



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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Salem, OR 97301-2540

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## **NOTICE OF ADOPTED AMENDMENT**

January 16, 2008



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

**FROM:** Mara Ulloa, Plan Amendment Program Specialist

**SUBJECT:** City of Monmouth Plan Amendment  
DLCD File Number 005-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

**Cc:** Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Mark Fancey, City Of Monmouth

<paa> ya/

# NOTICE OF ADOPTION

Must be filed within 5 working days  
See OAR 660-18-040

DEPT OF

JAN 11 2008

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Monmouth

Local File Number: LA 07-03

Date of Adoption: January 3, 2008

Date Mailed: January 9, 2008

Date Proposal was Provided to DLCD: August 31, 2007

Type of Adopted Action: (Check all that apply)

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation  Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Amendments to the Monmouth Zoning and Development Ordinance subchapters: 90, 91, 93, 96, 97 and  
Municipal Code Chapter 81: Signs.

Describe how the adopted amendment differs from the proposed amendment. If it is the same,  
write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: \_\_\_\_\_

Acres Involved: NA

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes:  No:

DLCD File Number: 005-07 (16367)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment  
**FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:      
If no, do the Statewide Planning Goals apply. Yes:     No:      
If no, did the Emergency Circumstances Require immediate adoption. Yes:     No:    

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Mark Fancey Area Code + Phone Number: (503) 751-0147  
Address: 151 Main Street W  
City: Monmouth Zip Code+4: 97361

## 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 (2) Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
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 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 copy this form onto 8 ½ x11 green paper only; or call the DLCD office at (503) 373-0050; or fax your request to: (503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending the Monmouth )  
Zoning and Development Ordinance. )

ORDINANCE NO. 1260

WHEREAS, the City of Monmouth has deemed it necessary to develop amendments to the Monmouth Zoning and Development Ordinance; and

WHEREAS, the Planning Commission held a public hearing on said amendments on October 16, 2007, at which time the public was given full opportunity to be present and heard on the matter; and

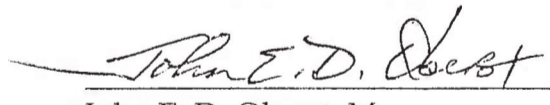
WHEREAS, the City Council held a public hearing on said amendments on November 6, 2007, at which time the public was given full opportunity to be present and heard on the matter. NOW, THEREFORE,

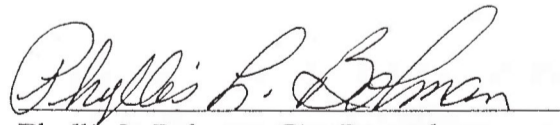
THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Monmouth does hereby amend the Monmouth Zoning and Development Ordinance as set forth in Exhibit A.

Read for the first time: December 4, 2007  
Read for the second time: January 3, 2008  
Adopted by the City Council: January 3, 2008  
Approved by the Mayor: January 3, 2008

ATTEST:

  
\_\_\_\_\_  
John E. D. Oberst, Mayor

  
\_\_\_\_\_  
Phyllis L. Bolman, City Recorder

## EXHIBIT A

### Legislative Amendment 07-03 – Amendments to the Monmouth Zoning and Development Ordinance

Language to be added is shown **bold and underlined**. Language to be deleted is shown ~~struck through~~.

#### Amendments to Section 90.080:

##### 90.080 Fees.

A. Fees shall be required for the following applications in order to process such applications:

1. Zone Change
2. Variance
3. Conditional Use
4. Planned Unit Development
5. Manufactured Dwelling Park
6. Plan Amendment
7. Site Plan Review
8. Design Review
9. Partition – Major and Minor
10. Subdivision
11. Expedited Land Division
12. Lot Line Adjustment
13. Floodplain Development Permit
14. Annexation
15. Appeal of a Planning Commission decision
16. Historic Site Review
17. Time extension of an approved land use action

B. The amount of the fees for the applications listed above shall be established by order of the City Council. A list describing such fees shall be posted and maintained in City Hall.

C. All fees shall be nonrefundable except in cases when the processing of an application ceases before the incurring of any substantial expenses for typing, mailing, site inspection or other work by the city's staff. Refunds shall be made at the discretion of the City Manager.

D. When an application is filed for two or more actions at the same time and for the same property, only the fee shall consist of the single highest fee shall be charged and half of the fee amount for the lesser fees.

#### Amendments to Section 90.205:

#### Land Use Actions

#### 90.205 Application Types and Review Procedures.

All development permits and land use actions are processed under the City's administrative procedures. There are four (4) types of actions, each with its own procedures.

#### A. Type I Action

A Type I action is a ministerial action, reviewed by staff, based on clear and objective standards. Clear and objective conditions may be placed on the decision. The notice of the decision is sent to the applicant and any interested party who requests a copy of the decision. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

1. Site Plan Review (review conducted by Site Plan Review Committee)
2. Floodplain Development Permit
3. Lot Line Adjustment
4. Minor Partition
5. Home Occupation
6. Design Review
- 7. Minor Variance**

#### B. Type II Action

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice is provided pursuant to Section 90.225 of this Ordinance. A public hearing is required for Type II actions unless otherwise specified. Appeal of a Type II decision is to the City Council. The following actions are processed under the Type II procedure:

1. **Major Variance**

2. Conditional Use Permit
3. Planned Unit Development
4. Major Partition
5. Subdivision
6. Expedited Land Division
7. Historic Landmark Designation
- 8. Design Review (conducted by the Planning Commission).**

C. Type III Action

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards, and makes the final, local decision. The Planning Commission plays an advisory role. Public notice is provided and, except as noted in subsection (4), public hearings are held before both the Planning Commission and City Council. Section 90.225 lists the notice requirements and Section 90.230 describes the hearing procedures. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Zone Change
2. Comprehensive Plan Map Amendment

D. Type IV Action

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties may request a Type IV action; however, it must be initiated by the Planning Commission, or City Council. The City Council makes the final, local decision. Section 90.225 lists the notice requirements and Section 90.230 describes the hearing procedures.

1. Amendments and Revisions of the Comprehensive Plan
2. City Plan Document Adoption, e.g. Water System Plan
3. Zoning Code Amendments

**Amendments to Section 90.210:**

**90.210 Application for Land Use Actions.** Applications for all land use actions as defined in this Ordinance shall be filed with the City Planner. An application shall be submitted in writing on the form provided by the City Planner and shall include the following:

- A. Name, address and telephone number of the applicant;

- B. Name, address and telephone number, and signature of the owner of the record of the subject property;
- C. Name, address and telephone number, and signature of any agent acting on behalf of the applicant;
- D. Township, range, section, and tax lot number of the subject property;
- E. A legal description of the property (for zone change and Comprehensive Plan Map Amendment applications only);
- F. ~~A list of all property owners of record within the notification area of the subject property;~~
- G. A map showing all properties within the notification area and any other information pertinent to the request;
- ~~H~~ G. The fee for the land use action, as determined by order of the City Council;
- ~~I~~ H. Other information required by this Ordinance or deemed necessary by the City Planner or Planning Commission.

**Amendments to Section 90.255:**

**90.255 Site Plan Review.**

A. Applicability of Provisions. Site Plan Review shall be applicable to all new developments and major remodeling of existing developments except **as provided in Section 90.260 and as follows:**

1. Single-family detached dwellings;
2. A duplex; or
3. Any commercial ~~or industrial~~ site alteration or building remodel that does not exceed 25 percent of the total square footage of the site or structure.

No building permit shall be issued for any new developments and major remodeling of existing developments, except for those listed above, unless plans therefore, including plot plan with sidewalk specifications if required, are submitted to the Monmouth Site Plan Review Committee and approved for conformity to the City Zoning and Development Ordinance and the Comprehensive Plan.

B. The Site Plan Review Committee, a committee of the Planning Commission, is hereby established. The Committee shall consist of the ~~City Engineer~~ **Public Works Director**, member of the Planning Commission to serve as a regular member of the Committee, and one (1) member of the Planning Commission to serve as an alternate member of the Committee in the absence of the Planning Commission member who is a regular member of the committee. The regular member and alternate member of the



Committee, who are members of the Planning Commission, shall be appointed by the chairman of the Planning Commission.

C. Site plans which the Committee reviews pursuant to subsection A of this section shall be submitted to the City Building Official. The Building Official may require from the applicant sufficient copies of the plans and such other information as deemed necessary to enable the Committee to perform its review, following the City's Building Department Review Procedures.

D. Within ten (10) days of receipt of a site plan from an applicant, the City shall hold a meeting of the Site Plan Review Committee to review the site plan. The Site Plan Review Committee shall meet and review the site plan to determine if it conforms to the Zoning and Development Ordinance and Comprehensive Plan.

1. If the site plan conforms to the Zoning and Development Ordinance and Comprehensive Plan, the Site Plan Review Committee shall approve it. The Building Official, in accordance with the Uniform Building Code, shall issue permits for the buildings shown in the approved plan.

2. If the site plan does not conform to the Zoning and Development Ordinance or Comprehensive Plan, the Site Plan Review Committee shall note the discrepancies between the site plan and the Zoning and Development Ordinance or Comprehensive Plan and shall disapprove the plan. Notice of the disapproval, explaining how the site plan fails to conform to the Zoning and Development Ordinance or Comprehensive Plan, shall be mailed to the applicant. The notice shall include an invitation to discuss with the Site Plan Review Committee how the plan might be revised so as to conform to the Zoning and Development Ordinance and Comprehensive Plan.

3. If the Site Plan Review Committee decides that a particular site plan raises public concerns that are best addressed by the whole Planning Commission or does not unanimously approve, the Committee shall neither approve nor disapprove the site plan but shall refer the site plan to the Planning Commission who shall review it in accordance with subsection F of this section. Notice of the referral shall be mailed to the applicant for site plan review within three (3) days of the decision to refer.

E. Any decision by the Site Plan Review Committee to disapprove a site plan may be appealed, in writing, to the Planning Commission within 12 days of the date of notice of disapproval. A decision by the Site Plan Review Committee to disapprove a site plan becomes final after 12 days from the notice of disapproval unless the disapproval is appealed to the Planning Commission pursuant to this subsection.

F. Referral of a site plan to the Planning Commission under subsection D 3 of this section or appeal to the Planning Commission of disapproval of a site plan under subsection E of this section shall be treated by the Planning Commission as an application for a land use action. The Planning Commission shall act upon such referral or appeal in accordance with the provisions of Sections 90.205 to 90.260.

Amendments to Section 90.260:

**90.260 Design Review.**

A. Process. Design Review shall be conducted by the Planning Commission in lieu of ~~conjunction with~~ the Site Plan Review process as set forth in Section 90.255 and. **Design Review** shall apply to all commercial and multifamily structures to be built or remodeled in the three districts described below. Remodeling includes facade improvements in the three districts described below. Design Review is conducted as a Type II procedure, however a public hearing is not required.

Design review shall also be required in industrial zones for new development and significant alteration of existing industrial developments. Any industrial site alteration or building remodel that does not exceed 25 percent of the total square footage of the site or structure is exempt from the Design Review process.

No building permit shall be issued for the construction or remodeling of any dwelling containing two (2) or more dwelling units or of any structure, unless plans therefore, including plot plan with sidewalk specifications, are submitted and approved **by the Planning Commission** for conformity with the Design Review standards set forth herein. For purposes of Sections 90.205 to 90.260, "remodel" shall mean the significant or material addition to, removal of or from, or physical modification of any exterior part or portion of a building.

B. Purpose. The purpose of Design Review is to preserve and enhance the character of the commercial areas within the three (3) districts described below and that the physical and operational characteristics of proposed buildings and uses are compatible with buildings in the district. The attractiveness and economic vitality of a downtown is largely a reflection of the shape, placement, design and quality of its buildings. These guidelines seek to improve each district by establishing a development pattern in which new buildings and building remodels enhance the existing town environment and promote harmony.

Design Review is also intended to ensure that industrial developments meet all applicable standards while minimizing potential health and safety hazards

C. Districts.

1. Downtown District. The area between Jackson Street, Clay Street, Pacific Street and Monmouth Avenue.
2. Pacific Street District. Commercial Highway zoned property along Pacific Street, from Church Street to Gwinn Street.
3. E. Main Street Highway 51 District. From Pacific Street east to the City limits.

D. General Commercial and Multifamily Development Standards in All Districts.

1. Architectural Style.
  - a. Architectural character is to be in harmony with the buildings in and be compatible with the developing character of the district.

b. Compatibility shall be achieved through such techniques as the repetition of roof lines, the use of similar proportions in building mass, outdoor spaces and landscaping, similar window and door patterns, and similar use of building materials, colors and textures,

c. Buildings that are stylized in an attempt to use the building itself as advertising or are a franchise style shall be discouraged.

2. Exterior and Finishing Materials. Exterior and finishing materials shall either be similar to the materials already being used in the district, or other characteristics, such as scale, proportion, form, architectural detailing, color and texture shall be used to ensure that sufficient similarity exists for the building to be compatible, despite the difference in materials.

3. Window. Clear or lightly tinted glass shall be used for commercial storefront display windows and doors. Windows shall be individually defined with detail elements such as frames, sills and lintels, and be placed to visually establish and define the building stories.

4. Building Color.

a. Paint and building materials shall blend into the neighborhood.

b. Conduit, meters, vents and other equipment attached to the building, or protruding from the roof shall be painted to match the building surfaces.

c. All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into the building and roof design to the maximum extent feasible.

5. Land Use Transition. When significantly different land uses are proposed adjacent to each other, the development plan shall achieve compatibility through compliance with the standards set forth above and by using mitigating techniques such as buffering, landscaping, limits on hours of operation and deliveries, lighting, placement of noise generating activities, placement and illumination of outdoor vending machines and similar techniques.

E. Specific District Standards.

1. Downtown District.

a. The heritage, history and architecture of existing buildings should be preserved.

b. Store fronts are to be oriented to the sidewalk. Primary facades and entries shall face the adjacent street with a direct connection to the adjoining sidewalk.

c. Parking is to be on the street or in the rear of the business.

d. In in-fill downtown development, a building shall be similar in size and height, or if larger, be subdivided so that it is proportional to the mass and scale, of other buildings in the district.

2. Pacific Street District.

a. Landscaping is required.

b. Shared parking facilities are encouraged.

c. Building orientation is to emphasize pedestrian access. Entries are to front directly onto the sidewalk or are located to facilitate pedestrian access from street perimeter sidewalks.

d. Provide safe walkways from parking areas to the business, which separate pedestrian and vehicular traffic.

e. Parking facilities are encouraged to be in the interior of the lot or block.

~~f. On larger commercial sites, 25 percent of the total building frontage shall be located at the street perimeter, preferably on a corner location.~~  
**Landscaping shall be designed to** reinforce and **enhance** strengthen the streetscape and screen the off-street parking areas.

3. E. Main Street Highway 51 District.

a. Aesthetically appropriate landscaping is required.

b. Shared parking facilities are encouraged.

c. Building orientation is to emphasize pedestrian access. Entries are to front directly onto the sidewalk or are located to facilitate pedestrian access from street perimeter sidewalks.

d. Provide safe and aesthetically appropriate walkways from parking areas to the business, which separate pedestrian and vehicular traffic.

e. Parking facilities are encouraged to be in the interior of the lot or block.

~~f. On larger commercial sites, 25 percent of the total building frontage shall be located at the street perimeter, preferably on a corner location.~~  
Landscaping shall **be designed to** reinforce and **enhance** strengthen the streetscape and screen the off-street parking areas.

## F. Industrial Developments

**Industrial developments shall demonstrate compliance with all of the applicable development standards of the applicable industrial zone, including design review standards and industrial performance standards.**

**Amendments to Section 90.325:**

**90.325 Standards for Zone Changes.** No zone change shall be approved by the Planning Commission or enacted by the City Council unless it conforms to the Comprehensive Plan and meets ~~at least one of the following standards is met:~~

**A. The proposed zone change meets at least one of the following standards:**

- A1.** The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B2.** Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer appropriate, and the zone change would conform to the new conditions of the neighborhood;
- C3.** There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

**B. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.**

**C. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.**

**Amendments to Section 90.330:**

**90.330 Standards for Plan Map Amendment.** No Comprehensive Plan Map amendment shall be approved by the Planning Commission or enacted by the City Council unless ~~at least one of the~~ amendment meets the following standards ~~is met:~~

**A. The proposed Comprehensive Plan Map amendment meets at least one of the following standards:**

- A1.** The Comprehensive Plan designation for the land for which the Plan amendment is initiated is erroneous and the Plan amendment would correct the error;
- B2.** Conditions in the neighborhood surrounding the land for which the Plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate, and the Plan amendment would conform to the new conditions in the neighborhood;
- C3.** There is a public need for land use of the kind for which the Plan amendment is initiated and that public need can best be met by the Plan amendment.

**B. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.**

**C. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.**

Amendments to Section 90.905 – Definitions:

Dwelling-Townhouse or row house: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel.

Lot, Interior Townhouse or Row house: A lot for a townhouse or row house dwelling with a similar townhouse or row house attached on each side.

Lot, Exterior Townhouse or Row house: A lot for a townhouse or row house dwelling with a similar townhouse or row house attached on only one (1) side.

Amendments to Section 90.405 – Variances:

Variances

**90.405 Power to Grant Variances.** ~~The Planning Commission~~ **City** may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific piece of property, literal interpretation of the ordinance would cause undue or unnecessary hardship. It is the intent of Sections 90.405 to 90.445 to provide flexibility, adaptability, and reasonableness in the application of this Ordinance where special conditions exist. No variance purporting to authorize a use not otherwise permitted for the property shall be granted.

**90.410 Procedures.** A variance is a land-use action. A Minor Variance is a Type I procedure and a Major Variance is a Type II procedure as ~~The procedures governing a request for a variance shall be those set forth in Sections 90.205 to 90.260 of this Ordinance, "Land-Use Actions."~~

90.412 Minor Variances.

For the purposes of this section, minor variances shall be defined as follows:

- A. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
- B. Variances to lot width, depth and frontage requirements of up to 10 percent;
- C. Variances to residential yard/setback requirements of up to 20 percent, provided that no side yard shall be less than five feet;
- D. Variances to nonresidential yard/setback requirements of up to 10 percent;
- E. Variances to lot area requirements of up to 5 percent; and
- F. Variances to fence height requirements of up to 20 percent.

90.413 Minor Variance Criteria

A. The City Planner may allow a minor variance from those development standards as defined in Section 90.412 if the Planner finds that the variance meets all of the following standards:

1. The property has development, which make development of a permitted use impractical; or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
2. The request is the minimum variance that would alleviate the hardship;
3. The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or be otherwise detrimental to the objectives of any City development, plan or policy;
4. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
5. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

B. If the City Planner determines that a minor variance application raises public concerns that are best addressed by the whole Planning Commission, the City Planner may refer a minor variance application to the Planning Commission for their review as a Type I action.

C. When a minor variance application is submitted concurrently with an application requiring a Type II review, such as a major partition, subdivision or planned unit development, the City Planner may refer the minor variance application to the Planning Commission for their review in conjunction with the concurrent application.

90.414 Effective Date of the Minor Variance. A Minor Variance granted under the provisions of this Ordinance shall become effective twelve (12) days after the mailing of notice of the decision unless such action is appealed to the Planning Commission. An appeal of the City Planner's decision shall stay such action until the appeal has been heard by the Planning Commission.

90.415 Major Variance Standards for Granting Certain Variances. The Planning Commission may permit and authorize a variance from any dimensional development standard in the Zoning Ordinance, if the Commission finds that the variance meets all of the following standards:

- A. The condition which would cause the undue or unnecessary hardship is a condition peculiar to the applicant's property which is not found generally in other property in the zone.
- B. The variance will be consistent with the Comprehensive Plan and with the purpose of the zone in which the applicant's property is located;

C. The variance will not be materially detrimental to the purposes of this Ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any City development, plan or policy.

D. The variance requested is the minimum variance necessary from the provisions and standards of this Ordinance, which will alleviate the hardship.

**90.425 Limiting Variances.** In granting any variance under the provisions of Sections 90.405 to 90.445, the ~~Planning Commission~~ **City** may impose conditions. Such conditions shall include, but not be limited to, limitations of the duration of the variance, restrictions on the dimensions of the structures, and conditions regarding the location of structures. Such conditions shall apply to the applicant for such variance and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of this Ordinance.

**90.430 Effective Date of the Variance.** A ~~Major~~ **Variance** granted by the Planning Commission under the provisions of this Ordinance shall become effective twelve (12) days after the mailing of notice of the Planning Commission's action unless such action is appealed to the City Council. An appeal of the Planning Commission's decision shall stay such action until the appeal has been heard by the City Council.

**90.435 Exercise of Variance.** A variance granted under the provisions of this Ordinance shall be effective only if exercised within 180 days of the effective date. Failure to exercise the variance within 180 days of the effective date renders the variance void. For Minor Variances, extensions of this time period may be granted by the City Planner. ~~For Major Variances, Extensions of this time period may be granted by a majority vote of the Planning Commission.~~ Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the City at least 30 days prior to the expiration of the effective period for the variance.

**90.440 Cessation of a Variance.** The discontinuance of any activity authorized by a variance for a continuous period exceeding 180 days shall be deemed an abandonment of such variance. The property affected by the variance shall thereafter be subject to all of the applicable provisions and requirements of this Ordinance.

**90.445 Transfer of a Variance.** Any variance granted to a property owner under the provisions of this Ordinance is transferable to subsequent owners of the same property unless otherwise provided at the time of the granting of the variance.

#### **Amendments to the Chapter 91 – Residential Zoning and Development:**

**91.025 Lot Area.** The minimum area of any lot created in the RS Zone shall be 5,000 square feet. In subdivisions, up to 20 percent of the lots may be smaller than 6,000 square feet in size provided that at least 80 percent of the lots are 6,000 square feet or larger ~~not more than 20% of the lots may be not less than 5,000 square feet and 80% of the lots must be not less than 6,000 square feet.~~ (Amended by Ordinance 1219, September 6, 2005)



**91.110 Density.** The density of residential development upon any lot in an RM Zone shall not exceed twelve (12) dwelling units per acre. The minimum density for residential subdivisions in the RM Zone shall not be less than five (5) dwelling units per acre.

**91.125 Lot Area.** The minimum lot area for townhouse or row house lots in the RM Zone shall be 3,500 square feet for interior lots and 5,000 square feet for corner lots. The minimum area of any for all other lots created in the RM Zone shall be 7,260 square feet.

**91.140 Yards.**

A. No main building shall be constructed, erected or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Sections 96.205 to 96.255, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. In an RM Zone the minimum distance for any front, side, or rear yard, or between the two main buildings on the same lot shall be determined from the following table:

**TABLE 91.140-1  
HEIGHT OF MAIN BUILDING SETBACKS**

	<u>Height of Main Building</u>	
	1 Story	2 Stories
<b>MINIMUM FRONT YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM REAR YARD DEPTH:</b>		
Interior Lot	15'	15'
Corner Lot	15'	15'
<b>MINIMUM SIDE YARD DEPTH:</b>		
Yard Not Adjoining Street	5'	5'
Yard Adjoining Street	10'	10'
<b>MINIMUM DISTANCE</b>		
Between Main Buildings on the Same Lot	10'	15'

**MINIMUM SIDE YARD DEPTH**  
**Townhouse or Row House**

No side yard shall be required along any side lot line, which is common to two (2) attached townhouse or row house dwellings. One side yard, a minimum of eight (8) feet in width is required along the side lot line of any exterior townhouse or row house lot. In no case shall side-by-side townhouse or row house buildings be separated by a distance of less than 16 feet. When an

exterior townhouse or row house lot abuts or adjoins a lot which is used for any purpose other than a townhouse or row house building, the side yard shall be 10 feet.

**91.210 Density.** The density of residential development upon any lot in an RH Zone shall not exceed twenty (20) dwelling units per acre. The minimum density for residential subdivisions in the RH Zone shall not be less than 12 dwelling units per acre.

**91.225 Lot Area.** The minimum lot area for townhouse or row house lots in the RH Zone shall be 3,500 square feet for interior lots and 5,000 square feet for corner lots. The minimum area of any lot created in the RH Zone shall be 5,000 square feet.

**91.240 Yards.**

A. No main building shall be constructed, erected or placed within a required yard. No main building shall be constructed, enlarged, altered, or repaired in such a way that it extends into any required yard except as may be authorized under the provisions of Sections 96.205 to 96.255, "Yards." When this or any other ordinance requires a setback or yard of greater depth than is required in this section, the greater setback or yard requirement shall apply.

B. In an RH Zone, the minimum distance for any front, side, or rear yard, or between two main buildings on the same lot shall be determined from the following table:

**TABLE 91.240-1  
HEIGHT OF MAIN BUILDING SETBACKS**

	<u>Height of Main Building</u>		
	1 Story	2 Stories	3 Stories
<b>MINIMUM FRONT YARD DEPTH:</b>			
Interior Lot	15'	15'	15'
Corner Lot	15'	15'	15'
<b>MINIMUM REAR YARD DEPTH:</b>			
Interior Lot	10'	10'	10'
Corner Lot	10'	10'	10'
<b>MINIMUM SIDE YARD DEPTH:</b>			
Yard Not Adjoining Street	5'	5'	5'
Yard Adjoining Street	10'	10'	10'
<b>MINIMUM DISTANCE</b>			
Between Main Buildings on the Same Lot	10'	15'	15'

MINIMUM SIDE YARD DEPTH  
Townhouse or Row House

No side yard shall be required along any side lot line, which is common to two (2) attached townhouse or row house dwelling. One side yard, a minimum of eight (8) feet in width is required along the side lot line of any exterior townhouse or row house lot. In no case shall side-by-side townhouse or row house buildings be separated by a distance of less than 16 feet. When an exterior townhouse or row house lot abuts or adjoins a lot which is used for any purpose other than a townhouse or row house building, the side yard shall be 10 feet.

Amendments to the Chapter 93 – Industrial Zones:

93.005 Purpose. The purpose of the Light Industrial (IL) zone is:

A. To define and protect areas suitable for a wide range of light manufacturing and related activities.

B. To ensure that such activities are developed and maintained so as to be compatible with immediately surrounding land uses and the general community;

C. To provide standards and review procedures by which such compatibility can be assured.

93.012 Standards for Permitted Uses

Permitted uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed development must be approved by the Planning Commission as part of the Design Review process.

93.022 Limitations on Use

The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements:

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.

2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

#### 93.042 Development Standards

All development in the IL Zone shall comply with the following provisions and all other applicable provisions of this Ordinance:

A. Off-street parking. Off-street parking shall conform to the standards of Sections 96.005 to 96.030.

B. Signs. Signs shall conform to the provisions of Chapter 81 of the Monmouth Municipal Code.

C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapter 97 of the Ordinance.

D. Landscaping. A minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments. Landscaping in industrial developments shall be designed to:

1. Create an attractive streetscape along property frontage, particularly for industrial developments located along arterial or collector streets;
2. Serve as a screen or buffer between industrial developments and other non-industrial uses, particularly residential uses;
3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface; and
4. Buffer or screen loading and utility areas.

All landscaping improvements shall be installed and maintained in accordance with Sections 96.305 to 96.345. Parking areas having more than 10 spaces shall be screened and landscaped as required by Sections 90.100 and 90.110. Any refuse container or disposal area shall be screened as required by Section 90.110.

E. On-site Lighting. All on-site lighting shall be designed, located, shielded, or deflected so as not to shine on off-site structures or impair the vision of the driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:

1. Parking and loading areas;
2. Pedestrian walkway lighting;
3. Internal access road lighting;
4. Lighting of public entrances into buildings;
5. Flood lights illuminating buildings or significant natural features.

**F. Equipment and Utilities. All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment that must be installed aboveground shall be visually screened from public view.**

**93.050 Site Design Review.** All proposals for uses and activities to be built or conducted in an ~~an~~ **the** IL Zone shall be ~~submitted to and reviewed by, and approved by~~ the ~~Site Plan Review Committee~~ **Planning Commission through the design review process** prior to the issuance of any building permit. Such proposals shall be submitted in accordance with the following procedures. No proposal shall be approved unless it satisfies all the ~~site~~ **Design Review** criteria in Section 93.055, meets the purpose of the IL Zone, and meets each of the industrial performance standards in 93.060.

A. Proposals shall include the following information:

**1. Description of the proposed use that includes, but is not limited to, information regarding the types of goods produced, manufacturing or fabrication processes, materials used for manufacturing, processing, and fabrication, number of employees, hours of operation, estimated truck and vehicular traffic volumes, noise impacts, and other information as required by the Planning Commission.**

~~12.~~ **Vicinity Map.** The vicinity map shall indicate the subject property, all surrounding properties within 1,000 feet, streams or drainage ways and roads;

~~23.~~ **Plot Plan.** The plot plan shall be drawn at a scale of one inch equals 100 feet or at a larger scale and show the following:

- a. Property lines;
- b. Required yards and setbacks;
- c. Location of proposed structures;
- d. Location of storage and loading areas;
- e. Location of parking spaces and facilities;
- f. Access and circulation system;
- g. Landscaping, screening, and fencing;
- h. Existing and proposed utilities and service;
- i. Public areas, dedicated rights-of-way and easements; **and**
- j. On-site lighting plan.**

~~34.~~ Address and legal description of the property;

~~45.~~ The fee established by the city to defray the costs of processing the design review;

- 56. Township range, section, and tax lot number;
- 67. A brief statement regarding the proposed water supply system;
- 78. A brief statement regarding the proposed sewage and waste disposal system;  
and
- 89. An outline of proposed deed restrictions or covenants.

B. ~~Five~~ Ten copies of the plans and information required in this section above shall be submitted to the City at least 20 days prior to the meeting at which the proposal is to be reviewed.

C. ~~The Site Plan Review Committee~~ Planning Commission shall review the proposal in accordance with the ~~site Design Review~~ criteria specified in Section 90.055, and may suggest revisions to the proposal. No building permit for any use or activity in an IL Zone shall be issued until the written approval ~~of~~ by the ~~Site Plan Review Committee~~ Planning Commission has been received by the ~~Building Official~~. Any building permit for a use, activity, or structure subject to the ~~site Design Review~~ provisions of the IL Zone shall be issued only for the development as approved by the ~~Site Plan Review Committee~~ Planning Commission.

~~Under the provisions of this section, the Site Plan Review Committee~~ Planning Commission may approve, conditionally approve, or disapprove a proposal for a use or structure in the IL Zone. ~~The decision of the Site Plan Review Committee shall be made in writing and shall be sent to the applicant and the Building Official within ten (10) days from the time of the Site Plan Review Committee's Planning Commission's action.~~

93.055 Design Review Criteria. The Planning Commission shall consider the following criteria in evaluating Design Review applications in order to ensure that the purposes of this section are met:

- A. The use, as proposed, is consistent with the description of permitted uses in Section 93.010 or that the use is listed as a conditional use in Section 93.015 and the applicant has submitted a concurrent Conditional Use Permit application.
- B. The location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.
- C. The quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.
- D. The development meets all landscaping requirements and includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.
- E. Adequate public facilities are available to serve the development or will be made available through development of the property.

F. Adequate right-of-way and road improvements are provided by the development, based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to city specifications, and to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements and the circulation pattern within the boundaries of the development is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. Off-street parking and loading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. All proposed signs meet the requirements of the Sign Code.

J. On-site lighting is in scale and harmonious with the site and surrounding area.

**93.065 Conditions.** Conditions may be established by the Planning Commission for any use, activity, or structure subject to the site Design Review provisions of the IL zone. Such conditions shall be the minimum necessary to insure that the purpose of the IL zone is accomplished. Guarantees and evidence that such conditions will be complied with may be reviewed. ~~Site Plan~~ **Design Review** requires applicants to state the hours of operation for their activities and state how they will comply with the City's industrial performance standards.

#### 93.112 Standards for Permitted Uses

Permitted uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed development must be approved by the Planning Commission as part of the Design Review process.

#### 93.122 Limitations on Use

The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements:

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.

2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

#### 93.137 Development Standards

All development in the IP Zone shall comply with the following provisions and all other applicable provisions of this Ordinance:

A. Off-street parking. Off-street parking shall conform to the standards of Sections 96.005 to 96.030.

B. Signs. Signs shall conform to the provisions of Chapter 81 of the Monmouth Municipal Code.

C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapter 97 of the Ordinance.

D. Landscaping. A minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments. Landscaping in industrial developments shall be designed to:

1. Create an attractive streetscape along property frontage, particularly for industrial developments located along arterial or collector streets;
2. Serve as a screen or buffer between industrial developments and other non-industrial uses, particularly residential uses;
3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface; and
4. Buffer or screen loading and utility areas.

All landscaping improvements shall be installed and maintained in accordance with Sections 96.305 to 96.345. Parking areas having more than 10 spaces shall be screened and landscaped as required by Sections 90.100 and 90.110. Any refuse container or disposal area shall be screened as required by Section 90.110.

E. On-site Lighting. All on-site lighting shall be designed, located, shielded, or deflected so as not to shine on off-site structures or impair the vision of the driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:

1. Parking and loading areas;
2. Pedestrian walkway lighting;
3. Internal access road lighting;
4. Lighting of public entrances into buildings;



5. Flood lights illuminating buildings or significant natural features.

F. Equipment and Utilities. All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment that must be installed aboveground shall be visually screened from public view.

93.138 Access. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Existing access roads and access points shall be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

93.140 Site Design Review. All proposals for uses and activities to be built or conducted in ~~an~~ the IP Zone shall be ~~submitted to and reviewed by, and approved by~~ the Site Plan Review Committee Planning Commission through the design review process prior to the issuance of any building permit. Such proposals shall be submitted in accordance with the following procedures. No proposal shall be approved unless it satisfies all the site Design Review criteria in 93.145, meets the purpose of the IP Zone, and meets each of the industrial performance standards in 93.150.

A. Proposals shall include the following information:

1. Description of the proposed use that includes, but is not limited to, information regarding the types of goods produced, manufacturing or fabrication processes, materials used for manufacturing, processing, and fabrication, number of employees, hours of operation, estimated truck and vehicular traffic volumes, noise impacts, and other information as required by the Planning Commission.

2. Vicinity Map. The vicinity map shall indicate the subject property, all surrounding properties within 1,000 feet, streams or drainage ways and roads;

3. Plot Plan. The plot plan shall be drawn at a scale of one inch equals 100 feet or at a larger scale and show the following:

- a. Property lines;
- b. Required yards and setbacks;
- c. Location of proposed structures;
- d. Location of storage and loading areas;
- e. Location of parking spaces and facilities;
- f. Access and circulation system;
- g. Landscaping, screening, and fencing;
- h. Existing and proposed utilities and service;

i. Public areas, dedicated rights-of-way and easements; **and**

**j. On-site lighting plan.**

~~34.~~ Address and legal description of the property;

~~45.~~ The fee established by the city to defray the costs of processing the design review;

~~56.~~ Township range, section, and tax lot number;

~~67.~~ A brief statement regarding the proposed water supply system;

~~78.~~ A brief statement regarding the proposed sewage and waste disposal system;  
**and**

~~89.~~ An outline of proposed deed restrictions or covenants.

B. ~~Five (5)~~ **Ten** copies of the plans and information required in this section above shall be submitted to the City at least 20 days prior to the meeting at which the proposal is to be reviewed.

C. ~~The Site Plan Review Committee~~ **Planning Commission** shall review the proposal in accordance with the ~~site Design Review~~ criteria specified in Section 90.055, and may suggest revisions to the proposal. No building permit for any use or activity in an IP Zone shall be issued until the written approval of ~~by~~ **by** the ~~Site Plan Review Committee~~ **Planning Commission** has been received by the ~~Building Official~~. Any building permit for a use, activity, or structure subject to the ~~site Design Review~~ provisions of the IP Zone shall be issued only for the development as approved by ~~the Site Plan Review Committee~~ **Planning Commission**.

~~Under the provisions of this section, the Site Plan Review Committee~~ **Planning Commission** may approve, conditionally approve, or disapprove a proposal for a use or structure in the IP Zone. ~~The decision of the Site Plan Review Committee shall be made in writing and shall be sent to the applicant and the Building Official within ten (10) days from the time of the Site Plan Review Committee's action.~~

**93.145 Site Plan Design Review Criteria.** ~~The Site Plan Review Committee~~ **Planning Commission** shall consider the following criteria in evaluating ~~site Design Review~~ applications in order to ensure that the purposes of this section are met:

**A. The use, as proposed, is consistent with the description of permitted uses in Section 93.110 or that the use is listed as a conditional use in Section 93.115 and the applicant has submitted a concurrent Conditional Use Permit application.**

~~AB.~~ That the location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

~~B.~~ That there is an efficient, workable interrelationship among buildings, parking, circulation, open space, landscaping, and related activities and uses.

C. That the quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.

D. The development meets all landscaping requirements and That includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. ~~That the location, design, and size of the structures are such that the activities to be accommodated will be adequately served by community~~ Adequate public facilities and services or by other facilities suitable for the intended activities, in conformity with the comprehensive plan for Monmouth are available to serve the development or will be made available through development of the property.

F. ~~That, based on anticipated traffic generation, a~~ Adequate right-of-way and road improvements are provided by the development based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to City specifications, and ~~also~~ to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements ~~That there is a safe and the efficient-circulation pattern within the boundaries of the development~~ is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. ~~That there are adequate~~ Off-street parking and loading-unloading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. ~~That a~~ All proposed signs and illumination are in scale and harmonious with the site and area, and comply with MCC Chapter 81 meet the requirements of the Sign Code.

J. ~~That adequate methods are provided to ensure continued maintenance and necessary normal replacement of required features such as landscaping, screening, ground cover, and similar items~~ On-site lighting is in scale and harmonious with the site and surrounding area.

**93.155 Conditions.** Conditions may be established by the Planning Commission for any use, activity, or structure subject to the ~~site~~ Design Review provisions of the IP Zone. Such conditions shall be the minimum necessary to insure that the purpose of the IP Zone is accomplished. Guarantees and evidence that such conditions will be complied with may be reviewed. Design Review requires applicants to state the hours of operation for their activities and state how they will comply with the City's industrial performance standards.

Amendments adding the General Industrial Zone to Chapter 93: Industrial Zones:

General Industrial (GI) Zone

93.205 Purpose. The General Industrial (GI) Zone provides land for and encourages the grouping together of warehousing, manufacturing, and other industrial uses to ensure that such activities are developed and maintained so as to be compatible with immediately surrounding land uses and the general community. The General Industrial Zone provides standards and review procedures by which such compatibility can be assured.

93.210 Permitted Uses. Within the General Industrial Zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except those uses listed in this section and found to be in conformance with the review procedures of Section 93.245 and below:

A. Public utility and public service installations, including repair and storage facilities and personal wireless service facilities.

B. Retail sales accessory to a permitted industrial use.

C. Warehouses including mini-warehouse storage;

D. Assembly, including light manufacturing, processing, packaging, treatment, and fabrication of goods or merchandise;

E. Laboratories and research facilities,

F. Bottling and distribution centers;

G. Light repair facilities;

H. Wholesale businesses, and similar uses;

I. Pre-existing residential uses;

93.215 Standards for Permitted Uses

Permitted uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed development must be approved by the Planning Commission as part of the Design Review process.

93.220 Conditional Uses. If authorized under the procedure for conditional uses in this Ordinance, the following uses will be permitted in the General Industrial Zone:

A. Wireless Communication Facilities, in accordance with the provisions of Sections 98.005 to 98.045.

B. Bulk storage of flammable liquids or gases.

C. Concrete or asphalt batch plants.

D. Chemical, fertilizer, insecticide, or paint product manufacturing.

E. Extraction and processing of minerals, rocks, sand, gravel, or other earth products.

G. Other industrial uses not listed under Section 93.210 or 93.215 may be permitted in accordance with the conditional use procedures specified in Section 93.245.

93.220 Prohibited Uses

A. Rendering plants or tanneries.

B. Automobile wrecking yards;

C. Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises.

93.225 Limitations on Use

The following special development limitations shall apply:

A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.

B. Requirements:

1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six (6) feet in height.

2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage in a required yard shall not exceed eight (8) feet in height.

93.230 Dimensional Standards

The following minimum dimensional standards are required.

A. Minimum Lot Size: None

B. Setback Requirements:

1. Front yard

<u>Located on an arterial or collector street</u>	<u>30 feet</u>
<u>Not located on an arterial or collector street</u>	<u>None</u>

2. Side yard

<u>Adjoining a non-residential district</u>	<u>None</u>
<u>Adjoining a residential district</u>	<u>20 feet</u>

3. Rear yard

<u>Adjoining a non-residential district</u>	<u>None</u>
<u>Adjoining a residential district</u>	<u>20 feet</u>

C. Maximum building height shall not exceed 45 feet. A greater height may be approved as part of a conditional use permit.

93.235 Development Standards

All development in the General Industrial Zone shall comply with the following provisions and all other applicable provisions of this Ordinance:

A. Off-street parking. Off-street parking shall conform to the standards of Sections 96.005 to 96.030.

B. Signs. Signs shall conform to the provisions of Chapter 81 of the Monmouth Municipal Code.

C. Subdivisions and Partitions. All land divisions shall be reviewed in accordance with the provisions of Chapter 97 of the Ordinance.

D. Landscaping. A minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments. Landscaping in industrial developments shall be designed to:

1. Create an attractive streetscape along property frontage, particularly for industrial developments located along arterial or collector streets;
2. Serve as a screen or buffer between industrial developments and other non-industrial uses, particularly residential uses;
3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface; and
4. Buffer or screen loading and utility areas.

All landscaping improvements shall be installed and maintained in accordance with Sections 96.305 to 96.345. Parking areas having more than 10 spaces shall be screened and landscaped as required by Sections 90.100 and 90.110. Any refuse container or disposal area shall be screened as required by Section 90.110.

E. On-site Lighting. All on-site lighting shall be designed, located, shielded, or deflected so as not to shine on off-site structures or impair the vision of the driver of any vehicle. A master plan for on-site lighting shall include the design, height, and location of all proposed exterior lights, including:

1. Parking and loading areas;
2. Pedestrian walkway lighting;

3. Internal access road lighting;
4. Lighting of public entrances into buildings;
5. Flood lights illuminating buildings or significant natural features.

F. Equipment and Utilities. All utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment that must be installed aboveground shall be visually screened from public view.

93.240 Access. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Existing access roads and access points shall be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

93.245 Design Review. All proposals for uses and activities to be built or conducted in the General Industrial Zone shall be submitted to and reviewed by, and approved by the Planning Commission prior to the issuance of any building permit. Such proposals shall be submitted in accordance with the following procedures. No proposal shall be approved unless it satisfies all the Design Review criteria in 93.250, meets the purpose of the General Industrial Zone, and meets each of the industrial performance standards in 93.255.

A. Proposals shall include the following information:

1. Description of the proposed use that includes, but is not limited to, information regarding the types of goods produced, manufacturing or fabrication processes, materials used for manufacturing, processing, and fabrication, number of employees, hours of operation, estimated truck and vehicular traffic volumes, noise impacts, and other information as required by the Planning Commission.
2. Vicinity Map. The vicinity map shall indicate the subject property, all surrounding properties within 1,000 feet, streams or drainage ways and roads;
3. Plot Plan. The plot plan shall be drawn at a scale of one inch equals 100 feet or at a larger scale and show the following:
  - a. Property lines;
  - b. Required yards and setbacks;
  - c. Location of proposed structures;
  - d. Location of storage and loading areas;
  - e. Location of parking spaces and facilities;
  - f. Access and circulation system;
  - g. Landscaping, screening, and fencing;
  - h. Existing and proposed utilities and service;

i. Public areas, dedicated rights-of-way and easements; and

j. Onsite lighting plan.

4. Address and legal description of the property;

5. The fee established by the City to defray the costs of processing the design review;

6. Township range, section, and tax lot number;

7. A brief statement regarding the proposed water supply system;

8. A brief statement regarding the proposed sewage and waste disposal system;

9. An outline of proposed deed restrictions or covenants.

B. Ten copies of the plans and information required in this section above shall be submitted to the City at least 20 days prior to the meeting at which the proposal is to be reviewed.

C. The Planning Commission shall review the proposal in accordance with the Design Review criteria specified in Section 93.250, and may suggest revisions to the proposal. No building permit for any use or activity in the General Industrial Zone shall be issued until the written approval by the Planning Commission has been received by the Building Official. Any building permit for a use, activity, or structure subject to the site review provisions of the General Industrial Zone shall be issued only for the development as approved by the Planning Commission Committee.

Under the provisions of this section, the Planning Commission may approve, conditionally approve, or disapprove a proposal for a use or structure in the General Industrial Zone. The decision of the Planning Commission shall be made in writing and shall be sent to the applicant and the Building Official within ten (10) days from the time of the Commission's decision.

93.250 Design Review Criteria. The Planning Commission shall consider the following criteria in evaluating Design Review applications in order to ensure that the purposes of this section are met:

A. The use, as proposed, is consistent with the description of permitted uses in Section 93.210 or that the use is listed as a conditional use in Section 93.220 and the applicant has submitted a concurrent Conditional Use Permit application.

B. The location, design, size, shape and arrangement of the uses and structures are in scale with and are compatible with surrounding structures and land uses.

C. The quantity, location, height, and materials of walls, fences, hedges, screen plantings, and landscaped areas are such that they serve their intended purpose and have no undue adverse effect on abutting land uses.



D. The development meets all landscaping requirements and includes suitable planted ground cover or other surfacing is provided to prevent erosion and reduce dust.

E. Adequate public facilities are available to serve the development or will be made available through development of the property.

F. Adequate right-of-way and road improvements are provided by the development, based on anticipated traffic generation, in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to city specifications, and also to the necessity for such additional requirements as lighting, sidewalks, turn and deceleration/acceleration lanes and frontage roads.

G. The access meets all requirements and the circulation pattern within the boundaries of the development is safe and efficient. Consideration shall be given to the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings, and other related facilities.

H. Off-street parking and loading-unloading facilities are provided in a safe and efficient manner and meet all applicable requirements. Such consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

I. All proposed signs meet the requirements of the Sign Code.

J. On-site lighting is in scale and harmonious with the site and surrounding area.

93.255 Industrial Performance Standards. No structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes in the General Industrial Zone until they are found to be in conformance with the review procedures of Section 90.255 and the standards set forth in this section.

The discharge into the environment of solids, liquids, or gases in such quantities as to be detrimental to the public health, safety and welfare or to cause injury to human, plant or animal life or to property is prohibited in this zone. In the General Industrial Zone, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

A. Heat, glare and light:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building; such heat and glare shall not be discernable at or beyond the property line;
2. Exterior lighting shall be directed away from and shall not reflect on adjacent properties nor into the travel lanes of any street in such a manner so as to constitute a nuisance;

B. Noise. Noise shall be muffled and shall not be objectionable due to intermittence, frequency, or shrillness and shall not exceed the standards established by the State Department of Environmental Quality.

C. Sewage. Adequate provision shall be made for the disposal of sewage and waste materials. Such provisions shall meet the requirements of the State Department of Environmental Quality.

D. General Standards. No activity shall be conducted in the General Industrial Zone that will cause the emission of noise, vibration, residue, discharge, or odor that is offensive to the community.

93.260 Conditions. Conditions may be established by the Planning Commission for any use, activity, or structure subject to the site review provisions of the General Industrial Zone. Such conditions shall be the minimum necessary to insure that the purpose of the General Industrial Zone is accomplished. Guarantees and evidence that such conditions will be complied with may be reviewed. Design Review requires applicants to state the hours of operation for their activities and state how they will comply with the City's industrial performance standards.

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#### Amendments to Chapter 96 – Development Standards:

##### Accessory Structures

#### 96.115 Height of Accessory Structures.

A. The maximum height of any accessory structure attached to a main building shall be determined in accordance with the height requirements of the zone in which the main building is located.

B. The maximum height of any accessory structure not attached to a main building shall be fifteen (15) feet.

C. Television and radio antennae for the personal use of the owner of the lot on which they are located shall be exempt from the height requirements of subsections A and B above; such antennae shall have a maximum height of 50 feet above grade regardless of whether they are attached to a main building or are freestanding.

~~D. The maximum height of any fence shall be seven (7) feet.~~

~~96.120 Accessory Structures in Front Yards. No accessory structure exceeding two (2) feet in height except a fence shall be permitted in a required front yard. Any fence or solid hedge located within ten (10) feet of the front property line shall have a maximum height of 42 inches.~~

~~96.125 Accessory Structures Near Streets. Notwithstanding any other requirement or standard set out in Sections 96.105 to 96.130 "Accessory Structures," no accessory~~

structure or fence shall be constructed or located so as to obscure vision clearance required by action 96.255 of this Ordinance.

#### 96.126 Accessory Structure Setbacks

A. Side Yards. Accessory structures located in a side yard shall be set back at least five (5) feet from the nearest side lot line.

B. Rear Yards. All accessory structures located within rear yards shall be set back at least five (5) feet from the rear lot line.

#### 96.127 Fences

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. Fences along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other fences, walls or hedges shall not exceed a height of three and one-half (3 1/2) feet along the front property line or within 10 feet of a front property line. All fences which are located within the legs of a vision clearance area at street and alley intersections shall not exceed 3-1/2 feet in height from the adjacent curb elevation and shall be constructed of a material which is non sight-obscuring. A fence, wall or hedge may not exceed six (6) feet in height without approval of a variance.

Fences shall not be constructed of or contain any material which could cause bodily harm such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Barbed wire fences shall not be constructed or maintained, nor shall barbed wire be allowed to remain as part of a fence along a sidewalk or public way. No electric fences shall be installed, maintained, or operated in any residential or commercial zone or adjacent to any sidewalk or public way.

The height of a fence adjoining a street shall be determined by measuring the vertical distances from the sidewalk to the highest part of the fence. If no sidewalk exists, the height of the fence shall be determined by measuring the vertical distance from the curb to the highest part of the finished shoulder grade of the right-of-way or from the finished grade of the property along the fence.

96.130 Measurement of Height of Fences. The height of a fence adjoining a street shall be determined by measuring the vertical distances from the sidewalk to the highest part of the fence. If no sidewalk exists, the height of the fence shall be determined by measuring the vertical distance from the curb to the highest part of the finished shoulder grade of the right-of-way or from the finished grade of the property along the fence.

Amendments adding Section 97.152 to Chapter 97 – Subdivisions and Partitions.

#### 97.152 Infill Subdivisions

“Infill subdivisions” are defined as less than two (2) acres in area, in existing developed residential areas where at least 66 percent of the perimeter of the subdivision abuts existing residential development.

All proposed infill subdivision lots abutting existing residential lots or having street frontage on existing streets shall be similar in lot size and lot width to existing development within the surrounding neighborhood.

Amendments to Section 97.285:

97.285 Lots.

F. Flag Lots. Flag lots shall be subject to the following development standards:

1. ~~The property line running perpendicular to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.~~

At the time of land division review for a flag lot creation, the front yard shall be determined as follows:

The front yard of a flag lot is measured from the lot line that is parallel and closest to the street, excluding the pole or access flag portion of the flag lot. If this standard is not practicable due to placement of structures on adjacent lots, topography, lot configuration, or similar reasons, then the front yard shall be measured from a property line that is perpendicular to the street.

2. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of twelve (12) feet in width.
3. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of the Zoning and Development Ordinance.
4. The length of the access strip shall not exceed 200 feet.
5. Where two (2) flag lots abut, access may be via a shared drive and a single 25' shared access. The improved surface shall be a minimum of twelve (12) feet in width.
6. The minimum lot depth for flag lots shall be 80 feet. The lot depth shall be measured at the mid-point of the front lot line.

Amendments to Municipal Code Chapter 81 – Sign Code

81.020 Exempt Signs. The following signs, when they meet the stated provisions, are not subject to the other provisions of this Sign Code, except for the maintenance, enforcement, penalty provisions and vision clearance requirements.

A. "A-board" signs provided:

- (1) The display/structure height does not exceed 40" tall, nor 24" inches wide, except at an intersection, as defined in Appendix B.

- (2) There is only one sign per business.
  - (3) The sign is located immediately adjacent to either the building or to the curb, which adjoins the sidewalk adjacent to the building, to preclude interference with pedestrian traffic.
  - (4) The sign is displayed only during hours when the business is open.
- B. Garage sale signs: See MCC (Monmouth City Code) 61.180.
  - C. "MANAGED BY \_\_\_" sign, provided it does not exceed three (3) square feet.
  - D. Memorial tablets, cornerstones, or similar plaques provided they do not exceed six (6) square feet in size.
  - E. Signs painted on, or placed upon a window, in a non-residential zone, provided such signs do not obscure more than fifty (50) percent of such window. Signs, which remain longer than thirty (30) days will be considered permanent and must comply with the provisions of the Sign Code that regulate permanent signs.
  - F. Small, incidental signs, provided they do not exceed two (2) square feet in size. Such signs are limited to two (2) non-illuminated, exterior signs per lot or one (1) per street frontage, whichever is greater.
  - G. Neon signs, provided they do not exceed two (2) square feet in size. Such signs are limited to one (1) per street frontage.
  - H. "PRIVATE PARKING" signs, not exceeding two (2) square feet.
  - I. Real estate directional signs not exceeding two (2) square feet in size.
  - J. Seasonal signs and lighting provided that the display is only visible for 90 days per calendar year.
  - K. Any sign within a building, that communicates only to persons within a building, unless otherwise noted.
  - L. Strings of lights in non-residential zones, provided they:
    - (1) do not exceed five (5) watts per bulb, and
    - (2) the bulbs are placed no closer than six (6") inches apart and
    - (3) the bulbs do not flash or blink in any way, seasonal lighting excepted.
  - M. Temporary, non-illuminated signs meeting the following criteria:
    - (1) Real estate or construction signs, that do not exceed six (6) square feet in residential zones or 32 square feet in commercial and industrial zones. Such

signs shall be removed within seven (7) days from the sale, lease or rental of the property or completion of the project.

(2) One residential development promotional sign not exceeding 32 square feet may remain during the promotion of the project.

(3) Signs for charitable fund raisings, sales, or temporary events, provided they do not exceed 16 square feet. Such signs shall not be placed more than fourteen (14) days prior to the event and must be removed within two (2) days of the conclusion of the event. Limit of six (6) such event signs per lot per year.

(4) Political signs, provided they do not exceed six (6) square feet in size. Such signs are to be erected no more than 60 days prior to, and removed within seven (7) days following an election.

(5) Temporary Promotional Signs. Displays for a center-wide promotion or event, that are removed immediately upon cessation of such event or promotion.

N. Directional and informational signs placed by a government or governmental agency, including, but not limited to traffic signs, lights and signals placed by a governmental agency.

O. Advertising signs placed at a sports facility owned by a government or governmental agency.

#### 81.105 Maintenance

A. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

B. The property owner shall be responsible for sign placement, construction, and maintenance and compliance with the provisions of these regulations or other laws or ordinances regulating signs.