parking area facing such residential zone or use shall be screened by a sight-obscuring fence, wall, or hedge.
6. **Other Related Uses.** Original conditional use approval for schools or churches includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school child care activities; kindergarten; fund raising activities; meeting facilities for clubs and organizations, other uses which are not operated primarily for the purpose of secular education, or school administration; secondary use of school facilities for non-profit events and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 7:00 a.m. Expansion of a school or church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the conditional use process.

**18.12.245 Residence for Caretaker or Watchman.** One single-family residence for a caretaker, owner, operator, manager, or security guard is allowed for any industrial use for purposes of security and protection of the principal use.

**18.12.250 Residential Care or Group Care Facilities.** Residential Care or Group Care Facilities (6 or more residents) require a Site Plan review.

**18.12.255 Residential Care or Group Care Homes.** Residential Care Homes or Group Care homes or "residential homes" (as defined in ORS) that include five or fewer residents are permitted outright in any zone that allows single-family residences and are subject to the same standards as a

single family residence. All lot area not lawfully developed for building, structures, parking, loading or driveways shall be landscaped in conformance with Section 18.07.300(2).

**18.12.260 Residential Sales Offices.** Residential Sales offices shall meet the following use and development standards:

1. The office shall be located on a lot within a subdivision, planned unit development, or on a space within a manufactured home park containing at least 25 lots or spaces at least 5 of which are undeveloped or unoccupied.
2. The principal use of the office shall be the sale of lots or renting of spaces or the sale of dwellings or manufactured homes on lots or spaces within the development. A model home may be used as a temporary sales office.
3. The office shall have a finished exterior and the site shall be landscaped and kept clean and neat.
4. There shall only be one sign on the premises and said sign shall not exceed 24 square feet and shall be attached to the building or shall be pole mounted with the height of the sign not exceeding four feet.
5. The hours of operation shall not occur prior to 8:00 a.m. or later than 8:00 p.m.
6. The maximum length of the permit shall be for one (1) year for each phase of the subdivision. The office shall be removed upon completion of the development of the subdivision.

**18.12.265 Restaurants With Outdoor Eating Areas.** Outdoor eating areas shall be allowed for restaurants in all commercial zoning districts subject to the following:

1. Compliance with all other provisions of the City's Municipal Code.
2. Design Review and approval where the outdoor seating area includes seating for more than 8 patrons.
3. Where adjacent or abutting a residential use and/or zoning district, the outdoor activity shall only be allowed between the hours of 8:00 a.m. and 10:00 p.m.

**18.12.270 Retail Services.** A building or complex of buildings on the same lot having more than twenty-five (25) dwelling units or lodging rooms may include office, retail and service uses meeting the following use and development standards:

1. In addition to the residential and lodging uses permitted in the underlying zone, the following additional uses shall be permitted:
  - A. Apparel and accessory stores
  - B. Eating and drinking places
  - C. Personal services such as banking facilities, beauty and barber shops, newsstand, delicatessen, dining room, coffee shop, tea room, activity room, meeting room(s).

**18.12.275 Retail Sales and Services in the Residential Commercial, Residential Business, and Industrial Park Zoning Districts.** The only retail uses allowed in the Residential Commercial, Residential Business and Industrial Park zoning districts are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum building footprint. See Article One for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.

**18.12.280 Scrap and Waste Material Establishments.** Scrap and waste materials

establishments shall meet the following use and development standards:

1. All outdoor operations shall be screened from adjacent streets and uses by a sight-obscuring fence, wall or hedge or by a landscaped berm on the top of which is at least eight (8) feet above the highest grade on either side thereof.
2. If conducted outside of an enclosed building, the following operations shall be conducted more than 300 feet away from any residential or public zoning district:
  - A. Shredding or baling of tires.
  - B. Compression, cutting or baling of scrap metal.
  - C. Cutting or baling of used lumber.
  - D. Breaking up of concrete or masonry other than the removal of mortar for the salvage of stone or brick masonry products.

**18.12.285 Self-Service Storage/Mini-Storage Warehouses.** Self-Serve Storage or Mini-storage warehouses in the C-3, C-2 and I-2 zoning districts are subject to the following standards:

1. Freestanding facilities shall be limited to sites of one to three acres in size and maximum building coverage shall be limited to 50% of the parcel in the C-2 zoning districts. In the C-3 and I-2 zoning districts the parcels size shall be limited to a maximum of 4 acres.
2. Building setbacks in all zoning districts shall be as follows: front yards (yards adjacent to streets) - 25 feet, interior yards - 20 feet. No fencing is permitted in front yard setbacks and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones. No barbed wire fencing is permitted in or adjacent to residential districts.
3. The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.
4. The maximum storage unit size in the C-2 zoning district shall be 500 square feet. The maximum storage unit size in the C-3 zoning district shall be 1,000 square feet.
5. All outdoor lighting shall be shielded to prevent reflection on adjacent properties.
6. Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall so specify.
7. Outside storage of vehicles and boats is prohibited within this use category.
8. No other business activity other than the rental of storage units shall be conducted on the premises.

**18.12.290 Special Status for Single Family Residences in Commercial and Industrial Zoning Districts.** Notwithstanding the restrictions of any other provisions section of the Silverton Municipal Code (SMC), all single-family residential dwellings built before September, 2006, on commercial or industrially zoned properties are considered as pre-existing conforming uses. If any building on these properties is substantially destroyed, as defined in Section 18.03.090.040(4), it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If preexisting single family residence is converted to a permitted commercial, office or industrial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of the applicable zoning district. New single-family residences may only be established in accordance with the provisions in the applicable commercial and industrial zoning districts.

**18.12.295 Swimming Pools, Spas and Hot Tubs Safety Barriers.** Swimming pools, spas and hot tubs (in-ground and above ground) that contain 24" or more of water shall comply with the following:

- 1 Conform to the setback requirements of the primary structure except that there shall be a minimum of 5' from all interior lot lines.
- 2 Be equipped with locking cover fenced or equipped with electric alarm systems that will prevent entry or alarm upon entry.
- 3 Required fencing shall be a minimum of 5' in height and be equipped with a self-locking gate which closes automatically.

**18.12.300 Temporary Use - Carnival or Circus.**

1. Permitted outright in the Commercial Business, Industrial Park, Limited Industrial, or General Industrial zoning districts or by Conditional Use in the Public Amusement and Recreation or Public and Private Educational Facilities zoning districts.
2. Signage shall not exceed sixty-four (64) square feet for each frontage and shall be limited to the premises of the activity.
3. A business license shall be required pursuant to Chapter 5.14 of the Silverton Municipal Code. The maximum length of the permit shall be thirty (30) days.
4. The following information shall be submitted with the application for a business license:
  - A. Documentation from the Marion County Health Department that adequate arrangements for temporary sanitary facilities have been made.
  - B. A cash bond for a minimum of twenty-five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted or a signed contract with a disposal firm shall be required as part of the application for a temporary business license to insure that the premises will be cleared of all debris during and after the event.
  - C. A cash bond for a minimum of twenty-five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted with the City to insure the repair of any damage resulting to any public right-of-way as a result of the event.
5. No structure or equipment shall be placed within two hundred (200) feet of any abutting residential dwelling or zoning district.
6. No permanent or temporary lighting or electrical connections shall be installed without an electrical permit and inspections.
7. All uses and hours of operation shall be confined to those specified in the permit.
8. Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets.
9. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within ten (10) days after the closing of the event.
10. Public parking for the exclusive use of the event shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
11. Traffic control arrangements required by the City of Silverton Police Department in the vicinity of the major intersections shall be arranged by the applicant.

**18.12.305 Temporary Use – Manufactured Home or Recreational Vehicle.** When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:

Required water and sanitary sewer facilities must be provided.

1. Maximum length of permit shall be twelve (12) months but the Planning Commission may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to the expiration of the original permit. The temporary use may not exceed a period of two years.
2. The manufactured home shall be removed from the property or the recreational vehicle shall cease being used upon the issuance of any occupancy permit for the new or rehabilitated residence. At the time of issuance of the Temporary Use Permit, the applicant shall be required to provide express consent and authorization to the City to remove the temporary shelter at the owner's expense upon termination of the permit.

**18.12.310 Temporary Use – Movable Structures and Vehicles.** The following temporary uses of movable structures or vehicles are allowed:

1. Those regularly used or occupied on January 1, 2007, or in lawful regular use and occupancy on property at the time of its annexation into the city; or
2. Those lawfully in use on licensed Christmas Tree or Fireworks Sales lots, if they are entirely self contained or there are lawful sanitary facilities on the lot available to the occupants; or
3. Those occupied by the members of an established organization, for temporary use, in a convention or other like activity where the organization has received a permit from the city on application submitted not less than two weeks prior to the use. No permit shall be granted for a period exceeding four (4) days, or be renewed beyond four days, without the further approval of the City. Named members of the organization, specified on the permit application, shall be responsible for policing the area used and for correcting any violation of state or city health or safety regulations. The permit shall also specify the maximum number of movable structures or vehicles and the arrangement thereof. Violation of any condition of the permit shall constitute grounds for revocation; or
4. Those utilized temporarily as part of a city or school district sponsored recreation program, such as swim meets and softball tournaments, where the organization has received a permit from the City of Silverton. The City will issue such permit, if it finds that the site is large enough that sanitary facilities and essential services will be adequate, and that no damage to park facilities shall occur; and that such use is essential to the success of the event or tournament. No permit shall be granted for a period exceeding three (3) days nor shall such permits be renewed beyond three days, without the approval of the City of Silverton. Members of the organization specified on the permit shall be responsible for policing the area used and for correcting any violation of state or city health or safety regulations. The permit shall also specify the maximum number of movable structures or vehicles and the arrangement thereof. Violation of any condition of the permit shall constitute grounds for revocation; or
5. Those for temporary use by governmental agencies. As used herein, the term temporary use shall mean for a period not to exceed three calendar months. Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained; or



6. Contractors' Offices and Construction Equipment Sheds for temporary use at a construction site as described in this Article; or
7. Temporary business quarters during construction of permanent offices; or
8. Mobile Food vendors as described in this Article.

**18.12.315 Temporary Use - Seasonal Sales.** The following shall apply to seasonal sales which are limited to:

1. **Fireworks Sales.** The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
  - A. Signing shall not exceed thirty-two (32) square feet for each frontage and shall be limited to the premises of the sale site. No signs shall be placed in the public right-of-way.
  - B. Stands are allowed only in commercial or industrial zoning districts.
  - C. A business license shall be required pursuant to Chapter 5.14 of the Silverton Municipal Code.
  - D. Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets.
  - E. All signs and stands shall be removed from the lot by July 7.
2. **Christmas Tree Sales.** The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continue no longer than December 28.
  - A. Signage shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  - B. Signage within the City Limits for sales lots located outside the City Limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet each. The placing of signs on privately owned property shall be by permission. No signs shall be placed in the public right-of-way.
  - C. Sales Lots are allowed only in commercial or industrial zoning districts.
  - D. Outdoor lighting shall be directed away from residential properties and/or uses and adjacent streets.
  - E. A business license shall be required pursuant to Chapter 5.14 of the Silverton Municipal Code.
  - F. All trees shall be removed from the lot by December 28.

**18.12.320 Townhouse Dwellings.** The following standards apply to the development of townhouse (rowhouse) dwellings within all residential zoning districts. In addition to the development standards listed in the zoning district, the following standards shall apply:

1. Townhouse development shall be identified as such on both the tentative and final plats for the project. Except when the tentative plat is in conjunction with a Planned Unit Development, the tentative plat shall be accepted for review only after the project has received approval from the Planning Commission. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) must have been approved by the city and recorded: The CC&Rs shall provide:
  - A. That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, including common portions of the buildings, such as foundations, roofs, common walls, etc., and share equitably in the cost of such upkeep.

- B. An association for the purpose of governing the operation of the common interests.
- C. Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.
- D. The specific rights of, or limitations on, individual owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

**18.12.325 Utilities.**

- 1. The erection, construction, alteration, or maintenance by public utility districts or municipal or other governmental agencies of any electrical, gas, steam, or water transmission systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any zoning district.
- 2. Private utility services to all structures, residential, commercial, and industrial, on private property shall be placed underground and meet the standards specified by the City Engineer. This requirement may be waived where the Community Development Director and City Engineer determine that the requirement is impractical or would cause undue hardship.

**18.12.330 Veterinary Services for Animal Specialties.** Veterinary services for animal specialties shall meet the following use and development standards:

- 1 Shall not be located within 100 feet of a lot in any residential district unless all activities are within a fully enclosed and sound proof building.
- 2 Outside areas for dogs and other animals (e.g. dog runs, corrals, pens) shall require a minimum 100 foot set back from a residential district and shall be reviewed by Conditional Use Permit review
- 3 Conditional use permit review shall show:
  - a. Adequate measures and control to prevent offensive noise and odor.
  - b. Hours of operation such as a limitation to only operate between 8 a.m. to 8 p.m. with an attendant present.
- 4 No incineration of refuse shall be permitted on the premises.

**18.12.335 Waste and Recycling Related Uses.**

- 1. Limited uses in the Commercial Business zoning district: Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
- 2. Limited uses in the Industrial Park zoning district: Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Design Review. Salvage yards, junkyards and refuse transfer stations are not permitted. All other material and recycling operations are considered through a Conditional Use review.
- 3. Limited uses in General Industrial zoning district: Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Design Review. Salvage yards, junkyards, sanitary landfills and refuse transfer stations require a Conditional Use review.

**18.12.340 Wireless Communication Facilities.**

1. Communication Tower and Pole Placement Standards: The maximum height of any new wireless communication facility, antenna collocation or both shall conform to the maximum height standards specified for the zoning district in which it is located. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground are not permitted in front yard setbacks and must meet the standards:
  - A. No new tower shall be permitted unless the applicant demonstrates that co-location is not feasible on existing towers.
  - B. New towers or facilities 50 feet or more in height must provide for future co-location of other telecommunications providers.
  - C. The height of any type of wireless communication facility shall include the support structure and any attached antennas. A lightning rod that is up to and including ten (10) feet tall and any required lighting by the Federal Aviation Administration (FAA) shall not be included within the calculation of the maximum height.
  - D. Monopole construction is allowed. Lattice tower support structures, guyed tower support structures and "Top Hat" antenna arrays are prohibited. Collocation of new wireless communications facilities on existing lattice tower support structures or guyed tower support structures is allowed.
  - E. On new towers, davit arms extending a maximum of five (5) feet out from the connection with the tower may be used to support individual antennas.
  - F. The attachment of a wireless communications facility and associated equipment to any tree is prohibited.
  - G. The applicant shall consider the following locations as the preferred order of location of a proposed communication facility:
    - (1) Existing broadcasting or communications facilities;
    - (2) Public structures such as water reservoirs, utility structures, fire stations, bridges, and other public buildings within all zoning districts not utilized primarily for residential uses;
    - (3) Property zoned Commercial Business, Industrial Park, Light Industrial, or Heavy Industrial.
  - H. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - I. Towers shall not be located between the primary structure on a site and a public right-of-way.
  - J. Towers should be located in an area where they are unobtrusive and do not substantially detract from aesthetics or neighborhood character, due to either location, nature of surrounding uses, or to lack of visibility caused by natural growth or other factors.
  - K. Tower setback shall be at least the height of the tower from public rights-of-way.
  - L. Tower guys for existing towers and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district. Vegetative screening shall be provided around any accessory building prescribed by Section 18.07.500.040.
  - M. The installation of light fixtures to a wireless communications tower is prohibited except for lighting required by the Federal Aviation Administration (FAA) or the Oregon Department of

Aviation (ODA). A maximum of one (1) motion-sensitive or permanently shielded light fixture attached at or near the entrance door to the at-grade equipment shelter shall be allowed.

- N. For new wireless communication facility towers and/or proposed collocation of wireless communication facilities on existing towers one (1) non-illuminated sign having a maximum sign face of three (3) square feet and comprised of a white background with black lettering shall be provided and shall be permanently affixed to the entrance gate of the required fence. The fence shall identify the name of the wireless communication facility provider(s) and shall specify an emergency contact number. For proposed collocation actions, the applicant for collocation shall be responsible for the production and installation of a required sign for the existing wireless communications facility provider(s) if no already present at the site.
  - O. A sight-obscuring fence that is a minimum of six (6) feet high shall prohibit public access to wireless communication towers, or shall screen all at-grade equipment shelters or both. Sight-obscuring fencing shall consist of chain link with slats, vinyl, wood, masonry or brick. At-grade equipment shelters shall be screened with evergreen shrubs installed immediately outside of the required fencing on all sides. The portion of the fenced enclosure used as an access gate shall feature wooden slats or other sight-obscuring material in lieu of landscaping. In addition, the approval authority may require the planting of evergreen trees when a new wireless communications tower is located on property within or immediately abutting residential zoning districts.
  - P. All towers and associated facilities shall be removed within six month of the cessation of operations at the site unless the Community Development Director approves a time extension. In the event that a tower is not removed within six months and an extension is not approved, the City may remove the telecommunications facilities and assess the costs of removal against the owner and property.
2. Placement of antennas, satellite dish antennas, and monopoles less than 35 feet in height when measured from the ground; or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards:
- A. Antennas or antenna supports shall not be located within any front yard setback area or within any required landscape buffer yard.
  - B. Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - C. Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - D. Antennas more than 35 feet in height and not in conformance with the above may be considered by Conditional Use review.
  - E. See Section 18.12.335(1) for additional applicable design standards for all telecommunications facilities.
3. In addition to compliance with the regulations in this Section, the applicant shall be responsible for the identification of and compliance with all applicable federal and state regulations pertaining to Wireless Communication Facilities
4. Permanent alterations to previously City reviewed and approved Wireless Communication Facilities resulting from the adoption of new or updated federal and/or state regulations shall be reviewed through the City Design Review process prior to the making of such alterations, unless local review and approval is exempted by federal or state statute.

5. All of the following are exempt from the regulations contained in this Section:
- A. Emergency or routine repairs, or maintenance of existing facilities and of transmitters, antennas or other components of existing facilities that do not increase the size, footprint, or bulk of such facilities, and which otherwise comply with City, state and federal regulations.
  - B. Federally-authorized industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC) in Part 18 of Title 47 of the Code of Federal Regulations (CFR).
  - C. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS 221.295. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. Facilities constructed prior to September 2006, are not subject to these regulations.
  - D. Military and civilian radar equipment, operating within the regulated frequency ranges, for the purpose of national, state or local defense or aircraft safety.
  - E. Antennas and associated equipment completely located within the interior of an existing or proposed structure with no associated exterior equipment, the purpose of which is to enhance or facilitate communication functions within the structure or other structures on the site.
  - F. Satellite antennas up to and including two (2) meters in diameter in commercial and industrial zoning districts.
  - G. Direct-to-home satellite service and satellite antennas up to and including (1) meter in diameter located in residential zoning districts.
  - H. AM or FM radio broadcast towers and equipment, or television broadcast towers and equipment as regulated by the Federal Communication (FCC).

**18.12.345 Zero Side Yard Dwelling Units.** Any residential structure or accessory building may be located on the property line where there are no openings or windows in the lot line wall. Additionally, zero side yard dwelling units shall meet the following use and development standards

**1. Permitted Development.**

- A. Unattached dwelling units, with one dwelling unit per lot, may be built contiguous with one but not both of the side lot lines when a 10-foot setback for a single story structure or a 14-foot for a two story structure is provided. A maintenance easement shall be recorded on the adjoining property deed or plat. This easement is not revocable without City approval.
- B. In Single Family Residential zoning districts, attached dwellings, with one dwelling per lot, may be built contiguous with both side lot lines provided not more than three dwelling units are attached.

In other zones, attached dwellings, with one dwelling unit per lot, may be built contiguous with both side lot lines provided not more than six dwelling units are attached.

- 2. **Yards Abutting A Street.** The requirements in the applicable zone for yards abutting a street are not relieved by the section, and shall be met.
- 3. **Interior Side Yard.** Any exterior wall or portion thereof which faces but is not contiguous to a side lot line shall meet all applicable interior side yard requirements under the zoning district. Otherwise, the interior side yard requirements of the zoning district shall not apply.

4. **Building Separation.** Buildings on abutting lots but not attached to each other shall be separated by a distance of at least ten (10) feet for single story buildings and fourteen (14) feet for two-story structures.
5. **Maintenance Easement.** As a condition of issuance of a building permit for a dwelling having a wall contiguous to a lot line, the applicant shall furnish an easement from the owner of the lot abutting the wall providing for reasonable ingress, egress and use of the adjacent lot for the purpose of maintaining, repairing and replacing the premises. Such easement shall be appurtenant to the lot on which the dwelling is located as the dominant tenement, and shall be recorded with the County Recorder prior to the issuance of the building permit.
6. **Adjustment of Lot Line.** Notwithstanding any provision of the zoning district to the contrary, the owner or owners of abutting lots either of which has thereon a zero side yard dwelling unit, may by appropriate instruments, adjust the common side lot line by no more than eighteen (18) inches to make the wall intended to be contiguous with the common lot line actually contiguous. This adjustment shall move the line as a whole; and may, without the necessity of an adjustment and without making the premises nonconforming, reduce the required area or frontage of the lot, increase the allowable lot coverage, or any combination thereof necessary to make the side lot line and building contiguous within the limits of this subsection. The instrument accomplishing this revision, and a survey by a registered land surveyor evidencing the need for a description of such revision, shall be revised and approved by the Planning Director prior to the recording of the instrument, otherwise the exemption granted by this subsection shall not apply.
7. **Accessory Buildings.** The provisions of this section apply to accessory as well as main buildings.