

**Coburg Zoning Code
Ordinance No.A-199**

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(Updated September 2005 with Ordinance No.A-199 Replacing Ordinance No.A-133)

COBURG, OREGON ZONING CODE

ARTICLE I. TITLE

This code shall be known as the “Coburg, Oregon Zoning Code” and the map herein referred to shall be known as the “Official Zoning Map of the City of Coburg, Oregon.”

ARTICLE II. PURPOSE

The several purposes of this Code are to encourage the most appropriate use of land; conserve and stabilize the value of property; aid in the rendering of fire and police protection; provide adequate open space for light and air; lessen congestion on streets; promote orderly growth in the city; prevent undue concentrations of population; implement the comprehensive plan; facilitate adequate provision for community utilities and facilities such as water, sewage disposal, transportation, schools, parks and other public requirements; and promote the public health, safety, convenience and general welfare.

ARTICLE III. ESTABLISHMENT OF DISTRICTS

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which together with all explanatory matter thereon is hereby declared to be part of this Code.

If, in accordance with the provisions of this Code and ORS 227, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. The Official Zoning Map shall be kept in the office of the City Recorder and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

ARTICLE IV. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Planning Commission shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

ARTICLE V. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. to exceed the height or bulk;
 - 2. to accommodate or house a greater number of families;
 - 3. to occupy a greater percentage of lot area;
 - 4. to have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this Code.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
- E. All territory which may hereafter be annexed to the city shall be considered to remain in its Lane County zoning classification until otherwise classified by the City of Coburg.

ARTICLE VI. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

- A. Intent - Within the districts established by this Code or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Code and future amendment. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Code that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures of uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code.

This provision shall apply even though such lot fails to meet the requirement for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.

- C. Non-Conforming Uses of Land (or Land with Minor Structures Only) - Where, at the time of passage of this Code, lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;
 2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;
 3. If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

4. No additional structure not conforming to the requirements of this Code shall be erected in connection with such non-conforming use of land.

D. Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Non-Conforming Uses of Structures or of Structures and Premises in Combination - If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful) subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the

replacement cost at time of destruction.

- F. Repairs and Maintenance - On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- G. Uses Under Special Exception Provisions Not Non-Conforming Uses - Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Planning Commission action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VII. DISTRICT REGULATIONS

District regulations are set forth in the following Schedule of District Regulations:

A. Traditional Residential District (TR)

1. Purpose: The Residential District is intended to provide a livable neighborhood environment, preserve the small town and historic character of the traditional core of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices and other associated uses as determined to be desirable and/or necessary.
2. Uses and Structures
 - a. Permitted Principal Uses and Structures
 - (1) Residential
 - (a) Single-family detached dwellings
 - (b) Duplexes located on a corner parcel with each primary entry oriented to a different street
 - (c) Accessory dwellings
 - (d) Group home, not to exceed five unrelated individuals.
 - (e) Manufactured homes¹ on individual lots as provided in Article VIII, Section G.
 - (f) Residential Homes as defined by ORS 197.660-670.
 - (g) Residential Facilities, as defined by ORS 197.660-670, subject to locational standards in Section 10.
 - (1) Home Occupations as provided in Article VIII, Section K.
 - (2) Public and Institutional
 - (a) Places of Worship subject to the locational standards in Section 10.
 - (b) Public and private schools subject to the locational standards in Section 10.
 - (1) Bed and Breakfast Inns, subject to the locational standards in Section 10.
 - (2) Child care center providing care to six or fewer children. Child care centers with 7-12 children are permitted subject to the locational standards in Section 11.
 - b. Permitted Accessory Uses and Structures
 - (1) Accessory buildings and uses, such as garages or sheds, are permitted.
 - (2) One accessory dwelling unit is permitted on a lot with a single-family detached dwelling.
 - c. Special Exceptions (Conditional Uses). The following uses require a conditional use permit under the procedure, criteria, and standards of Article X.
 - (6) Boarding, lodging or rooming house.
 - (7) Child care center-providing care to thirteen or more children.
 - (8) Nursing homes.
 - (9) Public parks, playgrounds and community centers.
 - (10) Public and semi-public buildings.
 - (11) Public, private and parochial schools that do not meet the locational standards in Section 10.
 - (12) Places of worship that do not meet the locational standards in Section 10.
 - (13) Agricultural uses and crop cultivation subject to Nuisance Ordinance criteria and Section 9 requirements.
 - (a) Gardens and greenhouses for commercial purposes.

¹ Manufactured homes do not include residential trailers constructed before 1962, mobile homes constructed between 1962 and 1976, or Recreational Vehicles.

- b. Prohibited Uses.

All uses not listed as permitted, accessory or conditional are prohibited.

3. Driveway Limitations in the Traditional Residential District

- a. In the Traditional Residential District, driveways shall be limited to a maximum of one (1) per dwelling. One driveway shall be allowed for each unit of a duplex. A single driveway cannot be used by more than one dwelling.

Exception: A single driveway can serve one dwelling in addition to an approved accessory dwelling unit.

4. Minimum Lot Requirements

- a. For properties not served by sanitary sewers, the minimum lot requirements shall be as follows:

| Number of Units | Sq. Ft./lot | Min. Width | Max. Lot. Coverage. |
|------------------------|--------------------|-------------------|----------------------------|
| Single Family | 10,000 | 60 ft. | 30% |

- b. For properties served by sanitary sewers, the minimum lot requirements shall be listed below:

| Number of Units | Min. Sq. Ft./lot¹ | Min. Width¹ | Max. Lot. Coverage. |
|---|-------------------------------------|-------------------------------|----------------------------|
| Single Family detached and Manufactured home on a lot | 7,500 | 60 ft. | 30% |
| Duplex | 8,000 | 65 ft. | 35% |

5. Minimum Residential Density Standards

The following density standards apply to all new development where sanitary sewer is available. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing.

- a. When lots are created through a land division, or site development is proposed for four or more dwelling units, a minimum density of 65 percent of the maximum density permitted by the zone is required for all residential units, except that this standard does not apply to the following developments. Gross acres are used to calculate density
 - (1) Partitions
 - (2) Subdivisions of parcels totaling 20,000 square feet or less;
 - (3) Lot line adjustments;
 - (4) Bed and Breakfast inns; and
 - (5) Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.

- a. The density standards may be averaged over more than one development phase (i.e., as in a master planned development).
- b. Duplex used to comply with the density standard shall be so designated on the final subdivision plat.
- c. The residential density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use.

1. Minimum Yard Requirements.

- e. Front yard setbacks shall be a minimum of 15 feet ,with the following exceptions:
 - (1) Garages shall be set back a minimum of 20 feet from the front property line and shall be set back a minimum of 5 feet from the longest wall of the front façade of the house.
 - (2) Steps are permitted within the front yard setback. For new buildings proposed between two existing residences with the same street frontage, the minimum front setback for the new building shall be the average front setback of both adjacent residences, plus or minus 5 feet from the average.
- f. Side yard. Setbacks shall be seven (7) feet from any property line, except:
 - (1) Corner lots shall have a side yard next to the street of 10 feet.
- g. Rear yard. Primary structures shall be set back not less than 10-feet from the rear property line. Accessory structures that require a building permit shall be set back not less than five (5) feet from the rear property line.
- h. Schools. Schools shall provide and maintain setbacks of 50 feet from side and rear property lines, except on the street side of a corner lot where a setback of at least 25 feet shall be required. Alleys contiguous to or within the property being used for school purposes may be included in the required setback. This provision does not apply to residences used for home schooling.

[Adopted A-133K 12/1/1998]

2. Maximum Height Standards

- . Residential Buildings. The maximum height shall be 35 feet.
- . Accessory Buildings, including accessory dwellings. The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor.
- . Garages. Garages shall not exceed the maximum height of the primary structure.
- . All other buildings shall not exceed 35-feet.

7. Parking and Access Requirements

See ARTICLE VIII for parking and access requirements.

8. Sign standards

See Sign Ordinance and ARTICLE VIII for requirements.

9. Standards for Agriculture and Livestock Uses

- a. The total maximum number of animals permitted on a lot shall be as follows. (Area computation may be utilized one time only for allowable animal count):

| Type of Animals Allowed | Minimum Square Feet Required | Square Feet per Animal Required |
|---|-------------------------------------|--|
| Honey Bee Colonies (per hive) | 10,000 | 10,000 |
| Fowl (not including roosters), Rabbits | 4,000 | 2,000; (maximum of 10 on 40,000 square feet) |

10. Transition Use Locational Standards.

- a. Applicability. This section applies to uses referenced in Section A (2) above.
- b. Locational standards. All buildings and uses subject to this section shall meet all of the following standards:
- (1) Adjacent to the Central Business District or Highway Commercial District or Light Industrial, either by sharing a property line or across a street or alley;
 - (2) On at least one (1) collector or arterial street.

11. Compliance with Design Standards and Guidelines

- a. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII.

D. Traditional Medium Residential District (TMR)

1. Purpose: The Residential District is intended to provide for medium density housing in a livable neighborhood environment, preserve the small town and historic character of the traditional core of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices and other associated uses as determined to be desirable and/or necessary.
2. Uses and Structures
 - a. Permitted Principal Uses and Structures
 - (1) Residential
 - (a) Single-family detached dwellings
 - (b) Single-family attached dwellings (townhomes) not to exceed four units per structure, and, subject to the design standards of Article VIII.
 - (c) Duplexes
 - (d) Multi-family dwellings not to exceed four units per structure, and, subject to the design standards of Article VIII.
 - (e) Group homes
 - (f) Manufactured homes² on individual lots as provided in Article VIII, Section J.
 - (g) Manufactured dwelling parks³
 - (h) Residential Homes and Residential Facilities, as defined by ORS 197.660-.670
 - (2) Home occupations as provided in Article VIII, Section K.
 - (3) Public and Institutional
 - (a) Places of worship, subject to the locational standards in Section 10).
 - (4) Child care center providing care to six or fewer children. Child care centers with 7-12 children are permitted subject to the locational standards in Section 10.
 - b. Special Exceptions (Conditional Uses). The following uses require a conditional use permit under the procedure, criteria, and standards of Article X.
 - (1) Boarding, lodging or rooming house.
 - (2) Child care center-providing care to thirteen or more children.
 - (3) Nursing homes.
 - (4) Public parks, playgrounds and community centers.
 - (5) Public and semi-public buildings.
 - (6) Public, private and parochial schools that do not meet the locational standards in Section 10.
 - (5) Places of worship that do not meet the locational standards of Section 10.
 - (6) Agricultural uses crop cultivation and animal husbandry (including bee colonies) subject to Nuisance Ordinance criteria and Section 9 requirements.
 - (e) Gardens and greenhouses for non-commercial purposes.
 - c. Prohibited Uses
 - (1) All uses not listed as permitted, accessory or conditional uses are prohibited.
3. Minimum Lot Requirements and Maximum Residential Density

² Manufactured homes do not include residential trailers constructed before 1962, mobile homes constructed between 1962 and 1976, or Recreational Vehicles.

³ A manufactured dwelling park includes manufactured homes constructed since 1976, mobile homes, and residential trailers, but does not include recreational vehicles.

- a. For areas not served by sanitary sewers, the minimum lot requirements shall be as follows:

| Number of Units | Sq. Ft./lot | Min. Width | Max. Lot. Coverage |
|------------------------|--------------------|-------------------|---------------------------|
| Single Family | 10,000 | 60 ft. | 30% |
| Two-Family | 12,000 | 70 ft. | 35% |
| Three-Family | 16,000 | 80 ft. | 40% |
| Four-Family | 20,000 | 90 ft. | 45% |

- b. For areas served by sanitary sewers, the minimum lot requirements shall be as listed below. The maximum density permitted on any parcel shall be 13 dwelling units per acre, not including accessory dwelling units.

| Housing Type | Min. Sq. Ft./lot¹ | Min. Width¹ | Max. Lot. Coverage |
|------------------------|-------------------------------------|-------------------------------|---------------------------|
| Single Family Detached | 3,350 | 40 ft. | 30% |
| Duplex | 6,700 | 60 ft. | 35% |
| Single Family Attached | 3,350 | 30 ft. | 45% |
| Multiple Family | 10,000 | 80 ft. | 45% |

4. Minimum Residential Density Standards

The following density standards apply to all new development where sanitary sewer is available. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing.

- b. When lots are created through a land division, or site development is proposed for four or more dwelling units, a minimum density of 80 percent of the maximum density permitted by the zone is required for all residential units, except that this standard does not apply to the following developments. Gross acres is used to calculate density:
- (1) Partitions
 - (2) Subdivisions of parcels totaling 20,000 square feet or less;
 - (3) Lot line adjustments;
 - (4) Bed and Breakfast inns; and
 - (5) Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.
- c. The density standards may be averaged over more than one development phase (i.e., as in a master planned development).
- d. Duplex and townhomes used to comply with the density standard shall be so designated on the final subdivision plat.
- e. The residential density standard of this district does not apply to accessory dwellings, due to the small size and low occupancy level of the use.

5. Minimum Yard Requirements.

- a. Front yard setbacks shall be a minimum of 15 feet ,with the following exceptions:
 - (1) Garages shall be set back a minimum of 20 feet from the front property line and shall be set back a minimum of 5 feet from the longest wall of the front façade of the house. Garages shall comply with the applicable standards in Article VIII.
 - (2) Steps are permitted within the 15 foot front yard setback.
 - (3) For new buildings proposed between two existing residences with the same street frontage as the new building, the minimum front setback for the new building shall be the average front setback of both adjacent residences, plus or minus 5 feet from the average.
- b. Side yard. Setbacks shall be five (5) feet from any property line, except:
 - (6) Corner lots shall have a side yard next to the street of 10 feet.
- c. Rear yard. Primary structures shall be set back not less than 10-feet from the rear property line. Accessory structures that require a building permit shall be set back not less than five (5) feet from the rear property line.
- d. Setback Exceptions. The following architectural features are allowed to encroach into the yard setbacks: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks and similar structures not exceeding 2 feet in height may encroach into setbacks by no more than 2 feet, subject to front yard setback provisions.

6. Maximum Height Standards

- a. Residential Buildings. The maximum height shall be 35 feet.
- b. Accessory Buildings, including accessory dwellings. The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor.
- c. Garages. Garages shall not exceed the maximum height of the primary structure.
- d. All other buildings shall not exceed 35-feet.

7. Parking and Access Requirements

See ARTICLE VIII for parking and access requirements.

8. Sign standards

See Sign Ordinance for requirements.

9. Standards for Agriculture and Livestock Uses

- a. The total maximum number of animals permitted on a lot shall be as follows. (Area computation may be utilized one time only for allowable animal count):

| Type of Animals Allowed | Minimum Square Feet Required | Square Feet per Animal Required |
|-------------------------|------------------------------|---------------------------------|
|-------------------------|------------------------------|---------------------------------|

| | | |
|---|--------|--|
| Bee Colonies (per hive) | 10,000 | 10,000 |
| Fowl (not including roosters), Rabbits | 4,000 | 2,000; (maximum of 10 on 40,000 square feet) |

10. Transition Use Locational Standards.

- a. Applicability. This section applies to uses referenced in Section A (2) above.
- b. Locational standards. All buildings and uses subject to this section. shall meet all of the following standards:
 - (1) Adjacent to the Central Business District or Highway Commercial District or Light Industrial, either by sharing a property line or across a street or alley;
 - (2) On at least one (1) collector or arterial street.

11. Compliance with Design Standards and Guidelines

- a. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII.

C. Central Business District (C-1)

1. Purpose. The Central Business District is intended to preserve and enhance the downtown area as the historic heart of the community. Coburg’s downtown is the community’s central location for commercial services, civic functions and mixed use. The district regulations are intended to ensure the downtown reflects the small town and historic character of Coburg, and provides an attractive, pedestrian-oriented setting.

2. Uses and Structures

- a. Permitted Principal Uses and Structures (subject to Site Plan Review provisions in Article X).
 - (1) Business and Professional Offices.
 - (2) Civic uses and facilities such as government offices and facilities, libraries, community centers and fire stations.
 - (3) Clubs, Lodges, Fraternities and similar uses.
 - (4) Mixed-use development (a residential use with another permitted use). Subject to Standards in Section 12 of this article.
 - (5) Personal services (e.g., childcare, catering/food services, restaurants, dry cleaners, barbershops and salons, and similar uses) up to 10,000 square feet gross floor area.
 - (6) Public parking lots and structures.
 - (7) Public parks, playgrounds and recreational facilities.
 - (8) Retail and Wholesale Stores and Shops, provided that:
 - (a) Yard setbacks and other open areas shall not be used for the storage, of business inventory, merchandise, equipment, or building materials, or for any scrap or salvage operation, storage or sale.
 - (b) The building is no larger than 10,000 sq. ft in gross floor area.
 - (c) For wholesale uses: The ground floor facing the principal commercial street shall be used only for commercial sales or business or professional offices.
 - (9) Banks, lending and financial institutions, without drive-up facilities.
 - (10) Existing agricultural, horticultural, and livestock uses (no new uses). Agricultural,

horticultural, and livestock uses in operation on the effective date of this Code shall be deemed nonconforming uses and shall continue to operate subject to the provisions of Article VI of this Code.

(11) Single Family Dwellings subject to locational standards in Section 12.b.

b. Permitted Accessory Uses and Structures

(1) All accessory uses normal and incidental to the uses permitted in this district.

c. Prohibited Uses

(1) New Manufactured Dwelling Parks.

(2) New agricultural, horticultural, and livestock uses.

(3) New vehicle service and gasoline stations.

(4) Drive-up, drive-in and drive-through facilities related to food service or alcoholic beverage sales.

(5) Schools.

(6) Rescue missions and temporary revivals.

(7) Any permitted or conditional use that creates odor, dust, smoke, noise, vibration or other negative impact that is perceptible beyond the property boundaries.

d. Special Exceptions (Conditional Uses). The following uses require a conditional use permit under the procedure, criteria, and standards of Article X.

(1) Amusement establishments.

(2) Clinics and laboratories, including animal clinics except that animals may be boarded overnight only when being medically treated in the clinic.

(3) Places of worship and accessory activities and facilities, except rescue missions or temporary revivals, which are prohibited.

(4) Small-scale manufacturing or processing, provided that the front 25 feet of the building's ground floor facing the principal commercial street shall be used for commercial uses or business or professional offices.

(1) Farmers' markets.

(2) Drive-up, drive-in and drive-through uses not related to food service or alcoholic beverage sales, which are prohibited.

(3) Alteration or demolition of identified historical resource as listed in the Coburg Comprehensive Plan and/or in Article IX.

(4) Drinking Establishments not including restaurants and alcohol beverage sales

3. Building or Structural Height Standards

a. All buildings in the C-1 district are permitted to be up to 35 feet in height.

4. Lot Dimensions

a. The minimum lot frontage shall be 25 feet.

b. The minimum lot size shall be 1,500 sq. ft.

5. Maximum Lot Coverage

a. One hundred (100) percent coverage is allowable when minimum loading space, landscaping, setbacks and parking are provided.

6. Yard Regulations. All setbacks shall comply with applicable standards of the Uniform Building Code and Uniform Fire Code.

a. Front Yards

- (1) Front yards shall not be required except where specified setbacks are established for road widening purposes.
- (2) The maximum setback for a building façade shall be 15 feet. For non-residential uses on Willamette Street, this standard is met when at least 80 percent of the building frontage is placed within the maximum setback. For commercial uses along other streets, the minimum building frontage that shall be placed within the maximum setback shall be at least 50 percent of the lot frontage.

b. Side Yards - Side yards shall not be required except:

- (1) Where specified setbacks are established for road widening purposes, or

c. Rear Yards

- (1) Rear yards shall not be required, except that where a non-residential use abuts the Residential District, a 10-foot rear yard shall be required.
- (2) No structural improvements, except road surfacing, shall be allowed within 10 feet of the centerline of an alley.

a. Fences, Hedges, Walls and Other Structures

b. See Section VIII.H and I for fence and screening standards.

7. Parking and Access Requirements

See ARTICLE VIII. A through C for parking and access requirements.

8. Street Standards

See ARTICLE VIII. F for Street Standards

9. Pedestrian Amenities. (See Appendix Page 8, Pedestrian Amenities

All new development shall be required to provide a minimum of two of the following pedestrian amenities:

- a. Outdoor seating options, e.g., benches, or tables with chairs.
- b. Extra wide sidewalks or courtyards that can be used as small plazas. These may be combined with water features and/or benches to create attractive public spaces.
- c. Planters, garden areas, and pocket parks that include:
 - (1) Sitting space
 - (2)
- d. Weather protection, e.g., pedestrian-scaled awnings or canopies
- e. Other opportunities for open spaces, e.g., in rooftop courtyards, entranceways

10. Building Orientation

All buildings shall be oriented to a street. The building orientation standard is met when all of

the following criteria are met:

- a. Compliance with the setback standards in Section 5.
- b. All buildings shall have their primary entrance(s) oriented to the street. Oriented to the street” means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway not exceeding 60-feet in length. Streets used to comply with this standard are public streets or private streets that contain sidewalks and street trees. (c) Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.
- c. On corner lots, buildings and entrances shall be oriented to the street corner; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

11. Historic Building Design

The following historic building exterior design elements are required for all new construction and major renovations in order to maintain and improve the historic storefront character of the downtown. Historic Structures are also subject to the conditional use criteria in Article X .

- a. Decorative doors, transom and clerestory windows.
- b. Windows with trim comparable in style to that commonly used on other historic buildings in the C-1 district.
- c. 40-80 percent of ground floor façade facing the street, measured horizontally, shall have windows. The lower edge of these windows shall be no more than 30 inches above the sidewalk.
- d. The pitch and style of rooflines shall be comparable to existing historic rooflines, such as a 4 in 12 pitch.
- e. Surface detailing is required for blank walls (permitted on non-street facing facades only) and shall include offsets, windows, siding, murals, or other similar features.
- f. Weather protection for pedestrians (awnings or canopies). Lighted or bubble awnings are not allowed.

12. Residential Development Standards

- a. Dwellings allowed outright above or behind a commercial use shall comply with the following standards:
 - (1) Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley. These standards do not apply when prevented by existing developments or topography.

Each dwelling unit shall provide the required number of parking and bicycle spaces as required in Article VIII.

- (2) Use of Alleys. If more than one four-plex or four or more townhouses are proposed, an alley or private mid-block lane shall be required for vehicle access. Alleys or mid-block lanes are not required when existing developments or topography prevents construction of an alley. As part of the development, the City may require dedication of right-of-way or easements and construction of pathways to provide pedestrian connections through a development site.
- (3) Common Areas. A homeowners association or other legal entity shall maintain all common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors. Copies of any applicable covenants, restrictions, and conditions shall be recorded and provided to the city prior to building permit approval.

a. Single family dwellings on individual lots shall comply with the following standards:

- (1) Individual lots with frontage only on local or collector streets.

D. Highway Commercial District (C-2)

1. Purpose

The purpose of the C-2 District is to provide goods and services that primarily serve the traveling public and regional market. The C-2 District is intended to promote a high quality of life through a diverse economy and strong tax base, transition between higher and lower intensity uses, and appropriately scaled commercial uses that fit the small town, historic character of the community.

2. Uses and Structures

a. Permitted Principal Uses and Structures, provided the total ground floor space does not exceed 50,000 square feet of gross floor area per building.

- (1) Commercial retail and service businesses, including automobile-related and automobile-dependent uses.
- (2) Commercial uses requiring outdoor storage, display, or customer service areas, such as vehicle sales, rental and repair, retail lumberyards, greenhouses, and retail building supply.
- (3) Institutional uses, including religious, human care, educational and social institutions and public and semi-public buildings.
- (4) Offices for professional services, professions and administrative uses.
- (5) Service and gasoline stations in compliance with Section VII.D.14
- (6) Eating Establishments
- (7) Existing agricultural, horticultural and livestock uses (no new uses after September 30, 2005).
- (8) Existing manufactured dwelling parks, mobile home parks, and other residential uses (no new residential uses), except per subsection (12).
- (9) Existing warehouse and wholesale distribution uses (no new uses after September 30, 2005).
- (10) Residential structures and uses for on-site security and/or management personnel in conjunction with and as part of another permitted use, up to 1,000 square feet total

floor area.

- (11) Residential uses, provided they are part of a mixed-use building and all residential uses are on an upper floor (no ground floor residential use).
- (12) Transportation facilities, consistent with the City's Transportation System Plan.

b. Permitted Accessory Uses and Structures

Customary accessory uses to the permitted and conditional uses in subsections a. and c., provided that structures must be in compliance with the Uniform Building Code and may require a building permit

c. Special Exceptions (Conditional Uses). The following uses are permitted with a conditional use permit pursuant to Article X₂ provided the total ground floor space does not exceed 50,000 square feet of gross floor area per building.

- (4) Commercial recreation facilities including indoor theaters, bowling alleys, indoor skating rinks or similar uses that are conducted wholly within a fully enclosed building that is set back at least 75 feet from any property line shared with the Residential District.
- (5) Ambulance service.
- (6) New warehouse uses located on the south side of Delaney Street as noted in City Resolution 90-14.
- (7) Truck stops on parcels or lots that do not share more than 75 feet of a property line with the Residential Zone.
- (8) Increase in building height, as provided in subsection 5, below.

3. Lot Requirements

f. For parcels not served by public sewer:

- (4) The minimum lot area shall be 10,000 square feet.
- (5) The minimum average lot width shall be 100 feet.
- (6) A maximum of 60 percent of the lot may be covered by all buildings.

b. For parcels served by public sewers:

- (4) No minimum lot area or width is required.
- (5) The maximum allowable lot coverage is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures but not including pedestrian pathways. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.
- (6) A minimum of 15 percent of the total area of the site shall be landscaped in accordance with Article VIII, Supplementary District Regulations.

4. Yard Setbacks (measured from the building foundation to the respective property line.)

- d. Front Yard setbacks shall be a minimum of 5 feet and a maximum of 20 feet. No parking or loading areas shall be located within the front yard setback.
- e. Interior Side Yards and Rear Yards: 10 feet minimum.
- f. A 25-foot horizontal buffer zone shall be required between development and any adjacent

Residential District. This buffer is in addition to any required yard setbacks. This area shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries. The buffer may contain pedestrian seating any pedestrian pathways shall not contain any off-street parking, or storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with Article VIII.H of this Code.

- g. Water quality treatment areas may be provided within setback yards, subject to City approval.
- h. Additional setbacks on public street frontages may be required to provide for planned widening of an adjacent street, consistent with the City's Transportation System Plan.
- i. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.
- j. Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts, or public pathways, consistent with the City's Transportation System Plan, Parks Plan or other applicable Comprehensive Plan policies and Zoning Code provisions.
- k. Additional setbacks on public street frontages may be required to provide for planned widening of an adjacent street, consistent with the City's Transportation System Plan.
- l. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.

4. Maximum Height Standards

- d. The maximum structural height shall be 35 feet.
- e. As provided in subsection 2.c (conditional use), a building may exceed this height limitation up to a total height of 45 feet when the new building does not abut a Residential District or an existing residential use.

5. Compliance with Design Standards and Guidelines

- a. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII, Supplementary District Regulations.

7. On-Premise Signs

See Sign Ordinance for requirements.

8. Parking and Access Requirements

See ARTICLE VIII Supplementary District Regulations.

9. Off-Site Signs

See Sign Ordinance for requirements.

10. Vision Clearance.

See Article VIII Supplementary District Regulations.

11. Street Standards

New development shall conform to the City's Street Standards, as adopted in the Transportation System Plan and set forth in Article VIII.

12. Building Orientation

- a. The primary entrance to a building shall be oriented to the street. "Oriented to the street" means that the building entrance faces the street, or is connected to the street by a direct and convenient separate pedestrian pathway not exceeding 60 feet in length. Streets used to comply with this standard are public streets or private streets that contain sidewalks and street trees.
- b. Building entrances on or within 30 feet of a public or private street shall connect to the street system and transit facilities through separated pedestrian pathways that comply with the federal Americans With Disabilities Act (ADA) and City regulations.
- c. When the only street abutting a development is an arterial street, the building's entrance(s) may be oriented to an internal drive when impractical to orient towards the street. The internal drive or street shall have a raised, ADA-compliant pathway connecting the building entrance(s) to the street right-of-way.
- d. No loading or delivery areas shall be located adjacent to the Residential District.

13. Building Design Standards (*See Appendix Page 11, Design of Large-Scale Buildings and Developments (Typical)*)

- a. All new commercial buildings shall have exterior wall articulation every 20-horizontal feet and shall include varied exterior treatment, e.g., varied materials, painting, etc. along the entire façade.
- b. All new commercial buildings shall have display windows on the primary frontage, occupying at least 50% of horizontal linear dimension of wall and located not more than three (3) feet above the finished grade. Display windows shall be recessed in the wall a minimum of three (3) feet, and their contents shall be visible through transparent glass. Windows mounted on the exterior façade, non-transparent glass, and non-glass materials covering the inside or outside of any portion of the display window are prohibited.

14. Standards for Service Stations

In addition to meeting the design and development standards in Article VIII, Service Stations shall comply with the additional standards below:

- a. Locational Standards
 - (1) Service stations in retail commercial shopping centers or as part of another commercial development shall be adjacent to a public street. Vehicular access to the station may be from an internal drive or private street rather than directly from a public street.
 - (2) At the time the service station use is established, the site shall not share any property line with an existing residential use or the Residential District.
 - (6) The minimum distance from the site to the Residential District, or an existing residential, school, park, playground, church, or museum use, shall be 200 feet.
 - (7) The minimum distance between service station sites shall be 400 feet, except at intersections.
 - (8) Not more than two (2) service stations shall be located at any given intersection. When two service stations are proposed to be located within x feet of an at-grade intersection, they shall be situated on diagonally opposite corners.
 - (9) New service stations on the same side of a street or highway shall be no closer than

1,500 feet to any part of any existing building on another service station site. This shall not prevent major renovation of existing structures in accordance with this Code.

b. Site Design

- (1) A minimum of fifteen (15) percent of the service station site shall be landscaped in accordance with Article VIII. Existing specimen trees, mature ornamental shrubs, and ground cover shall be preserved whenever possible.
- (2) Perimeter Buffering
 - (e) A fence, hedge or wall shall be erected on all interior property lines.
 - (f) Such a fence, hedge or wall shall be a minimum of five (5) feet and a maximum of seven (7) feet in height, except within 40 feet of street rights-of-way, where it may be no higher than three (3) feet in height.
 - (g) No portion of any fence, hedge or wall shall be within 15 feet of a street right-of-way.
 - (h) The fence, hedge or wall shall screen 70 percent of the view between the service station and adjacent property.
 - (i) These perimeter buffering requirements does not apply to service stations built as part of a shopping center or other commercial development, or where the service station site shares a property line with another commercial use or development.
- (3) Each landscaped and planted area shall be serviced by an underground irrigation system that is remotely operated, unless the applicant submits professional certification that the proposed plant species are drought-tolerant for Coburg's climate and the site conditions. Planted areas must remain living after planting and shall be continuously maintained by the property owner. If the vegetation fails to survive or is otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.

c. Access

- (1) A service station shall be permitted not more than two curb cuts for each arterial street frontage under City jurisdiction.
- (2) Access on County roads and State highways shall be determined by Lane County and the Oregon Department of Transportation, respectively.

d. Signs

See Sign Ordinance for requirements.

e. Exterior Lighting

- (1) Freestanding lighting fixtures shall not exceed a height of 20 feet.
- (2) Lighting fixtures shall be shielded and not shine or glare off the property.

f. Operations

- (1) All service stations must comply with all applicable state and federal rules and regulations.

E. Light Industrial District (LI)

1. Purpose

The purpose of the LI District is to provide areas for manufacturing, assembly, packaging, wholesaling, related activities, and limited commercial uses that support local industry and are compatible with the surrounding commercial and residential districts. The LI District is intended to promote a high quality of life through a diverse economy and strong tax base, transition between higher and lower intensity uses, and appropriately scaled non-polluting industrial uses that fit the small town, historic character of the community.

2. Uses and Structures

a. Permitted Principal Uses and Structures

(1) Commercial and Service.

- (a) Office(s) provided the office(s) are integral to a primary industrial use (e.g., administrative offices).
- (b) Retail and service commercial uses up to 5,000 square feet in gross floor area per (e.g., convenience markets, restaurants, banks, dry cleaners, retail sales of products made on-site, and similar uses).

(2) Manufacturing and Assembly, and Associated Sales of products manufactured or assembled on-site.

- (a) Boat building and repairs.
- (b) Cabinet and sash and door shop.
- (c) Electrical and electronic equipment.
- (d) Food products, except the rendering or refining of fats or oils and meat packing plants.
- (e) Furniture manufacture and assembly.
- (f) Ice.
- (g) Paint shop.
- (h) Plumbing supplies.
- (i) Pottery.
- (j) Soft drinks.
- (k) Trailers, campers and recreational vehicles.
- (l) Upholstery.
- (m) Vehicle maintenance and repair facilities.
- (n) Recreational vehicles sales lots, including sales of vehicles manufactured off-site.

(3) Processing.

- (a) Greenhouses.
- (b) Laundry cleaning and dyeing plants, including rugs and carpets.
- (c) Printing and publication.

(4) Utilities.

- (a) Distribution plant.

- (b) Service yard.
 - (c) Substation.
 - (5) Wholesaling, warehousing and storage not exceeding 250,000 square feet.
 - (d) Building material storage yards.
 - (e) Cold storage.
 - (f) Contractor's storage yard.
 - (g) Distribution agencies.
 - (h) Household and consumer goods.
 - (i) Vehicles, boats, aircraft.
 - (j) Warehousing of manufacturing products.
 - (k) Wholesale businesses and sales room.
 - (l) Storage.
 - (6) Agricultural, horticultural, and livestock uses that were legally established prior to [September 30, 2005].
 - (7) Other
 - (a) Accessory buildings and uses normal and incidental to the uses permitted in this district.
 - (b) Animal hospitals and clinics.
 - (c) Public parking areas and structures.
 - (d) Residential structures and uses for on-site security and/or management personnel in conjunction with and as a part of a Light Industrial District permitted use not exceed 1,000 square feet in total area.
 - (8) Transportation facilities, consistent with the City's Transportation System Plan.
- b. Special Exceptions (Conditional Uses). The following uses require a conditional use permit in accordance with Article VIII, conditional use procedures and criteria:
- (5) Public and semi-public buildings--including, but not limited to, fire stations and reservoirs--essential to the physical, social and economic welfare of an area.
 - (6) Service stations (See standards in ARTICLE VII.C).
 - (7) Stone yards and marble works.
 - (8) Agricultural, horticultural, and livestock uses that were legally established prior to September 30, 2005.
 - (9) Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities, in conformance with the Federal Telecommunications Act of 1996 and the provisions of Article X.B.13
 - (10) Other
 - (a) Resource extraction, including, but not limited to, the operation of mineral and aggregate quarries. The conditional use permit shall include an approved site reclamation plan, submitted by the applicant, which complies with applicable requirements of State natural resource regulatory agencies.
 - (9) Increase in building height, as provided in subsection 3, below.

3. Maximum Height Standards

The maximum structural height shall be 35 feet, except as follows:

- a. Increased height may be approved for Wireless Communication facilities, subject to the provisions of Article VIII, Section J.

4. Lot Requirements

For parcels not served by public sewer:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum lot width shall be 100 feet.
- c. A maximum of 60 percent of the lot covered by all buildings.

For parcels served by public sewers:

- (4) The maximum allowable lot coverage is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures but not including pedestrian pathways. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.
- (5) A minimum of 15 percent of the total area of the site shall be landscaped in accordance with Article VIII, Supplementary District Regulations.

5. Yard Setbacks (measured from the building foundation to the respective property line.)

- (d) Front Yards: 20 feet minimum; within which there shall be landscaping that conforms to the provisions of Article VIII. Front setback yards may contain roof overhangs (roof drains required), awnings, canopies, pedestrian seating and pedestrian pathways but shall not contain any storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with Article VIII.H of this Code.
- (e) Side and Rear Yards Adjacent to Streets: See Front Yards.
- (f) Interior Side Yards and Rear Yards: 10 feet minimum
- (g) Where an industrial use abuts a residential district, a 25 foot setback is the minimum area that shall be required between any development and any adjacent Residential District. Additional setback up to 200 feet may be required where the proposed activity would have a significant impact on adjacent residential property in the form of noise, dust, smoke, vibration or other negative impact that is perceptible beyond the property boundaries. A 25-foot landscaped horizontal buffer zone shall be required between development and any adjacent Residential District. This buffer shall be included within any required yard setbacks. This area shall provide landscaping to screen buildings, parking, and service and delivery areas. The buffer may contain pedestrian seating and pedestrian pathways but shall not contain any off-street parking, or storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with Article VIII.H of this Code.
- (h) Water quality treatment areas may be provided within setback yards, subject to City approval.
- (i) Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts.
- (j) Additional setbacks on public street frontages may be required to provide for planned widening of an adjacent street, consistent with the City's Transportation System Plan

- (k) All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.
4. Compliance with Design Standards and Guidelines
- d. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII.

F. Campus Industrial District (CI)

1. Purpose

The purpose of the Campus Industrial District (CI) is to provide areas for research and development, manufacturing, assembly, packaging, wholesaling, related activities, and limited industrial-supportive commercial uses in an attractive, campus setting. The CI District is intended to promote a high quality of life through a diverse economy and strong tax base, and appropriately scaled, non-polluting industrial uses that fit the small town, historic character of the community.

2. Uses and Structures

c. Permitted Principal Uses and Structures.

(1) Commercial and Service.

(a) Office(s)

(b) Retail and service commercial uses, provided that no individual use exceeds 2,500 square feet in gross floor area. Automobile-dependent and Automobile-related uses, as defined in Section [#] are prohibited.

(2) Manufacturing and Assembly, and Associated Sales within an enclosed building, that does not emit noise, light, glare, heat, vibration, or other emissions exceeding ambient levels.

(3) Transportation facilities, consistent with the City's Transportation System Plan.

(4) Other

(a) Accessory buildings and uses normal and incidental to the uses permitted in this district.

(b) Animal hospitals and clinics.

(c) Public parking areas and structures.

(d) Residential structures and uses for on-site security and/or management personnel in conjunction with and as a part of a Light Industrial District permitted use not exceed 1,000 square feet in total area.

(5) Uses similar to those listed in subsections 1-4, above, as determined through a Type II Administrative Review.

d. Special Exceptions (Conditional Uses). The following uses require a conditional use permit in accordance with Article VIII, conditional use procedures and criteria:

(1) Public and semi-public buildings--including, but not limited to, fire stations and reservoirs--essential to the physical, social and economic welfare of an area.

(2) Increase in building height, as provided in subsection 3, below.

3. Maximum Height

The maximum structural height shall be 35 feet, except an increase in the allowable building height up to three (3) building stories, or 45 feet, whichever is less, may be allowed with a Conditional Use Permit.

4. Lot Requirements

For parcels not served by public sewer:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum lot width shall be 100 feet.
- c. A maximum of 60 percent of the lot covered by all buildings.

For parcels served by public sewer:

- a. The maximum allowable lot coverage is 60 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures but not including pedestrian pathways. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.
- b. A minimum of 40 percent of the total area of the site shall be landscaped in accordance with Article VIII, Supplementary District Regulations. Water quality treatment areas may be incorporated into required landscape area, subject to City approval.

5. Yard Setbacks (measured from the building foundation to the respective property line.)

- a. Front Yards: 20 feet minimum; within which there shall be landscaping and pedestrian amenities that conform to the provisions of Article VIII, Section #. Front yards may contain roof overhangs (roof drains required), awnings, canopies, pedestrian seating and pedestrian pathways but shall not contain any storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with Article VIII.H of this Code.
- b. Street Corner Yards: Same as for Front Yards.
- e. Interior Side Yards and Rear Yards: 0 feet minimum for common wall development, and 10 feet minimum for all other development, subject to applicable building and fire codes.
- f. Water quality treatment areas may be provided within setback yards, subject to City approval.
- g. Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts.
- h. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.

6. Compliance with Design Standards and Guidelines

- a. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII.

G. Parks, Recreation and Open Space District (PRO)

1. Purpose and Applicability

- a. It is the purpose of this zone to preserve and protect park, recreation and open space lands that contribute to the general welfare and safety, the full enjoyment or the economic well being of persons who reside, work or travel in, near or around them.

- b. This zone may be established when found necessary in order:

- (1) To preserve any existing open land type of use which has been established or

proposed to encourage development around it, such as golf courses, country clubs, park and recreation facilities, etc. and investments which have been or will be made in reliance upon the retention of such use.

- (5) To buffer an otherwise incompatible use or zone.
 - (6) To preserve and maintain natural drainage ways, lakes (natural or artificial), areas unsuitable for intensive development by virtue of physical limitations and environmental control areas for the protection of resource areas and wildlife habitat.
 - (7) To preserve a valuable scenic resource or vista or an area of historical significance.
 - (5) To preserve and protect existing vacated easement or rights-of-way for recreational use and/or open space conservation.
- c. When establishing this district, due regard shall be given to the percentage of a total holding being zoned, the investment made or proposed to be made by private or public interests in reliance upon the retention of the open space, the proper balancing of public and private interests which are affected by such action.
 - d. When used as a buffer, the land being zoned as a PRO district shall be part of the holding which creates the need for the buffer.
 - e. In each instance when this district is established, the Planning Commission must establish the findings and purpose for the establishment of the zone or the values to be obtained, encouraged or preserved.

2. Uses and Structures

a. Permitted Principal Uses and Structures

- (1) Public parks and playgrounds.
- (2) Golf courses and country clubs, if compatible with the state purpose of adoption.
- (3) Historical areas, structures, interpretive signs and monuments.
- (4) Natural features and vistas unique to the Urban Growth Area.
- (5) Accessory buildings and uses normal and incidental to uses permitted in this section.
- (6) Agricultural uses, crop cultivation or truck gardens and animal husbandry per special conditions of ARTICLE VII.A. 10.
- (7) Bike paths and pedestrian walkways.

b. Special Exceptions (Conditional Uses and Structures)

Conditional Use Permits may be granted by the Planning Commission under requirements of ARTICLE X.C.

- (1) Private recreation uses involving no above ground structure except dressing rooms, swimming pool covers, recreation shelters and comfort stations.

- (2) Cemeteries, provided the only accessory buildings are chapels, administration and maintenance buildings, and the only interment facilities are at ground level or below, and no mounds are above ground level.
- (3) Public and semi-public buildings related to health and safety services--fire stations, substations, reservoirs, and wastewater treatment facilities--essential to the physical, social and economic welfare of the area.
- (4) Equestrian arenas, trails and paths and support facilities.

3. Criteria and Standards

- a. Requirements for height limits, minimum yard requirements, minimum area and dimensions, lot coverages and off-street parking and loading areas shall be specified as a condition of approval during site plan review.
- b. Signs

None, except as specified as a condition of approval for a Conditional Use Permit as defined in ARTICLE X.C.

H. Flood Plain Sub-district

1. Description and Purpose

The Flood Plain Sub-district designation may be applied in any zone hereinafter set forth where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be as determined by the Federal Flood Insurance Program's most recent data, designating the area subject to a one percent or 100 year flood. Its purpose is to minimize property loss, danger to injury and health hazards. To accomplish such purposes, floor elevations will be established by Lane County prior to issuing any building permits.

- a. The Flood Plain Sub-district establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding surface water in order to safeguard the life and health of people in the area and of the general public.
- b. The Flood Plain Sub-district shall be any Zoning District in combination with the symbol "/FP" as an overlay district of special concern. (For example, R/FR means a Residential District Zone with combining "Flood Plain Sub-district" regulations.)
- c. The regulations governing the "FP" Sub-district shall be the same as the Zoning District which the "FP" is combined and with the other provisions of this ordinance applicable to the development.
- d. The intent of the establishment of this Sub-district is to ensure that the proposed development will not during potential future flooding be so inundated by flood water as to result in injury or serious danger of injury to property or to the health, safety or welfare of residents or potential residents of the immediate area.

2. Conditional Uses and Buildings Permitted

Conditional Use Permits (CUP) may be granted by the Planning Commission under requirements of ARTICLE X.C. for uses permitted in the underlying zone and the provisions of this section.

3. Site Investigation Report

The site investigation report shall provide information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall provide topographic information of the area in sufficient detail to assess accurately potential flooding elevations based on the recognized definition of area flood potential; identify existing natural drainways and potential drainage ways; and other characteristics of the area and their significance as related to the proposed development flooding potential. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Sub-district. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

4. Qualifications to Conduct a Site Investigation Report

The site investigation report shall be prepared by a person or team of persons qualified by experience and training to assemble and analyze the physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to the qualifications by the Planning Commission.

5. Criteria and Standards

Permits may be issued by the Planning Commission when, and only when, the Planning Commission has determined:

- a. All new construction, enlargement, relocation or substantial improvements of structures within the "FP" areas shall have the lowest floor (including basement) elevated to or above the level of the 100 year flood plain. Non-residential structures may be flood-proofed in lieu of the elevation of the lowest floor. Flood proofing plans shall be prepared by an engineer licensed by the State of Oregon to practice civil or structural engineering.
- b. No improvements are proposed that will have a serious tendency to change the flow or surface water during potential flooding so as to endanger the health, welfare and safety of residents or potential residents or other property in the area.
- c. That adequate provision has been made or is available for accessibility during potential future flooding so as to insure ingress and egress of emergency vehicles and services during potential future flooding.
- d. That emergency vehicles such as ambulances, police and fire will have access to the site during occurrence of any such flooding, for the purpose of evacuating residents or inhabitants of any residential structure or living quarters within the Flood Plain area.

I. Mobile Home Planned Unit Development District

1. Purpose and Application

- a. The purpose of PUD approval is to encourage comprehensive site-planning and flexibility of design and development. Emphasis is placed on the relationship between buildings, uses and open space and the most efficient use of both natural and development resources. The MH-PUD Overlay Zone is intended to provide flexibility

in the Residential Zone in the application of certain regulations in a manner consistent with the Comprehensive Plan for the City of Coburg and the City of Coburg Zoning Ordinance.

- b. The minimum area of a MH-PUD shall be at least one (1) acre and shall not exceed three (3) acres.
- c. Application for a MH-PUD shall be made on forms prescribed by the Planning Commission.
- d. The MH-PUD shall provide unit arrangement and landscaping to promote pleasant relationships between units and between the MH-PUD and existing development.

2. Regulations

- a. The space provided for each mobile home may be less than 10,000 square feet. The measurement of each mobile home space excludes roadway areas, facilities structures, parking spaces, park walkways and other spaces provided for the common uses of residents.
 - b. No mobile home shall occupy more than 40 percent of the space provided for it.
 - c. No additions or outbuildings shall be constructed or added to or placed upon a mobile home space or lot which does not conform in all aspects to the Coburg City Building Code. No accessory building or addition shall exceed 13 feet or the roofline of the mobile home, whichever is greater in height.
 - d. The space provided for each mobile home shall have adjacent to and parallel to it, one or more patio slabs of concrete, asphalt, flagstone or similar material which singly or in combination, total not less than 120 square feet. Such patio space may not be used for the parking of vehicles.
 - e. The roadways in the park shall be covered with well-drained paving material and shall be at least 20 feet in width, if no parking is permitted on the roadways, or at least 30 feet in width, if parking is permitted on the roadways.
 - f. The space provided for each mobile home shall be equipped with running water and electrical and sewerage connections.
 - g. The total number of vehicle and bicycle parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall equal not less than two vehicle parking spaces per mobile home unit and not less than one bicycle parking space per mobile home unit. Vehicle parking spaces shall be paved with asphalt, concrete or similar material. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet side, and seven feet height. Bicycle parking shall not interfere with pedestrian circulation..
- [Adopted A-133L 10/5/99]
- h. No mobile home shall be placed on any lot until arrangements have been made to connect the mobile home to a septic tank system or sewer system approved by the Building Inspector or Sanitary Officer of the City, and no mobile home shall be occupied until such connection is made.

- i. A mobile home permitted in the park shall contain not less than 650 square feet of space, as determined by measurement of the exterior of the unit, exclusive of any trailer hitch device. It shall contain its own water closet, lavatory and shower or tub which are connected to running water and a drain system and which are located in a room or rooms which afford privacy to the occupant. It shall also contain a kitchen room or space containing a sink which is supplied with hot and cold running water and which is connected to a drain system. Said drain system shall be connected to the septic tank or sewer system.
- j. Any mobile home located in the City shall have the Oregon “Insigne of Compliance,” as provided for by Oregon state law. In substitute therefore, upon submission of evidence indicating substantial compliance with the standards required for an “Insigne of Compliance”, the City’s Building Official may waive the “Insigne of Compliance” requirement for units manufactured prior to September, 1969.
- k. A mobile home permitted in the park shall contain integral electrical wiring which supplies connection to convenience outlets in each room of the mobile home. If there is no separate kitchen, room, at least one convenience electrical outlet shall be located in the kitchen space which is in addition to outlets in other parts of the room in which the kitchen space is located. Outlets provided in the ceiling or wall which are intended for lighting purposes shall not be counted as convenience outlets.
- l. The wheels of a mobile home located within the City shall be removed and the unit placed on and securely anchored to a foundation having the permanence and strength equal to that provided by a cement or concrete block foundation. Unless the foundation is continuous, the unit shall have a continuous skirting of nondecaying, non-corroding, fireproof material, extending at least six inches into the ground or into an impervious surface. A skirting or continuous foundation shall have adequate ventilation and access to the space under the unit but such opening shall be secured against the entrance of animals. If required, said skirting shall be completed within 90 days after the placement of the mobile home upon the lot within the City.
- m. That portion of the park which is used for common storage parking purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge which shall be maintained in a neat appearance.
- n. All mobile homes located in a MH-PUD must conform to conditions and criteria required by this Code and all applicable conditions attached to the approval of that MH-PUD.
- o. If space provided for a mobile home or permanent structure in the park is located more than 500 feet from a public fire hydrant, the park shall be provided with hydrants so that no space or structure within the park shall be more than 500 feet from a hydrant. Each hydrant shall be located on a vehicular way within the park and shall conform in design and capacity to the public hydrants in the City.
- a. A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 6 feet from any accessory building or closer than 5 feet from the property boundary line of the MH-PUD.
- b. A MH-PUD may not be placed adjacent to an existing MH-PUD within two years from the completion of the latter development.

3. MH-PUD Application Submittal Requirements

- a. An applicant shall submit eight (8) copies of a preliminary development plan to the Planning Commission for study, at least ten (10) days prior to the meeting at which it will be discussed. The preliminary plan shall include the following information:
- (1) Proposed land uses, population densities and building locations;
 - (2) Proposed circulation pattern, indicating both public and private streets;
 - (3) Proposed parks, playgrounds and other open spaces;
 - (4) Delineation of the units to be, constructed in progression, if any;
 - (5) Relation of the units to future land use in surrounding area and Comprehensive Plan;
 - (6) Proposed method of water supply and sewage disposal;
 - (7) Proposed bicycle, pedestrian and drainage ways; and
 - (8) Proposed landscaping, fencing or screening.

[Adopted A-133L 10/5/99]

4. MH-PUD Approval Procedure

- a. The procedure for processing an application for approval of a PUD shall be as set forth in ARTICLE X of the Coburg Zoning Ordinance.
- b. Any PUD, as approved, shall be subject to all conditions imposed.

5. MH-PUD Findings Required

In order to approve a MH-PUD, the Planning Commission shall find the following:

- a. That construction on the project will begin within one year from the date of full approval and will be completed within one year of commencement of the project or as per an approved “schedule of development.”
- b. That the proposed development conforms to the Comprehensive Plan.
- c. That all residential development will result in an intensity of land utilization no higher than the standards of open space and at least as high as permitted or as otherwise specified, for the zone in which this development occurs.
- d. The Planning Commission shall give particular attention to the “schedule of development,” having in mind that the project may advance in stages or may be abandoned when only partially completed. The project shall be balanced at all times in relation to the construction of required or necessary facilities.

6. Planning Commission MH-PUD Actions

The Planning Commission may deny, approve or conditionally approve an application for a PUD.

- a. Any conditions imposed by the Planning Commission may include: the time within which the project must begin and be completed, project boundary changes, uses permitted, specification of minimum development standards, specified street dedication and improvement, utilities to be furnished and a list or limit of variances permitted.
- b. Application for and approval of a PUD, wherein variances from the standard regulations are approved or wherein uses normally requiring Use Permits are permitted, shall be deemed to be in compliance with all the necessary procedures for securing or granting a variance or a Use Permit.
- c. Where completed drawings are considered, approval of a PUD shall be deemed to be and include "Site Design Review," as provided for in ARTICLE IX.B. of the Coburg Zoning Ordinance.
- d. Extensions of time limitations may be granted by the Planning Commission upon finding that no change of conditions has occurred in relation to the property since the approval and/or that the approval is still valid with respect to any changed conditions. Application for any extension must be filed in the Planning Commission offices not less than 60 days prior to the expiration date. Within 45 days after receipt of such application, the Planning Commission shall hold a public hearing, as provided for in ARTICLE XI, and take action thereon, and if any extension is granted, the Planning Commission may impose additional conditions, if such are found to be necessary.

7. Enforcement and Abatement

- a. Violation of the provisions of this Code or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 30 days or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used in violation of this Code, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS

A. Access Management and Vision Control Regulations

1. Visibility at Intersections and Access from Driveways
 - a. On a corner lot in any district nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and a line joining points along said street right-of-way lines, 20 feet from the point of the intersection.
 - b. Residential driveways shall be located to optimize intersection operation and, where possible, to provide access from the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a collector, the driveway shall provide access from the local street if the driveway can be located a sufficient distance from the intersection.
2. Structures and Properties to Have Access
Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. Properties that abut only collector or arterial streets should share access with neighboring properties where feasible.

[Adopted A-133L 10/5/99]

B. Parking Regulations

1. Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
2. Off-Street Parking Requirements
 - a. Parking Area Design
 - (1) All public or private parking spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot, shall be designed and laid out to conform with the requirements of this Code and the Planning Commission.
 - (2) Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movements or other maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrians, bicycles, and vehicular traffic on the site.
 - b. Parking Space Required

The number of off-street parking spaces required shall be no less than as set forth in (1) – (3) following. Space requirements by type of use for off-street parking are listed

in (4), (5) and (6) below. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading, or service functions not primarily to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces is allowed if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with LTD to provide bus passes to employees or who offers van pools may need fewer parking spaces for employees:

- (1) All institutional, commercial and industrial uses shall provide no less than five vehicular parking spaces for visitors.
- (2) All uses shall provide vehicular parking space for each employee working on or from the site, as determined by the maximum number of employees during any single hour of a day.
- (1) All uses shall provide one vehicular parking space for each vehicle operating on or from the site.

| Use | Parking Space Required |
|---|---|
| (4) Residential types | |
| (a) Dwelling, single-family | Two for each dwelling unit on a single lot. |
| (b) Dwelling, two-family or multiple-family | 1-1/2 for each dwelling unit; where fractioned next highest full unit. |
| (c) Hotels, motels, motor hotels, etc. | One for each guest room. |
| (d) Rooming or boarding houses. | One for each guest room. |
| (5) Institutional types | |
| (a) Hospitals | 1-1/2 for each bed; where fractioned, next highest full unit, plus 2 for each nurses' station. |
| (b) Churches, clubs, lodges | 1 for every 4 fixed seats or every 8 feet of bench length or every 28 square feet of main assembly room (sanctuary) where no permanent seats or benches are maintained. |

- | | | |
|-----|--|---|
| (c) | Libraries, museums, art galleries | 1 for each 250 square feet of gross floor area. |
| (d) | Nursing homes, homes for the aged | One for each three beds. for the aged, group care homes, asylums, etc. |
| (e) | Schools | |
| | Elementary or junior high schools | 1-1/2 for each teaching station; plus 1 for every 6 fixed seats or for every 42 square feet of seating area where there are no fixed seats in the auditorium or assembly area. |
| | High schools | 1-1/2 for each teaching station; plus for the largest assembly room or auditorium, 1 for every 4 fixed seats or for every 28 square feet of floor area where no fixed seats are maintained. |
| (6) | Commercial Types. | |
| (a) | Retail establishments except as otherwise specified in this Code. | 1 for each 400 square feet of retail floor area. |
| (b) | Barber and beauty shops | 1 for each 75 square feet of gross floor area. |
| (c) | Bowling alleys | Six for each bowling lane. |
| (d) | Office buildings, businesses and professional offices | 1 for every 400 square feet of gross floor area. |
| (a) | Recreational or entertainment establishments | |
| (1) | Spectator type auditoriums, assembly halls, theatres, stadiums, places of public assembly, etc. | One for each four seats. |

- | | |
|---|--|
| (2) Participating skating rinks, dance halls, etc. | 1 for each 75 square feet of gross floor area. |
| (3) Establishments for the sale and consumption on the premise of food and beverage | 1 for each 60 square feet of gross floor area. |

[Adopted A-133L 10/5/99]

3. Parking Requirements for Uses Not Specified

The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable building or use specified herein.

4. Common Facilities for Mixed Uses

a. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing facilities for, any other use except as provided in paragraph 2, Joint Use of Parking Facilities.

b. Joint Use of Parking Facilities

The Planning Commission may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

- (1) The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- (2) The parking facility for which joint use is proposed is not further than 400 feet from the building or use required to have provided parking; and
- (3) The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument) when approved as conforming to the provisions of this Code, shall be recorded in the office of the County Recorder and copies thereof filed with the City Recorder.

2. Bicycle Parking

a. Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels that require a building permit, as follows:

- (1) Multi-Family. Every residential use of two or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an

eave, independent structure, or similar cover.

- (2) Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least ten percent of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.

b. Bicycle Parking Facilities Design Standards

- (1) Bicycle parking facilities shall either be stationary racks which accommodate bicyclist's locks securing the frame and both wheels, or lockable rooms or enclosures in which the bicycle is stored.
- (2) Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet wide, and seven feet high. Upright bicycle storage structures are exempted from the parking space length standard.
- (3) A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
- (4) Bicycle racks or lockers shall be anchored to the surface or to a structure.
- (5) Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The cover shall leave a minimum 7-foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicated that it is for bicycle parking only.
- (6) Bicycle parking shall not interfere with pedestrian circulation.

[Adopted A-133L 10/5/99]

6. Vehicular Parking Area Improvements

All public or private parking areas, which contain four or more parking spaces, and outdoor vehicles sales areas, shall be improved according to the following:

- a. All vehicular parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, or other approved materials as specified by the Planning Commission.
- b. All vehicular parking areas, except those in conjunction with a single family or two family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
- c. All vehicular parking areas, except those required in conjunction with a single family or two family dwelling, shall provide a substantial bumper or curb stop which will prevent cars from encroachment on abutting private or public property.
- d. All vehicular parking areas and service drives shall be enclosed along any interior property which abuts any residential district, with a 70 percent opaque, site-obscuring

fence, wall or hedge not less than three (3) feet nor more than six (6) feet in height, but adhering to the visual clearance and front and interior yard requirements established for the district in which it is located. If the fence, wall or hedge is not located on the property line, said area between the fence, wall or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence, wall or hedge shall be maintained in good condition. Screening or plantings shall be of such size as to provide the required degree of screening within 24 hours after installation. Adequate provisions shall be maintained to protect wall, fences, or plant materials from being damaged by vehicles using said parking areas. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.

- f. All vehicular parking spaces shall be appropriately and substantially marked.

[Adopted A-133L 10/5/99]

C. Pedestrian Access and Circulation

1. Internal pedestrian circulation shall be provided within new commercial office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping or similar techniques.
2. Pedestrian access to transit facilities shall be provided from new commercial, employment, and multi-family residential development while existing developments shall provides safe and accessible pedestrian access to transit facilities when a site changes uses or is retrofitted.
3. Internal pedestrian and bicycle systems shall connect with external existing and planned systems, including local and regional travel routes and activity centers such as schools, commercial areas, parks and employment centers.

[Adopted A-133L 10/5/99]

D. Sign Regulations

1. No signs on any premises shall be animated or flashing.
2. Rotating signs are permitted, provided that no sign shall rotate more than six rounds per minute.
3. Only in commercial and industrial zones shall flags, pennants, banners, pinwheels or similar items be permitted outside a building and for no more than 15 days. No more than one such display shall be allowed on any site during any consecutive six-month period.
4. No sign shall exceed the height of the principal building or 25 feet, whichever is less.
5. A development site shall be allowed 1 unlighted sign, not exceeding 8 square feet of area per side or 16 square feet of total area pertaining to the sale, lease or hire of the particular building, property or premises upon which the sign is displayed.
6. A development site shall be allowed one unlighted political campaign sign not exceeding four square feet of area per side or eight square feet in total area. Such signs may announce candidates or other ballot measures. Such signs shall be removed within two weeks after the

election.

- 7. Hospitals, churches, nursing homes, schools and similar uses shall be allowed 1 sign not to exceed 20 square feet of area per side or 40 square feet in total area.
- 8. The U.S. flag and the State of Oregon flag shall be permitted on any premises outside a building at any time.

E. Development and Construction Requirements

- 1. Conformance with State and Federal Environmental Standards

Development in any district shall be done in compliance with all applicable state and federal environmental standards and regulations regarding the preservation of air, water and land resource quality.2. Repair of Hazards Created in Development

In any district, the developer shall be responsible for the correction or elimination of any hazard created during the course of development, (e.g., soil slippage due to weak foundation soils, runoff from paving projects, etc.).

- 3. Replacement of Vegetation

In any district, the developer shall be responsible for the replacement of any tree and, where possible, the replacement of any vegetation destroyed or removed during construction. Replacement trees shall be no less than four feet in height at the time of planting, unless otherwise authorized by the Planning Commission. This requirement does not apply to trees grown for commercial purposes that are subsequently removed.

F. Street Standards

- 1. New development shall conform to the City’s Street Standards, as adopted in the Transportation System Plan (TSP) and set forth in Article VIII.
- 2. Landscaping shall be provided along streets according to the following standards and shall otherwise comply with the landscape standards of Article VIII.H4.b. of this Code.
 - a. Tree wells at a minimum of five (5) feet in width shall be installed next to the curb.
 - b. The minimum caliper or diameter breast height at planting shall be 2-inches, based on the American Association of Nurserymen Standards.
 - c. Trees shall be planted at no more than 25-feet on-center, except where this spacing would conflict with existing trees, retaining walls, curb cuts, utilities or similar permanent physical barriers.
 - d. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Underground irrigation shall be provided for trees that are not drought-tolerant. If the plantings fail to survive or are otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.
 - e. The use of large canopy trees is encouraged.
- 3. Street improvements shall be as specified in table VIII-1, unless otherwise indicated in the local TSP.

Table VIII-1

| Zoning District | Sidewalks, Curbs, and | Bicycle | Street Trees |
|-----------------|-----------------------|---------|--------------|
|-----------------|-----------------------|---------|--------------|

| | Gutters | Lanes | |
|------------------------------------|--------------------------------|---------------|---------------|
| Residential (R-1) | Optional, if need can be shown | Optional | Required |
| Central Business (C-1) | Optional, if need can be shown | Optional | Required |
| Highway Commercial (C-2) | Required | Required | Required |
| Light Industrial (L-1) | Required | Required | Required |
| Park, Recreation, Open Space (PRO) | Not Specified | Not Specified | Not Specified |

[Adopted A-133L 10/5/99]

G. Exception to Height Regulations

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

H. Fences and Walls

1. In any required front yard setback, provided they do not exceed three and one-half (3 ½) feet in height.
2. In any rear or side yard, provided they do not exceed six (6) feet in height.
3. The height of fences or walls in rear or sideyard setback areas abutting a public street shall be forty-eight (48) inches or less if said fences or walls are within ten (10) feet of any public street except an alley.
4. The framework for newly constructed fences and walls shall face toward the builder's property, except where fences are jointly constructed.
5. All fences shall meet the vision control regulations in section VIII. A.

I. Screening Standards for Multi-Family, Commercial and Industrial Development

1. Unless otherwise specified in this code, screening shall be required:
 - a. When commercial or industrial districts abut residential districts
 - b. For outdoor mechanical devices
 - c. For outdoor storage yards and areas
 - d. For trash receptacles
 - e. For multi-family developments
 - f. Parking areas with more than 2 off street spaces
2. Screening shall be a non-see through or sight-obscuring fence, evergreen hedge, or decorative wall (i.e., masonry or similar quality material) shall be erected along and immediately adjacent to the abutting property line.
3. Trash receptacles. Trash receptacles shall be oriented away from adjacent buildings and shall be completely screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.
4. Parking lots. Parking areas with more than 2 off street spaces shall be screened with an evergreen hedge or fence at least four (4) feet high. To the greatest extent practicable, such parking areas should be situated away from neighboring residential units and shall be located to the rear or side of the multi-family development. Parking areas with 5 or more spaces shall be landscaped and provide the required number of parking spaces in accordance with Section VIII of this Code.

5. The following screening standards shall apply:
 - a. Such a fence, wall or other structure shall screen at least 70 percent of the view between the districts. A hedge shall, within one year of planting, screen 70 percent of the view between the districts.
 - b. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or when approved to construct streets and sidewalks.
 - c. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code.
 - d. If vegetation is used, it must remain living after planting and shall be continuously maintained by the property owner. If the vegetation fails to survive or is otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.
 - e. Any fence, hedge and wall shall comply with vision clearance standards in section VIII.A. and provide for pedestrian circulation where required.

J. Design Standards and Guidelines

1. Purpose

The design standards in this section are intended to ensure that new development contributes to the overall livability of the community by:

- a. Preserving and enhancing the small town and historic character of the Coburg;
- b. Ensuring architectural compatibility
- c. Providing a physical setting that is safe and inviting for walking and other pedestrian activity;
- d. Promoting design that is aesthetically pleasing and consistent with the values of the community as expressed in the Comprehensive Plan.

2. Applicability

These standards apply to all new development and substantial improvements, unless otherwise stated within the Coburg Zoning Code. Substantial improvements shall include the following:

- a. Additions that consist of more than 33% of the total floor area of the primary structure and are visible from a public-right-of-way; or
- b. Additions that consist of more than 50% of the total floor area of the primary structure and are not visible from a public-right-of-way.

3. Standards and Guidelines

Terms used in this section are intended as follows:

- a. Purpose – The purpose statement explains the intent of the standard for use in interpretations and discretionary reviews where the standards are applied.
- b. Design Standard – The design standards are clear and objective standards that shall be applied during administrative and/or discretionary reviews.

- c. Design Guidelines – The design guidelines are encouraged but not required as part of administrative reviews. They may be required as part of discretionary reviews.

6. Single Family Detached, Manufactured, Single-Family Attached and Multi-Family Dwellings

a. Front Porch

(1) Purpose

- (e) Together with street-facing window and the front door, front porches and deck connect the inside of the house with the outside of the house. Porches and decks, in the best examples, make “outside rooms” by extending the indoor living spaces.
- (f) Porches and decks enable residents to participate either actively or passively with activities on the street.
- (g) Porches and decks contribute to safety of the neighborhood by providing residents with a place to monitor activity on the street.

(2) Design Standard (minimum requirement)

- (c) Front porches must be oriented towards the street.
- (d) The minimum finished height of a front porch is 16” Above grade. The maximum-finished grade for an entry porch in a single-family residential zone is 3’-0”above grade.
- (e) The minimum roof pitch for a front porch is 3:12.
- (f) Porches and decks must be a minimum of 5’-0” wide.
- (g) Porches and decks need to be a minimum of 25 % of the length of the primary street facing façade.

(3) Design Guidelines

- (c) Porches more than 16 “ above grade should consider a hand rail from the top of the front porch to the first stair.
- (d) Tapered wood columns often exhibit a 2:1 ratio from the top of the column to the base of the column with the base of the column not exceeding 20”
- (e) Wider front porches are preferred for their ability to make comfortable spaces.
- (f) The use of a projecting wood cap or sill is encouraged at the base of the column.

b. Landscaping

(3) Purpose

- (c) Landscaping helps integrate the house with the lot.
- (d) Landscaping enhances the site through the careful placement of plantings and other landscape features
- (e) Landscaping helps create a transition between the street and the front door
- (f) Landscaping helps define neighboring property lines, outdoor sitting areas and recreational areas.
- (g) Landscaping helps screen/soften foundation walls

(2) Design Standards

- (b) Chain link fencing between the front façade and the street is prohibited.
- (c) No more than 30% of the front yard area shall be pavement.

(3) Design Guidelines

- (e) Every effort should be made to incorporate plantings that are consistent with

- planting in the neighborhood
- (f) Clustering shrubs is preferred over linear plantings
- (g) Foundation walls greater than 12' high should be screened/softened with landscaping at a preferable rate of one gallon shrub for every three lineal feet of foundation
- (h) The planting of invasive species and/or nuisance plants, such as English Ivy, is discouraged
 - (i)
 - (j) Decorative fencing that is less than 3' high and no more than 50% site obscuring is encouraged within the front yard.

c. Vertical-Oriented Windows

- (4) Purpose
 - (b) The size, shape and location of doors and windows define the character and, in many instances, typology of the residence.
 - (c) Windows provide light and air.
 - (d) Windows and doors contribute to the “face” of the residence and the residences' sense of being inviting.
- (5) Design Standard (minimum requirement along street-facing facades):
 - (b) New houses, remodels and additions must incorporate windows that are taller than wide.
- (6) Design Guidelines
 - (c) Double hung windows are preferred
 - (d) Two or more vertical windows can be grouped together to create a horizontal window. Windows units are allowed provided that they appear as a grouping of standard 2:1 windows.
 - (e) The following window types and window elements are discouraged:
 - Mirror, reflective or opaque glass
 - Horizontal slider windows
 - Arched windows

d. Doors (Main Entrance)

- (1) Purpose
 - (a) Ensure that the main entrance to the house is prominent (visible), interesting and inviting
- (2) Design Standards
 - (a) Front doors shall face the street.
- (3) Design Guidelines
 - (f) Transom windows are encouraged above street facing doors.

e. Roof Form / Roof Pitches

- (1) Purpose
 - (a) Ensure that the roofs of new houses and additions are compatible with roofs found on houses in the core area, especially those houses on the historic registrar.

- (2) Design Standard (minimum requirements):
 - (a) The roof pitch of new houses and additions, including gable dormers must be a minimum of 6:12.
 - (b) Dormers must include an operable window.
 - (c) New homes, especially on infill lots must incorporate roof forms that are compatible with roof forms, in the neighborhood. In the core area, roof forms and roof pitches must be compatible with homes on the historic register.
 - (d) Roof eaves must be a minimum of 12.”
 - (e) Shed roofs and shed roof dormers are prohibited from facing the street.
 - (f) Skylights, solar panels and other types of equipment not inherent to the function of the roof are prohibited on the street facing façade.
- (3) Design Guidelines
 - (a) Repair and maintenance of original roof forms, especially in the core area should retain where possible the roof type, chimneys, cornices, parapets, pediments, friezes, exposed rafters and other details
 - (b) Extending rooflines as is practiced on many of Coburg’s homes, contributes to the façade by bringing shadows and a sense of depth (relief) to the façade.

f. Materials

- (1) Purpose
 - (a) Use materials and details that are compatible with Coburg’s historic homes.
- (2) Design Standard (minimum requirements)
 - (e) Horizontal wood siding and wood shingles are the preferred exterior siding material. Composite Boards and cementitious boards are also allowed provided that they are paint grade quality.
 - (f) The use of concrete and concrete block on foundation wall greater than 3’-0” tall is prohibited.
 - (g) The use of vinyl siding, aluminum siding, T-111, EIFS, stucco, cinderblock, plastic and faux stone is prohibited on the front façade of the building.

g. Architectural Details and Trim

- (5) Purpose
 - (a) Architectural Details and Trim add interest to the house giving its sense of warmth and character.
 - (b) Details and trim provide walls with shadows that give walls a sense of depth and permanence.
- (6) Design Standard (minimum requirement):
 - (a) Architectural Details and Trim
 - (b) Trim is required along rooflines, porches, windows, and doors.
 - (c) Door & Window trim must be: 5-1/2” minimum
 - (d) Horizontal wood siding (preferred) and paint grade cementitious must be a minimum 3-1/2” wide.
- (7) Design Guidelines
 - (a) As a general rule details and trim should be incorporated (highlight) where

vertical and horizontal surfaces meet- For example, where walls meet the roof or where two wall planes meet at a corner.

- (b) The following trim elements help to create a rich and visually interesting streetscape: corner boards, eave returns, string course or other horizontal trim elements at the floor level, barge boards / raking cornice, projecting rafter tails, and decorative wood gable ends.
 - (c) Residential details are typically found at the peak of the roof, the tops and bottoms of porch posts, porch railings and around windows and doors.
- h. Garages
- (1) Purpose
 - (a) The focus on how garages are designed is intended to make sure that they do not become the primary element of the site or the house. Large, out of scale garages are not only unattractive but detract from the pedestrian realm by eliminating the physical and visual connection between activities in the house and activities on the street.
 - (2) Design Standards (minimum requirement)
 - (c) The front of the garage must be a minimum of 4'-0" behind the primary facade.
 - (d) Garage door can be no more than 150 square feet of the street facing façade
 - (3) Design Guidelines
 - (a) Garages with two separate garage doors are encouraged
 - (b) Garage doors with glazing are encouraged

i. Additions

- (1) Purpose
 - (a) Additions need to be respectful and compatible of the original façade, especially additions to historic home or to homes in historic districts.
- (2) Design Standard (minimum requirement)
 - (a) Additions should maintain the existing height to width ratios of building planes and sub-elements such as windows and doors
- (3) Design Guidelines
 - (a) Where possible additions should be limited to the rear and side yards.
 - (b) Where possible, original building entrances, front porch and projecting features such as a balconies, bays, and dormer windows must be retained

10. Design Standard Modification Process

- a. A modification to the design standards set forth in Article VIII.G.4 may be granted by the Planning Commission through a Type I Development Permit on the basis of the application, investigation and evidence submitted, that all of the following circumstances are found to exist:
 - (1) There is a demonstrable difficulty in meeting the specific requirements of the Single-Family Detached and Manufactured Dwelling Design Standards due to a unique or unusual aspect of the proposed use of a site;
 - (2) Approval of the modification will not substantially negatively impact adjacent

- properties;
- (3) Approval of the modification is consistent with the stated Purpose of the Design Standards
- (4) The modification requested is the minimum modification which would alleviate the identified difficulty.

11. Single Family Attached and Multi Family

- c. Multi-family Dwelling Private open space standards. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
 - (1) All ground-floor-housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - (2) All upper-floor-housing units shall have balconies or porches measuring at least 36 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade; and
 - (3) Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable.
- b. Multi-family Dwelling Storage. If no garage is provided, each multi-family unit shall include an enclosed storage area sufficient to hold bicycles, yard equipment, etc:

K. Home Occupation Standards

- 1. Appearance of Residence:
 - a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 - d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- 2. Storage:
 - a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 - c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any approved structure.
- 3. Employees:
 - a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the

- home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
4. Advertising and Signs. Any signs shall comply with the Sign Ordinance.
 5. Vehicles, Parking and Traffic:
 - a. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
 - c. There shall be no more than two-client or customer's vehicle at any one time and no more than eight per day at the home occupation site.
 6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. only, subject Sections A and E, above.
 7. Prohibited Home Occupation Uses:
 - a. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
 - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
 - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;
 - (5) Enforcement: The City Planning Director or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable

12. Commercial and Mixed Use

[to be prepared]

13. Industrial

[to be prepared]

14. Misc.

L. Wireless Communication Facilities Development Standards

1. Purpose and Intent - The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents with the ability to access and adequately utilize the services that these facilities support.

Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affect not only the neighboring residents, but the community as a whole.

The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible, especially in or near residential areas.

2. Submittals - In addition to the submittals required in section IX.3., the following items shall be provided as part of the application for a wireless communication facility.

- a. A photo of each of the major components of a similar installation, including a photo montage of the overall facility as proposed.
- b. Exterior elevations of the proposed wireless communication facility (min 1"=10').
- c. A set of manufacturer's specifications of the support structure, antennas, and accessory buildings with a listing of materials being proposed including colors of the exterior materials.
- d. A site plan indicating all structures, land uses and zoning designation within 150 feet of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.
- e. A map showing existing wireless communication facility sites operated by the applicant within a 5 mile radius of the proposed site.
- f. A collocation feasibility study that adequately indicates collocation efforts were made and states the reasons collocation can or cannot occur.
- g. A copy of the lease agreement for the proposed site showing that the agreement does not preclude collocation.
- h. Documentation detailing the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
- i. Any other documentation the applicant feels is relevant to comply with the applicable design standards.

3. Design Standards - All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

- a. General Provisions

- (1) All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit application, written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

- (2) All associated transmittal equipment must be housed in a building, above or below ground level, which must be designed and landscaped to achieve minimal visual impact with the surrounding environment.
- (3) Wireless communication facilities shall be exempted from height limitations imposed in each zoning district.
- (4) WCF shall be installed at the minimum height and mass necessary for its intended use. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.
- (5) Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each stating the name of the facility operator and a contact phone number.
- (6) Applicant is required to remove all equipment and structures from the site and return the site to its original condition, or condition as approved by the Staff Advisor, if the facility is abandoned for a period greater than six months. Removal and restoration must occur within 90 days of the end of the six month period.

b. Preferred Designs

- (2) Where possible, the use of existing WCF sites for new installations shall be encouraged. Collocation of new facilities on existing facilities shall be the preferred option.
- (3) If (1) above is not feasible, WCF shall be attached to pre-existing structures, when feasible.
- (4) If (1) or (2) above are not feasible, alternative structures shall be used with design features that conceal, camouflage or mitigate the visual impacts created by the proposed WCF.
- (5) If (1), (2), or (3) listed above are not feasible, a monopole design shall be used with the attached antennas positioned in a vertical manner to lessens the visual impact compared to the antennas in a platform design. Platform designs shall be used only if it is shown that the use of an alternate attached antenna design is not feasible.
- (6) Lattice towers are prohibited as freestanding wireless communication support structures.

c. Landscaping

The following standards apply to all WCF with any primary or accessory equipment located on the ground and visible from a residential use or the public right-of-way:

- (1) Vegetation and materials shall be selected and sited to produce a drought resistant landscaped area.
- (2) The perimeter of the WCF shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of six feet.
- (3) The outer perimeter of the WCF shall have a 10 foot landscaped buffer zone.
- (4) The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.
- (5) One tree shall be required per 20 feet of the landscape buffer zone to provide a continuous canopy around the perimeter of the WCF. Each tree shall have a caliper of 2 inches, measured at breast height, at the time of planting.

d. Visual Impacts

- (1) Antennas, if attached to a pre-existing or alternative structure shall be integrated into the existing building architecturally and, to the greatest extent possible, shall not exceed the height of the pre-existing or alternative structure.
- (2) Wireless communication facilities shall be located in the area of minimal visual impact within the site which will allow the facility to function consistent with its purpose.
- (3) Antennas, if attached to a pre-existing or alternative structure shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached.
- (4) WCF, in any zone, must be set back from any residential zone a distance equal to twice its overall height. The setback requirement may be reduced if, as determined by the Hearing Authority, it can be demonstrated through findings of fact that increased mitigation of visual impact can be achieved within of the setback area. Underground accessory equipment is not subject to the setback requirement.
- (5) Exterior lighting for a WCF is permitted only when required by a federal or state authority.
- (6) All wireless communication support structures must have a non-reflective finish and color that will mitigate visual impact, unless otherwise required by other government agencies.
- (7) Should it be deemed necessary by the Hearing Authority for the mitigation of visual impact of the WCF, additional design measures may be required. These may include, but are not limited to: additional camouflage materials and designs, facades, specific colors and materials, masking, shielding techniques.

e. Collocation standards

- (1) Each addition of an antenna to an existing WCF requires a building permit, unless the additional antenna increases the height of the facility more than ten feet.
- (2) Addition of antennas to an existing WCF that increases the overall height of the facility more than ten feet is subject to a site review.

ARTICLE IX. SPECIAL DISTRICTS

A. Architecturally Controlled Areas

Any portion of any district may be designated for nominal architectural control wherein such controls are essential to scenic preservation or the stabilization of land values. Such areas shall be designated on the Official Zone Map by the district symbol, followed by 'X'. Within such areas an applicant for a construction permit must first have preliminary plans, specifications, and uses approved by the Planning Commission. Said plans, specifications and uses must be filed with the construction permit application at least 15 days prior to a scheduled Planning Commission meeting.

B. Site Review Permit

1. Description and Purpose

It is the purpose of this Section to establish a Site Review Permit procedure for specified uses or applications requiring comprehensive review of proposed site development in order to maintain or improve the character and attractiveness of the general area, to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or congestion, to reduce adverse impacts upon public facilities and services, to protect historic sites and to provide a healthful , stable, efficient and pleasant on-site environment.

A Site Review Permit may be used as a means for applying the provisions of the zoning ordinance or other ordinances to undivided property or to consolidate undivided property to dimension, shape and sizes of which do not individually lend themselves advantageously to modern land utilizations.

2. Site Review Permit Required

A site review permit shall be required for any development on property within the C-1, C-2, and LI districts or with an architectural control (X) suffix, for any proposal to alter or demolish a historic site or structure designated for protection by the City Council, and will require approval of initial plans or approval of a modification of or addition to approved plans. Site reviews for historic sites and structures shall be conducted within guidelines provided by the six criteria provided by the Historic Element in the Coburg Comprehensive Plan. Site review shall also be required prior to any development on land determined to be wetlands by the Oregon Division of State Lands or the US Army Corps. of Engineers. Site review in these cases shall be restricted to a determination of significance of the wetland resource and, if found to be significant, the application of the Statewide Planning Goal #5 ESEE analysis.

No building permit shall be approved by the City of Coburg until a site review permit has been obtained pursuant to conditions of this section. Further, said building permit can be approved only for development as approved according to the procedures herein specified. The developer shall supply to the City eight copies of the site plan at least 15 days prior to the meeting at which the application shall be considered.

[Adopted A-133C 12/12/89]

3. Application for Site Review Permit

Application for a Site Review Permit shall be on a form prescribed by the Planning Commission and submitted to that office by any person(s) with a legal interest in the property. The application shall include the following:

- a. Name and address of applicant.
- b. Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and, in the case the applicant is not the owner, verification and legal description of the property.
- c. Address and legal description of the property.
- d. Statement explaining the intended request.
- e. The fee required to defray the cost of processing the application.
- f. Any other materials or information as may be deemed necessary by the applicant to assist in evaluation of the request.
- g. Eight copies of drawings clearly showing the following, when appropriate:
 - (1) Parcel location, boundaries, dimensions and total area.
 - (2) Approximate location, arrangement and dimensions of existing and proposed enclosures, walls and fences.
 - (3) Approximate heights, materials and finishes of existing and proposed enclosures, walls and fences.
 - (4) Approximate location, dimensions, uses and screening provisions for storage, refuse and service areas.
 - (5) Approximate location, arrangement and dimensions of streets, driveways, access points, trails, bikeways, sidewalks and other pedestrian pathways, off-street vehicular parking and loading areas.
 - (6) Proposed drainage, water, trails, bikeways, and sanitary systems and facilities.
 - (7) Approximate location, character and type of signs and lighting facilities.
 - (8) General landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting, etc.
 - (9) Architectural sketches or drawings to clearly establish the scale, character and relationship of buildings, streets, ways, parking places, garages and open spaces.
 - (10) Other data such as information on soils, geology, and hydrology, purpose and provisions of the Site Review.

Application may be made concurrent with a zone change, when applicable, or at later date prior to the approval of a building permit for construction on the development site.

[Adopted A-133L 10/5/99]

4. Criteria for Site Review Evaluation

The Planning Commission shall consider the following minimum criteria as applicable in evaluating site review applications, to ensure that the purpose and requirements of this section are met:

- a. That the location, design, size, shape and arrangement of the uses and structures are in scale and are compatible with the surroundings.
- b. That there is a desirable, efficient, and workable inter-relationship among buildings, parking, circulation, open space, landscaping, and related activities and uses, resulting in an attractive, healthful and pleasant environment for living, shopping and working.
- c. That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.
- d. That the quantity, location, height, and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.
- e. The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.
- f. That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and service or by other facilities suitable for the intended uses, in conformity with the Coburg Comprehensive Plan.
- g. That, based on anticipated traffic generation, adequate additional transportation improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion, including but not limited to right-of-way and road improvements. Consistent with the Transportation System Plan, consideration shall be given to the need and feasibility of widening and improving abutting streets and also to the necessity for such additional requirements as lighting, traffic-calming techniques, sidewalks and other pedestrian ways, bikeways, and turn and deceleration/acceleration lanes.
- h. That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.
- i. That there are adequate off-street vehicular and bicycle parking facilities and loading-unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.
- j. That the location, quantity, height and shape of areas of structures which define interior circulation and parking arrangements are suitable for their intended purpose.
- k. That all signs and illumination are in scale, and harmonious with the site and area.
- l. That adequate methods are provided to ensure continued maintenance and necessary normal replacement of common facilities, uses, structures, landscaping, screening, ground cover, and similar items required to ensure compatibility with the surrounding areas and an attractive ' healthful and pleasant environment within the development area.

[Adopted A-133L 10/5/99]

5. Procedure for Adopting Site Review Permit

The adoption of the Site Review Permit shall constitute a reclassification of the property involved in such zone or zones as are designated on the site plan, and shall supersede the general requirements of the applicable zone or zones involved, insofar as they apply to a particular site. The new zone boundaries of the reclassified area contained within the site plan shall be indicated on the Zoning Map together with a numbered reference to the site plan, the details of which Site Review Permit shall govern the application of the zoning provision of such area.

6. Revisions or Amendments

Revisions or amendments to an approved Site Review Permit shall require the same application procedure as for an original Site Review Permit.

7. Revocation

A Site Review Plan shall automatically be revoked if any development for which a Site Review Permit has been granted is not established within one year from the date of final approval.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

A. Administration and Enforcement

The Planning Commission shall administer and enforce this Code. The President of said commission is hereby designated as the administrative official for purposes of executing Planning Commission decisions.

If the Planning Commission shall find that any of the provisions of this Code are being violated, they shall, through the President, notify in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. Land Development Procedures

1. Development Permits Required

- a. Except as excluded by Subsection 2, no person shall engage in or cause to occur a development for which a Development Permit has not been issued, either as an attachment to the Building Permit or as a separate permit for developments not immediately involving a Building Permit. The Building Official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a Development Permit has not been issued.
- b. Development Permits shall be issued by the Planning Commission President, pursuant to the provisions of this Code. The President shall not issue a Development Permit for the division, improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant created the violation (unless the violation can be rectified as part of the development).
- c. Unless appealed, a decision on a Development Permit shall be final upon expiration of the period provided for filing an appeal, as outlined in this Code, or if appealed, upon rendering of the decision by the reviewing body.
- d. All Development Permits shall expire one year from the date of issuance, unless otherwise noted in this Code or unless construction or operation of the development has begun within that time and has continued without interruption for more than one year.

2. Exclusions from Development Permit Requirement

Activities and developments listed below are excluded from the requirement for a development permit but are nevertheless subject to the provisions of this Code where applicable:

- a. Detached single-family dwellings.
- b. Accessory buildings less than 250 square feet, which conform to the provisions of this Code and the Uniform Building Ordinance.
- c. Landscaping or other treatment or use of the land not involving structure, except grading and filling in a flood plain area, and improvement of parking areas containing less than 1,000 square feet.
- d. A change, internal to a building or other structure, that does not substantially affect the use of the structure.

- e. An emergency measure necessary for the safety or protection of property when authorized by the City Council.
- f. Erection of a tent or portable structure for noncommercial use up to ten days.
- g. Agricultural uses, as permitted outright in other sections.
- h. The establishment, construction or termination of a public facility authorized by the City Engineer that directly serves a development, including streets, drainage ways, sewers, pump stations, water lines, electrical power or gas distribution lines or telephone or television cable systems but not including major substations, treatment facilities and storage tanks, reservoirs and towers. I
- i. Excavation or filling of land involving 50 cubic yards or less.
- j. Outside storage of materials in conformance with the provisions of this Code and other Coburg Ordinances and provided with screening where required.

3. Development Permit Procedures

- a. An application for a Development Permit shall be processed under a Type I or II procedure, as described in this section.
- b. When an application and proposed development is submitted, the Planning Commission President shall determine the type of procedure this Code specifies for its processing. Where there is a question as to the appropriate type of procedure, the application proposal shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.
- c. Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. Zone changes and permits required through the application of the overlay district and discretionary permit procedures shall be available for a consolidated permit process. For purposes of this Ordinance, a consolidated permit process shall mean that the hearing body, to the greatest extent possible, apply concurrent notice, public hearing and decision-making procedures to the permits and zone changes which have been consolidated for review.

[Adopted A-133C 12/12/89]

4. Coordination of Development Permit Procedure

The President shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Code. Before issuing the development permit, the President shall be provided with the detail required to establish full compliance with the requirements of this Code.

5. Preapplication Conference

An applicant or the applicant's authorized representative shall request the President to arrange a pre-application conference, unless the applicant and President agree that the conference is not needed. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Code; to provide for an exchange of information regarding

applicable elements of the Comprehensive Plan and development requirements, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. Any project involving more than five dwelling units or two acres requires a concept plan to be reviewed in the pre-application conference.

6. Application Contents

An application for a development permit shall consist of the items required by this Code and the following:

- a. A completed development permit application form.
- b. An explanation of intent, stating the nature and proposed use of the development, pertinent background information and other information that may have a bearing in determining the action to be taken, including submission of detailed findings where such are required by the provisions of this Code.
- c. Evidence that the property affected by the application is in the exclusive ownership of the applicant or that the applicant has the consent of all partners in ownership of the affected property.
- d. Legal description and assessor parcel map(s) of the property affected by the application.
- e. Additional information required by other sections of this Code because of the type of development proposal or the area involved.
- f. As many duplicates of the above information as may be requested by the President to facilitate expeditious review of the application.
- g. Submission of application fees as established by the City Council by separate resolution.

7. Submission of Development Permit Application

Application materials shall be submitted to the President who shall have the date of submission indicated on each copy of the materials submitted. Applications for development permits requiring a public hearing shall be submitted at least 30 days in advance of the next regularly scheduled public meeting of the hearings body. If the President determines that the application is incomplete or otherwise does not conform to the provisions of this Code, the President shall notify the applicant of the negative determination by mailing or otherwise conveying an explanation to the applicant. An application for which a negative determination has been made may be resubmitted after revision to overcome the reasons for the negative determination. In cases where a public hearing is required such resubmission shall be made at least 14 days prior to the public hearing. If a development permit application is complete and in conformance with the provisions of this ordinance, the President shall accept it and note the date of acceptance on the required copies.

8. Referral and Review of Development Permit Applications

Within five working days of accepting an application, the President shall do the following:

- a. Transmit one copy of the application, or appropriate parts of the application, to each referral agency and city department identified by the President as having possible interest in reviewing and commenting on the development proposal, and including those agencies and departments

responsible for determining compliance with state and federal requirements. If the referral agency or city department does not comment within 14 days, unless an extension of up to 14 days is requested by the agency and granted by the President, the referral agency or city department is presumed to have no comment. The President shall grant an extension only if the application involves unusual circumstances.

- b. Transmit the development permit application to other governmental bodies where approval of other governmental bodies is required prior to granting a development permit.
- c. Provide for notices to be sent to affected parties and hearings to be established as required under Type II, procedures established in ARTICLE X.B.13.

9. Development Permit Decision

- a. Within 30 days of the date of accepting a permit application not involving approval by other governmental bodies or within 10 days of receiving required approval by other governmental bodies, the Planning Commission shall grant or deny the development permit. The decision of the Commission shall be based upon the application, the evidence, comments from referral agencies, and approvals required by other governmental bodies. The President shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to ARTICLE XI.
- b. The Commission shall issue a development permit if applicable approvals by other governmental bodies have been granted and the proposed development otherwise conforms to the requirements of this Code.
- c. The Commission shall deny the development permit if required approvals from other governmental bodies are not obtained or the application otherwise fails to comply with Ordinance requirements. The notice shall describe the reason for denial .

10. Action on Resubmission of Denied Application

An applicant may make appropriate alternations to a proposal which has previously been denied and resubmit it with payment of any required fee. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Commission finds that changed conditions or changes in the proposal warrant such reconsideration. Other provisions of this Code may establish a minimum amount of time between the date of denial and resubmission of some types of development proposals.

11. Summary of Procedure Types

For purposes of administering the provisions of this Code there are hereby established two types of procedures for processing of all development permits. The two procedures include but are not limited to the following activities:

Type I Procedure - Lot line adjustments, minor partitionings, site plan reviews, preliminary PD plans and final subdivision plats.

Type II Procedure - Major partitions, variances, conditional use permits, modifications to nonconforming uses, preliminary subdivision plats, zone changes, plan amendments, annexations, vacations and all other development permits not included in a Type I review.

12. Type I Procedure

- a. Under the Type I procedure, an application shall be processed by the Commission without need for public hearing or notification of other property owners. As provided for by other provisions of this Code, the Commission shall render a final decision.
- b. Conditions and/or restrictions may be applied to the approval of any development permit granted under a Type I procedure in accordance with the relevant other provisions of this Code.
- c. A decision of the Commission under the Type I procedure may be appealed in accordance with ARTICLE XI by an affected party to the City Council. The criteria for reaching a decision under a Type I Procedure including appeals shall be based on compliance with the provisions of this Code.

13. Type II Procedure

- a. Under the Type II Procedure, an application is scheduled for public hearing before the Planning Commission pursuant to ARTICLE XI. The Commission shall cause notice to be published pursuant to ARTICLE XI and notify all affected property owners, including at least abutting property owners. A notice of hearing on an amendment to a zoning map shall be mailed to all owners of property located within not less than 300 feet. The applicant shall supply a list of the names and addresses of the owners of property to receive notice. The mailing list must be certified by the applicant as accurate and complete as found from current County Assessor records.
- b. At the public hearing the staff and interested persons may present testimony relevant to the proposal.' If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria for approval as specified in the sections of this Code pertaining to the type of request involved; or they may give proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each of the criteria applicable. A written report shall be submitted to the City Council.
- c. The City Council will not consider the proposal except upon appeal by the applicant or any party to the proceeding before the Planning Commission.
- d. To the extent that finding of fact is required, the City Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval, if the Council determines the conditions are appropriate to fulfill the criteria for approval.

C. Conditional Use Permits

1. Purpose

Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. All uses permitted conditionally possess unique and special characteristics, making impractical their

inclusion as outright uses in many of the various districts herein defined. Locations and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. ' The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of establishing such conditions as may be reasonable so that the basic purposes of this Code shall be served. Nothing herein shall be construed to require the granting of a Conditional Use Permit.

2. Conditional Uses

Where the provisions of this Code do not expressly apply or where ambiguity exists, concerning the appropriate classification or procedure for the establishment of a particular use or type of development, that use or development may be established by a Conditional Use Permit in accordance with the provisions of this Section.

3. Criteria

A Conditional Use Permit may be granted only if substantive and probative evidence establishing specific findings of fact have been made that said Conditional Use Permit conforms to all of the following criteria:

- a. Conformity with the Coburg Comprehensive Plan, and with the City of Coburg Transportation System Plan.
- b. Compliance with special conditions established by the Planning Commission to carry out the purposes of this Section.

[Adopted A-133L 10/5/99]

4. Conditions

The Planning Commission may impose the following conditions to minimize conflicts between proposed and existing uses:

- a. Modify yard setbacks, coverage, and heights to accomplish specified ends.
- b. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls.
- c. Require walls, fences, hedges, and screen planting to accomplish to specified ends.
- d. Require planting of ground cover or other surfacing to prevent erosion or reduce dust.
- e. Retain trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, or recreational use.
- f. Require adequate offstreet vehicular and bicycle parking and loading/unloading facilities.
- g. Modify access provisions for safety reasons.
- h. Modify sign requirements to meet specified ends.
- i. Require landscaping and lighting plans to accomplish specified ends .

- j. Require ongoing maintenance of buildings and grounds.
- k. Require adequate additional right-of-way and road improvements to promote traffic safety of vehicles, bicycles, and pedestrians.
- l. Require abatement of noise, vibration, and odors.
- m. Require a time limitation for certain activities.
- n. Require a limit on total duration of use.
- o. Using the six criteria found in the Historic Element of the Coburg Comprehensive Plan, require adequate guidelines and safeguards regulating the alteration or demolition of historically significant sites or structures to preserve the historic integrity of such sites or structures.
- p. Additional conditions which may be necessary to implement policies of the Coburg Comprehensive Plan, and the City of Coburg Transportation System Plan

[Adopted A-133L 10/5/99]

- 5. Compliance with conditions imposed in the Conditional Use Permit and adherence to the plot plan submitted, as approved, are required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code.

6. Vested Interest in Approved Conditional Use

A valid Conditional Use Permit supersedes conflicting provisions of subsequent rezoning or amendments to this Code, unless specifically provided otherwise by the provisions of this Section or the conditions of the approval of the Conditional Use Permit.

7. Revocation

- a. Conditional Use Permits are automatically revoked without special action if:
 - (1) The Permit has not been exercised within two years of the date of approval, or
 - (2) The use approved by the Conditional Use Permit discontinued for any reason for one continuous year or more.
- b. The City Council may revoke any Conditional Use Permit for failure to comply with any prescribed condition of the Conditional Use approval.
- c. A hearing for revocation of a Conditional Use Permit may be requested of the Planning Commission by the City Council when the City Council is of the opinion any or all of the basis for revocation, as stated in this section, exist. Request for a revocation hearing shall be accomplished by submitting a letter to the Planning Commission stating the basis for requesting the hearing for the revocation. The Planning Commission shall then set a hearing for the revocation if they determine a hearing is warranted.

- d. The public hearing notification and appeal procedure for revocation hearings by the Planning Commission and City Council shall be the same as those for original Conditional Use application hearings and appeals provided in this Section.

8. Limitations of Refiling of Application

Applications for which a substantially similar application has been denied or revoked for cause within the previous year, shall be heard by the Planning Commission after a separate determination that, for good cause shown, the application may be refiled.

D. Variances

A variance from the terms of this ordinance shall not be granted by the Planning Commission unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district, under the terms of this Code;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given, as in ARTICLE XI.
3. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
4. The Planning Commission shall make findings that the requirements of ARTICLE X.D.1. have been met by the applicant for a variance.
5. The Planning Commission shall I further make a finding that the reasons set forth in the application , justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Planning Commission shall I further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions and safeguards, when

made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under ARTICLE XI. of this Code.

8. Under no circumstances, shall the Planning Commission grant a variance to allow a use not permissible under the terms of this Code in the district involved or any use expressly or by implication prohibited by the terms of this Code in said district.

E. Annexation Procedures and Criteria

1. Annexation Procedures

A proposal to annex territory to the City may be processed by any of the following methods provided that the proposal complies with ORS Chapter 222 as now enacted or hereinafter amended.

- a. Election by registered voters of the area to be annexed and, if approved, election by the registered voters of the City.
- b. Election by registered voters of the area to be annexed and action by the City Council to dispense with an election and to initiate type II proceedings as outlined in ARTICLE X.B.13.
- c. Consent petition of at least half of the property owners representing more than half of the land area involved which consists of more than half of the total assessed value of all real property in the subject area followed by a city election or action by the Council to dispense with an election and to initiate Type II proceedings as outlined in ARTICLE X.B.13.
4. Delayed annexation by signed contract binding all existing and future owners of property in an area within the Urban Growth Boundary, either contiguous or not contiguous to the City, to future annexation by legislative act of the City subject to procedures for such action as may be established between the City and County and subject further to Type II proceedings as outlined in ARTICLE X.B.13.

All proposals to annex territory shall be submitted to the Planning Commission on a form prescribed by the City and shall include payment of required fees prior to processing. When the President has determined that the territory is eligible for annexation and that all of the required information has been submitted, the application shall be processed under one of the methods described above.

2. Annexation Criteria

Any annexation proposal considered under a Type II procedure must be demonstrated to be in conformance with the following criteria:

- a. The proposal conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation and the Plan should be amended as proposed by the proponent of the annexation (in which case the Plan must be amended prior to final action on the annexation).
- b. The proposed annexation is within the Urban Growth Boundary and is a logical and efficient extension of city limit boundaries.

- c. The proposed annexation will facilitate the functional and economic provision of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the City.
- d. The proposed annexation fulfills a demonstrated public need for a particular activity or use of land within the area in question.

3. Zoning of Annexed Property

A proposal for annexation shall include a city zoning designation request which shall be considered at the time of annexation under a Type II procedure. The criteria for considering an annexation zoning proposal shall be the same as the criteria for consideration of a zone change as outlined in Subsection F of this Article. The zoning designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon acceptance of the annexation by the Secretary of State.

F. Zone Change Procedures and Criteria

1. Procedures for Amending Major Zoning Districts and Special Purpose Districts

A proposal to change the zoning of a special purpose district designation of a particular piece of property or area of the City may be initiated by the Planning Commission, City Council, or by petition of not less than half of the property owners representing more than half of the land area involved. Such proposals shall be considered under the Type II procedures as outlined in ARTICLE X.B.13 or by legislative action as provided for in Subsection B of ARTICLE XI of this Code. A Type II procedure may be used to change the designation of a special purpose district when the Commission established that the circumstance which created 'the special purpose district has been altered to the point that the additional requirements of the Special District would no longer serve the intended purpose for which they were created.

All proposals for District amendments shall be submitted to the Planning Commission on a form prescribed by the City and shall include payment of required fees prior to processing. When the President has determined that all of the required information has been submitted, the application shall be processed as required.

2. District Amendment Criteria

Any zoning or special purpose district amendment proposal considered under a Type II procedure must be demonstrated to be in conformance with each of the following criteria:

- a. The proposed amendment conforms to the Comprehensive Plan or substantial changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change (in which case the Plan must be amended prior to final action on the District Amendment).
- b. The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.
- b. If residential zoning is involved, the proposed residential zone or zones best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low and moderate housing within the subject neighborhood area.

- d. When an application is received to change the zone of property which includes all or part of a mobile home park, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

[Adopted A-133C 12/12/89]

G. Comprehensive Plan Amendment Procedures and Criteria

1. Procedures for Amending the Comprehensive Land Use Plan

A proposal to amend the Comprehensive Land Use Plan including text, policies, Urban Growth Boundary, or map designations may be initiated by the Planning Commission, City Council or by petition of owners. Such proposals shall be considered under Type II procedures as outlined in ARTICLE X.B.13 or by legislative action as provided for in ARTICLE XI.B.

Proposals for Comprehensive Plan Amendments may be considered only on a pre-scheduled semi-annual basis as determined by the Planning Commission and City Council. In determining that an emergency situation does exist, the Council must adopt findings that the public interest would be best served by initiating a Comprehensive Plan amendment request.

2. Plan Amendment Criteria

In reaching a decision on a Comprehensive Plan Amendment proposal, the Planning Commission and City Council shall adopt findings in consideration of the following:

- a. Conformance with goals and policies of the Plan or demonstration of change in circumstance which would necessitate a change in the goal and/or policies.
- b. Citizen review and comment.
- c. Applicable Statewide Planning Goals.
- d. Input from affected governmental units and other agencies.
- e. Short- and long-term impacts of the proposed change.
- f. A demonstration of public need for the change.
- g. A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.
- h. Additional information as required by the Planning Commission or City Council.
- i. In lieu of f. and g. above, demonstration that the Plan was adopted in error.

H. Vacation Procedures and Criteria

1. Vacation Procedures

A proposal to vacate an easement, right-of-way, or plat may be initiated by the City Council or by petition of adjoining and area owners in accordance with ORS 271.080. Type II procedures as outlined in ARTICLE X.B.13. shall be used as supplemented by the

provisions of ORS Chapter 271. Petitions for vacations shall be submitted on a form prescribed by the City and shall be accompanied by the required application fee.

2. Vacation Criteria.

The Council shall give consideration to the following criteria in reaching a decision on a vacation request:

- a. Conformance to applicable Comprehensive Plan policies and maps.
- b. Potential conflict with any minor or major street plan.
- c. Consistent with the City of Coburg Transportation System Plan, consider the potential to establish or maintain accessways, paths, or trails, prior to vacation of any public easement or right-of-way, in addition to effect on access, traffic circulation, and emergency service protection.
- d. Need for access to existing properties or potential lots which would otherwise be without access to a public way.

[Adopted A-133L 10/5/99]

I. Penalties for Violation

Violation of the provisions of this Code or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 30 days or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

ARTICLE XI . PUBLIC HEARINGS, LEGISLATIVE ACTIONS AND APPEALS

A Public Hearing Requirements and Procedures

1. Responsibility for Hearing

The City Council shall appoint a Hearing Officer to regulate the course of quasi-judicial land use hearings before the City Council and the Planning Commission. Such regulation shall include the following:

- a. Regulating the course and decorum of the hearing;
- b. Disposing of procedural requests or similar matters;
- c. Ruling on offers of proof and relevancy of evidence and testimony;
- d. Imposing reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross-examination of witnesses and rebuttal testimony;
- e. Ruling on challenges to disqualify a Planning Commission or City Council member for reasons of conflict of interest and ex-parte contacts. In the case of City Council members such rulings are advisory.
- f. Drafting of findings-of-fact to support the decision of the hearing body.

2. Notice of Hearing

Notice of a hearing shall be reasonably calculated to give actual notice, and other than for a legislative action, shall contain the following information:

- a. The date, time, and location of the hearing.
- b. Explain the nature of the application and the proposed use or uses which could be authorized;
- c. List the applicable approval criteria from the zoning subdivision, or comprehensive plan that apply to the application at issue;
- d. Set forth the street address or other easily understood geographical reference to the subject property;
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to Oregon Land Use Board of Appeals based on that issue;
- f. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- g. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

- h. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

[Adopted A-133C 12/12/89]

3. Procedure for Mailed Notice

Unless otherwise provided, addresses for a mailed notice required by this Section shall be provided by the applicants for development permits. The mailing list must be certified by the applicant as accurate and complete as found from current County Assessor records. A person whose name is not in the tax records at the time of filing of an application or of initiating other action not based on an application, may only receive a notice if the person provides the Planning Commission with the necessary address(es). Any deficiency in the form of notice prescribed in Subsection 2 or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Section for notice. In addition to persons receiving notice as required by the matter under consideration, the Planning Commission President provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

- a. Each notice of a hearing authorized by this Code shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing.
- b. A notice of hearing on an amendment to a zoning map shall be mailed to all owners of property located within not less than 300 feet, exclusive of street areas, 'from the exterior boundaries of the property for which the zoning map amendment has been requested.
- c. A notice of hearing on all Type II Development Permits shall be mailed to all owners and abutting property owners, including owners of property which would be abutting if there were no intervening streets, for the property for which the permit has been requested.
- d. For the purpose of mailing notices of public hearing, the applicant shall provide the list of property owners of record to the City.
- e. A notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing.
- f. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- g. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or radio.
- h. If posted notice is required, it shall be posted in at least two conspicuous places within the area containing affected property.
- i. Cost of notice mailings shall be included in the development application fee.
- j. After acknowledgment of the Coburg Comprehensive Plan by the Land Conservation and Development Commission, a proposal to amend that plan, any other land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the final hearing on the adoption of the proposal.

Not later than five working days after the adoption of the land use proposal , the City must submit the text and findings of that proposal to the Director of the Department of Land Conservation and Development. Substantial changes to the proposal shall be specified.

Not later than five working days after the adoption of the land use proposal, the City shall submit notice to persons who participated in the proceedings leading to the adoption of the land use proposal and who requested, in writing, that they be given such notice. This notice shall 1 :

- (1) Briefly describe the action taken by the City;
- (2) State the date of the decision;
- (3) List the place where and time when the text and findings of the land use proposal may be reviewed.
- (4) Explain the circumstances for submission of written objections to the Director of the Department of Land Conservation and Development under ORS 197.620.

4. Challenges to Impartiality

Except for legislative hearings a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered by personal service to the Hearing Officer not less than 48 hours preceding the time set for public hearing. The Hearing Officer shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record at the time of the hearing.

5. Disqualification

Except for legislative hearings, no member of a hearing body shall participate in a discussion of the proposal without removing himself or herself from the bench or shall vote on the proposal when any of the following conditions exist:

- a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business in which the member is a principal or employee or in which the member is negotiating for acquisition of such interest or employment.
- b. The member owns property within the area entitled to receive notice of the public hearing.
- c. The member has a direct private interest in the proposal.
- d. Any other valid reason, for which the member has determined that participation in the hearing and decision cannot be in an impartial manner.

6. Participation by Interested Officer or Employees

No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

7. Ex-Parte Contacts

Except for legislative hearings, the general public has a right to have hearing body members free from prehearing or ex-parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex-parte contacts regarding any matter at the commencement of the public hearing on such. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with the following section.

8. Abstention or Disqualification

- a. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, making full disclosure of his or her status and position at the time of addressing the hearing body and physically removing himself or herself from the hearing body during the hearing and deliberations on the matter.
- b. If a quorum of a hearing body abstains or is disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- c. Except for a legislative hearing, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

9. Burden and Nature of Proof

Except for a legislative determination, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and to applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

- a. Mistake in the original designation or provision.
- b. Change of circumstances such that the existing condition is no longer in conformance with the intent of the Comprehensive Plan.

10. Order of Proceedings

The order of the proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- a. Before receiving information on the issue, the following shall be determined:

- (1) Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
 - (2) Any abstentions or disqualifications shall be determined.
- b. The person presiding at the hearing may take official notice of known information related to the issue, such as the following:
 - (1) Provisions of the Charter or state law or of an ordinance, resolution, rule of officially promulgated policy of the City.
 - (2) Other public records and facts judicially noticeable by law.
 - c. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record provided, however, that the hearing body may take notice of matters listed in subsection b of this section if stated for the record. Any matter given official notice may be rebutted.
 - d. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view in the record.
 - e. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
 - f. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

11. Decision

Following the hearing procedure described above, the hearing body shall approve, table, or deny the application; or if the hearing is in the nature of an appeal, either affirm, reverse or remand the decision that is on appeal . A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter.

12. Findings

The hearing body, with the assistance of the Hearings Officer, shall adopt findings of fact based upon the applicant's report, staff report and/or testimony presented at the hearing. The staff report and findings shall include:

- a. A statement of the applicable criteria and standards of this ordinance against which the proposal was tested, and what is required to achieve compliance with the criteria and standards.
- b. A statement of the facts establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- c. The reasons for a conclusion to approve or deny.
- d. The decision to deny or approve the proposed change with or without conditions.

13. Record of Proceedings

When possible, the secretary to the hearing body will be present at each hearing and shall cause the proceedings to be recorded either stenographically or electronically. Should it not be possible for the secretary to be present, proceedings will be recorded electronically and minutes will be taken from the tape.

- a. Testimony shall be transcribed at the cost of the requesting party if required for judicial review.
- b. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after all appeal periods have expired at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- c. The staff report and decision shall be included in the record.
- d. A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

B. Legislative Actions

1. City Council Authority

Nothing in this Code shall limit the authority of the City Council to make changes in the Comprehensive Plan or zoning provisions and designations by legislative act where such changes have broad application and where quasi-judicial proceedings would be unnecessary or impractical.

The Planning Commission and/or City Council may order a public hearing on any legislative matter.

2. Legislative Hearing Notice

Notice of hearing on a legislative decision under this Code need not include a mailing to property owners. The President may prepare a notice designed to reach persons believed to have particular interest and to provide the general public with reasonable opportunity to be aware of the hearings on the proposal.

3. Information at Planning Commission Hearing

Interested persons may submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

4. Planning Commission Recommendation

In preparing its recommendation, the Planning Commission may do any of the following:

- a. Require the proponent to identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these plan provisions.
- b. Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
- c. Prepare a recommendation and make findings in support of such recommendations.

5. City Council Legislative Action

- a. The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:
 - (1) Compliance with the Plan.
 - (2) Appropriateness of the legislative process.
 - (3) Policy changes or refinements proposed.
- b. In reaching a decision on a legislative matter, the Council may adopt findings applicable to the relevant criteria in support of the decision.
- c. After confirming, amending or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps:
 - (1) Enact or defeat an ordinance on all or part of the proposal under consideration.
 - (2) Refer some or all of the proposal back to the Planning Commission for further consideration.

C. Appeals Procedures

1. Appeals

- a. A decision of the Planning Commission of issuance of a development permit may be appealed to the City Council by an affected party by filing a "Notice of Appeal" with the City Recorder within 15 days of the decision. A "Notice of Appeal" may also be filed upon failure of the Commission to make its determination on an application within 30 days from the date of receipt by the Commission from the Planning Commission Secretary of the application. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this ordinance.
- b. At its discretion, the City Council may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this section.
- d. Except as provided in ORS 227.278, the City shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete.

[Adopted A-133C 12/12/89]

2. Requirements of Notice of Appeal

A "notice of appeal" shall contain:

- a. An identification of the decision sought to be reviewed, including the date of the decision.
- b. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
- c. The specific grounds relied upon for review.
- d. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed below.

3. Scope of Review

The reviewing body shall determine the scope of review on appeal to be one of the following:

- a. Restricted to the record made on the decision being appealed.
- b. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
- c. A de novo hearing on the merits.

4. Review of the Record

- a. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:
 - (1) A factual report prepared by the Hearings Officer.
 - (2) All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - (3) The minutes of the hearing and a detailed summary of the evidence.
- b. The reviewing body shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a "notice of appeal".

5. Review Consisting of Additional Evidence or De Novo Review.

- a. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
 - (1) Prejudice to the parties.

- (2) Convenience or availability of evidence at the time of the initial hearing.
 - (3) Surprise to opposing parties.
 - (4) The competency, relevancy and materiality of the proposed testimony or other evidence.
- b. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.
6. Review Body Decision

Upon review, the reviewing body may affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the reviewing body modifies or renders a decision that reverses a decision of the hearing body, the review body shall set forth its findings and state its reasons for taking the action. When the reviewing body elects to remand the matter back to the hearing body for such further consideration as the reviewing body deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such. The review body shall render a decision within 30 days after the filing of a "Notice of Appeal."

ARTICLE XII. DEFINITIONS

A. Integration

For the purpose of this Code, certain terms or words used herein shall be interpreted as follows:

The word person includes firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

The words shall and will are mandatory, the word may is permissive.

The words uses or occupied include the words intended, designed or arranged to be used or occupied.

The word lot includes the words plot or parcel.

B. Definitions

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessory dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

- (a) Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
- (b) Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling;
- (c) One Unit. A maximum of one accessory dwelling unit is allowed per lot;
- (d) Floor Area. The maximum floor area of the accessory dwelling shall not exceed [800] square feet;
- (e) Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed [25] feet, as measured in accordance with Section 2.1.170; and
- (f) Buffering. A minimum [5]-foot hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

Amusement Establishments - An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks.

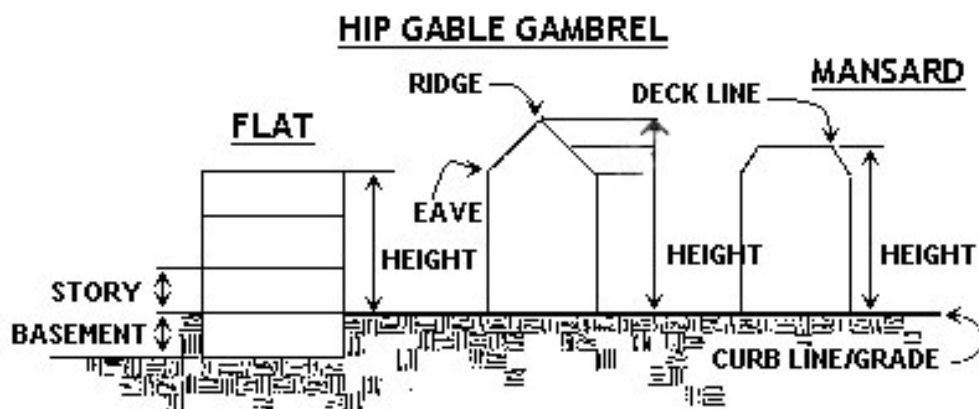
Articulation, Exterior Building- Articulation on the exterior of buildings is to provide relief from large expansions of uninterrupted building surface. Articulation includes design features such as: offsets or breaks in roof elevations, balconies, projections, window reveals, or similar elements along the vertical face of a structure, such features shall occur at a minimum of every 30 feet.

Automobile-Related - Auto-related means cars (or other motor vehicles) are integral to the use (e.g., car sales, repair, storage, repair, self-serve car wash, etc.).

Automobile-Dependent - Auto-dependent means the transaction takes place in an automobile (e.g., drive-up window, gas station, drive-through car washes, etc.).

Buildable Area - The portion of a lot remaining after required yards have been provided.

Height of Buildings: The vertical distance above natural grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to height of the highest gable of a pitched or hipped roof.



The height of a stepped or terraced building is the maximum height of any segment of the building.

Child Care Center – Any institution, establishment, or place in which are commonly received at one time three or more children not of common parentage, under the age of [six] seven years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

[Adopted A-133C 12/12/89]

Drive-In Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Single-family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Mobile Home - A detached residential dwelling unit designed for transportation after

fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Two-family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-family - A residential building designed for or occupied by three or four families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Group Care Home – A residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.
[Adopted A-133C 12/12/89]

Home Occupation - An occupation conducted in a residential unit, provided that:

- (a) No more than two persons other than family members shall be employed in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign;
- (d) A home occupation sign shall not exceed 2 square feet, nor be higher than 6 feet above the ground. It shall be a non-illuminated wall sign;
- (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or site. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- (g) All visible evidence of a home occupation shall be removed within 14 days of the

termination of the home occupation;

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - For purposes of this Code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A combination of complete lots of record.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this Section.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The diagram (Figure 1) which follows illustrates terminology used in this Code with reference to corner lots, interior lots, and reversed frontage lots and through lots:



Figure 1 -

In the diagram, A=corner lot, defines as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A⁽¹⁾ in the diagram.

B=interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C=through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D=reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right

angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

Lot, Width - The horizontal distance between the midpoints of the side lot lines.

Outdoor Advertising Business - Provision of outdoor displays or display space on a lease or rental basis only.

Parking Space, Off-Street - For the purposes of this Code, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provide and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Residential Home – A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or combination thereof for 5 or fewer individuals who need not be related. Staff person required to meet Department of Human Resources licensing requirements shall both be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

Residential Facility – A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities

Service Station - Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- (a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- (b) Tire servicing and repair, but not recapping or regrooving;
- (c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- (d) Radiator cleaning and flushing;
- (e) Washing and polishing, and sales of automotive washing and polishing materials;

- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, and lines;
- (h) Minor servicing and repair of carburetors;
- (i) Emergency wiring repairs;
- (j) Adjusting and repairing brakes;
- (k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (l) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station's customers, as accessory and incidental to principal operation;
- (m) Provision of road maps and other informational material to customers; provision of restroom facilities.

Use permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is not a repair garage nor a body shop.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located provided, however, that the following shall not be included in the application of the regulations herein:

- (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (c) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form of combination or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing

advertising matter shall not be included in computation of surface area.

Sign, On-Site - A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site - A sign other than an on-site sign.

Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as a number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this Code.

Street Line - The right-of-way line of a street.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the planning commission may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of the reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Planning Commission shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lots shall have less than half the full depth required generally.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard Set Back - An area where buildings and certain structures cannot be constructed, measured from the property line to the exterior wall of a building. A setback may be referred to as "front yard", "interior side yard", "street side yard" or rear yard". This definition does not include solar setback.

ARTICLE XIII. SEPARABILITY CLAUSE

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.