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Chapter 18.02

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18.02.010 Title. This title shall be known as the "zoning ordinance of the City of Cottage Grove, Oregon," and the map referred to in this title shall be known as the "zoning map of the City of Cottage Grove, Oregon." The map and all explanatory matter thereon are adopted and made a part of this title.

18.02.020 Scope. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified in this title for the district in which it is located, except as otherwise provided therein. No permit for the construction or alteration

of any building shall be issued unless the plans, specifications, and intended use of such building conforms in all respects with the provisions of this title.

18.02.030 Purpose.

The purpose of this title is to establish for the city a comprehensive zoning plan designed to regulate and restrict the location and use of buildings, structures, and land for recreational, educational, residential, commercial and industrial purposes; to regulate and limit the height, number of stories, and percent of lot coverage of buildings and other structures hereafter erected or altered; to establish minimum widths and areas for the subdivision or resubdivision of lots; to provide for the protection of future primary roads and the widening of certain existing roads; and to regulate and establish minimum requirements for private garages or off-street parking facilities according to districts and type of building or structure.

The controls as set forth in this title are deemed necessary in order to encourage the most appropriate use of the land; to protect the character and the social and economic stability of residential, commercial, industrial and other areas within the city, and to assure the orderly development of such areas; and to obviate the menace to the public safety resulting from the improper location of buildings and the uses thereof, and the establishment of land uses along primary highways in such manner as to cause interference with existing or prospective traffic movement on said highway.

18.02.040 Interpretation in case of conflicting provisions. In their interpretations and application, the provisions of the zoning regulations shall be considered the minimum requirements necessary to accomplish the purposes set forth in this title.

18.02.050 Planning commission duties with respect to interpretation of provisions. It shall be the duty of the planning commission to:

Interpret the provisions of this title in such a way as to carry out their intent and purpose;

Rules on the proper application, or to interpret the meaning of the zoning ordinance in case there is a dispute between the administrative officials of the city and any owner of a property.

Chapter 18.04

DEFINITIONS

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18.04.005 Generally.

- A. For the purpose of this title, certain words, terms and phrases are defined as set out in Section 18.04.010 through 18.04.510.
- B. Whenever the term "this title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

18.04.010 Abut. "Abut" means contiguous to (i.e., two lots with a common property line are considered to be abutting).

18.04.015 Access. "Access" means the place, means or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use or parking space.

18.04.020 Accessory building. "Accessory building" means any detached subordinate building the use of which is subordinate to that of the main building.

18.04.025 Accessory use. "Accessory use" means a use incidental, appropriate and subordinate to the main use of a lot or building.

18.04.030 Alley. "Alley" means a public way not over thirty feet wide providing a secondary means of access to private property.

18.04.035 Alter. "Alter" means any change, addition or modification or construction or occupancy of a building or structure.

18.04.040 Amendment. "Amendment" means a change in the wording, context, or substance of this title, or a change in the zone boundaries or area district boundaries upon the zoning map.

18.04.045 Apartment house. For "apartment house," see "Dwelling, multiple."

18.04.046 Assisted Living Facility. "Assisted living facility" means a residential facility providing a program approach which provides or coordinates a range of services, available on a 24 hour basis, for support of an individual's independence in a residential setting and promotes resident self-direction and participation in decisions and emphasizes choice, dignity, privacy, individuality, independence and home-like surrounding, including an Alzheimer care facility. (Ord. 2866, §3 (part), 2001)

18.04.050 Automobile sales. For "automobile sales," see "Motor vehicle/trailer sales area."

18.04.055 Auto wrecking yard. For "wrecking yards, motor vehicles and building materials," see Section 18.04.490.

18.04.060 Awning. "Awning" means any stationary structure, permanent or demountable, used in conjunction with a manufactured dwelling or standard site-built dwelling unit, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

18.04.065 Basement. "Basement" means a story partly or wholly underground. A basement shall be counted as a story for purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground (see Figure 1, set out in the ordinance codified in this title, and on file in the city's planner's office).

18.04.070 Bed and breakfast facility. "Bed and breakfast facility" means a residential building used to provide temporary traveler accommodations and breakfast for a fee, on a daily or weekly room rental basis.

18.04.075 Boardinghouse, lodginghouse or roominghouse. "Boardinghouse, lodginghouse, or roominghouse" means a building or portion thereof where lodging, with or without meals, is provided for compensation or any kind to persons other than members of a family occupying such a dwelling, but shall not include homes for the aged, nursing homes, or group care homes.

18.04.080 Buildable area. "Buildable area" means that portion of a development site not required by this title or specific conditions, as a yard, open space, or easement.

18.04.085 Building. "Building" means any temporary or permanent structure built and maintained for

the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words "building" and "structure" shall be synonymous.

18.04.090 Building height. "Building height" means the vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

18.04.095 Building, main. "Main building" means a building within which is conducted the principle use permitted on the lot, as provided by this title.

18.04.100 Cabana. "Cabana" means a stationary, light-weight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling (or standard site-built dwelling unit) to provide additional living space meant to be moved with the manufactured dwelling.

18.04.105 Campgrounds. "Campgrounds" means any lot, tract or parcel of ground under the same ownership where two or more camp sites are located which provide facilities for living in any manner other than in a permanent building.

18.04.110 Camping vehicle. "Camping vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

18.04.115 Carport. "Carport" means a stationary structure consisting of a roof with its support and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

18.04.120 Cemetery. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purpose, including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

18.04.125 Child. "Child" means a person under thirteen years of age.

18.04.130 Church. "Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

18.04.135 Clinic. "Clinic" means single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists, and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

18.04.140 Clinic, small animal. "Small animal clinic" means a business establishment in which veterinary services, clippings, bathing, and other similar services are rendered to small domestic pets, and occasionally veterinary services are rendered on an outpatient basis to large farm animals.

18.04.145 Club. "Club" means any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests but shall not include any organization, group or association, the chief activity of which is to render a service customarily carried on as a business.

18.04.150 Commerce. "Commerce" means the exchange of goods, productions, or property of any kind. Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities and agencies by which it is promoted and the means and appliances by which it is carried on, and the transportation of persons as well as of goods, both by land and by sea.

18.04.155 Commercial. "Commercial" means relating to or connected with trade and traffic or commerce in general.

18.04.160 Commercial establishment. "Commercial establishment" means a place where commodities are exchanged, bought or sold.

18.04.165 Commission. "Commission" means the planning commission.

18.04.070 Cottage Industry. "Cottage industry" means any commercial and/or light industrial activity that is located or proposed to be located in an owner or renter occupied residentially zoned lot so long as such activity satisfies the requirements of Section 18.46.190 of this Title. Renter occupied dwelling units must submit a certified letter of consent from the owner of the property listed on title. (Ord. 2725, § 3 (part), 1993)

18.04.175 Court. "Court" means an open unoccupied space, other than a yard, on the same lot with a building.

18.04.180 Day care. "Day care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian, custodian, during a part of the 24 hour day, in a place other than the child's home, with or without compensation.

18.04.185 Day care facility. "Day care facility" means a facility which provides day care to more than twelve children.

18.04.190 Development site. A "development site" is:

- A. A lot of record existing on the effective date of this title;

- B. A tract of land either un-subdivided or consisting of two or more contiguous lots of record, located within a single block which, on the effective date of the ordinance codified in this title, was in a single ownership;
- C. A tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by the owner or developer as a track, all of which is to be used, developed, or built upon as a unit under single ownership.

A "development site," therefore, may or may not coincide with a lot shown on the official tax maps of the city or any recorded subdivision plat or deed.

For the purposes of this definition, ownership of a "development site" is deemed to include a lease of not less than fifty years duration, with an option to renew such lease as to provide a total lease of not less than seventy-five years duration.

A "development site" may be subdivided into two or more "development sites," provided that all resulting "development sites" and all buildings thereon shall comply with all of the applicable provisions of this title. If such "development site," however, is occupied by a nonconforming use or building, such "development site" may be subdivided provided such subdivision does not create a new nonconformance or increase the degree of nonconformance of such use or building.

18.04.195 Dwelling. "Dwelling" means a building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more facilities but excluding hotels, motels and tourist courts.

18.04.200 Dwelling, multiple. "Multiple dwelling" means a building designed and used for occupancy by three or more families, all living independently of each other and having separate housekeeping facilities for each family.

18.04.205 Dwelling room. A "dwelling room" is any enclosed area containing more than seventy square feet of floor space and commonly used for living purposes not including:

- A. Lobbies, halls, closets and storage space;
- B. Unfinished attics, cellars, or basements;
- C. Bathrooms, utility rooms or kitchens or other cooking space;
- D. Dinette alcoves, dinettes or other dining spaces, if these are not separated by walls or doors from other dwelling rooms or cooking spaces;
- E. Dining rooms in dwelling units containing three or more bedrooms.
- F. The room count for any dwelling unit is the number of dwelling rooms plus the constant figure of one and one-half, which represents the non-dwelling rooms listed above.
- G. The minimum count for a dormitory or hotel type of building shall be two for each dwelling room.

18.04.210 Dwelling, single-family. "Single-family dwelling" means a building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

18.04.215 Dwelling, two-family (duplex). "Two-family dwelling (duplex)" means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. The building shall share a common roof, wall, or foundation at the garages, carports, and/or living areas. (Ord. 2865, § 3. 2001)

18.04.220 Family. "Family" means one or more persons occupying a single nonprofit housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood, marriage or legal adoption no such "family" shall contain over five persons, excluding servants.

18.04.225 Family day care facility. "Family day care facility" means day care that is provided in the home of the provider to fewer than 13 children, including children of the provider regardless of full-time or part-time status.

18.04.230 Garage, private parking. "Private parking garage" means a publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this title and are not open for use by the general public.

18.04.235 Garage, public parking. "Public parking garage" means a publicly or privately owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons, or clients as required by this title, provided the parking spaces are clearly identified as free parking spaces for the building or use required to provide the spaces.

18.04.240 Garage, repair. "Repair garage" means a building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire, or sale, provided the selling of motor fuel and oil for motor vehicles shall not be conducted.

18.04.245 Garage (adjoining ground level). "Garage (adjoining ground level)" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

18.04.250 Guest house or servants' quarters. "Guest house or servants' quarters" means an accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

18.04.255 Half story. "Half story" means the part of any building wholly or partly within the roof frame

and not occupying more than two-thirds of the floor area immediately below it.

18.04.260 Height of building. For "height of building," see "building height."

18.04.265 Homes for the aged. "Homes for the aged" means any home or institution that maintains facilities for rendering board and domiciliary care for compensation to three or more persons who are of the age of sixty-five years or more, or persons of less than sixty-five years who, by reason of infirmity, require domiciliary care.

18.04.270 Home occupation. "Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. Home occupations may be engaged in where permitted by this title provided it conforms with the following criteria:

- A. No employment of help other than the members of the resident family;
- B. No use of material or mechanical equipment not recognized as being part of the normal household or hobby uses;
- C. No sales of products or services not produced on the premises;
- D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located;
- E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises;
- F. No storage of materials or supplies outdoors;
- G. It shall not involved the use of signs and/or structures other than those permitted in the district of which it is a part;
- H. Not more than one room in the dwelling shall be employed for home occupations;
- I. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises or vibrations);
- J. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

18.04.275 Hospital. "Hospital" means any building or institution devoted primarily to the rendering of diagnostic, treatment, and nursing care, including associated support services (such as out-patient clinics, adult day care and nursing facilities, laboratories, medical offices, food service areas, gift shops, maintenance facilities, meeting areas, pharmacies, durable medical equipment dispensaries, and teaching facilities), for two or more non-related individuals where such are may be rendered over a period exceeding twenty-four hours. (Ord. 2866, § 3 (part), 2001)

18.04.280 Hospital, small animal. "Small animal hospital" means a building together with animal runs,

in which veterinary services, clippings, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

18.04.285 Hotel (motel, motor, tourist court). "Hotel (motel, motor hotel, tourist court)" means any building or group of buildings used primarily for transient residential purposes containing four or more guestrooms, the majority of which are without housekeeping facilities and which are intended or designed to be used, or which are used, rented, or hired out to be occupied for sleeping purposes by guests. Up to twenty-five percent of the rooms of any hotel may have housekeeping facilities and may be rented and leased for long-term residential purposes.

18.04.290 Kennel. "Kennel" means any lot or premises on which three or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is one that has reached the age of six months.

18.04.295 Loading space. "Loading space" means an off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

18.04.300 Lot. "Lot" means land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this title and having frontage upon a street.

18.04.305 Lot area. "Lot area" means the total area within the lot lines of a lot as measured on a horizontal plane.

18.04.310 Lot coverage. "Lot coverage" means the total portion of a lot which, when viewed directly from above, would be covered by a building or any part of a building (see Figure 2, set out in the ordinance codified in this title, and on file in the city planner's office).

18.04.315 Lot line. For "lot line," also see Figure 3, set out in the ordinance codified in this title, and on file in the city planner's office.

- A. "Front lot line" means the private property line contiguous with the public street line or place. For corner lots the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.
- B. "Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- C. "Side lot line" means any property line which is not a front or rear lot line.

18.04.320 Lot measurements.

- A. "Lot depth" means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- B. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines (see Figure 3, set out in the ordinance codified in this title and on file in the city planner's office).

18.04.325 Lot types.

- A. "Corner lot" means a lot or development site bounded entirely by streets or a lot having only one side not bounded by a street or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty-five degrees or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line (see Figure 4, set out in the ordinance codified in this title and on file in the city planner's office).
- B. "Double-frontage or through lot" means a lot or development site other than a corner not with frontage on more than one street (see Figure 6, set out in the ordinance codified in this title and on file in the city planner's office).
- C. "Interior lot" means a lot or development site, other than a corner lot, having frontage only on one street (see Figure 5, set out in the ordinance codified in this title and on file in the city planner's office).
- D. "Panhandle (flag) lot" means a "panhandle" or "flag" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access.

18.04.330 Manufactured dwelling. The term "manufactured dwelling" replaces the term "mobile home" (ORS 446). The following definitions are particular to manufactured dwellings but may be equally applicable to site-built residential dwellings:

- A. "Manufactured dwelling" means:
 - 1. Residential trailers constructed before January 1, 1962; and,
 - 2. Mobile homes constructed between January 1, 1962 and June 15, 1976 which met Oregon construction standards then in effect; and,
 - 3. Manufactured homes constructed to federal standards.
- B. "Manufactured dwelling park" is the same as a mobile home park.
- C. "Manufactured structure" means:
 - 1. A recreational vehicle or a camping vehicle, as set forth in this chapter; and,
 - 2. Manufactured dwelling as defined in Subsection (A) above.
- D. "Accessory building or structure" means any awning, portable, demountable or permanent

cabana, ramada, carport, porch, shirting or steps established for use of the occupant of the manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

18.04.333 Manufactured home. "Manufactured home" means a structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Subsection 5401 et seq.), as amended on August 22, 1981.

18.04.335 Mobile home park. "Mobile home park" means any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

18.04.340 Motel. For "motel," see "hotel."

18.04.345 Motor vehicle/trailer sales area. "Motor vehicle/trailer sales area" means a lot used for display, sale or rental of new or used motor vehicles or trailers, where no repair work is done except minor, incidental repairs of motor vehicles or trailers to be displayed, sold or rented for use of the premises and where no petroleum products are sold.

18.04.350 Non-conforming use. "Non-conforming use" means a building, structure or land use which lawfully existed at the time the ordinance codified in this title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions established in this title for the district or zone in which it is located.

18.04.355 Nursing home. "Nursing home" means any home, place or institution which operated and maintains facilities providing convalescent or chronic care, or both, for a period exceeding twenty-four hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

18.04.360 Parking area, private. "Private parking area" means private or publicly owned property, other than streets or alleys on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this title and not open for use by the general public.

18.04.365 Parking area, public. "Public parking area" means privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this title for retail customers, patrons and clients.

18.04.370 Parking space. "Parking space" means a permanently maintained space not less than eight feet wide and eighteen feet long with proper access for one standard size automobile.

18.04.375 Plan. "Plan" means a delineation; a design; a draft, a draft or form or representation; the representation of anything drawn on a plan, as a map or chart; a scheme, a sketch; also a method of action, procedure, or arrangement.

18.04.380 Planned unit development (PUD). "Planned unit development" is a large tract of land, usually not less than five (5) contiguous acres in size, whose development is planned as one coherently integrated unit involving several different types of land uses and may be developed or built in phases over a period of time. Planned unit developments may include, when appropriate, any and all the land uses permitted within the Zoning Ordinance. The physical development standards set forth in the Zoning Ordinance may be varied or lessened in order to accomplish or create greater economy of development, enhanced aesthetic, open space, better overall utilization of topographic features, and better and more healthy living environment.

18.04.385 Ramada. "Ramada" means a stationary structure having a roof extending over a mobile home. The structure may also extend over a patio or parking area for motor vehicles, and is used principally for protection from sun and rain.

18.04.390 Recreational vehicle. "Recreational vehicle" means a vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than 400 square feet. Recreational vehicle includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

18.04.395 Residential care facility. "Residential care facility" means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care along or in conjunction with treatment or training or a combination thereof for six to fifteen 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.

18.04.400 Residential home. "Residential home" means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 or 443.825 which provides residential care along or in conjunction with treatment or training or a combination thereof for five or fewer 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 home.

18.04.405 Restaurant. "Restaurant" means a public eating establishment in which the primary function is the preparation and serving of a variety of foods, including alcoholic and non-alcoholic beverages on the premises and usually serving three distinct full course meals per day of operation.

18.04.410 Sandwich Shop/Deli. "Sandwich shop/deli" means a small sit-down or take-out eatery where sandwiches, hot dogs, pizza, pizza bread, soups, salads and similar items are prepared and sold and may be eaten inside the building or taken off the premises for consumption. As defined herein a sandwich shop does not provide a drive-up window to accommodate the motoring public nor does it accommodate the consumption of food and/or beverages in automobiles on the premises of the establishment. The eatery structure shall conform to the lot coverage and building setback requirements of the zone district in which it is located and shall conform to the lot coverage and building setback requirements of the zone district in which it is located and shall conform to the Uniform Building Code Requirements of the State of Oregon for such structures and uses.

18.04.415 Service establishment. "Service establishment" means (within Fair Labor Standards Act of 1938) an establishment which has ordinary characteristics of retail establishments except that services instead of goods are sold. An establishment the principal activity of which is to furnish service to the consuming public, and includes barber shops, beauty parlors, shoe shining parlors, clothes pressing clubs, laundries and automobile repair shops.

18.04.420 Service station. "Service station" means a place or station selling petroleum products, motor fuel and oil for motor vehicles, servicing batteries, furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical carwashing and at which accessory sales or incidental services are conducted.

18.04.425 Sign. "Sign" means any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. "Sign" does not include any display of official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this title.

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

18.04.435 Similar Uses. "Similar uses" means building and land uses whose physical and aesthetic development standards as well as their intensity of use and characteristics of operation are more or less

the same as the building and uses listed in the zone district under consideration.

18.04.440 Stable, private. "Private stable" means an accessory building in which horses are kept for private use and not for remuneration, hire or sale.

18.04.445 Stable, public. "Public stable" means a building in which horses are kept for remuneration, hire or sale.

18.04.450 Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or for the topmost story the ceiling above.

18.04.455 Street. "Street" means a public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane, way, court, or private easement providing the primary roadway for ingress and egress from the property abutting thereon.

18.04.460 Structure. For "structure," see "building."

18.04.465 Sun exposure plane. A "sun exposure plane" means an imaginary inclined plane, which is determined in the following manner:

- A. Northerly exposures. Beginning on a line parallel to and ten feet within the abutting property or properties to the north of the "development site" to which the sun exposure plan applies and projecting thence due south at a thirty degree slope over the applicable "development site" (see Figure 7, set out in the ordinance codified in this title on file in the city planner's office).
- B. Easterly, westerly and southerly exposures. Beginning on lines parallel to and five feet within the abutting property or properties to the east, west or south of the "development site" to which the sun exposure plane applies and projecting thence due west of the east line, due east from the west line, and due north from the south line, at a sixty degree slope over the applicable "development site" to a maximum distance of thirty feet measured horizontally from "development site" line (see Figure 7, set out in the ordinance codified in this title and on file in the city planner's office). The determination of the "sun exposure planes" describes the boundaries of a building volume.

18.04.470 Use. "Use" means the purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

18.04.475 Vacation trailer. "Vacation trailer" means a vehicle or structure equipped with wheels for highway use that is intended for human occupancy, is not being used for residential purposes, and is being used for vacation or recreation purposes.

18.04.480 Vision Clearance. "Vision clearance" means a triangular area at the street corner of a corner lot, the alley-street intersection of a lot, or the alley-sidewalk intersection of a lot, the space being defined by a line across the corner the ends of which are the street lines, or sidewalk lines, an equal and

specified distance from the corner of the triangle and containing no planning, walls, structures or temporary or permanent obstruction from two and one-half feet in height above the curb level to fifteen feet above the curb level (see Figure 8, set out in ordinance codified in this title and on file in the Community Development Office.) (Ord. 2862, § 3 (part), 2001)

18.04.485 Wetlands. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

18.04.490 Wrecking yard, motor vehicles and building materials. "Wrecking yard, motor vehicles and building materials" means any premises used for the storage, dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.

18.04.495 Yard. "Yard" means an open space on the same lot with a building, occupied and unobstructed from the ground upward except as otherwise provided in this title.

18.04.500 Yard, front. "Front yard" means an area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot (see Figure 9, set out in the ordinance codified in this title and on file in the city planner's office).

18.04.505 Yard, rear. "Rear yard" means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot (see Figure 9, set out in the ordinance codified in this title and on file in the city planner's office).

18.04.510 Yard, side. "Side yard" means an area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with the side lot line (see Figure 9, set out in the ordinance codified in this title and on file in the city planner's office).

Chapter 18.06

DISTRICT ESTABLISHED ZONING MAP BOUNDARIES

Sections:

18.06.010 Use districts designated

18.06.020 Changes in boundaries

18.06.030 Uncertainty of district boundaries

18.06.010 Use districts designated. For the purpose of this title, the city is divided into types of districts as follows:

A. RS, residential suburban district;

- B. R, single family residential district;
- C. R-1, single family residential district;
- D. R-2, medium density multiple-family residential district;
- E. R-3, high density multiple-family residential district;
- F. MHS, manufactured home individual lot district;
- G. MHP, mobile home park district;
- H. RP-1, residential professional-1 district;
- I. RP-2, residential professional-2 district;
- J. MP, medical park district;
- K. C-1, neighborhood commercial district;
- L. C-2, central business district;
- M. C-2P, community commercial district;
- N. CT, commercial tourist district;
- O. CT/L, limited commercial tourist district;
- P. M-1, light industrial district;
- Q. M-2, heavy industrial district;
- R. HP, historic preservation district.

18.06.020 Changes in boundaries. Changes in boundaries of districts or subdistricts shall be made by ordinance amending the provisions of this title, amending the zoning map, a part of the map, or a unit of a part of the zoning map. The amended maps, or parts or units of parts, when so adopted shall become a part of this title.

18.06.030 Uncertainty of district boundaries. Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.
- C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerline shall apply up to the centerline of such vacated street or alley on each respective side thereof.
- D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in this title, shall be deemed to be unclassified and, in the case of railroad right-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock.

Chapter 18.08

RS RESIDENTIAL SUBURBAN DISTRICT

Sections:

- 18.08.010 Purpose
- 18.08.020 Permitted buildings and uses
- 18.08.030 Buildings and uses permitted conditionally
- 18.08.040 Accessory buildings and uses
- 18.08.050 Discontinue of permitted uses
- 18.08.060 Building or structural height limitations
- 18.08.070 Lot area and dimensions
- 18.08.080 Lot coverage
- 18.08.090 Yard regulations
- 18.08.100 Fences, hedges, walls and other structures
- 18.08.110 Signs
- 18.08.120 Off-street parking
- 18.08.130 Vision clearance
- 18.08.140 Underground utilities

18.08.010 Purpose. The RS residential suburban district is intended to create a semirural environment within which certain limited agricultural pursuits can be carried on in conjunction with or in close proximity to subdivisions containing nonfarm dwellings.

18.08.020 Permitted buildings and uses. Permitted buildings and uses in an RS district shall be as follows:

- A. Single family residence;
- B. Duplex on corner lots; provided, that the minimum lot area per dwelling unit shall be not less than three thousand five hundred square feet. The lot shall be not less than sixty-five feet in width and eighty feet in depth;
- C. Home occupations;
- D. Agricultural uses subject to the following conditions and limitations:
 1. Domestic farm animals shall not be kept on lots having an area of less than twenty thousand square feet. The total number of all such animals, other than their young under the age of six months, allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below:

<u>Animal</u>	<u>Minimum Area</u>
	(in square feet)
Horses, Cattle	10,000
Goats, Sheep	5,000
Bee colonies	1,000
Fowl, Rabbits	500

2. No animal-raising or breeding enterprise shall be conducted on a commercial basis.

3. Animal runs or barns, fowl and rabbit pens, and bee colonies shall be located on the rear half of the property but not closer than seventy feet to the front property line nor closer than fifty feet from any residence nor closer than twenty feet to any interior property line.
 4. Domestic farm animals shall be properly caged or housed and proper sanitation shall be maintained at all times.
 5. All animal or fowl food shall be stored in metal or other rodentproof receptacles.
- E. On corner lots, the partitioning of a duplex into two separate parcels subject to the following conditions:
1. Each parent lot shall not be less than seven thousand square feet. New parcels proposed for individual duplex living units shall be a minimum of three thousand five hundred square feet. The original parent lot shall not be less than sixty-five feet in width and eighty feet in depth.
 2. All applicable current building code requirements shall be met and appropriate fees paid.
 3. Partitions shall meet the requirements of the land division ordinance and receive approval of the staff review committee.
- F. Manufactured dwelling subject to the following conditions:
1. Manufactured home individual lot subdivisions subject to the requirements of Chapter 18.14 of this title.
 2. Manufactured home placement standards. All manufactured homes located on individual lots within the RS Residential Suburban District shall comply with the following standards.
 - a. Each manufactured home shall have an Oregon Insignia of Compliance which indicates conformance with Federal Housing and Urban Development (HUD) standards, the perimeter of the structure shall be enclosed with no less than 4-inch masonry or masonry-like block;
 - b. Each manufactured home shall be placed on a permanent concrete or concrete block perimeter foundation, piers placed on footings, or concrete pad which maintains the floor level no more than twenty-four inches above grade;
 - c. The manufactured home foundation shall be of sufficient strength to support loads imposed by the home and shall conform to the Oregon Department of commerce siting requirements in effect at the time of the placement;
 - d. All wheels and towing assembly shall be removed from the home;
 - e. Each manufactured home shall have continuous skirting or landscaped backfill leaving no open areas except for vents and crawl spaces;
 - f. Only those structures or extensions which conform to the Oregon State definition of a manufactured home accessory structure shall be attached to a manufactured home;
 - g. Two permanent off-street parking spaces, each at least ten feet wide and twenty feet long are required for each dwelling unit;
 - h. No persons shall maintain two or more manufactured homes on a single legal building site. Any tracts or parcels of land contiguous to one another remaining under one ownership and not in a legal subdivision shall be considered on legal building site.

- i. No unit shall be occupied until the placement of the unit has been approved and inspected by the city building official;
3. Design Standards. Manufactured homes located in this zone district shall have the following design features commonly available for manufactured homes:
 - a. Each manufactured home shall be at least twenty-four feet wide with a minimum of eight hundred sixty-four square feet of interior space (thirty-six feet long);
 - b. Skirting, when used in place of earth backfill, shall be moisture resistant, fire resistant, and have a design whose color and texture appears to be an integral part of the exterior wall of the manufactured home;
 - c. A roof with a minimum slope or pitch of three inches in twelve (3:12) which is finished with nonreflective paint, or permanently covered with composition shingles or wood shakes or similar nonreflective material.
 - d. Exterior siding or materials similar to that commonly used on houses constructed under the Uniform Building Code.

G. Manufactured home regulations generally. In any zone district under this title where standards for manufactured home construction, placement or developments are established by state law or administrative rule such requirements shall be in addition to the provisions of this title.

- Family day care facility.
- Residential home.
- Planned Unit Developments.
- Mobile home park, subject to the provisions of Chapter 18.16.

18.08.030 Buildings and uses permitted conditionally. Building and uses permitted conditionally in an RS district shall be as follows:

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit.
- B. The following uses are permitted as conditional uses under this section:
 1. Churches, except rescue missions or temporary revivals;
 2. Day care facility, provided the residential character of the building is maintained;
 3. Hospitals;
 4. Public parks, playgrounds, and community centers;
 5. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
 6. Public or parochial schools;
 7. Nursing homes;
 8. Dog kennels, subject to the following conditions:
 - a. For three or more dogs over the age of six months, there shall be at least five thousand square feet of lot area for each dog on the lot,
 - b. All kennel structures and fenced runs accommodating a total of three or more dogs over six months of age, shall be maintained at least one hundred feet from an adjoining property,

- c. Notwithstanding subparagraphs a and b of this subdivision, three dogs over the age of six months may be permitted where the dogs are maintained primarily within a dwelling or garage, and where the height of each dog does not exceed twelve inches from the ground to his shoulders, as certified in writing by a licensed veterinarian,
 - d. All dogs shall be owned by the occupancy of the premises, except those temporarily kept for purposes of breeding;
- 9. Bed and breakfast facilities, subject to the requirements of Section 18.46.111.
 - 10. Cottage industry, subject to the requirements of Section 18.04.170.

18.08.040 Accessory buildings and uses. Accessory buildings and uses in an RS district shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than four accessory buildings shall be permitted to any dwelling unit. All accessory buildings which are not a part of the main building shall be separated from the main building by at least ten feet. Accessory buildings are permitted in the side and rear yard provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line;
- B. No accessory building is permitted within five feet of a side yard property line;
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports or any parking space taking direct access from the street shall be set back twenty feet from the property line.

18.08.050 Discontinuance of permitted uses. Where an RS district is reclassified to another district, as listed in this title, all those agricultural uses permitted in subsection D of Section 18.08.020 shall be discontinued within a period of one year from the effective date of the reclassification.

18.08.060 Building or structural height limitations. Building or structural height limitations in an RS district shall be as follows:

- A. Residential buildings. The maximum of structural height shall be two and one-half stories or twenty-eight feet, whichever is the lesser.
- B. Accessory buildings. The maximum or structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020.

18.08.070 Lot area and dimensions. Lot area and dimensions in an RS district shall be as follows:

- A. Lot area. The minimum lot are shall be six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.08.080 Lot coverage. The maximum lot coverage of the lots by all structures including duplexes on

corner lots shall not exceed forty percent of the lot area.

18.08.090 Yard regulations. Yard regulations in an RS district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not less than ten feet. Required side yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials; nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- C. Rear yards. Dwelling units shall be set back not less than ten feet from the rear property line.
- D. Patio structure. Any patio structure which is used solely for general open use and any uncovered swimming pool shall be a minimum of five feet from the side and rear property line.

18.08.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in an RS district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height and where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. (Ord. 2862, §3 (part), 2001)

18.08.110 Signs. Only the following signs shall be permitted in the RS district:

- A. One unlighted sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in event of home occupation.
- B. Two unlighted signs, each not exceeding eight square feet in area only for the advertisement of agriculture products produced and sold on the premises.
- C. See general provisions set out in Chapters 18.38 and 18.40 for other sign requirements.

18.08.120 Off-street parking. Off-street parking requirements in an RS district shall be as follow:

- A. There shall be at least two permanently reserved parking spaces, garages or carports on the site for each dwelling unit. Such a parking, garage or carport space shall provide:
 - 1. For parking at the time of occupancy of the main building;
 - 2. A space not less than ten feet wide and twenty feet long;
 - 3. For ingress and egress of standard size automobiles;

- B. Off-street parking shall not be permitted within the required yards adjacent to a street.
- C. See general provisions set out in Chapter 18,42 for parking requirements for nonresidential buildings and uses.

18.08.130 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

(Ord. 2862, §3 (part), 2001)

18.08.140 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Section 3. Emergency clause. It being deemed by the Council that it is in the public interest that this ordinance take effect immediately, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the mayor.

Chapter 18.09

R SINGLE-FAMILY RESIDENTIAL DISTRICT

Section:

- 18.09.010 Purpose
- 18.09.020 Permitted buildings and uses
- 18.09.030 Buildings and uses permitted conditionally
- 18.09.040 Accessory buildings and uses
- 18.09.050 Building or structural height limitations
- 18.09.060 Lot area and dimensions
- 18.09.070 Lot coverage
- 18.09.080 Yard regulations
- 18.09.090 Fences, hedges, wall and other structures
- 18.09.100 Signs
- 18.09.110 Off-street parking
- 18.09.120 Vision clearance
- 18.09.130 Underground Utilities

18.09.010 Purpose. The R single-family residential district is intended for low density, urban single-family use, together with compatible land uses as determined to be desirable and/or necessary.

18.09.020 Permitted buildings and uses. Permitted buildings and uses in an R district shall be as follows:

- A. Single-family residence;
- B. Planned unit developments, subject to the requirements of Chapter 18.36; and,
- C. Home occupations.
- D. Residential home/family day care facility.

18.09.030 Buildings and uses permitted conditionally. Buildings and uses permitted conditionally in an R district shall be as follows:

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit.
- B. The following uses are permitted as conditional uses under this section:
 - 1. Churches, except rescue missions or temporary revivals;
 - 2. Day care facility, provided the residential character of the building is maintained;
 - 3. Public parks, playgrounds, and community centers;
 - 4. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
 - 5. Public or parochial schools; and,

18.09.040 Accessory buildings and uses. Accessory buildings and uses in an R district shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than two accessory buildings shall be permitted to any dwelling unit. All accessory buildings which are not a part of the main building shall be separated from the main building by ten feet. Accessory buildings are permitted in the side and rear yard provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line;
- B. No accessory building is permitted within five feet of a side yard property line; and,
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports or any parking space taking direct access from the street shall be set back twenty feet from the property line.

18.09.050 Building or structural height limitations. Building or structural height limitations in an R district shall be as follows:

- A. Residential buildings. The maximum or structural height shall be two and one-half stories or twenty-eight feet, whichever is the lesser.
- B. Accessory buildings. The maximum or structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020.

18.09.060 Lot area and dimensions. Lot area and dimensions in an R district shall be as follows:

- A. Lot area. The minimum lot area shall be ten thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be one hundred feet. The minimum lot width shall be eighty feet.

18.09.070 Lot coverage. The maximum lot coverage of the lots by all structures shall not exceed fifty percent of the lot area.

18.09.080 Yard regulations. Yard regulations in an R district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, mechanical/ electrical equipment or appliances, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not less than ten feet. Required side yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials; nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- C. Rear yards. Dwelling units shall be set back not less than ten feet from the rear property line.
- D. Patio structure. Any patio structure which is used solely for general open use and any uncovered swimming pool shall be a minimum of five feet from the side and rear property line.

18.09.090 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in an R district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height, and where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. (Ord. 2862, §3 (part), 2001)

18.09.100 Signs. Only the following signs shall be permitted in the R district:

- A. One unlighted sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in event of home occupation.
- B. See general provisions set out in Chapters 18.38. and 18.40 for other sign requirements.

18.09.110 Off-street parking. Off-street parking requirements in an R district shall be as follows:

- A. There shall be at least two permanently reserved parking spaces including garages or carports on

the site for each dwelling unit. Such a parking, garage or carport space shall provide:

1. For parking at the time of occupancy of the main building;
 2. A space not less than ten feet wide and twenty feet long;
 3. For ingress and egress for standard size automobiles.
- B. Off-street parking shall not be permitted within the required yards adjacent to a street.
- C. See general provisions set out in Chapter 18.42 for parking requirements for nonresidential buildings and uses.

18.09.120 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on the corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

(Ord. 2862, §3 (part), 2001)

18.09.130 Underground Utilities. Except where deemed physically impractical by the City Engineer, all utility cables shall be installed underground in new construction.

Chapter 18.10

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 18.10.010 Purpose
- 18.10.020 Permitted buildings and uses
- 18.10.030 Buildings and uses permitted conditionally
- 18.10.040 Accessory buildings and uses
- 18.10.050 Building or structural height limitations
- 18.10.060 Lot area and dimensions
- 18.10.070 Lot coverage
- 18.10.080 Yard regulations
- 18.10.090 Fences, hedges, walls and other structures
- 18.10.100 Signs
- 18.10.110 Off-street parking
- 18.10.120 Vision clearance
- 18.10.130 Underground utilities

18.10.010 Purpose. The R-1 single-family residential district is intended for low density, urban single-family use, together with compatible land uses as determined to be desirable and/or necessary.

18.10.020 Permitted buildings and uses. Permitted buildings and uses in an R-1 district shall be as follows:

- A. Single-family residence;
- B. Duplex on corner lots; provided, that the minimum lot area per dwelling unit shall be not less than three thousand five hundred square feet. The lot shall be not less than sixty-five feet in width and eighty feet in depth.
- C. Planned unit developments, subject to the requirements of Chapter 18.36;
- D. Home occupations;
- E. On corner lots, the partitioning of a duplex into two separate parcels subject to the following conditions;
 - 1. Each parent lot shall be less than seven thousand square feet. New parcels proposed for individual duplex living units shall be a minimum of three thousand five hundred square feet. The original parent lot shall not be less than sixty-five feet in width and eighty feet in depth.
 - 2. All applicable current building code requirements shall be met and appropriate fees paid.
 - 3. Partitions shall meet the requirements of the land division ordinance and receive approval of the staff review committee.
- F. Duplexes on interior and flag lots and/or the partitioning of a duplex into two separate parcels subject to the following conditions:
 - 1. Each parent lot shall not be less than nine thousand square feet. New parcels proposed for individual duplex living units shall be a minimum of four thousand five hundred square feet. The original parent lot shall not be less than sixty feet in width and eighty feet in depth.
 - 2. All applicable current building code requirements shall be met and appropriate fees paid.
 - 3. Partitions shall meet the requirements of the land division ordinance and receive approval of the staff review committee.
- G. Family day care facility;
- H. Residential home;
- I. Manufactured home subject to the following conditions:
 - 1. Manufactured home individual lot subdivision subject to the requirements of Chapter 18.14 of this title.
 - 2. Manufactured home placement standards. All manufactured dwellings located on individual lots within the R-1 Single Family Residential District shall comply with the following standards:
 - a. Each manufactured home shall have an Oregon Insignia of Compliance which indicates conformance with Federal Housing and Urban Development (HUD) standards;
 - b. Each manufactured home shall be placed on a permanent concrete or concrete block perimeter foundation, piers placed on footings, or concrete pad which maintains the floor level no more than twenty-four inches above grade, the perimeter of the structure shall be enclosed with no less than 4-inch masonry-like block;

- c. The manufactured home foundation shall be of sufficient strength to support loads imposed by the home and shall conform to the Oregon Department of Commerce siting requirements in effect at the time of the placement;
 - d. All wheels and towing assembly shall be removed from the home;
 - e. Each manufactured home shall have continuous skirting or landscaped backfill leaving no open areas except for vents and crawl spaces;
 - f. Only those structures or extensions which conform to the Oregon State definition of a manufactured home accessory structure shall be attached to a manufactured home;
 - g. Two permanent off-street parking spaces, each at least ten feet wide and twenty feet long are required for each manufactured home unit;
 - h. No persons shall maintain two or more manufactured homes on a single legal building site. Any tracts or parcels of land contiguous to one another remaining under one ownership and not in a legal subdivision shall be considered one legal building site.
 - i. No unit shall be occupied until the placement of the unit has been approved and inspected by the city building official;
3. Design Standards. Manufactured homes located in this zone district shall have the following design features commonly available for manufactured dwellings:
- a. Each manufactured home shall be at least twenty-four feet wide with a minimum of eight hundred sixty-four square feet of interior space (thirty-six feet long);
 - b. Skirting, when used in place of earth backfill, shall be moisture resistant, fire resistant, and have a design whose color and texture appears to be an integral part of the exterior wall of the manufactured home;
 - c. A roof with a minimum slope or pitch of three inches in twelve (3:12) which is finished with nonreflective paint, or permanently covered with composition shingles or wood shakes or similar nonreflective material;
 - d. Exterior siding or materials similar to that commonly used on houses constructed under the Uniform Building Code.
4. Manufactured home regulations generally. In any zone district under this title where standards for manufactured home construction, placement or developments are established by state law or administrative rule such requirement shall be in addition to the provisions of this title.
- J. Mobile home park, subject to the provisions of Chapter 18.16.

18.10.030 Buildings and uses permitted conditionally. Buildings and uses permitted conditionally in an R-1 district shall be as follows:

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit.
- B. The following uses are permitted as conditional uses under this section:
 1. Churches, except rescue missions or temporary revivals;
 2. Day care facility, provided the residential character of the building is maintained;

3. Public parks, playgrounds, and community centers;
4. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
5. Public or parochial schools;
6. Nursing homes;
7. Triplex dwellings on lots of not less than 12,00 square feet in area.
8. Bed and breakfast facilities, subject to the requirements of Section 18.46.111.
9. Cottage industry, subject to the requirements of Section 18.04.170.

18.10.040 Accessory buildings and uses. Accessory buildings and uses in an R-1 district shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than two accessory buildings shall be permitted to any dwelling unit. All accessory buildings which are not a part of the main building shall be separated from the main building by ten feet. Accessory buildings are permitted in the side and rear yard provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line;
- B. No accessory building is permitted within five feet of a side yard property line;
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports or any parking space taking direct access from the street shall be set back twenty feet from the property line.

18.10.050 Building or structural height limitations. Building or structural height limitations in an R-1 district shall be as follows:

- A. Residential buildings. The maximum or structural height shall be two and one-half stories or twenty-eight feet, whichever is the lesser.
- B. Accessory buildings. The maximum or structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020.

18.10.060 Lot area and dimensions. Lot area and dimensions in an R-1 district shall be as follows:

- A. Lot area. The minimum lot area shall be six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.10.070 Lot Coverage. The maximum lot coverage of the lots by all structures, including duplexes on corner lots, shall not exceed forty percent of the lot area.

18.10.080 Yard regulations. Yard regulations in an R-1 district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not

be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, mechanical/electrical equipment or appliances, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.

- B. Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not less than ten feet. Required side yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- C. Rear yards. Dwelling units shall be set back not less than ten feet from the rear property line.
- D. Patio structure. Any patio structure which is used solely for general open use and any uncovered swimming pool shall be a minimum of five feet from the side and rear property line.

18.10.090 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in an R-1 district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height, and where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained." (Ord. 2862, §3 (part), 2001)

18.10.100 Signs. Only the following signs shall be permitted in the R-1 district:

- A. One unlighted sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants or premises, or occupation of the occupant of the premises only in event of home occupation.
- B. See general provision set out in Chapters 18.38 and 18.40 for other sign requirements.

18.10.110 Off-street parking. Off-street parking requirements in an R-1 district shall be as follows:

- A. There shall be at least two permanently reserved parking spaces including garages or carports on the site for each dwelling unit. Such a parking, garage or carport space shall provide:
 - 1. For parking at the time of occupancy of the main building;
 - 2. A space not less than ten feet wide and twenty feet long;
 - 3. For ingress and egress for standard size automobiles.
- B. Off-street parking shall not be permitted within the required yards adjacent to a street.
- C. See general provisions set out in Chapter 18.42 for parking requirements for non residential buildings and uses.

18.10.120 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.

- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

18.10.130 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Chapter 18.12

R-2 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section:

- 18.12.010 Purpose
- 18.12.020 Permitted buildings and uses
- 18.12.030 Buildings and uses permitted conditionally
- 18.12.040 Accessory buildings and uses
- 18.12.050 Building or structural height limitations
- 18.12.060 Lot area and dimensions
- 18.12.070 Lot coverage
- 18.12.080 Yard regulations
- 18.12.090 Place of buildings
- 18.12.100 Fences, hedges, walls and other structures
- 18.12.110 Usable open space and recreation areas
- 18.12.120 Signs
- 18.12.130 Off-street parking
- 18.12.140 Vision clearance
- 18.12.150 Underground utilities

18.12.010 Purpose. The R-2 multiple family residential district is intended to provide a quality environment for apartment dwellers.

18.12.020 Permitted buildings and uses. Permitted buildings and uses in an R-2 district shall be as follows:

- A. Single-family residence subject to the requirements of the R-1 district;
- B. Duplex residential structures on lots of no less than 7,000 square feet in area.
 - 1. Triplex residential structures on lots of no less than 12,000 square feet in area;
 - 2. Four-plex residential structures on lots of no less than 15,000 square feet in area.
- C. Planned unit developments, subject to the requirements of Chapter 18.36;
- D. Boardinghouse, lodginghouse or roominghouse;
- E. Home occupations;
- F. The placement or partition of a duplex into two separate parcels subject to the following:

1. The original parent lot shall not be less than seven thousand square feet, excluding panhandle strip.
 2. Each proposed parcel shall be a minimum of three thousand five hundred square feet.
 3. All applicable current building code requirements shall be met and appropriate fees paid.
 4. Partitions shall meet the requirements of the land division ordinance and receive approval of the staff review committee.
- G. For partition of a triplex and four-plex into condominiums. The provisions of O.R.S., Chapter 100 Condominiums shall apply,
- H. Family day care facility;
- I. Residential home.
- J. Manufactured home subject to the following conditions:
1. Manufactured home placement standards. All manufactured homes located on individual lots within the R-2 Residential District shall comply with the following standards:
 - a. Each manufactured home shall have an Oregon Insignia of Compliance which indicates conformance with Federal Housing and Urban Development (HUD) standards;
 - b. Each manufactured home shall be placed on a permanent concrete or concrete block perimeter foundation, piers placed on footings, or concrete pad which maintains the floor level no more than twenty-four inches above grade, the perimeter of the structure shall be enclosed with no less than 4-inch masonry or masonry-like block;
 - c. The manufactured home foundation shall be of sufficient strength to support loads imposed by the home and shall conform to the Oregon Department of Commerce siting requirements in effect at the time of the placement;
 - d. All wheels and towing assembly shall be removed from the home;
 - e. Each manufactured home shall have continuous skirting or landscaped backfill leaving no open areas except for vents and crawl spaces;
 - f. Only those structures or extensions which conform to the Oregon State definition of a manufactured home accessory structure shall be attached to a manufactured home;
 - g. Two permanent off-street parking spaces, each at least ten feet wide and twenty feet long are required for each dwelling unit;
 - h. No persons shall maintain two or more manufactured homes on a single legal building site. Any tracts or parcels of land contiguous to one another remaining under one ownership and not in a legal subdivision shall be considered one legal building site.
 - i. No unit shall be occupied until the placement of the unit has been approved and inspected by the city building official;
 2. Design Standards. Manufactured homes located in this zone district shall have the following design features commonly available for manufactured dwellings:
 - a. Each manufactured home shall be at least twenty-four feet wide with a minimum of eight hundred sixty-four square feet of interior space (thirty-six feet long);
 - b. Skirting, when used in place of earth backfill, shall be moisture resistant, fire

resistant, and have a design whose color and texture appears to be an integral part of the exterior wall of the manufactured home;

- c. A roof with a minimum slope or pitch of three inches in twelve (3:12) which is covered with composition shingles, wood shakes or similar nonreflective material;
- d. Exterior siding or materials similar to that commonly used on houses constructed under the Uniform Building Code.

K. Manufactured home regulations generally. In any zone district under this title where standards for manufactured home construction, placement or developments are established by state law or administrative rule such requirements shall be in addition to the provisions of this title.

- Mobile home park, subject to the provisions of Chapter 18.16.
- Multiple-family residential.

18.12.030 Buildings and uses permitted conditionally. Buildings and uses permitted conditionally in an R-2 district shall be as follows:

A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit.

B. The following uses are permitted as conditional uses under this section:

1. Churches, except rescue missions or temporary revivals;
2. Day care facility, provided the residential character of the building is maintained;
3. Public parks, playgrounds, and community centers;
4. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
5. Public or parochial schools;
6. Assisted living facility, nursing homes; (Ord. 2866, §3 (part), 2001)
7. Bed and breakfast facilities, subject to the requirements of Section 18.46.130.
8. Residential care facility.
9. For the placement or partition of a triplex into three separate parcels, the following shall apply:
 - a. The parent lot shall not be less than 12,000 square feet,
 - b. Each proposed parcel shall be a minimum of 4,000 square feet,
 - c. All applicable current building code requirements shall be met and appropriate fees paid
 - d. Partitions shall meet the requirements of the land division ordinance and receive approval of the staff review committee.
10. For the placement or partition of a four-plex into four separate parcels, the following shall apply:
 - a. The parent lot shall not be less than 15,000 square feet,
 - b. Each proposed parcel shall be a minimum of 3,750 square feet,
 - c. All applicable current building code requirements shall be met and appropriate fees paid.
 - d. Partitions shall meet the requirements of the land division ordinance and receive

approval of the staff review committee.

11. Manufactured home individual lot subdivision subject to the requirements of Chapter 18.14 of this title.
12. Cottage Industry as defined by Section 18.04.170.

18.12.040 Accessory buildings and uses. Accessory buildings and uses in an R-2 district shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than two accessory buildings shall be permitted to any dwelling unit. All accessory buildings which are not a part of the main building shall be separated from the main building by at least ten feet. Accessory buildings are permitted in the side and rear yards provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line;
- B. No accessory building is permitted within five feet of a side yard property line;
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports or any parking space taking direct access from the street shall be set back twenty feet from the property line.

18.12.050 Building or structural height limitations. Building or structural height limitations in an R-2 district shall be as follows:

- A. Main buildings. The maximum or structural height of main buildings shall not exceed three stories or thirty-five feet in height, whichever is the lesser.
- B. Accessory buildings. The maximum or structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020

18.12.060 Lot area and dimensions. Lot area and dimensions in an R-2 district shall be as follows:

- A. Lot area. The minimum lot area shall not be less than six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.12.070 Lot coverage. Lot coverage in an R-2 district shall be as follows:

- A. Buildings and structures, except garages, shall not occupy more than forty percent of the gross area of a lot.
- B. For multiple-family residential structures the basic open space area required per "room count" shall not be less than four hundred square feet. For each additional one-tenth of one percent by which the building and structural coverage of the lot, except garages, is reduced, the basic open space area per "room count" requirement may be reduced by one square foot. In no event shall the required open space area per "room count" be less than two hundred square feet. "Room count" means the number of bedrooms per dwelling unit multiplied by the number of dwelling

units to be provided in a multiple family residential structure.

Examples:

Percent of lot covered by building and structures (in percent)	Square feet of lot area required for each "room count" (in square feet)
40.0	400
35.0	350
30.0	300
25.0	250
20.0	200
10.0	200

18.12.080 Yard regulations. Yard regulations in an R-2 district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, mechanical/electrical equipment or appliances, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards.
1. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots, which shall have a side yard abutting the street of not less than ten feet.
 2. Where an R-2 district abuts a lower density residential district, any structure which exceeds twenty-eight feet in height shall be set back twenty feet from the boundary of the abutting district. Streets or alley contiguous to and separating the R-2 district from any

residential district may be included in the required setback.

3. Required side yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials.

C. Rear yards. Dwelling units shall be set back not less than ten feet from the rear property line.

18.12.090 Place of buildings. The minimum space between the exterior walls of main buildings in an R-2 district shall be as follows:

A. Buildings end to end, ten feet;

B. No entries permitted from the space between building ends;

C. Buildings rear to end or front to end, twenty-five feet;

D. Building front to rear or rear to front, thirty-five feet;

E. Buildings front to front, where arranged around an open court; minimum distance between buildings, thirty feet, except where there is a driveway within the court the minimum distance shall be thirty-five feet;

F. On any lot where a garage, carport or open parking space opens directly to a street, the same shall be set back not less than twenty feet from the property line.

18.12.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in an R-2 district shall be as follows: Fences, hedges, walls and other structures are permitted, and may be required. Such fences and walls shall not exceed six feet in height, and where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides and has an entrance with a minimum clearance of thirty six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained.

18.12.110 Usable open space and recreation areas. An area or areas for usable open space and recreation purposes shall be provided in multiple-family developments. A minimum of two hundred square feet of recreation area shall be provided for each dwelling unit. The surface area of recreation buildings, including swimming pools and tennis courts, may be included in computing the minimum size of the area. Recreation areas shall not be less than thirty feet in any one dimension and not more than ten percent of the area greater than five percent in slope.

18.12.120 Signs. Only the following signs shall be permitted in the R-2 district:

A. One unlighted sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupant or premises, or occupation of the occupant of the premises only in event of home occupation.

B. One unlighted sign for each housing development, not to exceed twenty square feet in area and containing no advertising matter except the name and street address of the housing development.

C. See general provisions set out in Chapter 18.38 and 18.40, for other sign requirements.

18.12.130 Off-street parking. Off-street parking requirements in an R-2 district shall be as follows:

- A. There shall be at least one and one-half permanently reserved parking spaces including garages, or carports on the site for each dwelling unit. Such a parking, garage or carport space shall provide:
 - 1. For parking at the time of occupancy of the main building;
 - 2. A space not less than ten feet wide and twenty feet long;
 - 3. For ingress and egress of standard size automobiles.
- B. Off-street parking shall not be permitted within the required yards adjacent to a street.
- C. See general provisions set out in Chapter 18.42, for parking requirements for nonresidential buildings and uses.

18.12.140 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

18.12.150 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Chapter 18.13

R-3 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sections:

- 18.13.010 Purpose
- 18.13.020 Permitted buildings and uses
- 18.13.030 Buildings and uses permitted conditionally
- 18.13.040 Accessory buildings and uses
- 18.13.050 Building or structural height limitations
- 18.13.060 Lot area and dimensions
- 18.13.070 Lot coverage
- 18.13.080 Yard regulations
- 18.13.090 Place of buildings
- 18.13.100 Fences, hedges, walls and other structures
- 18.13.110 Usable open space and recreation areas
- 18.13.120 Signs
- 18.13.130 Off-street parking
- 18.13.140 Vision clearance
- 18.13.150 Underground utilities

18.13.010 Purpose. The R-3 high density multiple-family residential district is intended to provide a quality environment for apartment dwellers. The R-3 district should be located adjacent to highways, major arterials and collector streets. R-3 generated vehicular traffic should not be route through single-family districts. The R-3 district is intended to be compatible with RP-1, RP-2, and all commercial zone districts, C-1 NEIGHBORHOOD COMMERCIAL ZONE DISTRICT should be provided as matter of right within large R-3 zone districts.

18.13.020 Permitted buildings and uses. Permitted buildings and uses in an R-3 district shall be as follows:

- A. Multiple family dwellings;
- B. Planned unit developments, subject to the requirements of Chapter 18.36;
- C. Duplex, triplex and four-plex residential structures subject to the requirements of the R-2 district
- D. Boardinghouse, lodginghouse or roominghouse;
- E. Home occupations;
- F. The partition of duplex, triplex and four-plex into two separate parcels subject to the requirements of the R-2 district;
- G. Family day care facility;
- H. Residential home;
- I. Residential care facility;
- J. Mobile home park, subject to the provisions of Chapter 18.16.

18.13.030 Buildings and uses permitted conditionally. Buildings and uses permitted conditionally in an R-3 district shall be as follows:

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit.
- B. The following uses are permitted as conditional uses under this section:
 - 1. Multiple-family structures greater than three stories, or 35 feet in height;
 - 2. Churches, except rescue missions or temporary revivals;
 - 3. Day care facility, provided the residential character of the building is maintained;
 - 4. Public parks, playgrounds, and community centers;
 - 5. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
 - 6. Public or parochial schools;
 - 7. Assisted living facility, nursing homes; (Ord. 2866, §3 (part), 2001)
 - 8. Bed and breakfast facilities, subject to the requirements of Section 18.46.111.
 - 9. Single-family residence, subject to the requirements of the R-1 district.

18.13.040 Accessory building and uses. Accessory buildings and uses in an R-3 district shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than two

accessory buildings shall be permitted to any dwelling unit. All accessory buildings which are not a part of the main building shall be separated from the main building by at least ten feet. Accessory buildings are permitted in the side and rear yards provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line;
- B. No accessory building is permitted within five feet of a side yard property line;
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports or any parking space taking direct access from the street shall be set back twenty feet from the property line.

18.13.050 Building or structural height limitations. Building or structural height limitations in an R-3 district shall be as follows:

- A. Main buildings. The maximum or structural height of main buildings shall not exceed three stories or thirty-five in height, whichever is the lesser.
- B. Accessory buildings. The maximum or structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020.

18.13.060 Lot area and dimensions. Lot area and dimensions in an R-3 district shall be as follows:

- A. Lot area. The minimum lot area shall not be less than six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.13.070 Lot coverage. Lot coverage in an R-3 district shall be as follows:

- A. Buildings and structures, except garages, shall not occupy more than forty percent of the gross area of a lot.
- B. For multiple-family residential structures the basic open space area required per "room count" shall not be less than four hundred square feet. For each additional one-tenth of one percent by which the building and structural coverage of the lot, except garages, is reduced, the basic open space area per "room count" requirement may be reduced by one square foot. In no event shall the required open space area per "room count" be less than two hundred square feet. "Room count" means the number of bedrooms per dwelling unit multiplied by the number of dwelling units to be provided in a multiple family residential structure.

Examples:

Percent of lot covered by building and structures (in percent)	Square feet of lot area required for each "room count" (in square feet)
40.0	400
35.0	350
30.0	300
25.0	250
20.0	200
10.0	200

18.13.080 Yard regulations. Yard regulations in an R-3 district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerator, storage of trailers, boats, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards.
1. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots, which shall have a side yard abutting the street of not less than ten feet.
 2. Where an R-3 district abuts any residential district, any structure which exceeds twenty-eight feet in height shall be set back twenty feet from the boundary of the abutting district. Streets or alley contiguous to and separating the R-3 district from any residential district may be included in the required setback.
 3. Required side yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials.
- C. Rear yards. Dwelling units shall be set back not less than ten feet from the rear property line.

18.13.090 Placement of buildings. The minimum space between the exterior walls of main buildings in an R-3 district shall be as follows:

- A. Building end to end, ten feet;
- B. No entries permitted from the space between building ends;
- C. Buildings rear to end or front to end, twenty-five feet;
- D. Buildings front to rear or rear to front, thirty-five feet;
- E. Buildings front to front, where arranged around an open court; minimum distance between buildings, thirty feet, except where there is a driveway within the court the minimum distance shall be thirty-five feet;
- F. On any lot where a garage, carport or open parking space opens directly to a street, the same shall be set back not less than twenty feet from the property line.

18.13.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in an R-3 district shall be as follows: Fences, hedges, walls and other structures are permitted, and may be required. Such fences and walls shall not exceed six feet in height, and where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides and has an entrance with a minimum clearance of thirty six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. (Ord. 2862, §3 (part), 2001)

18.13.110 Usable open space and recreation areas. An area or areas for usable open space and recreation purposes shall be provided in multiple-family developments. A minimum of two hundred square feet of recreation area shall be provided for each dwelling unit. The surface area of recreation buildings, including swimming pools and tennis courts, may be included in computing the minimum size of the area. Recreation areas shall not be less than thirty feet in any one dimension and not more than ten percent of the area greater than five percent in slope.

18.13.120 Signs. Only the following signs shall be permitted in the R-3 district:

- A. One unlighted sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupant or premises, or occupation of the occupant of the premises only in event of home occupation.
- B. One unlighted sign for each housing development, not to exceed twenty square feet in area and containing no advertising matter except the name and street address of the housing development.
- C. See general provisions set out in Chapter 18.38 and 18.40, for other sign requirements.

18.13.130 Off-street parking. Off-street parking requirements in an R-3 district shall be as follows:

- A. There shall be at least one and one-half permanently reserved parking spaces including garages or carports on the site for each dwelling unit. Such a parking, garage or carport space shall provide:

1. For parking at the time of occupancy of the main building;
 2. A space not less than ten feet wide and twenty feet long;
 3. For ingress and egress of standard size automobiles.
- B. Off-street parking shall not be permitted within the required yards adjacent to a street.
- C. See general provisions set out in Chapter 18.42, for parking requirements for nonresidential buildings and uses.

18.13.140 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

18.13.150 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Section 3. Emergency Clause. It being deemed by the Council that it is in the public interest that this ordinance take effect immediately, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

Chapter 18.14

MHS MANUFACTURED HOME INDIVIDUAL LOT DISTRICT

Sections:

- 18.14.010 Description and purpose
- 18.14.020 General provisions
- 18.14.030 Permitted buildings and uses
- 18.14.040 Buildings and uses permitted conditionally
- 18.14.050 Manufactured home placement standards
- 18.14.060 Yard regulations
- 18.14.070 Building or structural height limitations
- 18.14.080 Design standards
- 18.14.090 Lot area and dimensions
- 18.14.100 Lot coverage and density requirements
- 18.14.110 General parking requirements
- 18.14.120 Fences and walls
- 18.14.130 Signs
- 18.14.140 Underground utilities
- 18.14.150 Manufactured home regulations generally

18.14.010 Description and purpose. The MHS manufactured home individual lot district is intended to provide a stable, healthful environment, together with the full range of urban services for those residents choosing to reside in manufactured homes on individual lots. This district should provide residents with residential areas comparable in quality and density with R-1 single-family residential areas.

18.14.020 General provisions.

- A. Any proposed manufactured home subdivision, expansion to an existing subdivision, or a rezoning request to the MHS district shall include a site plan or subdivision plat in conformance with the city's land division ordinance for review by the planning commission.
- B. No site plan for such a subdivision or district shall be filed or recorded until submitted to and approved by the planning commission.
- C. All manufactured home subdivisions allowed under the provisions of this district shall be at least five acres in size unless the manufactured home subdivision abuts an existing manufactured home subdivision.
- D. The requirements and standards set forth in this chapter are the minimum ones to which a manufactured home subdivision must conform before approval by the planning commission.

18.14.030 Permitted buildings and uses. Permitted buildings and uses in an MHS district shall be as follows:

- A. Manufactured homes on individual lots;
- B. Family day care facility;
- C. Residential home;
- D. Accessory buildings and structures are permitted, provided they are located behind the front sixty feet of a lot depth. There shall not be more than two buildings allowed as accessory to any manufactured home dwelling.
- E. Home occupations.
- F. Planned unit developments subject to the planned unit development procedure as set forth in Chapter 18.36.

18.14.040 Buildings and uses permitted conditionally. Buildings and uses permitted conditionally in an MHS district shall be as follows:

- A. The planning commission may grant a conditional use permit in accordance with the procedures set forth in Chapter 18.46 for the following uses:
 - 1. Churches, except rescue missions or temporary revivals;
 - 2. Day care facility;
 - 3. Parks, playgrounds, golf courses, community centers or swimming pools;
 - 4. Public and semipublic buildings essential to the physical and economic welfare of the area, such as fire stations, libraries, substations, pump stations, and reservoirs;
 - 5. Homes for the aged and infirm;

6. Assisted living facility, nursing homes (Ord. 2866, §3 (part), 2001);
7. Schools, public and private elementary, junior high and high schools and colleges, subject to the following conditions: Dedication and improvement of public streets and conveyance of dedication of public utility easements as determined by the city.

18.14.050 Manufactured home placement standards. All manufactured homes located within a manufactured home subdivision shall comply with the following standards:

- A. Each manufactured home shall have an Oregon Insignia of Compliance which indicates conformance with Federal Housing and Urban Development (HUD) standards.
- B. Each manufactured home shall be placed on a permanent perimeter foundation, piers placed on footings, or concrete pad which maintains the floor level no more than twenty-four inches above grade.
- C. The manufactured home foundation shall be of sufficient strength to support loads imposed by the home and shall conform to the Oregon Department of Commerce siting requirements in effect at the time of the placement.
- D. All wheels and towing assembly shall be removed from the home.
- E. Each manufactured home shall have continuous skirting or landscaped backfill leaving no open areas except for vents and crawl spaces.
- F. Only those structures or extensions which conform to the Oregon state definition of a manufactured home accessory structure shall be attached to a manufactured home.
- G. Two permanent off-street parking spaces, each at least ten feet wide and twenty feet long are required for each dwelling unit.
- H. No person shall maintain two or more manufactured homes on a single legal building site in the manufactured home subdivision district. Any tracts or parcels of land contiguous to one another remaining under one ownership and not in a legal subdivision shall be considered on legal building site.
- I. No unit shall be occupied until the placement of the unit has been approved and inspected by the city building official.

18.14.060 Yard regulations. In the MHS district each lot shall have yards of not less than the following size unless otherwise provided for:

- A. Front yard setback shall be a fifteen feet minimum, except all garages and carports taking access on the front of the property shall be set back twenty feet. The yard shall be landscaped and maintained.
- B. Side yard setback shall be as follows:

Interior side yard	7 feet
Alley side yard	5 feet
Street side yard (except that garages will be set back 20 feet)	10 feet
Public and semipublic buildings	20% of lot width

(Minimum 10 feet)

(Maximum 30 feet)

- C. Rear yard setback shall be as follows: Residential structures, including corner lots, shall be set back five feet. All garages, carports, or parking spaces taking access from an alley shall be located not less than fourteen feet from the centerline of the alley.
- D. Swimming pools shall conform to dwelling setback requirements

18.14.070 Building or structural height limitations. In the MHS district, the maximum building or structural height of the main building shall be two and one-half stories or twenty-eight feet whichever is the lesser. Accessory buildings on the MHS district are limited to one story or eighteen feet, whichever is the lesser.

18.14.080 Design standards. Manufactured homes located in the MHS district shall have the following design features commonly available for manufactured homes;

- A. Each manufactured home shall be at least twenty-four feet wide with a minimum of eight hundred sixty-four square feet of interior space (thirty-six feet long).
- B. Skirting, when used in place of earth backfill, shall be moisture resistant, fire-resistant, and have a design whose color and texture appears to be an integral part of the exterior wall of the manufactured home.
- C. A roof with a minimum slope or pitch of two inches in twelve (2:12) which is finished with nonreflective paint, or permanently covered with composition shingles, shakes or similar nonreflective material.
- D. Exterior siding or materials similar to that commonly used on houses constructed under the Uniform Building Code.

18.14.090 Lot area and dimensions. In the MHS district, the minimum lot area shall be six thousand square feet and the minimum lot dimensions shall be a width of sixty feet for interior lots, and sixty-five feet for corner lots, and a depth of eighty feet.

18.14.100 Lot coverage and density requirements. In the MHS district, the maximum coverage of the lot by all structures shall not exceed forty percent of the lot area; provided, that any patio structure which is used solely for open use, and swimming pools not structurally covered, shall not be counted as a structure in ascertaining coverage.

18.14.110 General parking requirements. Except as provided in Section 18.14.040 of this chapter, permanent off-street parking in an MHS district for customers, visitors or residents shall be provided on the site or as required under Chapter 18.42.

18.14.120 Fences and walls. In the MHS district, fences and walls shall not exceed four feet in height above the sidewalk grade within the front yard setback area. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and

an entrance with a minimum clearance of thirty six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. A wall, fence or hedge not more than six feet in height may be located anywhere on the lot to the rear of the required front yard setback line.

18.14.130 Signs. Only the following signs shall be permitted in the MHS district:

- A. One unlighted sign not exceeding one and one-half square feet in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in the event of home occupation.
- B. Each main entrance to a manufactured home subdivision may have one ground sign or one wall mounted sign not to exceed twenty square feet in area. A ground sign shall not exceed four feet in height.
- C. See general provisions set out in Chapters 18.38 and 18.40 for other sign requirements.

18.14.140 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

18.14.150 Manufactured home regulations generally. In an MHS district where standards for manufactured home construction, placement or developments are established by state law or administrative rule such requirements shall be in addition to the provisions of this title.

Chapter 18.16

MHP MOBILE HOME PARK DISTRICT

Sections:

- 18.16.010 Description and purpose
- 18.16.020 Locational criteria for mobile home parks
- 18.16.030 Site plan submission
- 18.16.040 Permitted buildings and uses
- 18.16.050 Buildings and uses permitted conditionally
- 18.16.060 State requirements
- 18.16.070 Area and dimensional requirements
- 18.16.080 Parking requirement
- 18.16.090 Access, park streets and walkways
- 18.16.100 Recreation, landscaping and open space
- 18.16.110 Signs
- 18.16.120 Fences and walls
- 18.16.130 Storage
- 18.16.140 Skirting

18.16.010 Description and purpose. The MHP mobile home park district is intended to provide a stable, healthful environment, together with the full range of urban services for those residents choosing to reside in mobile homes on a permanent or temporary basis or for those people desiring to utilize travel trailers, motor homes or campers for short visits to the city.

18.16.020 Locational criteria for mobile home parks. The following criteria shall be taken into consideration in the establishment of mobile home park districts.

- A. This district may be used as a buffer between commercial or light industrial and residential districts, and/or as deemed appropriate by the Planning Commission subject to the provisions of Chapter 18.50 Design Review.
- B. The site must have its primary direct access to an arterial street or on a collector street within a reasonable distance of an intersecting arterial.
- C. The site must not interrupt or interfere with existing or proposed streets or patterns of development.
- D. Where the MHP District abuts residential districts the MHP District shall provide landscaping in sufficient quantity and type of shrubbery used to effectively screen-out 70 percent of the MHP from view of adjacent residential district.

18.16.030 Site plan submission. An application to contract a new mobile home park or to expand an existing mobile home park shall be accompanied by a plot plan showing the general layout of the entire mobile home park and drawn to scale not smaller than one-inch equals forty feet. The drawing shall show the following information:

- A. Name of the person who prepared the plan;
- B. Name of the mobile home park and address;
- C. Scale and north point of the plan;
- D. Vicinity map showing relationship of mobile home park to adjacent properties;
- E. Boundaries and dimensions of the mobile home park;
- F. Location and dimensions of each mobile home site; designate each site by number, letter or name;
- G. Location and dimensions of each existing or proposed building;
- H. Location and width of park streets;
- I. Location and width of walkways;
- J. Location of each lighting fixture for lighting the mobile home park;
- K. Location of recreational areas and buildings, and area of recreational space;
- L. Location and type of landscaping plantings, fence, wall or combination of any of these, or other screening materials;
- M. Location of point where mobile home park water system connects with public system;
- N. Location of available fire and irrigation hydrants;
- O. Location of public telephone service for the park;
- P. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections and landscaping.

18.16.040 Permitted buildings and uses. Permitted buildings and uses in an MHP district shall be as follows:

- A. Mobile home parks;
- B. Parks, playgrounds, golf courses, community centers, or swimming pools;
- C. Public and semipublic buildings essential to the physical and economic welfare of the area, such as fire stations, libraries, substations, pump stations reservoirs; provided, that each interior yard shall be a minimum of twenty percent of the property width, but not less than ten feet nor more than thirty feet;
- D. Accessory buildings and structures are permitted. There shall not be more than two buildings allowed as accessory to any mobile home dwelling;
- E. Home occupations;
- F. Planned unit developments subject to the planned unit development procedure set forth in Chapter 18.36.

18.16.050 Buildings and uses permitted conditionally. The planning commission may grant a conditional use permit in a MHP district in accordance with the procedures set forth in Chapter 18.46; provided, that the same shall be restricted to the following buildings and uses of a size, type and nature to provide services to the occupants of mobile home parks and recreation parks if approved by the planning commission.

- A. Grocery stores;
- B. Drugstores;
- C. Laundromats, coin-operated dry-cleaners, and hand laundries, not as a substitute for such facilities required to be provided under mobile home park regulations generally;
- D. Restaurants;
- E. Professional offices, beauty parlors, barbershops;
- F. Overnight travel trailer parks;
- G. Other compatible uses.

18.16.060 State requirements. All mobile home park plans and proposals must be reviewed by the appropriate state agencies for approval. Rules and regulations contained in Oregon Revised Statutes Chapter 446 and O.A.R. 23 and 28 shall be applicable in the development and operation of a mobile home park; provided, however, that the provisions of this chapter shall prevail where the provisions are more stringent than those imposed by state laws, rules or regulations.

18.16.070 Area and dimensional requirements. Area and dimensional requirements in an MHP district shall be as follows:

- A. Height. The maximum building or structure height of the main buildings shall be two and one-half stories or thirty feet, whichever is lesser. Accessory buildings are limited to one story.

- B. Size of the site. The minimum area for a new mobile home parks shall be forty thousand square feet.
- C. Area per space. The minimum area required per mobile home space shall be four thousand square feet.
- D. Frontage and depth. No mobile home space shall be less than forty feet in width or less than sixty feet in length.
- E. Setbacks. No mobile home or accessory thereto shall be located any closer than twenty-five feet from a park property line abutting on a public street, ten feet from all other park property lines and ten feet from any such areas as a park street, a common parking area or common walkway.
- F. Spacing. A mobile home and accessories thereto shall be separated from an adjoining mobile home and its accessories by a minimum of fifteen feet.
- G. Overnight spaces. Not more than five percent of the total mobile home area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight. Areas and spaces intended for overnight use shall be appropriately designed, sized and landscaped for that purpose. Overnight areas shall be buffered from other areas of the park.

18.16.080 Parking requirement. In the MHP district, two off-street parking spaces are required for each dwelling unit.

18.16.090 Access, park streets and walkways. Access, park streets and walkways in an MHP district shall be as follows:

- A. Access. A mobile home shall not have access on a public street in the right-of-way of the street is less than fifty feet in width.
- B. Streets. A park street shall connect each mobile home site to a public street. The park street shall be a minimum of thirty feet in width with a surface width of twenty feet if no parking is allowed and thirty feet if parking is allowed.
- C. Walkways. Walkways of not less than three feet in width shall be provided from each mobile home site to any service buildings and recreation area.

18.16.100 Recreation, landscaping and open space. Recreation, landscaping and open space in an MHP district shall be as follows:

- A. Recreation. In a mobile home park a minimum of one hundred square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations. Each such area shall have a minimum size of two thousand five hundred square feet and a minimum width of twenty-five feet. No recreation facility created within a mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself, to the general public.
- B. Landscaping and open space.
 - 1. Development of boundaries. The front, side and rear boundaries of the mobile home park shall be developed with landscape plantings, ornamental fence, or wall, or a combination

of these or other materials, with necessary openings provided across points of pedestrian and vehicular entrances and exits.

2. Irrigation. Landscaped areas shall be provided with a suitable, fixed, and permanent method for watering or sprinkling of plant material. This watering system shall consist of piped waterlines terminating in an appropriate number of sprinklers or hose bibs to insure a sufficient amount of water for plants within the landscaped area. Where the watering systems consists of hose bibs only, these bibs shall be located not more than one hundred feet apart.
3. All open areas in the park, not otherwise used, shall be suitably landscaped and maintained. Landscaping consists of the planting of some combination of trees, shrubs, vines, ground covers, flowers or lawns.

18.16.110 Signs. Signs for mobile home parks may be installed as follows:

- A. One sign not exceeding eighteen square feet in area may be placed on a tract of land under one ownership to designate the name of the mobile home park. The sign may be indirectly lighted, but shall be nonflashing. The sign shall conform to the setbacks designated for structures in the MHP district;
- B. Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, etc., may be located at appropriate places, provided the signs do not exceed three square feet in size.

18.16.120 Fences and walls. In the MHP district a screen consisting of fences, walls, hedge, other landscaping or combination shall be erected along and immediately adjacent to the abutting property line that is the zone boundary. Fences and walls shall not exceed six feet in height. Vision clearance must be maintained at all entrances, exits and street corners.

18.16.130 Storage. Except for automobiles and carports, storage outside a mobile home in an MHP district shall be within a totally enclosed structure.

18.16.140 Skirting. All mobile homes in an MHP district must be skirted in accordance with O.A.R. Section 23.070.

Chapter 18.17

PR PARKS & RECREATION DISTRICT

Sections:

18.17.010 Purpose

18.17.020 Permitted buildings and uses

18.17.030 Buildings and uses permitted conditionally

- 18.17.040 Buildings and uses permitted conditionally subject to a Mixed Use Master Plan
- 18.17.050 MUM Mixed Use Master Plan requirements at time of rezoning
- 18.17.060 Building or structural height limitations
- 18.17.070 Lot size
- 18.17.080 Lot coverage
- 18.17.090 Yard regulations
- 18.17.100 Fences, hedges, walls and other structures
- 18.17.110 Signs
- 18.17.120 Off-street parking
- 18.17.130 Vision clearance
- 18.17.140 Underground utilities
- 18.17.150 Development standards
- 18.17.160 Traffic Impacts

18.17.010 Purpose. The PR Parks & Recreation District is intended to implement the Parks, Recreation and Open Space element of the Cottage Grove Comprehensive Plan and the adopted Cottage Grove master parks plan which include private and public recreation uses.

18.17.020 Permitted buildings and uses. Permitted buildings and uses in the PR district shall be as follows:

- A. Mini parks;
- B. Nodal parks along Greenways;
- C. Neighborhood parks;
- D. Natural areas or environmental restoration;
- E. Park furnishings, including gazebos, arbors, kiosks, play equipment, picnic tables, benches, bicycle racks, and interpretive signage;
- F. Cultural resources including significant historical, archaeological and traditional cultural properties;
- G. Interpretive centers of less than 1/2 acre;
- H. Existing single family dwellings and the replacement of existing single-family dwellings (subject to the siting and parking requirements of the R-1 Single-family Residential district);
- I. Special events for which a permit has been approved by the City Manager pursuant to Municipal Code Chapter 10.24 or by other permit granted by the City Council;
- J. Mixed Use Master Plan, subject to the provisions of Chapter 18.33 except those uses listed in Section 18.17.040;
- K. Accessory uses to permitted uses listed above.

18.17.030 Buildings and uses permitted conditionally. Building and uses permitted conditionally in the PR district shall be as follows:

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46,

may grant a conditional use permit.

B. The following uses are permitted as conditional uses under this section:

1. Churches;
2. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, water treatment and waste water treatment facilities, essential to the physical, social and economic welfare of an area;
3. Public or parochial schools;
4. Cemeteries;
5. Public or private museums, performing arts facilities or community centers;
6. Public or private climbing walls, BMX tracks or skate parks;
7. Boat ramps and associated parking areas;
8. Community gardens and composting areas;
9. Incidental accessory commercial uses, including eating and drinking, retail trade, office, entertainment and service commercial;
10. Dwelling for caretaker or watchman.

18.17.040 Buildings and Uses permitted conditionally subject to a Mixed Use Master Plan. The following uses are permitted in the PR district subject to the provisions of Chapter 18.33 MUM Mixed Use Master Plan Combining District:

- A. Community parks;
- B. Natural Resource areas;
- C. Interpretive centers greater than 1/2 acre in size;
- D. Public or private racetracks or speedways;
- E. Public or private recreation facilities, including golf, swimming, tennis and country clubs;
- F. Public or private organized sports fields not on school district property, fairgrounds or arenas.

18.17.050 MUM Mixed Use Master Plan requirements at time of rezoning. When a parcel or development is zoned under this title, all uses existing on the property on the effective date of annexation shall be allowed to continue operation provided the property owner submits an application for a mixed use master plan approval. The application shall be initiated within six (6) months of zoning ordinance adoption under this title and the City Council shall act promptly, consistent with the time limits in ORS 227.178, to make a final decision on the application. The pre-existing uses allowed under this section shall be allowed to continue to operate until such time as the MUM is approved, including resolution of all appeals.

18.17.060 Building or structural height limitations. Building or structural height limitations in the PR district shall be as follows:

- A. The maximum or structural height of any building or accessory use shall be thirty feet.
- B. The maximum height may be exceeded if included in a mixed-use master plan as approved by the Planning Commission under the provisions of Chapter 18.33.

18.17.070 Lot size. Lot size in a PR district shall be of a sufficient size to accommodate the use while meeting minimum setback requirements and providing sufficient area for any required off-street parking and servicing.

18.17.080 Lot coverage. The maximum lot coverage of the lots by all structures shall not exceed forty percent of the lot area.

18.17.090 Yard regulations. Yard regulations in a PR district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not less than ten feet. Required side yards shall not be used for accessory buildings, storage of trailers, boats, or of any materials; nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- C. Rear yards. Buildings and structures and accessory uses shall be set back not less than five feet from the rear property line.
- D. Riparian setback. Structures shall not be located closer than fifty feet from the ordinary high water line or twenty-five feet from the top of the river bank of a Class I stream, whichever is the greater. A lesser setback may be allowed if documentation is provided that existing riparian vegetation does not extend into the setback area defined above and the riparian vegetation has not been removed in violation of the maintenance standards set forth in subsection B of Section 18.38.060 Riparian vegetation - Row River or Section 18.46.170 Additional conditions - Greenway conditional use permit, or for water dependent uses.
- E. Floodway. No new structures shall be permitted within the Coast Fork Willamette River or Row River floodway.

18.17.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in a PR district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height. For residential uses, where fences or walls are located in the required front yard, the same shall not exceed four feet in height. All fences and structures shall be placed so that all required vision clearance areas are maintained.

18.17.110 Signs. Only the following signs shall be permitted in the PR district:

- A. One or more unlighted signs not to exceed total twenty square feet in area, identifying park or building name and ownership.
- B. One sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in event of home occupation.
- C. Signs as permitted by Planning Commission as part of mixed-use master plan (Chapter 18.33).

D. See general provisions set out in Chapters 18.40 for other sign requirements.

18.17.120 Off-street parking. Off-street parking requirements in the PR district shall be as follows:

- A. All public or private parking areas and parking spaces shall be designed and laid out to conform with the requirements of Chapter 18.42.
- B. Off-street parking shall not be permitted within the required yard setbacks.
- C. Permitted (18.17.020) uses shall be exempt from on-site parking requirements unless otherwise specified in this chapter.

18.17.130 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

18.17.140 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new or replacement construction.

18.17.150 Development Standards. In addition to those criteria established in this chapter, the following criteria shall be utilized by the Community Development Director or planning commission when design review, conditional use permit approval or mixed-use master plan approval is required:

- A. Proposed development must comply with other provisions of the Cottage Grove Zoning Ordinance including, but not limited to, design review, conditional use, greenway conditional use and MUM requirements.
- B. Bicycle parking shall be installed following the recommendations of the adopted Bikeway Master Plan.
- C. Protection and enhancement of water quality shall be required, including no dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian areas or near water, and no dumping of hazardous waste, litter, rubbish or any materials further regulated by the City of Cottage Grove Municipal Code.
- D. Interconnectivity between neighborhoods and/or other park and pedestrian facilities shall be emphasized in design of park layout, pedestrian facilities, structures, paved parking areas, trails, etc.

18.17.160 Traffic Impacts

New or expanding uses in Section 18.17.020 and 18.17.030 shall comply with 18.33.060(B).

Chapter 18.18

RP-1 RESIDENTIAL PROFESSIONAL DISTRICT

Sections:

- 18.18.010 Purpose
- 18.18.020 Permitted buildings and uses
- 18.18.030 Buildings and uses permitted conditionally
- 18.18.040 Main buildings and uses — accessory buildings
- 18.18.050 Building or structural height limitation
- 18.18.060 Lot area and dimensions
- 18.18.070 Lot coverage
- 18.18.080 Lot area or development site required per dwelling unit
- 18.18.090 Yard regulations
- 18.18.100 Fences, hedges, walls and other structures
- 18.18.110 Signs
- 18.18.120 Off-street parking
- 18.18.130 Vision clearance
- 18.18.140 Underground utilities

18.18.010 Purpose.

- A. The RP-1 residential professional district is intended to provide for a desirable mixing of residential land uses and professional services within or adjacent to single-family residential districts. The uses permitted outright in the RP-1 district are selected for their compatibility with residential uses.
- B. This district shall be applied to the following locations:
 - 1. Adjacent to the hospital in the area designated for medical park district;
 - 2. Adjacent to North 10th Street near its intersection with Highway 99 North;
 - 3. For any residential professional rezoning in areas designated "general residential" in the comprehensive plan.

18.18.020 Permitted buildings and uses. Permitted buildings and uses in the RP-1 district shall be as follows:

- A. Barbershops and beauty shops;
- B. Duplexes, triplex and four-plex in accordance with R-2 standards;
- C. Multiple family dwellings;
- D. Boarding houses;
- E. Family day care facility;
- F. Residential home;
- G. Home occupations;
- H. Laboratories, biochemical and x-ray;

- I. Single-family residence;
- J. Offices for the following:
 - 1. Accountant,
 - 2. Attorney,
 - 3. Bookkeeper,
 - 4. Doctor, dentist, optometrist, oculist, chiropractor and others licensed by the state to practice the healing arts,
 - 5. Engineer, architect, urban planner, landscape architect, surveyor, designer and those engaged in the practice of graphics or drafting,
 - 6. Insurance,
 - 7. Other professional type offices where the primary activities are carried out within the buildings or off-premises, and the level of activity at the site is similar to those uses listed above.
- K. Studios for the following:
 - 1. Artist,
 - 2. Interior decorator,
 - 3. Photographer,
 - 4. Other studios where the primary activities are carried out within the building or off-premises and the level of activity at the site is similar to those uses listed above.
- L. Telephone answering service;
- M. Secretarial service;
- N. Private parking area;
- O. Residential care facility;
- P. Similar uses to those listed above.

18.18.030 Buildings and uses permitted conditionally.

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in an RP-1 district.
- B. The following uses are permitted as conditional uses under this section:
 - 1. Churches;
 - 2. Day care facility;
 - 3. Assisted living facility, nursing homes (Ord. 2866, §3 (part), 2001);
 - 4. Hospitals;
 - 5. Public or parochial schools;
 - 6. Private and public parks, playgrounds or community centers;
 - 7. Public and semipublic buildings, such as fire stations, libraries, and facilities, essential to the physical, social and economic welfare of an area;
 - 8. Bed and breakfast facilities, subject to the requirements of Section 18.46.111.
 - 9. Cottage industry, subject to the requirements of Section 18.04.170.

18.18.040 Main buildings and uses — accessory buildings.

- A. In the RP-1 district, more than one main use per lot or development site is permitted.
- B. Accessory buildings and uses shall be permitted only to the extent necessary and normal to the uses permitted in this zone. No more than one accessory building shall be permitted on any lot or development site without planning commission approval.

18.18.050 Building or structural height limitation.

- A. Main buildings. In the RP-1 district, no main building shall exceed two and one-half stories or twenty-eight feet in height whichever is the lesser.
- B. Accessory buildings. Accessory buildings are limited to one story or eighteen feet in height.

18.18.060 Lot area and dimensions. Lot area and dimensions in an RP-1 district shall be as follows:

- A. Lot area. The minimum lot area shall be six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.18.070 Lot coverage. The maximum coverage of the lot by all structures in an RP-1 district shall not exceed fifty percent. The maximum lot coverage for all impervious surfaces shall not exceed sixty-five percent of the lot area in the RP-1 district.

18.18.080 Lot area or development site required per dwelling unit. In the RP district, the minimum lot or development site area required per dwelling unit shall be the same as required by Chapter 18.12.

18.18.090 Yard regulations. Yard regulations in the RP-1 district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothesline, incinerators, storage of trailers, boats or of any materials.
- B. Side yards.
 - 1. Each lot shall maintain a required side yard on each side of the lot not less than five feet, except on corner lots, which shall have a side yard abutting the street of not less than ten feet.
 - 2. Required side yards shall not be used for accessory buildings, clotheslines, incinerators, storage of trailers, boats or of any materials.
- C. Rear yards. Dwelling units and other primary buildings or covered structures shall be set back not less than ten feet from the rear property line.

18.18.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures are permitted in an RP-1 district, and may be required as a part of design review approval. Such fences and walls shall not exceed six feet in height unless approved by the planning commission and where the same are located in the required front yard, the same shall not exceed four feet in height. One entrance

pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. (Ord. 2862, §3 (part), 2001)

18.18.110 Signs. Signs in an RP-1 district shall be as follows:

- A. One ground or wall sign for each development site not to exceed sixteen square feet in area per side (maximum two sides); a ground sign shall not exceed four feet in height; plus,
- B. No wall sign shall exceed twelve feet above grade or above eave height and no exposed tube neon signs are allowed;
- C. Sign lighting shall be extinguished by ten p.m..

18.18.120 Off-street parking. Off-street parking in an RP-1 district shall be as follows:

- A. Off street parking shall be permanently provided on the site or within four hundred feet thereof at the following minimum ratio:
- B. One parking space for each employee operating on the site; and,
- C. Customer, visitor, or resident parking as provided under Chapter 18.42.

18.18.140 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

(Ord. 2862, §3 (part), 2001)

18.18.140 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Chapter 18.20

RP-2 RESIDENTIAL-PROFESSIONAL DISTRICT

Sections:

- 18.20.010 Purpose
- 18.20.020 Permitted buildings and uses
- 18.20.030 Buildings and uses permitted conditionally
- 18.20.040 Main buildings and uses — Accessory buildings
- 18.20.050 Building and structural height limitation

18.20.060 Lot areas and dimensions

18.20.070 Lot coverage

18.20.080 Lot area or development site required per dwelling unit

18.20.090 Yard regulations

18.20.100 Fences, hedges, walls and other structures

18.20.110 Signs

18.20.120 Off-street parking

18.20.130 Vision clearance

18.20.140 Underground utilities

18.20.010 Purpose.

A. The RP-2 residential professional district has a broad range of professional services, commercial services, and other mixed uses and is intended for commercial areas or adjacent to multifamily district. The RP-2 district is also appropriate along thoroughfares.

B. This district may be applied to the following locations:

1. West of River Road adjacent to Woodson Bridge in the area designated "residential professional" on the plan land use diagram;
2. Along West Main Street and South River Road in areas designated for "residential professional" on the plan land use diagram; and,
3. Within areas designated for "community commercial" development in the land use plan.
4. Adjacent to multi-family residential districts.

18.20.020 Permitted buildings and uses. Permitted buildings and uses in the RP-2 district shall be as follows:

A. Banks;

B. Barbershops and beauty shops;

C. Medical and dental clinic;

D. Churches;

E. Multiple-family dwelling as permitted by the R-3 district;

F. Day care facility;

G. Duplex, triplex and four-plex as permitted in the R-2 district;

H. Home occupations;

I. Laboratories, biochemical and x-ray;

J. Boarding house;

K. Bed and breakfast facilities;

L. Public and semipublic buildings, such as fire stations, libraries and facilities essential to the physical, social and economic welfare of an area;

M. Assisted living facility, nursing homes (Ord. 2866, §3 (part), 2001);

N. Professional offices, including but not limited to:

1. Accountant,

2. Attorney,
 3. Bookkeeper,
 4. Doctor, dentist, optometrist, or chiropractor,
 5. Engineer,
 6. Surveyor,
 7. Insurance,
 8. Real estate,
 9. Stock broker,
 10. Timber broker,
- O. Pharmacy, dispensing of drugs and medical supplies only;
- P. Studios for the following:
1. Artist,
 2. Interior decorator,
 3. Photographer,
 4. Other studios where the level of activity is similar to those listed above;
- Q. Telephone answering service;
- R. Secretarial service;
- S. Private parking area;
- T. Residential care facility;
- U. Existing single family dwelling;
- V. Similar uses to those listed above.

18.20.030 Buildings and uses permitted conditionally.

- A. The following uses are permitted as conditional uses under this section in an RP-2 district:
1. Hospitals;
 2. Mortuaries;
 3. Private and public parks, play grounds, driving ranges, golf courses, or community centers;
 4. Restaurants, only as ancillary use to other uses permitted within the district;
 5. Public parking area;
 6. Animal clinic, except overnight boarding;
 7. Public or parochial schools;
 8. Telephone or telegraph exchange including the storage of vehicles or materials;
 9. Clubs, lodges and fraternities;
 10. Gift, photographic, antique and florist shops;
 11. Nursery, greenhouse and feedstore facilities;
 12. Cottage industry, subject to the requirements of Section 18.04.170;
 13. Similar uses to those listed above.

18.20.040 Main buildings and uses — Accessory buildings.

- A. In the RP-2 district, more than one main use per lot or development site is permitted.
- B. Accessory building and uses shall be permitted only to the extent necessary and normal to the

uses permitted in this zone. No more than one accessory building shall be permitted on any lot or development site without planning commission approval.

18.20.050 Building or structural height limitations.

- A. Main buildings. In the RP-2 district, no main building shall exceed two and one-half stories or thirty feet in height, whichever is the lesser.
- B. Accessory buildings. Accessory buildings are limited to one story or twelve feet in height.

18.20.060 Lot area and dimensions. Lot area and dimensions in an RP-2 district shall be as follows:

- A. Lot area. The minimum lot area shall be six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.20.070 Lot coverage. The maximum coverage of the lot by all structures in an RP-2 district shall not exceed fifty percent. The maximum lot coverage for all impervious surfaces shall not exceed eighty-five percent of the lot area in the RP-2 district.

18.20.080 Lot area or development site required per dwelling unit. In the RP-2 district, the minimum lot or development site area required per dwelling unit shall be the same as required by Chapter 18.12.

18.20.090 Yard regulations. Yard regulations in the RP-2 district shall be as follows:

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothesline, incinerators, storage of trailers, boats or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
- B. Side yards.
 - 1. Each lot shall maintain a required side yard on each side of the lot not less than five feet, except on corner lots, which shall have a side yard abutting the street of not less than ten feet.
 - 2. Required side yards shall not be used for accessory buildings, clotheslines, incinerators, storage of trailers, boats or of any materials.
- C. Rear yards. Dwelling units and other primary buildings or covered structures shall be set back not less than ten feet from the rear property line.

18.20.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures are permitted in an RP-2 district, and may be required as a part of design review approval. Such fences and walls shall not exceed six feet in height unless approved by the planning commission and where the same are located in the required front yard, the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is

open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained. (Ord. 2862, §3 (part), 2001)

18.20.110 Signs. Signs in an RP-2 district shall be as follows:

- A. One identification sign for each development site up to thirty-two square feet in area per side, maximum two sides; plus
- B. No wall sign shall exceed twelve feet above grade or above the eave of the building.

18.20.120 Off-street parking. Off-street parking in an RP-2 district shall be permanently provided on the site or within four hundred feet thereof at the following minimum ratio:

- A. One parking spaces for each employee operating on the site; and,
- B. Customer, visitor, or resident parking as provided under Chapter 18.42.

18.20.130 Vision clearance. Vision clearance in this district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.
- C. Vision clearance on alley-sidewalk intersections shall be a minimum of ten feet.

(Ord. 2862, §3 (part), 2001)

18.20.140 Underground utilities. Except where deemed physically impractical by the city engineer, all utility cables shall be installed underground in new construction.

Chapter 18.22

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

- 18.22.010 Purpose
- 18.22.020 Permitted buildings and uses
- 18.22.030 Buildings and uses permitted conditionally
- 18.22.040 Accessory buildings and uses
- 18.22.050 Building or structural height limitations
- 18.22.060 Lot area and dimensions
- 18.22.070 Lot coverage
- 18.22.080 Yard regulations
- 18.22.090 Fences, hedges, walls and other structures

18.22.100 Signs

18.22.110 Off-street parking

18.22.120 Street access

18.22.130 Vision clearance

18.22.010 Purpose. The C-1 neighborhood commercial district is intended to provide areas for retail establishments in residential areas without destroying the residential character of the area.

18.22.020 Permitted buildings and uses. Permitted buildings and uses in the C-1 district shall be as follows:

- A. Barbershops and beauty shops;
- B. Clinics, excluding animal clinics;
- C. Drugstores;
- D. Foodstores;
- E. Self-service laundromat and cleaners, and pickup and delivery stations;
- F. Single-family dwelling units; provided, that where a lot is used for both a commercial and residential use, the residential use shall occupy that portion of the property abutting a residential district; otherwise, the residential use shall occupy the rear of the lot;
- G. Family day care facility/residential home;

18.22.030 Buildings and uses permitted conditionally.

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in a C-1 district.
- B. The following uses are permitted as conditional uses under this section in a C-1 district:
 - 1. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social, and economic welfare of an area;
 - 2. Sandwich shop/deli;
 - 3. Mini-storage facility subject to review and approval in accordance with Chapter 18.50 Design Review.

18.22.040 Accessory buildings and uses. Accessory buildings and uses in a C-1 district shall be permitted only to the extent necessary and normal to the uses permitted in this district. No more than two accessory buildings shall be permitted per development site. All accessory buildings which are not a part of the main building shall be separated from the main building by at least ten feet. Accessory buildings are permitted in the side and rear yard; provided:

- A. No accessory building is permitted in the side yard within sixty feet of the front property line.
- B. No accessory building is permitted within five feet of a side yard property line.
- C. No accessory building is permitted within ten feet of a property line abutting a street; provided, that garages, carports, or any parking space for residential use taking direct access from the street

shall be set back twenty feet from the property line.

18.22.050 Building or structural height limitations. Building or structural height limitations in a C-1 district shall be as follows:

- A. Main buildings. The maximum or structural height shall be two and one half stories or twenty-eight feet, whichever is the lesser.
- B. Accessory buildings. The maximum of structural height shall be one story or eighteen feet, provided that the height may be exceeded if a special use permit is granted subject to the requirements of Section 18.38.020.

18.22.060 Lot area and dimensions.

- A. Lot area. The minimum lot area in a C-1 district shall be six thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.22.070 Lot coverage. The maximum coverage of the lot by all structures in a C-1 district shall not exceed fifty percent of the lot area.

18.22.080 Yard regulations. Yard regulations in the C-1 district shall be as follows:

- A. Front yards. Front yards shall not be less than fifteen feet in depth. Front yards shall not be used for accessory buildings, clotheslines, incinerators, storage of trailers, boats, or of any materials.
- B. Side yards. Each lot shall maintain a required side yard of not less than five feet, except corner lots, which shall have a side yard abutting the street of not less than ten feet, provided:
 - 1. No portion of a building shall be within three feet of the property line without the building sitting directly upon the property line.
 - 2. Required side yards shall not be used for accessory buildings, clotheslines, incinerators, storage of trailers, boats or of any materials.
 - 3. No side yard may be waived when a commercial use abuts a residential district.
- C. Rear yard. Rear yards shall be not less than fifteen feet in depth.

18.22.090 Fences, hedges, walls and other structures.

- A. Where a commercial use abuts a residential district in the C-1 district, the planning commission shall require that a fence, evergreen hedge, or wall be erected along and immediately adjacent to the abutting property line that is the district boundary.
- B. Such a fence, hedge or wall shall screen seventy percent of the view between the districts.
- C. Such a fence, hedge, or wall shall be not less than five or more than eight feet in height, except where the same are located in the required front yard the same shall not exceed four feet in height. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five

square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street. All fences and structures shall be placed so that all required vision clearance areas are maintained.

D. The planning commission's review shall consider aesthetic and maintenance factors.

18.22.100 Signs. Only the following signs shall be allowed in a C-1 district:

- A. Two signs for each development site under separate ownership, not to exceed thirty-two square feet per side in area. Total sign area shall not exceed 96 square feet.
- B. When a development site is occupied by two or more commercial uses, each leasable unit or business shall be allowed one sign not to exceed twenty-four square feet in area.
- C. See Chapters 18.38 and 18.40 for other sign requirements.

18.22.110 Off-street parking. Off-street parking in a C-1 district shall be as follows:

- A. Dwelling units. There shall be at least two permanently reserved parking spaces including garage or carport spaces for each dwelling unit. Such required parking shall not occur in the required front yard. Each parking space shall not be less than ten feet wide and twenty feet long.
- B. Commercial. There shall be at least one permanently maintained automobile parking space on the building lot with unobstructed means of ingress and egress for every three hundred square feet of floor area in commercial use. In no case shall the sum total of all off-street parking spaces provided be less than five spaces.
- C. One space shall be permanently provided on the site or within 400 feet there of per employee per shift operating on site.
- D. Parking and loading space must be approved by the Planning Commission.

18.22.120 Street access. No more than two ingress and egress points shall be permitted for any building site in a commercial use in a C-1 district.

18.22.130 Vision clearance. Vision clearance in a C-1 district shall be as follows:

- A. Vision clearance on corner lots shall be a minimum of twenty feet.
- B. Vision clearance on alley-street intersections shall be a minimum of ten feet.

Chapter 18.24

C-2 CENTRAL BUSINESS DISTRICT

Sections:

18.24.010 Purpose

- 18.24.020 Permitted buildings and uses
- 18.24.030 Buildings and uses permitted conditionally
- 18.24.040 Building or structural height limitation
- 18.24.050 Lot dimensions
- 18.24.060 Lot coverage
- 18.24.070 Yard regulations
- 18.24.080 Signs
- 18.24.090 Parking and loading space
- 18.24.100 Vision clearance

18.24.010 Purpose.

- A. The C-2 central business district is intended to provide areas for a wide range of commercial and business facilities whose market is assumed to be citywide.

18.24.020 Permitted buildings and uses. Permitted buildings and uses in the C-2 district shall be as follows:

- A. Residential uses; provided, that a dwelling unit does not occupy the front twenty-five feet of the building's ground floor facing the principal commercial street, except that one six-foot wide separate entrance to the residential uses may be allowed at the front of the building on the ground floor;
- B. Retail stores, sales and display rooms and lots providing that:
 - 1. Yards and buildable area shall not be used for the storage or display of used building materials or for any scrap or salvage operation, storage or sale.
 - 2. Any use allowed must not be objectionable due to odor, dust, smoke, noise, vibration, or appearance;
- C. Business and professional offices;
- D. Clinics, including animal clinics except that animals may not be boarded overnight. The planning commission shall review animal clinics for soundproofing requirements;
- E. Clubs, lodges and fraternities; provided, that the street level shall be used for a commercial or business purpose;
- F. Eating establishments, except drive-in facilities;
- G. Accessory buildings and uses normal and incidental to the uses permitted in this chapter;
- H. Commercial services;
- I. Family day care facility.

18.24.030 Buildings and uses permitted conditionally.

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in a C-2 district.
- B. The following uses are permitted as conditional uses under this section in a C-2 district:

1. Churches, except rescue missions or temporary revivals;
2. Public parks, playgrounds and community centers;
3. Public parking areas and structures;
4. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
5. Repair garage;
6. Service stations;
7. Manufacturing, assembling, testing, and repairing of electrical or electronic machinery, equipment and supplies; office computing, and accounting machines; measuring, analyzing and controlling instruments; photographic equipment; medical and optical goods; watches and clocks; and similar equipment or consumer goods provided all such operations are conducted entirely within the building. (Note: The level of smoke, noise and other pollutants may be regulated as part of the conditional use review);
8. Light manufacturing, assembling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, wood (excluding wood molding plants or saw, planing and lumber mills), paper, cotton, metal, or stone provided all such operations are conducted entirely within the building. (Note: The level of smoke, noise or other pollutants may be regulated as part of the conditional use review);
9. Movie theatres, legitimate theater and studies (see Chapter 18.42 for parking requirements);
10. Automobile washers.

18.24.040 Building or structural height limitation. The maximum of structural height or any building in a C-2 district shall be four stories or forty-eight feet, whichever is the lesser.

18.24.050 Lot dimensions. The minimum lot width in a C-2 district shall be fifteen feet.

18.24.060 Lot coverage. One hundred percent lot coverage is allowable in a C-2 district when minimum loading space, setbacks, and parking are provided.

18.24.070 Yard regulations. Yard regulations in the C-2 district shall be as follows:

- A. Front yards. Front yards shall not be required except where specified setbacks are established for road widening purposes.
- B. Side yards. Side yards shall not be required except where specified setbacks are established for road widening purposes. Where side yards are created, they shall be a minimum of three feet wide and three feet deep, provided no structural improvements, except road surfacing, shall be allowed within seven feet of the centerline of a side alley.
- C. Rear yards. No structural improvements, except road surfacing will be allowed within seven feet of the centerline of an alley.

18.24.080 Signs. Only the following signs shall be allowed in a C-2 district:

- A. The maximum allowable sign area for each development site under separate ownership shall be twenty-five (25) percent of the gross wall area of the structure. The gross wall area shall be the first story height multiplied by the length or width of the wall fronting the principle street; or;
- B. Two signs may be permitted for each development site under separate ownership, both signs not to exceed a total of two hundred square feet in area, provided that the maximum sign area conforms to the limitation of paragraph "A" above.
- C. When a development site is occupied by two or more commercial uses, each leasable unit or business shall be allowed forty square feet in total sign area.
- D. Projecting signs which project more than eighteen (18) inches beyond the building or wall shall be subject to the provisions of Chapter 18.50 (staff level) DESIGN REVIEW and approval.
- E. See Chapters 18.38 and 18.40 for other sign requirements.

18.24.090 Parking and loading space. Parking and loading space in a C-2 district shall be as follows:

- A. Dwelling units. There shall be at least two permanently reserved parking spaces for each dwelling unit. Such required parking space shall not have access from the principal commercial street.
- B. Where a ground floor must be used for parking, the front twenty-five feet of the ground floor facing the principal commercial street shall be used for retail sales.
- C. Parking and loading space must be approved by the building inspector.

18.24.100 Vision clearance. Vision clearance in a C-2 district for corner lots on streets with widths of less than sixty feet shall be a minimum of one-foot vision clearance for each foot of street width under sixty feet; provided, that a vision clearance of more than ten feet shall not be required. The vision clearance shall be from the curb or walk level to a minimum height of eight feet.

Chapter 18.26

C-2P COMMUNITY COMMERCIAL DISTRICT

Sections:

- 18.26.010 Purpose
- 18.26.020 Permitted buildings and uses
- 18.26.030 Buildings and uses permitted conditionally
- 18.26.040 Building or structural height limitation
- 18.26.050 Lot dimensions
- 18.26.060 Lot coverage
- 18.26.070 Yard regulations
- 18.26.080 Signs
- 18.26.090 Parking and loading space
- 18.26.100 Vision clearance

18.26.010 Purpose.

- A. The C-2P community commercial district is intended to provide a location for a wide range of commercial and business facilities with parking not more than four hundred feet from the site.

18.26.020 Permitted buildings and uses. Permitted buildings and uses in the C-2P district shall be as follows:

- A. Accessory buildings and uses normal and incidental to the uses permitted in this section;
- B. Business and professional offices;
- C. Clinics, including animal clinics except that animals may not be boarded overnight. The planning commission shall review animal clinics for soundproofing requirements;
- D. Clubs, lodges, and fraternities; provided, that the street level shall be used for a commercial or business purpose;
- E. Eating establishments;
- F. Residential uses; provided, that a dwelling unit does not occupy the front twenty-five feet of the building's ground floor facing the principal commercial street, except that one six-foot wide separate entrance to the residential uses may be allowed at the front of the building on the ground floor;
- G. Retail stores, sales and display rooms and lots, providing that:
 - 1. Yards and buildable area shall not be used for the storage or display of used building materials or for any scrap or salvage operation, storage or sale.
 - 2. Any use allowed must not be objectionable due to odor, dust, smoke, noise, vibration or appearance.
- H. Commercial services.
- I. Family day care facility

18.26.030 Buildings and uses permitted conditionally.

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in a C-2P district.
- B. The following uses are permitted as conditional uses under this section in a C-2P district:
 - 1. Car wash;
 - 2. Public parking areas and structures;
 - 3. Public parks and playgrounds;
 - 4. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
 - 5. Repair garages;
 - 6. Service stations;
 - 7. Manufacturing, assembling, testing, and repairing of electrical or electronic machinery, equipment and supplies; office computing, and accounting machines; measuring,

analyzing and controlling instruments; photographic equipment; medical and optical goods; watches and clocks; and similar equipment or consumer goods provided all such operations are conducted entirely within the building. (Note: The level of smoke, noise and other pollutants may be regulated as part of the conditional use review);

8. Light manufacturing, assembling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, wood (excluding wood molding plants or saw, planning and lumber mills), paper, cotton, metal, or stone provided all such operations are conducted entirely within the building. (Note: The level of smoke, noise or other pollutants may be regulated as part of the conditional use review);
9. Movie theaters, legitimate theater and studios, see subsection C of Section 18.42.040 for parking requirements.
10. Churches, except rescue missions or temporary revivals (see Sections 183.46.120 — 18.46.190);
11. Boarding kennel, provided such operations are conducted entirely within a building.

18.26.040 Building or structural height limitation. The maximum of structural height for any building in a C-2P district shall be four stories or forty-eight feet, whichever is the lesser, except where the C-2P district is adjacent to an "R" district in which case structural height limitation will be subject to design review procedures.

18.26.050 Lot dimensions. The minimum lot width in a C-2P district shall be fifteen feet.

18.26.060 Lot coverage. One hundred percent coverage is allowable in a C-2P district when minimum loading space, setbacks, and parking are provided.

18.26.070 Yard regulations. Yard regulations in the C-2P district shall be as follows:

- A. Front yards. Front yards shall not be required except where specified setbacks are established for road widening purposes.
- B. Side yards. Side yards shall not be required except where specified setbacks are established for road widening purposes. Where side yards are created, they shall be a minimum of three feet wide and three feet deep, provided no structural improvements, except road surfacing, shall be allowed within seven feet of the centerline of a side alley.
- C. Rear yards. No structural improvements, except road surfacing, will be allowed within seven feet of the centerline of an alley.

18.26.080 Signs. Only the following signs shall be allowed in a C-2P district:

- A. Three signs for each development site under separate ownership, not to exceed two hundred square feet in area; only on double-face pole per sign per development site shall be allowed.
- B. When a development site is occupied by two or more commercial uses, each leasable unit or business shall be allowed fifty square feet in area.

- C. One sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of each occupant of the premises.
- D. See Chapters 18.38 and 18.40 for other sign requirements.

18.26.090 Parking and loading space. Parking and loading space in a C-2P district shall be as follows:

- A. Dwelling units. There shall be at least two permanent parking spaces including garage or carport spaces for each dwelling unit. Such required parking space shall not have access from the principal commercial street.
- B. Off-street parking shall be permanently provided on the site or within four hundred feet thereof at the following ratio:
 - C. One parking space for each four hundred square feet of retail floor space;
 - D. One parking space for each eight hundred square feet of other floor space;
 - E. One parking space for each employee per shift on the site.
- F. Parking and loading space must be approved by the Planning Commission and/or the Staff Review Committee as appropriate.

18.26.100 Vision clearance. Vision clearance in a C-2P district for corner lots on streets with widths of less than sixty feet shall be a minimum of one-foot vision clearance for each foot of street width under sixty feet; provided, that a vision clearance of more than ten feet shall not be required. The vision clearance shall be from the curb or walk level to a minimum height of eight feet.

Chapter 18.28

CT COMMERCIAL TOURIST DISTRICT

Sections:

- 18.28.010 Purpose
- 18.28.020 Permitted buildings and uses
- 18.28.030 Buildings and uses permitted conditionally
- 18.28.040 Accessory buildings and uses
- 18.28.050 Building or structural height limitation
- 18.28.060 Lot area and dimensions
- 18.28.070 Lot coverage
- 18.28.080 Yard requirements
- 18.28.090 Signs
- 18.28.100 Parking and loading space
- 18.28.110 Vision clearance

18.28.010 Purpose.

- A. The commercial tourist district is intended to provide facilities primarily serving tourists, the motoring public and other travelers in the area. This district is intended to be utilized only in those areas where these facilities are necessary and appropriate, such as freeway interchanges or adjacent to or within areas of high recreation or tourist use.

18.28.020 Permitted buildings and uses. Permitted buildings and uses in the CT district shall be as follows:

- A. Antique, import and souvenir shops;
- B. Arts and crafts shops;
- C. Art gallery and studio;
- D. Beauty shops and barbershops;
- E. Gift, curio and novelty shops;
- F. Confectionery, candy and nut shops;
- G. Delicatessen;
- H. Florist shop;
- I. Photographic shop;
- J. Motels and hotels;
- K. Bus, railroad and taxi depot;
- L. Tourist information center;
- M. Restaurant, including drive-ins;
- N. Hard liquor bar and tavern;
- O. Museum;
- P. Recreation clubs;
- Q. Legitimate theater and studios;
- R. Rental agencies for automobiles, bicycles, trucks, trailers, boats and motorcycles;
- S. Sales and service of sporting goods and recreational equipment and accessories thereto providing storage, display and services are all within an enclosed structure;
- T. Travel agencies;
- U. Tourist and highway-oriented services similar to the above, including not more than one interstate-oriented major retail facility consisting of a retail or discount retail center located on a site of 10 to 20 acres zoned CT and not CT/L within _ mile of the North 1-5 interchange, subject to special conditions upon site review and occupancy as set forth in the findings adopted in support of Ordinance No. 2741. (Ord 2741, Section 3, 1994).

18.28.030 Buildings and uses permitted conditionally. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in a CT district provided the following uses are permitted as conditional uses under this section:

- A. Overnight trailer, camper facilities and campgrounds and associated grocery and drugstores and laundry facilities;
- B. Rental facilities for storing boats and recreational vehicles;
- C. Service stations;

- D. Truck fueling or service stations, auto repair garages, provided all repair be conducted entirely within an enclosed building.
- E. Public and semipublic buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social and economic welfare of an area;
- F. Public parks and playgrounds;
- G. Public parking areas and structures;
- H. Riding stables, provided:
 - 1. Ten thousand square feet of lot area shall be provided for each horse,
 - 2. Proper sanitation shall be maintained at all times,
 - 3. Horse runs and stables shall be located on the rear half of the property but not closer than seventy feet to any property line;
- I. Movie theaters, see subsection C of Section 18.42.040 for parking requirements.
- J. Family day care facility.

18.28.040 Accessory buildings and uses. Accessory buildings and uses shall be permitted in a CT district only to the extent necessary and normal to the uses permitted in this district. All accessory buildings which are not a part of the main building shall be separated from the main building by at least ten feet.

18.28.050 Building or structural height limitations. The maximum or structural height for any building in a CT district shall be two and one-half stories or twenty-eight feet, whichever is the lesser.

18.28.060 Lot areas and dimensions. Minimum lot width and depth in a CT district shall be:

- A. Lot area. The minimum lot area shall be nine thousand square feet.
- B. Lot dimensions. The minimum lot depth shall be eighty feet. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.28.070 Lot coverage. One hundred percent coverage is allowable in a CT district when minimum loading space, setbacks and parking are provided.

18.28.080 Yard requirements. Yard requirements in the CT district shall be as follows:

- A. Front yards. Front yards shall not be required except where specified setbacks are established for road widening purposes.
- B. Side yards. Side yards shall not be required except where specified setbacks are established for road widening purposes. Where side yards are created, they shall be a minimum of three feet wide and three feet deep, provided no structural improvements, except road surfacing, shall be allowed within seven feet of the centerline of a side alley.
- C. Rear yards. No structural improvements, except road surfacing, will be allowed within seven feet of the centerline of an alley.

18.28.090 Signs. Only the following signs shall be allowed in a CT district:

- A. Three signs for each development site under separate ownership, total sign area shall be approved by the Planning Commission.
- B. When a development site is occupied by two or more commercial uses, each leasable unit or business shall be allowed two signs not to exceed eighty square feet in total sign area;
- C. See Chapters 18.38 and 18.40 for other sign requirements.

18.28.100 Parking and loading space. Parking and loading space in a CT district shall be as follows:

- A. Off-street parking shall be permanently provided on the site or within four hundred feet thereof at the following ratio:
- B. One parking space for each two hundred square feet of retail floor space;
- C. One parking space for each four hundred square feet of other floor space;
- D. One parking space for each employee per shift.
- E. No commercial use shall provide less than five parking spaces.
- F. See Chapter 18.42 for other parking requirements.
- G. Parking and loading space must be approved by the building inspector.

18.28.110 Vision clearance. Vision clearance in a CT district for corner lots on streets with widths of less than sixty feet shall be a minimum of one-foot vision clearance for each foot of street width under sixty feet; provided, that a vision clearance of more than ten feet shall not be required. The vision clearance shall be from the curb or walk level to a minimum height of eight feet.

Chapter 18.29

CT/L LIMITED COMMERCIAL TOURIST DISTRICT

Sections:

- 18.29.010 Purpose
- 18.29.020 Permitted buildings and uses
- 18.29.030 Conditional use permit required
- 18.29.040 Accessory buildings and uses
- 18.29.050 Building or structural height limitation
- 18.29.060 Lot area and dimension
- 18.29.070 Lot coverage
- 18.29.080 Yard requirements
- 18.29.090 Signs
- 18.29.100 Parking and loading space
- 18.29.110 Vision clearance

18.29.010 Purpose. The limited commercial tourist district is intended to provide only those facilities primarily designed to serve tourists and visitors which provided the basis for expanding the urban growth boundary through plan amendment PA 1-88. This district is established to fulfill the requirements of OAR Sections 660-09-025(4), 660-09-025(2) and 660-04-018(3)(a).

18.29.020 Permitted buildings and uses. Permitted buildings and uses in the CT/L district shall be as follows:

- A. Golf course and driving range;
- B. Recreational vehicle park;
- C. Daycare facility, ancillary to any use permitted;
- D. Assisted living facility; and
- E. Hospital.

(Ord. 2866, §3 (part), 2001)

18.29.030 Conditional use permit required. Conditional use permit approval by the planning commission, subject to the procedures and conditions set forth in Chapter 18.46, shall be required before any development or land division occurs within the CT/L district. It is the intent of this section that the conditional use permit process be used to review a master site plan for development of that property included within the urban growth boundary through approval of plan amendment PA 1-88.

18.29.040 Accessory buildings and uses. Accessory buildings and uses normal and incidental to a golf course or recreational vehicle park, such as a comfort station or recreation building, shall be permitted in the CT/L district, provided those buildings or uses are identified on the master site plan reviewed through the conditional use permit process. Accessory buildings shall be separated from other structures by at least ten feet.

18.29.050 Building or structural height limitation. The maximum structural height for any building in the CT/L district shall be two and one-half stories or twenty-eight feet, whichever is the lesser.

18.29.060 Lot area and dimensions. No minimum lot area or dimension requirements are established in the CT/L district. It is the intent of this district that the property zoned CT/L be retained in large parcels to accommodate the planned golf course and recreational vehicle park uses. Only those parcels reviewed and approved through the conditional use permit process specified in Section 18.29.030 may be created.

18.29.070 Lot coverage. One hundred percent lot coverage is allowable in the CT/L district for open space uses such as the golf course. The planned recreational vehicle park shall not occupy more than forty percent of the site. Buildings shall not cover more than ten percent of the site.

18.29.080 Yard requirements. Yard requirements in the CT/L district shall be as follows:

- A. Front yards. Front yards shall not be required except where specified setbacks are established for road widening purposes.
- B. Side and rear yards. Side and rear yards shall not be required except where property zoned CT/L abuts residentially zoned property. When the CT/L district abuts residentially zoned property, all structures, except fences, shall be set back a minimum of ten feet from the residentially zoned property.

18.29.090 Signs. The following signs shall be allowed in the CT/L district:

- A. Two signs for the golf course and two signs for the recreational vehicle park, total sign area shall not exceed four hundred square feet.
- B. Each directional sign, not to exceed sixteen square feet in total sign area;
- C. Building identification signs, not to exceed thirty-two square feet in area.

18.29.100 Parking and loading space. Parking and loading space in the CT/L district shall be provided as follows:

- A. Two parking spaces for each golf course hole;
- B. One parking space for each station of the driving range;
- C. One ancillary parking space for every four recreational vehicle spaces;
- D. One parking space for each employee per shift;
- E. One off-street parking space for every three (3) assisted living dwelling units plus adequate off-street loading spaces. (Ord. 2866, §3 (part), 2001)
- F. One and one-half off-street parking space for each bed, where fractioned, next highest full unit, plus two for each nurses station (Ord. 2866, §3 (part), 2001).
- G. The parking requirements specified in this section are minimums and may be exceeded.

18.29.110 Vision clearance. Vision clearance in the CT/L district shall be provided at street intersections. Each leg of the vision clearance triangle shall be a minimum of fifteen feet. The vision clearance shall be from the curb or walk level to a minimum height of eight feet.

Chapter 18.30

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

- 18.30.010 Purpose
- 18.30.020 Permitted buildings and uses
- 18.30.030 Buildings and uses permitted conditionally
- 18.30.040 Building and structural height limitations
- 18.30.050 Lot area and dimensions

- 18.30.060 Lot coverage
- 18.30.070 Yard regulations
- 18.30.080 Fences, hedges, walls and other structures
- 18.30.090 Signs
- 18.30.100 Parking and loading space
- 18.30.110 Vision clearance

18.30.010 Purpose. The M-1 light industrial district is intended to provide areas for manufacturing, assembly, packaging, wholesaling and related activities with limited detrimental impact on adjacent districts.

18.30.020 Permitted buildings and uses. Permitted buildings and uses in the M-1 district shall be as follows:

A. Commercial and service.

1. Agriculture supply and equipment,
2. Automobile sales agencies,
3. Building maintenance,
4. Carwashes,
5. Draying, freighting and trucking yard or terminal,
6. Eating establishments,
7. Machinery and equipment rental and sales;

B. Manufacturing and assembling.

1. Boat building and repairs,
2. Cosmetics,
3. Drugs,
4. Electrical and electronic equipment,
5. Ice,
6. Perfumes,
7. Plumbing supplies,
8. Pottery,
9. Soft drinks,
10. Toiletries,
11. Trailers and campers,
12. Upholstery;

C. Processing.

1. Blueprinting,
2. Greenhouses,
3. Laboratories,
4. Laundry cleaning and dyeing plants, including rugs and carpets,
5. Photocopying,
6. Photoengraving,
7. Photographic film,

8. Photostating,
9. Printing and publication,
10. Wool;

D. Utilities.

1. Distribution plant,
2. Service yard,
3. Substation;

E. Wholesaling, warehousing and storage.

1. Building material storage yards,
2. Cold storage,
3. Contractors storage yard,
4. Distribution agencies,
5. Gasoline and fuel oil,
6. Retail lumberyard, including sash and door and cabinet shop,
7. Household and consumer goods,
8. Vehicles,
9. Warehousing of manufactured products,
10. Wholesale businesses and sales rooms;

F. Garbage Disposal Equipment Storage Yard: Provided the yard is fenced for security purposes and the operation is maintained in a odor-free condition. Unrecyclable garbage shall not be stored in the yard for a period greater than 48 hours. If an odor-free operation is not maintained, the Planning Commission shall impose any and all conditions on the operation as is necessary to abate the odorous problem. Staff level design review procedures (Chapter 18.50) shall be applied prior to the issuance of a building permit.

G. Other.

1. Accessory buildings and uses normal and incidental to the uses permitted in this district,
2. Animal hospitals, except no animals may be boarded overnight;
3. Public parking areas and structures.

18.30.030 Buildings and uses permitted conditionally.

A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in an M-1 district.

B. The following uses are permitted as conditional uses under this section in an M-1 district:

1. Service station;
2. Concrete transit mix plants without manufacture of concrete products;
3. Any fabrication, manufacturing, processing or assembly of products from ferrous or nonferrous metals;
4. Manufacture and assembly of plastics and rubber products;
5. Marble works and stone yards;
6. Public and semipublic buildings, such as fire stations, substations, and reservoirs, essential to the physical, social and economic welfare of an area;
7. Vehicle maintenance and repair facilities;

8. Manufacturing and assembly of wood products from previously processed wood products;
9. Operating sawmills zoned M-1 on January 1, 1978 (see Sections 18.46.120 — 18.46.190);
10. Boarding kennel;
11. Food products.

18.30.040 Building or structural height limitations. The maximum or structural height for any building in an M-1 district shall be four stories or forty-eight feet, whichever is the lesser. Except where the M-1 district is adjacent to an "R" district, in which case structural height limitation will be subject to design review requirements.

18.30.050 Lot area and dimensions. Minimum lot width and depth in an M-1 district shall be:

- A. Lot area. The minimum lot area shall be nine thousand square feet.
- B. Lot dimensions. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.30.060 Lot coverage. One hundred percent coverage is allowable in an M-1 district when minimum loading space, setbacks and parking are provided.

18.30.070 Yard regulations. Yard regulations in the M-1 district shall be as follows:

- A. Front yards. Front yards shall not be less than twenty feet deep. Front yards, except for the front eight feet, may be used for parking; provided, that no parking space shall have direct access from a street. No loading dock shall be located in a manner which will cause vehicles being served to project into the required front yard.
- B. Side yards. Side yards shall not be required, except for corner lots, which shall have a side yard of not less than ten feet adjacent to the side street right-of-way. If side yards are created, they shall be a minimum of three feet wide and three feet deep. No structural improvement, except road surfacing, shall be allowed within ten feet of the centerline of an alley.
- C. Rear yards. No rear yard is required provided no structural improvements except road surfacing shall be allowed within ten feet of the centerline of an alley.

18.30.080 Fences, hedges, walls and other structures.

- A. Where an M-1 light industrial district abuts a residential district, the planning commission shall require that a fence, evergreen hedge or wall be erected along and immediately adjacent to the abutting property line that is the zone boundary. The planning commission shall also require that a fence, evergreen hedge or wall be erected to screen the view of storage yards and operations not enclosed in a building. Such a fence, hedge or wall shall:
 1. Screen not less than seventy percent of the view;
 2. Not be less than five feet nor more than eight feet in height;
 3. Not be more than four feet in height in the required front yard. On entrance pergola or

arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty-six inches in width and eighty inches in height may be placed in each yard abutting a street.

4. All fences and structures shall be placed so that all required vision clearance areas are maintained.

(Ord. 2862, §3 (part), 2001)

18.30.090 Signs. Only the following signs shall be allowed in an M-1 district:

- A. One identity sign for each development site under separate ownership, not to exceed two hundred square feet in area;
- B. One sign not exceeding two square feet in area and bearing only property numbers, postbox number, and/or name of occupants of premises;
- C. See Chapters 18.38 and 18.40 for other sign requirements.

18.30.100 Parking and loading space. No parking space shall have direct access from the street in an M-1 district:

- A. A minimum of three parking spaces for visitors shall be provided on each building site;
- B. One parking space for each employee per shift operating on or from the site shall be provided on or within four hundred lineal feet of the building site;
- C. One parking space for each vehicle operated from the site shall be provided on or within four hundred feet of the building site;
- D. Parking and loading space must be approved by the building inspector.

18.30.110 Vision clearance. Vision clearance in an M-1 district shall be as follows:

- A. Vision clearance on corner lots shall be twenty feet;
- B. Vision clearance on alley-street intersections shall be ten feet.

Chapter 18.32

M-2 HEAVY INDUSTRIAL DISTRICT

Sections:

18.32.010 Purpose

18.32.020 Permitted buildings and uses

18.32.030 Buildings and uses permitted conditionally

18.32.040 Special hazardous uses requiring conditional use permits

18.32.050 Building or structural height limitation

18.32.060 Lot area and dimensions

18.32.070 Lot coverage

18.32.080 Yard regulations

18.32.090 Fences, hedges, walls and other structures

18.32.100 Signs

18.32.110 Parking and loading space

18.32.120 Vision clearance

18.32.010 Purpose. The M-2 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments, which are potentially incompatible with most other establishments, and is typically appropriate to areas which are most distant from residential areas, and which have extensive rail and highway shipping facilities.

18.32.020 Permitted buildings and uses. Permitted buildings and uses in an M-2 district shall be as follows:

- A. Those uses listed as permitted uses under Section 18.30.020, of the M-1 light industrial district.
- B. Manufacturing and assembling.
 - 1. Acid,
 - 2. Alcohol,
 - 3. Ammonia,
 - 4. Bleaching powder,
 - 5. Automobile painting,
 - 6. Automotive, aircraft or machinery,
 - 7. Blacksmith,
 - 8. Bottling,
 - 9. Candle,
 - 10. Celluloid and plastics,
 - 11. Cement, lime, gypsum or plaster of paris,
 - 12. Chemical,
 - 13. Clay products,
 - 14. Concrete or concrete products,
 - 15. Disinfectant,
 - 16. Drop forge industries,
 - 17. Dyestuffs,
 - 18. Emery cloth and sandpaper,
 - 19. Farm equipment,
 - 20. Garments,
 - 21. Glue, size or gelatin,
 - 22. Lamp black,
 - 23. Match,
 - 24. Machine shop,
 - 25. Metal shop,

26. Novelties,
27. Oil cloth or linoleum,
28. Paint, oil, shellac, turpentine, lacquer or varnish,
29. Paint shop,
30. Paper and pulp,
31. Petroleum products,
32. Printing ink,
33. Roofing materials,
34. Rubber,
35. Shoes,
36. Signs,
37. Marble works and stone yards,
38. Textiles,
39. Tire recapping, retreading or rebuilding,
40. Upholstery,
41. Welding shop,
42. Compounding, assembly, or treatment of articles or merchandise from the following materials: bone, cloth cellophane, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, metal, paper, plastic, plaster, shells, stones (precious or semiprecious), wools, and yarn;

C. Processing.

1. Blast furnace or coke oven,
2. Boiler works,
3. Crematory,
4. Cresole,
5. Distillation of bones, coal or wood,
6. Fertilizer,
7. Food smoking, curing or canning,
8. Forage,
9. Ferrous and nonferrous metal foundry or fabrication plant,
10. Oil extraction and dehydration facilities or reduction,
11. Ore reduction,
12. Plating works,
13. Potash work,
14. Preparation or treatment of oiled rubber or leather goods in their raw state,
15. Rolling mill,
16. Salt works,
17. Sauerkraut,
18. Sausage,
19. Sawmill,
20. Smelter,
21. Soap,
22. Steam electric generating station,
23. Tar distillation,

24. Tobacco,
 25. Vinegar,
 26. Yeast;
- D. Wholesaling, warehousing and storage. Those storage needs incidental and necessary to the operations of the permitted industrial uses.
- E. Commercial and service. Those uses customarily incidental to and directly related to the operation of permitted industrial uses.
- F. Other.
1. Accessory uses normal and incidental to the uses permitted in this district.
 2. Public parking areas and structures.

18.32.030 Buildings and uses permitted conditionally.

- A. The planning commission, subject to the procedures and conditions set forth in Chapter 18.46, may grant a conditional use permit in an M-2 district.
- B. The following uses are permitted as conditional uses under this section in an M-2 district:
1. Abattoir or slaughterhouse;
 2. Agriculture, insect and exterminator poison manufacture;
 3. Animal hospital, except that animals shall not be boarded overnight;
 4. Asphalt refining or asphalt batching plant;
 5. Service station;
 6. Wrecking and junkyards;
 7. Incineration of dead animals, garbage, offal or refuse;
 8. Processing of tallow, grease, or lard refining;
 9. Public and semipublic buildings, such as fire stations, substations and reservoirs, essential to the physical, social and economic welfare of an area;
 10. Rendering of fats;
 11. Rock crusher or gravel plant;
 12. Stockyards or feeding pens.

18.32.040 Special hazardous uses requiring conditional use permits. Due to the potential hazard to the public health, safety and welfare, the manufacturing, processing or aboveground storage of the following items shall first require a conditional use permit in an M-2 district:

- A. Two thousand or more water gallons of inflammable liquids (Class I or Class II);
- B. Fifty gallons or more of unstable liquids;
- C. Fifty pounds or more of fireworks;
- D. Fifty pounds or more of blasting agents;
- E. Fifty pounds or more of explosives;
- F. Magazines Class II (Class I magazines are not permitted);
- G. Five hundred pounds or more, or two hundred gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials;

- H. Unstable (reactive) chemical, including organic peroxides and nitromethane;
- I. Fifty pounds or more of ammonium nitrate;
- J. Two thousand or more water gallons of liquefied petroleum gases.

18.32.050 Building or structural height limitation. The maximum or structural height for any building in a M-2 district shall be four stories or forty-eight feet, whichever is the lesser. Except where the M-2 district is adjacent to an "R" district in which case structural height limitation will be subject to design review procedures.

18.32.060 Lot area and dimensions. Minimum lot width and depth in an M-2 district shall be:

- A. Lot area. The minimum lot area shall be nine thousand square feet.
- B. Lot dimensions. The minimum lot width shall be sixty feet, except for corner lots which shall be not less than sixty-five feet wide.

18.32.070 Lot coverage. One hundred percent coverage is allowable in an M-2 district providing loading space, parking and setback requirements have been furnished.

18.32.080 Yard regulations. Yard regulations in the M-2 district shall be as follows:

- A. Front yards. No front yard shall be required.
- B. Side yards. No side yard shall be required. If side yards are created, they shall be a minimum of three feet wide and three feet deep. No structural improvements, except road surfacing shall be allowed within ten feet of the centerline of an alley.
- C. Rear yards. No rear yard is required provided no structural improvements, except road surfacing shall be allowed within ten feet of the centerline of an alley.

18.32.090 Fences, hedges, wall and other structures.

- A. Where an M-1 light industrial district abuts a residential district, the planning commission shall require that a fence, evergreen hedge or wall be erected along and immediately adjacent to the abutting property line that is the zone boundary. The planning commission shall also require that a fence, evergreen hedge or wall be erected to screen the view of storage yards and operations not enclosed in a building. Such a fence, hedge or wall shall:
 - 1. Screen not less than seventy percent of the view;
 - 2. Not be less than five feet nor more than eight feet in height;
 - 3. Not be more than four feet in height in the required front yard. One entrance pergola or arbor that does not exceed ten feet in height or twenty-five square feet in ground coverage, is open on at least two sides, and has an entrance with a minimum clearance of thirty six inches in width and eighty inches in height may be placed in each yard abutting a street.
 - 4. All fences and structures shall be placed so that all required vision clearance areas are maintained.

(Ord. 2862, §3 (part), 2001)

18.32.100 Signs. Only the following signs shall be allowed in an M-2 district:

- A. One identity sign for each development site under separate ownership, not to exceed two hundred square feet in area;
- B. One sign not exceeding two square feet in area and bearing only property numbers, postbox number, and/or name of occupants of premises;
- C. See Chapters 18.38 and 18.40 for other sign requirements.

18.32.110 Parking and loading space. No parking space shall have direct access from the street in an M-2 district:

- A. A minimum of three parking spaces for visitors shall be provided on each building site;
- B. One parking space for each employee per shift operating on or from the site shall be provided on or within four hundred lineal feet of the building site;
- C. One parking space for each vehicle operated from the site shall be provided on or within four hundred feet of the building site;
- D. Parking and loading space must be approved by the city engineer.

18.32.120 Vision clearance. Vision clearance in an M-2 district shall be as follows:

- A. Vision clearance on corner lots shall be twenty feet;
- B. Vision clearance on alley-street intersections shall be ten feet.

Chapter 18.33

MUM MIXED USE MASTER PLAN COMBINING DISTRICT

Sections:

- 18.33.010 Purpose
- 18.33.020 Application
- 18.33.030 Permitted buildings and uses
- 18.33.040 Development standards
- 18.33.050 Dedication and maintenance facilities
- 18.33.060 General location criteria
- 18.33.070 Professional design team
- 18.33.080 Application procedures
- 18.33.090 Pre-application conference
- 18.33.100 Mixed Use Master Plan Application

18.33.110 Application approval

18.33.120 Final approval

18.33.130 Adherence to approved plan and modification thereof

18.33.140 Expiration of mixed use master plan

18.33.010 Purpose. The MUM Mixed Use Master Plan combining district is intended to:

- A. Plan for the future development of a use, multiple uses and/or phased developments;
- B. Consolidate review of multiple land use applications, ex. conditional use permit, design review permit, greenway conditional use permit, historic alteration review;
- C. Encourage the planned development or redevelopment of large tracts of land;
- D. Encourage better land utilization through the flexible application of zoning regulations;
- E. Preserve the natural amenities of land to the greatest extent possible;
- F. Provide for the efficient use of public utilities, services and facilities through better use of land;
- G. Reduce impacts caused by uncoordinated piecemeal expansions; or,
- H. Provide for the redevelopment of existing, non-conforming uses to assure public health and safety, in compliance with applicable zoning ordinance regulations.

18.33.020 Application. A mixed use master plan combining district may be established in any residential professional, parks & recreation, or community commercial district on a parcel or parcels of land under one ownership which are suitable for and of sufficient size for planning and development in a manner consistent with the purposes and objectives of this chapter. The holder of a written option to purchase, including any governmental agency, shall be deemed the owner of such land for the purposes of this chapter in addition to the record owner.

18.33.030 Permitted buildings and uses - Mixed Use Master Plans. Permitted uses and buildings in a MUM combining zone shall be as follows:

- A. Permitted, conditionally permitted, or conditionally permitted with a mixed use master plan in the underlying zone;
- B. Similar or ancillary uses to those listed above as preliminarily approved by the Community Development Director and approved by the planning commission and city council.

18.33.040 Development standards. To insure the orderly development of planned unit developments, the following development standards shall apply:

- A. Land coverage. Unless the planning commission prescribes otherwise, land coverage shall be the same as the zoning district in which the mixed use master plan combining district lies.
- B. Open space. Open space within a mixed use master plan may include land used for scenic, landscaping, or passive recreational purposes. Open space does not include areas covered by structures or parking, or required perimeter yards. In all mixed use master plan developments, a minimum of ten percent of the net development area shall be devoted to open space uses.

However, the planning commission may require a greater amount of open space if it deems it necessary in order to accomplish the purpose of this chapter.

- C. **Parking.** Parking space requirements for buildings and uses shall be determined by the Community Development Director during the pre-application phase of the MUM application and applied to the MUM plan application. Parking areas shall not be considered open space.
- D. **Perimeter yards.** Along the perimeter of any mixed use master plan combining zone, the planning commission may require adjacent to each contiguous district a yard at least as deep as that required by the front yard regulations of such zone. Open space may not serve as a perimeter yard unless the planning commission finds that such a dual purpose use of the land is in compliance with this regulation.
- E. **Height.** Unless the planning commission prescribes otherwise, height shall be the same as the zoning district in which the mixed use master plan combining district lies.
- F. **Underground utilities.** All new and/or replacement electrical, telephone, cable television, fire alarm, street light, and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer unless the planning commission waives this requirement because of unusual subsurface conditions.
- G. **Waiver of Development Standards.** The minimum development standards of the zoning district in which the MUM development lies shall not dictate the strict guidelines for development within the mixed use master plan but shall serve to inform the developer of the importance of developing a project that will reflect the intent of this chapter.
- H. **Conditional Use General & Applicable Conditions.** The general conditions, and applicable additional conditions set forth in Chapter 18.46 Conditional Use Permits shall apply.
- I. **Riparian standards.** All proposals shall be consistent with the the Riparian Vegetation - Row River criteria as set forth in Section 18.38.060.
- J. **Historic Alterations.** Criteria for alterations of historic landmarks (section 18.34.060) shall apply whenever alterations are proposed for designated historic landmarks.

18.33.050 Dedication and maintenance of facilities. The planning commission may, as a condition of approval for any development, require that portions of the parcel or parcels of the mixed use master plan be set aside, improved, conveyed or dedicated for the following uses:

- A. **Easements.** Easements necessary to the orderly extension of public or private utilities may be required as a condition of approval.
- B. **Streets.** Streets necessary to the proper development of either the master plan development or adjacent properties may be required as a condition of approval.
- C. **Recreation facilities.** A suitable area for parks or playgrounds for the owners, residents, employees or patrons of the development may be required as a condition of approval. Suitable links to trails, streets, pedestrian paths or bicycle paths may be required as conditions of approval.
- D. **Open space and common facilities.** Open space and common facilities may be required as conditions of approval per the development standards of this title. The planning commission shall require that open space and common facilities be maintained. Required maintenance of any common facilities including, but not limited to, common streets, parking, circulation areas, open spaces, trails and storm water facilities, shall be ensured by covenants approved by the City.

Failure to maintain any common area or amenity shall be considered a violation of this title.

- E. Public Utilities. Provision of public utilities for water, wastewater, storm and/or fire protection may be required as a condition of approval.

18.33.060 General location criteria. A mixed use master plan permit may be granted by the Planning Commission and City Council only if it is found that the development conforms to all the following criteria as well as to the mixed use master plan development standards:

- A. That the location, design, and size are such that the development can be integrated with its surroundings, or in the case of a departure in character from surrounding land uses that the location and design will address the impacts of the development;
- B. That the traffic generated by the development does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan;
- C. That the location, design, size and land uses are such that the development can be adequately served with existing or planned facilities and services, such as utilities, fire, or engineering standards, which may be provided in phases.

18.33.070 Professional design team.

- A. The developer for all proposed mixed use master plans shall certify that the talents of at least one or more of the following professionals shall be utilized in the planning process for development.
 - 1. An architect licensed by the state;
 - 2. A landscape architect licensed by the state;
 - 3. A registered engineer or both a registered engineer and a land surveyor licensed by the state;
 - 4. An attorney.
- B. One of these professional consultants chosen by the applicant, except where the City is the applicant, shall be designated to be responsible for conferring with the staff to the planning commission with respect to the concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner or developer in consulting with the planning commission or the staff to the planning commission.

18.33.080 Application procedures. There shall be a three stage review process for all mixed use master plans, consisting of a pre-application conference, application review (planning commission), and final approval and adoption by ordinance (city council). The planning commission shall recommend to city council approval, approval with changes, or rejection of adoption of the MUM combining district. Any MUM approved by city council shall be by ordinance.

18.33.090 Pre-application conference.

- A. A letter of intent for the mixed use master plan shall be submitted to the staff to the planning commission by the owner of the properties to be developed. The developer or the professional

coordinator shall meet one or more times together with the staff to the planning commission in a pre-application conference and determine whether the requirements of this chapter have been met. If there is a disagreement on compliance with this chapter, the developer or the staff may take the pre-application information to the planning commission for their determination of whether the required information has been submitted.

- B. The developer shall provide the following information at the pre-application conference:
1. A written statement providing:
 - a. Proposed name of the mixed use master plan development,
 - b. Location and legal description,
 - c. Name and address of owners and developer,
 - d. Names and addresses and professional qualifications of design team,
 - e. Type and number of residential and non residential uses,
 - f. Buildings/facilities involved with these uses (existing or proposed),
 - g. Tentative operation and maintenance data (for commercial, professional or related uses, landscaping, etc.),
 - h. Parking, landscaping and open space data,
 - i. Existing and proposed utilities, and
 - j. General time table for development.
 2. Schematic drawing(s) at a minimum scale of one inch equals two hundred feet showing:
 - a. Existing natural features, such as watercourses, rock outcroppings, wood areas, wetlands, greenways,
 - b. Location of existing utilities and drainage ways,
 - c. Location and names of all prior platted streets, parks, and railroad and utility rights-of-way,
 - d. General location of existing and/or proposed buildings and structures and their uses, parking, open space and ownership pattern, and
 - e. A traffic-flow map showing circulation patterns within and adjacent to the proposed development, including trails, sidewalks, streets, parking lots, loading areas, etc.
- C. Staff response. The staff shall provide written comments to the applicant on the information provided at the pre-application meeting for use in developing the Mixed Use Master Plan application.

18.33.100 Mixed Use Master Plan Application. Following the pre-application meeting(s), the applicant shall make an application to the planning commission for a Mixed Use Master Plan. This application should address issues raised during the pre-application meetings, as well as all criteria included in this chapter. Following application submittal, the planning commission shall hold a public hearing, or any continuance thereof, on the proposed mixed use master plan. Following the public hearing(s), the planning commission will recommend to city council approval, approval with changes, or rejection of adoption of a MUM combining district.

The following information shall be provided at the application stage as an addition to any information required as part of the pre-application review:

A. A written statement providing:

1. Written consent to the final development plan and program by owners or contract purchasers on application form provided by the Community Development Department,
2. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure,
3. The stages for development of private and public facilities,
4. Drafts of proposed methods providing for the maintenance in perpetuity of any public open spaces and recreational areas not dedicated to the city, including agreements by property owners associations, dedicatory deeds or reservations of public open space; and
5. Description of how proposed master plan meets 18.33.060 General Location Criteria.

B. Maps and drawings at a minimum scale of one inch equals one hundred feet showing precise location of the following:

1. Contours after development at intervals of:
 - a. One foot for ground slopes less than one percent,
 - b. Two foot for ground slopes between five and ten percent,
 - c. Five foot for ground slopes in excess of ten percent;
2. Location and size of proposed storm drainage system, sewer, water, and utilities, as required;
3. If the land is to be subdivided, a subdivision plat with street system and lot design with appropriate dimensions;
4. Location and dimensions of pedestrian walkways, paths and trails within site and connecting to surrounding neighborhood, including horse and bike trails;
5. Location, arrangement, number and dimensions of automobile garages, parking spaces and the width of aisles, bays and angle of parking, bicycle parking, and truck loading space (s);
6. Location, arrangement, and type of lighting, public address systems, and outdoor storage;
7. Location of permanent buildings and structures and their uses, open space and dedicated or reserved properties;
8. Preliminary architectural plans depicting the general height, bulk and type of construction of proposed buildings and their approximate location on lots;
9. Preliminary landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting, pertinent landscape features, irrigation and fences, etc.;
10. Location, character and type of signs; and,
11. Other improvement plans as may be required by staff during pre-application meeting(s).

18.33.110 Application Approval. Planning commission action. The planning commission shall determine, after such public hearings, whether the proposal conforms to the criteria set forth in this chapter and may recommend to city council approval, approval with changes or such conditions of approval as are in its judgment necessary to ensure conformity to the criteria and regulations, or denial of the mixed use master plan. In so doing, the planning commission may recommend submission of the final development plan in phases, corresponding to different units or elements of the development.

18.33.120 Final approval.

- A. City council action. After receipt by city council of the planning commission report, the city council shall review the proposed MUM for compliance with the criteria of this section. Any MUM approved by city council shall be adopted by ordinance as an amendment to the city's official zoning map.
- B. Ordinance. The ordinance shall include schedules for development, conditions of approval, requirements for modifications to approved plan, and expiration date.

18.33.130 Adherence to approved plan and modification thereof.

- A. All persons and parties, their successors, heirs or assigns, who own, have or will have, by virtue of purchase, inheritance or assignment, any interest in the real property within an approved mixed use master plan development shall be bound by the conditions of the mixed use master plan. Failure to comply with such conditions shall be grounds for a repeal or revision of the mixed use master plan.
- B. The approved final plan and stage developments schedule shall restrict the nature, location and design of all land uses.
- C. Minor changes in the approved final plan, including extension or revision of the stage development schedule, may be approved by the Community Development Director if such changes are consistent with the purposes and general character of the plan.
- D. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

18.33.140 Expiration of mixed use master plan. Within two years of ordinance adoption, if substantial construction or development of the mixed use master plan development has not occurred in accordance with the approved final development plan and program, the planning commission shall initiate a review of the mixed use master plan combining zone at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the city council that the mixed use master plan combining district adopting ordinance be repealed.

Chapter 18.34

HP HISTORIC PRESERVATION OVERLAY ZONE DISTRICT

Sections:

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Definitions
- 18.34.040 Criteria for historic designation
- 18.34.050 Procedure for designation of historic landmarks

- 18.34.060 Criteria for alterations of historic landmarks
- 18.34.070 Procedure for alterations of historic landmarks
- 18.34.080 Criteria for demolition of historic landmarks
- 18.34.090 Procedure for demolition of historic landmarks
- 18.34.100 Appeals procedures
- 18.34.110 Dimensional development standards
- 18.34.120 Nonconforming uses of historic landmarks
- 18.34.130 Special HP use permits for historic landmarks
- 18.34.140 Signs
- 18.34.150 Building code considerations
- 18.34.160 Design review of new construction on properties adjacent to historic landmarks

18.34.010 Purpose. The purpose of this chapter is to implement the Historic Sites and Structures element of the Comprehensive Plan, and to establish administrative procedures and regulatory enhancement and continued use of historic resources in the City for present and future generations of citizens as part of the heritage, beauty, quality, economy and value of the City and as sources of pride, education, value and enjoyment for all citizens.

18.34.020 Applicability. The provisions of this chapter are applicable to:

- A. Any historically significant element of any designated historic landmark in any zoning district of the City.
- B. Any resource in any zoning district that has been formally nominated and accepted for possible designation, until such time as the designation is denied.
- C. Buildings, structures, sites, objects and districts that are listed on the National Register of Historic Places.
- D. Properties directly adjacent to a historic landmark, which shall be subject to the design review criteria of Section 18.34.160 only.

18.34.030 Definitions. For the purposes of Chapter 18.34, the following words, terms and phrases shall be defined in the manner set forth below:

- A. Alteration. Any physical change or modification of a historic landmark or its environs, with the exception of simple cleaning and maintenance. Alteration includes repair, replacement, addition and/or removal of material to or from a historic landmark. The following terms are included under the definition of alteration:
 - 1. Relocation. The act of removing and relocating a historic landmark, including the removing or relocating of a non-historic resource within a designated historic district or site, or upon property directly adjacent to a historic landmark.
 - 2. Demolition. The destruction, razing, defacing or dismantling of a historic landmark which causes partial or total ruin.
 - 3. New Construction. The development of new additions and/or structures upon a historic

landmark or its site, including any site, structure or object in a designated historic district or upon property directly adjacent to a designated landmark.

- B. Base Zoning District. The type of zoning that applies to any given historic resource or any other property within the City. The base zoning district is used to determine the permitted uses for buildings and properties and the development standards that apply to them.
- C. Designation. For purposes of this chapter, "designation" means the formal legal process described herein that recognizes a historic resource as a historic landmark and results in the application of "HP" Historic Preservation Overlay Zone District zoning upon a historic resource.
- D. Historic Landmark. A historic resource that has been designated under the procedures described in this chapter and is therefore subject to its rules and regulations.
- E. Historic Resource. Any building, structure, site, district and/or object that potentially can meet one or more of the criteria for designation as a historic landmark, or has been so designated.
- F. HP Historic Preservation Overlay Zone District. A special overlay zone applicable to all historic landmarks that imposes additional standards and regulations designed to encourage its preservation through appropriate treatments. These standards and regulations are in addition to all base zone district standards and regulations and, in case of any conflicts or for other preservation-related reasons, shall supersede any base zone district standards and regulations.

18.34.040 Criteria for historic landmark designation. Before a historic resource is designated as a historic landmark, the Planning commission shall make affirmative findings that the nominated historic resource merits honor and recognition as a historic landmark that has significance to the City under one or more of the following criteria:

- A. Its association with historic or famous events.
- B. Its association with significant persons in the past.
- C. Its architectural design or method of construction, which portrays and/or embodies one or more of the following:
 - 1. Distinctive architectural style or character from a period in the past.
 - 2. Architectural merit by reason of its use of materials, design, details, or craftsmanship.
 - 3. The work of a builder or architect whose work has influenced the development of the community.
- D. Its relationship to the cultural, social, political and/or economic history of the community.
- E. Its identification as a resource that represents an aesthetic or educational feature of the community.
- F. It is likely to yield important information about pre-history or the historic past of the community.

18.34.050 Procedure for designation of historic landmarks.

- A. A resource may be nominated for historic landmark designation by any group or person. All nominations must include written proof that the owner, or a majority of the owners, of the historic resource supports such designation.
- B. Nomination shall be submitted in writing to the Office of Planning and Development. The application shall be accompanied by documentation and/or materials which can demonstrate that

- the resource is eligible for designation under one or more of the criteria listed in this chapter.
- C. The Office of Planning and Development shall then schedule a public hearing on the nomination before the Planning Commission. The hearing shall be conducted in accordance with Chapter 18.58 of this title and all applicable state statutes. The Cottage Grove Historical Society, the owner/applicant and other interested parties shall receive notice of the hearing and opportunity to comment.
 - D. The Planning Commission shall approve, approve with conditions, or deny the nomination.
 - E. Once the nomination is approved and the decision become final, the resource shall be designated a historic landmark, subject to any conditions of approval, and the HP Historic Preservation Overlay Zone and the regulations of this Chapter shall apply to the landmark.
 - F. At any point during the designation process, the owner of the nominated resource may refuse to consent to designation. Such refusal shall terminate the designation process and remove the property from any form of consideration under this section, unless the owner, or any successors, heirs or assigns, consents to such considerations at some time in the future. In the event of such refusal, no permit for the demolition or alteration of the property shall be issued for 120 days following the date of the refusal of the owner to consent to such designation.
 - G. Notwithstanding the procedures described above, when any historic resource within the jurisdiction of the City is officially entered into the National Register of Historic Places, the resource shall automatically become designated by HP overlay zoning as a historic landmark.

18.34.060 Criteria for alterations of historic landmarks. The following criteria shall be considered whenever alterations are proposed for historic landmarks:

- A. The distinguishing historic qualities or character shall not be destroyed. Removal or alteration of historic material or distinctive features shall be avoided whenever possible.
- B. All landmarks shall be recognized as products of their own time. Alterations that have no historic basis and which create a false sense of historical development or add conjectural features or elements shall be avoided.
- C. Changes that have acquired historic significance in their own right may be retained and preserved.
- D. Distinctive materials, features, finishes and construction techniques or examples of craftsman shall be preserved. Deteriorated elements that require replacement because they cannot be repaired shall be matched in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary evidence.
- E. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial arrangements that characterize the landmark. New work shall be differentiated from the old yet compatible with historic materials, features, size, massing, scale and proportion, so that the integrity of the landmark and its environment is maintained.
- F. Cleaning and maintenance shall be undertaken using the gentlest means possible in order to minimize any potential damage.
- G. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the landmark and its environment would be unimpaired.
- H. Archeological resources shall be protected and preserved in place, or if necessarily disturbed,

mitigation measures shall be undertaken.

- I. *The Secretary of the Interior's Standards for the Treatment of Historic Properties 1992* shall serve as additional and/or supplemental guidelines for alteration projects, as appropriate.

18.34.070 Procedure for alterations of historic landmarks. Application for alteration of historic landmarks shall be made at the Office of Planning and Development, in accordance with procedures for design review and/or permit issuance. The following items are required to be submitted with an application, as appropriate:

1. Elevations;
 2. A site plan; and
 3. Any other documentation, descriptions or drawings requested by the Office of Planning and Development.
- A. The office of Planning and Development may process applications without a public hearing by the Planning Commission when:
 1. The proposed alteration involves minor changes that do not materially effect the significant elements of an existing landmark resource;
 2. The proposed alteration is for general maintenance, such as painting, re-roofing, fencing, sign changes, etc.
 3. The proposed alteration is an emergency repair that requires expedited action.
 - B. The Planning Commission shall consider all other applications for the proposed alterations, in addition to any application that the Director of Planning and Development determines should be reviewed by the Planning Commission.
 - C. Upon determination that an application is complete, a public hearing will be scheduled for Planning commission review of proposed alterations at their next available public meeting. The review and hearing shall be conducted in accordance with Chapter 18.58 of this title and applicable state statutes.
 - D. The Planning Commission or Office of Planning and Development shall approve, approve with conditions, continue, or deny the application. The approval authority may set such conditions on the application as deemed reasonable or necessary in order to achieve the intent and purpose of this chapter and title.
 - E. Review and approval of alteration applications by the City does not substitute or remove requirements for review by the State Historic Preservation Office when the historic landmark is subject to any state or federal programs.

18.34.080 Criteria for demolition of historic landmarks. The following criteria shall be considered by the Planning Commission during review of a proposed demolition permit for designated historic landmarks:

- A. The state of repair of the landmark;
- B. The reasonableness of the cost for other treatment or repair taking into account the purpose of preserving such landmarks;

- C. The impacts on the character of the neighborhood;
- D. The importance of the landmark to the community;
- E. The criteria for alterations of historic landmarks; and
- F. Any other factors which it deems appropriate.

18.34.090 Procedure for demolition of historic landmarks.

- A. The Planning Commission shall hold a public hearing on the application in accordance with the alteration procedure of this chapter. Upon the close of the hearing, the Commission may take the following action:
 - 1. Approve the issuance of a permit, when it is found that the application is in compliance with all other codes, ordinances and policies of the City.
 - 2. Stay the issuance of a permit for a period of up to ninety (90) days, when it is found that in the interest of preserving historic values, the landmark should not be demolished.
- B. At the end of the stay of issuance by the Planning Commission, the City Council may, at the request of the Commission, or on its own motion, continue the stay for an additional period not to exceed two hundred and ten (210) days from the date of application, when it finds that:
 - 1. There is a program or project underway that could result in public or private acquisition of the landmark for preservation; and
 - 2. There is reasonable grounds to believe such program or project will meet with success.
- C. A demolition permit shall be issued at the end of a stay of issuance ordered by the City Council when it is found that:
 - 1. The preservation project or program has not been successful;
 - 2. The application for demolition has not been withdrawn; and
 - 3. The application complies with any other relevant codes and ordinances of the City.
- D. During any such stay of issuance as listed above, no demolition permit shall be issued and no person shall demolish the designated landmark unless the stay of issuance has been successfully appealed and a directive to issue a demolition permit has been ordered.

18.34.100 Appeal procedures. Appeals of decisions rendered under this chapter shall proceed as follows:

- A. Historic Landmark designations: Designations or denials of designations of historic landmarks by the Planning Commission shall become final unless appealed to the City Council according to the procedures set forth in Chapter 18.58 of this Title.
- B. Alterations: Office of Planning and Development decisions may be appealed to the Planning Commission, who shall hold a public hearing on the application at their next regularly scheduled meeting, in accordance with the procedures of this Chapter and Chapter 18.58 of this title. Decisions of the Planning Commission shall be final, unless appealed to the City Council according to the procedures set forth in Chapter 18.58 of this title.
- C. Demolitions: Decisions of the Planning Commission may be appealed to the City Council according to the procedures set forth in Chapter 18.58 of this title. Decisions of the City Council shall be the final decision of the City.

18.34.110 Dimensional development standards.

- A. The dimensional development standards, such as setbacks, lot coverage, building height, off-street parking requirements, etc., of the base zoning district applicable to historic landmarks shall apply only to new construction and relocation alterations and shall not apply to any repair, replacement, reconstruction or restoration of historically significant or accurate features.
- B. New construction or relocation alterations upon or adjacent to a historic landmark may be granted a variance to any dimensional development standard of the base zoning district when it is determined that a variance would enable such alterations to more successfully address the review criteria of this chapter.

18.34.120 Nonconforming uses of historic landmarks. Nonconforming status shall not be a factor for consideration in the nomination or designation of a historic landmark or its subsequent treatment. Any historic landmark that is not in conformance with base zoning district standards and/or regulation shall be exempt from Chapter 18.44 Nonconforming Lots and Uses of this title.

18.34.130 Special HP use permits for historic landmarks.

- A. In cases where the base zoning district does not list a use as permitted for a historic landmark property and the Planning Commission has not determined that the proposed use as an unspecified permitted use under Section 18.58.020 (E) of this title, the owners or their assigns may apply for a special HP use permit to allow such use under the following standards:
 - 1. The use is such that it will otherwise enable the continued preservation of the landmark by allowing for a more economical return for the property.
 - 2. The use will not interfere with the ability of the landmark to meet the criteria for alterations listed in this Chapter under Section 18.34.040 (A).
 - 3. The use will not adversely affect the character of the neighborhood and functions of other properties in the area.
- B. Applications for special HP use permits shall be subject to a public hearing and Planning Commission review under the procedures described in Section 18.34.040 (E) and (F) of this Chapter.

18.34.140 Signs. Sign permits for historic landmarks shall be required and shall be subject to Office of Planning and Development approval.

- A. All signs placed upon historic landmarks shall conform to the sign regulations of the base zoning district and Chapter 18.40 signs of this title, except that sign type, design and materials shall be compatible with the historical character of the landmark and /or comparable signs that previously existed on the landmark itself during its historic period of significance. All signs shall be applied to the landmark in a manner that minimizes harm to its historic material to the greatest extent possible.
- B. Any sign designated as a historic landmark by virtue of its own merit under one or more of the

criteria listed in this Chapter under Section 18.34.040 is exempt from any sign and/or nonconforming lot and use regulations of this Title, with the exception of the criteria for alterations listed in this Chapter under Section 18.34.060 (A). The Office of Planning and Development may process and approve, approve with conditions, or deny application for designation of historic signs without a public hearing by the Planning Commission at the request of the owner.

18.34.150 Building code considerations. Alterations that require a building permit shall conform to the requirements of the State Structural Specialty Code, except that, upon review and authorization of the City Building Official, alternative standards, such as those found in the Uniform Code for Building Conservation, may be applied when their application shall:

- A. Promote the objectives and standards of the criteria for alterations of this chapter; and
- B. Result in conditions that are no more hazardous to life, safety, fire safety and sanitation than those in existence prior to alteration.

18.34.160 Design review of new construction and relocations on properties adjacent to historic landmarks. All new construction and relocations on properties directly adjacent to historic landmarks shall be subject to design review by the Office of Planning and Development or Planning Commission, as set forth under Chapter 18.50 Design Review of this title. In order to achieve the purpose of this Chapter and honor, respect and support the historic preservation effort of owners of historic landmarks, the following design criterion, in addition to any other applicable design review criteria listed in Chapter 18.50 Design Review of this title, shall also apply to proposed activities on such properties:

- A. New construction or relocations on properties adjacent to historic landmarks shall be compatible with the overall character of the landmark in:
 - 1. Use of exterior materials, such as roofing and siding;
 - 2. Exterior features, such as roof pitch, eaves, window shapes, types and arrangements, doorways, porches, landscaping, etc.;
 - 3. Size, height, bulk, mass, scale, placement, arrangement of spaces and overall proportions.

(Ord. 2822, Exhibit "A," 1998)

Chapter 18.35

PANHANDLE/FLAG LOT REGULATIONS

Sections:

18.35.010 Purpose

18.35.020 Definition

18.35.030 Applicability

18.35.040 General provisions

18.35.050 Design standards

18.35.010 Purpose. The purpose of this section is to encourage the infilling of underutilized land areas of the City, more intensive land development, and compact growth by permitting modification of the street frontage and other requirements of the subdivision and zoning ordinances for certain development sites that meet the applicability standards of this chapter.

18.35.020 Definition. Panhandle lot or parcel. Certain lots or parcels that the City has approved with no lot frontage on a street or road other than a panhandle. The "panhandle" is an access corridor to lots or parcels located behind lots or parcels with normal or standard required street frontage.

18.35.030 Applicability.

- A. The creation of new panhandle lots shall be allowed when it can be shown that:
 - 1. Topographical or other physical limitations are such that the creation of a panhandle lot provides the only reasonable method of partitioning or subdividing the parent property for development, and;
 - 2. The new panhandle lot(s) and remaining parent property will be in conformance with the provisions and standards set forth in this chapter and with any other applicable requirements of the Municipal Code.
- B. In no case shall the creation and development of panhandle lots be approved when it can be shown that the property can reasonably be served by the development of streets or roads that would provide the same development site with the otherwise required street frontage. Panhandle access strips shall not be created as a substitute for streets or roads.

18.35.040 General provisions.

- A. The dimensional calculations for panhandle lots or parcels shall not include any area of any portion of the panhandle access for the lot or parcel which is used for or designed to provide access from the lot or parcel to the street.
- B. All rear residential lots or parcels shall be at least 6,000 square feet in area, except as hereinafter provided.
- C. All single-family residential front lots or parcels shall be a minimum of 4,500 square feet in area and shall comply with the off-street parking, setback and street frontage requirements of the zoning district in which they are located.
- D. Notwithstanding B. and C. above, oversized residential lots and/or parcels that have existing dwellings on the property may reduce the total rear lot area requirement of the applicable residential zoning district for a single-family dwelling to a minimum of 5,000 square feet to allow for the creation of a panhandle partition or subdivision of the parent property, provided that all other applicable development standards will be met.
- E. Existing legal lots of record that are nonconforming as to minimum lot width requirements may

be partitioned or subdivided to create new rear panhandle/flag lots, provided that all other applicable development standards will be met.

- F. All land divisions shall conform with all other applicable standards and requirements of Title 17 SUBDIVISIONS of the Municipal Code and Chapter 92 of the Oregon Revised Statutes, and shall be filed and recorded with Lane County.

18.35.050 Design standards. The following standards shall apply to the division and design of panhandle lots or parcels:

- A. A maximum of four lots or parcels may be assigned to a single panhandle.
- B. Minimum panhandle width and street frontage shall be:
1. One or two rear lots or parcels — 20 feet in width, with minimum 12 foot paved surface width.
 2. Three or four rear lots or parcels — 25 feet in width, with minimum 18 foot paved surface width.
 3. All panhandle access drives shall comply with current applicable City Standards and codes.
 4. Panhandle access that extends over 150 feet in length shall have an unobstructed width and a uniform surface of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Such access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. An approved area for the turning around of fire apparatus at the dead-end portion of such access ways shall also be provided.
 5. Additional right-of-way and pavement width, along with other improvements, may be required, depending upon the nature and extent of the proposed development.
- C. Vehicular parking shall not be allowed on required panhandle access strips unless additional sufficient width is provided as required by the Staff Review Committee.
- D. Primary vehicular access from public streets to rear lots or parcels may be obtained in one of four ways:
1. Via a panhandle driveway;
 2. Via an abutting property's driveway;
 3. Via a private easement in perpetuity; or
 4. Via a private road.
- E. If an abutting property's access driveway and/or a private easement is used:
1. An "access easement-maintenance agreement" shall be required and shall be recorded in the Lane County Office of Deeds and Records;
 2. There shall be sufficient room elsewhere on the abutting property to meet off-street parking requirements for that property.
- F. When the panhandle is used for access and the abutting property owner requests a visual buffer, that buffer shall consist of the following:
1. A minimum of five foot high sight-obscuring fence or wall; or,
 2. Landscaping that will be five feet high and 75 percent sight-obscuring within five years.
- G. Whether or not the panhandle is used for access, it shall remain free of structures and be available

for possible future access to a public street.

- H. Each lot or parcel shall have at least two permanent parking spaces. The required parking spaces shall not be located in the panhandle portion of the driveways.
- I. Driveway (which may or may not be the panhandle) and parking areas shall have a durable, dust-free surfacing of asphalt concrete, Portland cement concrete or other approved material.
- J. Except as provided herein, the design and development standards of the zone district in which the panhandle lots or parcels are located shall apply, except that the required minimum setbacks for residential uses shall be as follows:
 - 1. A minimum setback of 10 feet shall be provided from any two property lines; and
 - 2. A minimum setback of 5 feet shall be provided from any other property line.
 - 3. Yard setback requirements may be waived upon the joint request of the owners of the adjacent properties involved. Such waiver shall require that the following minimum conditions be met:
 - a. The joint request shall be in writing and signed by the property owners, notarized, and be recorded in the Lane County Office of Deeds and Records.
 - b. Staff approval of the waiver, based upon findings that the waiver will not constitute a threat to the health, safety and welfare of surrounding property owners or the community.
 - c. The waiver shall be limited to the life of the structure or structures for which the waiver is granted, subject to the terms and conditions of Chapter 18.44 Nonconforming Lots and Uses.

(Ord. 2778, Exhibit "B," 1996)

Chapter 18.36

PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE

Sections:

18.36.010 Purpose

18.36.020 Application

18.36.030 Permitted buildings and uses — Planned residential development

18.36.040 Buildings and uses permitted conditionally

18.36.050 Development standards

18.36.060 Dedication and maintenance facilities

18.36.070 General location criteria

18.36.080 Professional design team

18.36.090 Development procedures

18.36.100 Pre-application conference

18.36.110 Zone map

18.36.120 Preliminary approval

18.36.130 Preliminary approval action

18.36.140 Final approval

18.36.150 Adherence to approved plan an modification thereof

18.36.160 Expiration of planned unit development

18.36.010 Purpose. The PUD planned unit development overlay zone is intended to:

- A. Encourage the planned development of large tracts of land;
- B. Encourage better land utilization through a flexible application of zoning regulations;
- C. Preserve the natural amenities of land and provide opportunities to enhance habitat areas;
- D. Encourage clustering of residential dwellings to achieve energy and resource conservation while also achieving the planned density for the site;
- E. Provide for the efficient use of public utilities, services, facilities and open space through better use of land; and,
- F. Create opportunities for a wider variety of choice in life styles and dwelling types that help meet the needs of all income groups in the community.

18.36.020 Application.

- A. A planned unit development overlay zone shall be required for developments in excess of a minor partition of a parcel 5 acres in size or greater, characterized by slopes in excess of 20%.
- B. A planned unit development overlay zone may be established in any residential district on a parcel or parcels of land under one ownership which are suitable for and of sufficient size for planning and development in a manner consistent with the purposes and objectives of this chapter. The holder of a written option to purchase, including any governmental agency, shall be deemed the owner of such land for the purposes of this chapter. (Ord. 2910)

18.36.030 Permitted buildings and uses - Planned residential development. Permitted uses and buildings in the PUD overlay zone shall be as follows:

- A. Single family dwellings;
- B. Duplexes;
- C. Multi-family dwellings;
- D. Common public and private open space;
- E. Public and private nonprofit parks, playgrounds, community centers and recreational facilities;
- F. Hiking and riding trails;
- G. Private commercial clubs, such as golf, swimming, tennis and country clubs.
- H. Accessory buildings and uses to the extent necessary and normal to the uses permitted in this chapter.

18.36.040 Buildings and uses permitted conditionally. The planning commission, subject to the procedures set forth in Chapter 18.46, may grant a conditional use permit for the following uses:

- A. Churches, except rescue missions or temporary revivals;
- B. Day care facility, provided the residential character of the building is maintained;
- C. Residential home and family day care facility;
- D. Public and semi-public buildings, such as fire stations, libraries, substations, reservoirs, essential to the physical, social, and economic welfare of an area;
- E. Public and parochial schools;
- F. Commercial uses and services. (Ord. 2910)

18.36.050 Development standards. To insure the orderly development of planned unit developments, the following development standards shall apply:

- A. Minimum size of development. A planned unit development shall not be established on less than five acres of contiguous land unless the planning commission finds that property less than five acre is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as an isolated problem area.
- B. Land coverage. Unless the planning commission prescribes otherwise, land coverage shall be the same as the zoning district in which the planned unit development overlay zone lies.
- C. Density. Unless the planning commission may prescribe more restrictive regulations as a condition to the approval of a planned unit development, the maximum number of dwelling units permitted in an any planned unit development shall be determined as follows:
 - 1. Divide the net development area by the minimum lot area per dwelling unit required by the zoning district in which the planned unit development overlay zone is located;
 - 2. Net development area shall be determined by subtracting the area set aside for conditional uses from the gross development area.
- D. Perimeter yards. Along the perimeter of any planned unit development overlay zone, the planning commission may require adjacent to each contiguous district a yard at least as deep as that required by the front yard regulations of such zone. Open space may not serve as a perimeter yard unless the planning commission finds that such a dual purpose use of the land is in compliance with this regulation.
- E. Open space. Open space within a planned unit development may include land use for scenic, landscaping or passive recreational purposes. In all planned unit developments, a minimum of ten percent of the net development area shall be devoted to open space uses. However, the planning commission may require a greater amount of open space if it deems it necessary in order to accomplish the intent and purpose of this chapter. Open space shall be held in common or public ownership and cannot include parking areas or streets.
- F. Height. The sun exposure plane (see Figure 2 set out in the ordinance codified in this title and on file in the city planner's office), shall prevail in determining the height of structures, except that the commission may further limit heights in the following locations:
 - 1. Around the site boundaries;
 - 2. To protect scenic vistas from greater encroachments than would occur if development were limited to conventional residential structures.
- G. Underground utilities. All electrical, telephone, cable television, fire alarm, street light, and other

wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer unless the planning commission waives this requirement because of unusual subsurface conditions.

- H. **Natural or Cultural Features.** Significant natural and cultural features shall be preserved to the greatest degree attainable or feasible. Significant natural or cultural features may include rare plants or animal habitat, prominent topographic features, recognized archeological sites, historic structures or landscapes, wetlands, intermittent and perennial stream corridors, riparian areas, large trees and/or tree stands.
- I. **Waiver of Siting Requirements.** The minimum lot and siting requirements of the zoning district in which the planned unit development lies shall not dictate the strict guidelines for development within the planned unit development but shall serve to inform the developer of the importance of developing a project that will be in harmony with the character of the surrounding neighborhood. Individual buildings, accessory buildings, off-street parking, loading facilities, open space and landscaping and screening may be located without reference to lot lines, except the boundary lines of the development, except that required parking spaces serving a residential use shall be located within two hundred feet of the building containing the residential use served. (Ord. 2910)

18.36.060 Dedication and maintenance of facilities. The planning commission may, as a condition of approval for any development, require that portions of the parcel or parcels of the planned unit development be set aside, improved, conveyed or dedicated for the following uses:

- A. **Easements.** Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
- B. **Streets.** Streets necessary to the proper development of either the planned unit development or adjacent properties may be required as a condition of approval.
- C. **Recreation facilities.** A suitable area for parks or playgrounds for the owners, residents, employees or patrons of the planned unit development may be required as a condition of approval. Suitable links to trails, streets, pedestrian paths or bicycle paths may be required as conditions of approval. Where appropriate, the City shall consider public dedication of recreational facilities and/or open space.
- D. **Open spaces.** The planning commission shall require that open space and common facilities be maintained. Whenever private open space is provided, the planning commission shall require that an association of owners or tenants be created into a nonprofit corporation under the laws of the state. Such an association shall adopt such Articles of Incorporation and Bylaws and adopt and impose such Declaration of Covenants and restrictions on such open space and/or common areas that are acceptable to the planning commission. The association shall be formed and continued for the purpose of maintaining the open space. The association, if required, may undertake other functions. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain the open space for the purposes intended. The association shall exist for not less than twenty years, and it shall continue thereafter and until a majority vote of the members shall terminate it. Failure to maintain any common area or amenity shall be considered a violation of this title.
- E. **Public Utilities.** Provision of public utilities for water, wastewater, storm and/or fire protection

may be required as a condition of approval.

18.36.070 General location criteria. A planned unit development permit may be granted by the planning commission only if it is found that the development conforms to all the following criteria as well as to the planned unit development regulations.

- A. The location, design, size and uses are consistent with the general plan;
- B. That the proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses;
- C. That the proposed development shall identify and mitigate to the greatest extent possible off-site impacts, including but not limited to such impacts as traffic, noise, stormwater and runoff;
- D. That the traffic generated by the development does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan;
- E. That the proposed development will be adequately served with existing or planned facilities and services;
- F. That proposed buildings, roads and other uses are designed and sited to assure preservation of significant on-site vegetation, topographic features, and other unique and worthwhile natural features, and to prevent soil erosion or flood hazard;
- G. That the PUD will not pose a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.
- H. That residents of the PUD will have sufficient usable recreation area and open space that is convenient and safely accessible.

18.36.080 Professional design team.

- A. The developer for all proposed planned unit developments shall certify that the talents of the following professionals shall be utilized in the planning process for development.
 - 1. An architect licensed by the state;
 - 2. A landscape architect licensed by the state;
 - 3. A registered engineer or both a registered engineer and a land surveyor licensed by the state;
 - 4. An attorney (optional, except when a home association is used).
- B. One of these professional consultants chosen by the applicant shall be designated to be responsible for conferring with the staff to the planning commission with respect to the concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner or developer in consulting with the planning commission or the staff to the planning commission.

18.36.090 Development procedures. There shall be a three stage review process for all planned unit developments, consisting of a pre-application conference, application review (planning commission), and final approval and adoption by ordinance (city council). The planning commission shall recommend

to city council approval, approval with changes, or rejection of adoption of the PUD combining district. Any PUD approved by city council shall be by ordinance.

18.36.100 Pre-application conference.

- A. A letter of intent for the planned unit development shall be submitted to the planning commission by the owner of the properties to be developed. The developer or the professional coordinator shall meet one or more times together with the staff to the planning commission and determine whether the requirements of this chapter have been met. If there is a disagreement on compliance with this chapter, the developer or the staff may take the pre-application information to the planning commission for their determination of whether the required information has been submitted.
- B. The developer shall provide the following information together with five copies at the pre-application conference:
1. A written statement providing:
 - a. Proposed name of the planned unit development,
 - b. Location and legal description,
 - c. Name and address of owners and developer,
 - d. Name and address and professional qualifications of design team,
 - e. Type and number of residential and non residential uses,
 - f. Buildings/facilities involved with these uses (existing or proposed),
 - g. Tentative operation and maintenance data (for commercial, professional or related uses, landscaping, etc.),
 - h. Existing and proposed utilities,
 - i. Existing and proposed public and/or private streets,
 - j. Location of nearest commercial shopping centers for convenience goods and schools,
 - k. Operation and maintenance proposal for open space,
 - l. General time table for development,
 - m. Population density per net acre;
 2. Schematic drawing(s) at a minimum scale of one inch equals two hundred feet showing:
 - a. Existing natural features, such as watercourses, rock outcroppings, wetlands, wood areas, greenways
 - b. Location of existing utilities and drainage ways,
 - c. Location and names of all prior platted streets, parks, and railroad and utility rights-of-way,
 - d. General location of existing and/or proposed buildings and structures and their uses, parking, open space and ownership pattern,
 - e. A traffic-flow map showing circulation patterns within and adjacent to the proposed development, including trails, sidewalks, streets, parking lots, loading areas, etc.
- C. Staff response. The staff shall provide written comments to the applicant on the information provided at the pre-application meeting for use in developing the Planned Unit Development

application.

18.36.120 PUD Application Approval. Following the pre-application meeting(s), the applicant shall make an application to the planning commission for a Planned Unit Development. This application should address issues raised during the pre-application meetings, as well as all criteria included in this chapter. Following application submittal, the planning commission shall hold a public hearing, or any continuance thereof, on the proposed Planned Unit Development. Following the public hearing(s), the planning commission will recommend to city council approval, approval with changes, or rejection of adoption of a PUD overlay district.

The following information shall be provided at the application stage as an addition to any information required as part of the pre-application review:

A. A written statement providing:

1. Written consent to the final development plan and program of all persons owning any interest in the real property within the planned unit development on application form provided by the Community Development Department,
2. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure,
3. The stages for development of private and public facilities,
4. Drafts of proposed covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the city, including agreements by property owners associations, dedicatory deeds or reservations of public open space;
5. Description of how proposed master plan meets 18.36.070 General Location Criteria.

B. Maps and drawings at a minimum scale of one inch equals one hundred feet showing precise location of the following:

1. Existing contours;
2. Contours after development at intervals of:
 - a. One foot for ground slopes less than one percent,
 - b. Two foot for ground slopes between five and ten percent,
 - c. Five foot for ground slopes in excess of ten percent;
3. Location and size of proposed storm drainage system, sewer, water, and utilities, as required;
4. A street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement;
5. Location and dimensions of pedestrian walkways, paths and trails within site and connecting to surrounding neighborhood, including horse and bike trails;
6. Location, arrangement, number and dimensions of off-street parking and bike parking as required;
7. Location, arrangement and dimensions of any truck loading space;
8. Location of existing and/or proposed buildings and structures and their uses, open space and dedicated or reserved properties;

9. Preliminary architectural plan depicting the general height, bulk and type of construction and their approximate location on lots;
10. Preliminary landscaping plan depicting tree plantings, ground cover, screen planting, irrigation and fences, etc. and showing existing trees in excess of twelve inches in diameter measured four feet from ground level and showing the location of trees to be removed by the development;
11. Location, character and type of signs; and,
12. Other improvement plans as may be required by staff during pre-application meeting(s).

18.36.130 Application Approval.

- A. Planning commission action. The planning commission shall determine, after such public hearings, whether the proposal conforms to the criteria set forth in this chapter and may recommend to city council approval, approval with changes or such conditions of approval as are in its judgment necessary to ensure conformity to the criteria and regulations, or denial of the planned unit development. In so doing, the planning commission may recommend submission of the final development plan in stages, corresponding to different units or elements of the development.
- B. City council action. After receipt by city council of the planning commission report, the city council shall review the proposed PUD for compliance with the criteria of this section. Any PUD approved by city council shall be adopted by ordinance as an amendment to the city's official zoning map.
- C. Ordinance. The ordinance shall include schedules for development, conditions of approval, requirements for modifications to approved plan, and expiration date.

18.36.150 Adherence to approved plan and modification thereof.

- A. All persons and parties, their successors, heirs or assigns, who own, have or will have, by virtue of purchase, inheritance or assignment, any interest in the real property within an approved planned unit development shall be bound by the conditions of the planned unit development. Failure to comply with such conditions shall be grounds for a repeal or revision of the planned unit development.
- B. The approved final plan and stage developments schedule shall restrict the nature, location and design of all land uses.
- C. Minor changes in the approved final including extension or revision of the stage development schedule, may be approved by the Community Development Director if such changes are consistent with the purposes and general character of the plan.
- D. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

18.36.160 Expiration of planned unit development. Within two years of ordinance adoption, if substantial construction or development of the planned unit development has not occurred in accordance

with the approved final development plan and program, the planning commission shall initiate a review of the planned unit development overlay zone at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the city council that the planned unit development adoption ordinance be repealed.

Chapter 18.37

AIRPORT OVERLAY ZONE

Sections:

18.37.010 Purpose

18.37.020 Compliance

18.37.030 Special definitions

18.37.040 Permitted uses within the airport approach safety zone

18.37.050 Conditional uses within the airport approach safety zone

18.37.070 Limitations

18.37.010 Purpose.

- A. In order to carry out the provisions of this overlay zone there are created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to Cottage Grove State Airport in Lane County. Such zones are as shown of the current airport approach and clear zone maps, prepared by the Foresite Group and dated December, 1987.
- B. Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Cottage Grove and Lane County.

18.37.020 Compliance. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provisions shall apply.

18.37.030 Special definitions.

- A. "Airport approach safety zone" means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of: one thousand two hundred fifty feet for utility runway having only visual approaches; one thousand five hundred feet for a runway other than a utility runway having only visual approaches; two thousand feet for a utility runway having a nonprecision instrument approach;

- three thousand five hundred feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; four thousand feet for a nonprecision instrument runway having visibility minimums as low as three-fourths statute mile; and sixteen thousand feet for a precision instrument runways. The airport approach safety zone extends for a horizontal distance of five thousand feet at a slope of twenty feet outward for each foot upward (20:1) for all utility and visual runways; ten thousand feet at a slope of thirty-four feet outward for each one foot upward (34:1) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of ten thousand feet at a slope of fifty feet outward for each foot upward (50:1); thence slopes upward forty feet outward for each foot upward (40:1) an additional distance of forty thousand feet.
- B. "Airport hazard" means any structure, tree or use of land which exceeds height limits established by the airport imaginary surfaces.
- C. "Airport imaginary surfaces" means those imaginary areas in space which are defined by the airport approach safety zone, transitional zones, horizontal zone, clear zone and conical surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. "Clear zone" extends from the primary surface to a point where the approach surface is fifty feet above the runway and elevation.
- E. "Conical surface" extends twenty feet outward for each one foot upward (20:1) for four thousand feet beginning at the edge of the horizontal surface (five thousand feet from the center of each end of the primary surface of each visual and utility runway or ten thousand feet for all nonprecision instrument runways other than utility at one hundred fifty feet above the airport elevation) and upward extending to a height of three hundred fifty feet above the airport elevation.
- F. "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is construed by swinging arcs of five thousand feet from the center of each end of the primary surface of each visual or utility runway and ten thousand feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- G. "Noise impact" means noise levels exceeding fifty-five Ldn.
- H. "Place of public assembly" means structures or places which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- I. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is two hundred fifty feet for utility runways having nonprecision instrument approaches, five hundred feet for other than utility runways and one thousand feet for nonprecision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.
- J. "Transitional zones" extends seven feet outward for each one foot upward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of one hundred fifty feet above the airport elevation (horizontal surface).
- K. "Utility runway" means a runway that is constructed and intended to be used by propeller driven

aircraft of twelve thousand five hundred pounds maximum gross weight or less.

18.37.040 Permitted uses within the airport approach safety zone. Uses permitted in the airport approach safety zone are as follows:

- A. Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead;
- B. Landscape nursery, cemetery or recreational areas which do not include buildings or structures;
- C. Roadways, parking areas and storage yards located in such a manner that vehicles lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of fifteen feet;
- D. Pipeline;
- E. Underground utility wire.

18.37.050 Conditional uses within the airport approach safety zone. Conditional uses within the airport approach safety zone are as follows:

- A. A structure or building accessory to a permitted use;
- B. Single-family dwellings, mobile homes, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Lane County a hold harmless agreement and aviation and hazard easement and submits them to the airport sponsor and the Cottage Grove development and planning department.
- C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
 - 1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft;
 - 2. Making it difficult for pilots to distinguish between airport's lights or others;
 - 3. Impairing visibility;
 - 4. Creating bird strike hazard;
 - 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport;
 - 6. Attracting large number of people.
- D. Buildings and uses of a public works, public service or public utility nature.

18.37.060 Procedures.

- A. An applicant seeking a conditional use under Section 18.37.050 shall follow procedures set forth in the urban growth management plan/agreement between the city and Lane County. Information accompanying the application shall also include the following:
 - 1. Property boundary lines as they relate to the airport imaginary surfaces;
 - 2. Location and height of all existing and proposed buildings, structures, utility lines and

roads; and,

3. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

B. In the case of property within the city limits of the city, the procedures outlined in Section 18.46 of this code shall also apply.

18.37.070 Limitations.

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in Section 18.37.030.

B. No place of public assembly shall be permitted in the airport approach safety zone.

C. No structure or building shall be allowed within the clear zone.

D. Whenever there is a conflict in the height limitations prescribed by this overlay zone the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed do not apply to such structures customarily employed for aeronautical purposes.

E. No glare producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

F. In noise sensitive areas (within one thousand five hundred feet of an airport or within established noise contour boundaries of fifty-five Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit and land division appeal. In areas where the noise level is anticipated to be fifty-five Ldn and above, prior to issuance of a building permit for construction of noise sensitive land (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than fifty-five Ldn. The planning and building department will review building permits for noise sensitive developments.

Chapter 18.38

GENERAL USE REQUIREMENTS

Sections:

18.38.010 Use

18.38.020 Height

18.38.030 Building setback requirements

18.38.040 Completion of buildings

18.38.050 Contract purchasers deemed owners

18.38.060 Riparian vegetation — Row River

18.38.010 Use.

- A. Conformance and Permits. No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located, and there only after applying for and securing all permits and licenses required by all laws and ordinances.
- B. Other uses. Where the term "other uses" similar to the above is mentioned, it shall be deemed to mean other uses which, in the judgment of the planning commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

18.38.020 Height.

- A. Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless mast or similar structures may exceed the height limits prescribed in this title.
- B. On lots sloping downhill from the street, buildings may have an additional story, provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.
- C. The staff review committee may issue a special use permit to allow the height of accessory structures to exceed the limitations specified in the residential districts based on the following standards and procedures:
 - 1. Standards. The following minimum standards shall be complied with:
 - a. The maximum height shall not exceed twenty-five feet or two stories.
 - b. All yards required for an accessory building shall be complied with, and no part of the structure shall project into the yards.
 - c. That a fifty-degree light angle measured from the side and rear property lines shall be provided. No part of the structure shall be permitted within the light angle.
 - d. That the structure will be in keeping with the character of the area.
 - 2. Processing procedure.
 - a. Application. An application will be made to the staff review committee on the application form provided by the city planner. The appropriate application fee will be required to be paid.
 - b. Notification. City staff will notify registered land owners within a one-hundred foot radius of the applicant's property that an application has been made and should they wish to make comments on the application they have ten days from the date of notification to do so.
 - 3. Evaluation. At the end of the ten-day period, the city planner shall prepare a report on the application for consideration of the staff review committee, based on the following:
 - a. Intent of the application and review of supporting material with the application;
 - b. Results of the site inspection;

- c. Results of the notification;
 - d. Review of the application against the standards established;
 - e. Compatibility with the character of the surrounding neighborhood; and,
 - f. The proposal will not adversely affect the public health, safety, or welfare.
4. Decision. The staff review committee shall make a decision based on the findings of fact and with such conditions as they deem proper. The applicant and any party who wrote as a result of the notifications will be notified of the decision and the fifteen-day appeal period.
 5. Conditions. Reasonable conditions may be imposed in connection with special use permits as necessary to meet the purpose of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but not be limited to:
 - a. Special yards and spaces beyond the minimum standards;
 - b. Fences, walls and landscaping;
 - c. Installation of public services;
 - d. Limitation of activities and use;
 - e. Control of access points; and,
 - f. Other conditions to mitigate concerns raised by property owners notified.
 6. Appeal. Any appeal of the staff review committee's decision will be to the planning commission at the next regularly scheduled meeting and must be filed within fifteen days of the date on the notification letter. Existing procedures of the planning commission will govern the processing of the appeal.
 7. Revocation. Failure of any permit holder to comply with the standards or conditions will result in the following of revocation procedures pursuant to this title.

18.38.030 Building setback requirements. When the master road plan or zoning plan indicates that a street is to be opened or widened, the setbacks required, front, side and rear yards, shall be measured from the proposed right-of-way, shall be considered to be fifty feet unless expressly designated otherwise.

A. Front yard.

1. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except the eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet high may be built within a front yard.
2. Setbacks from Half Dedications of Streets. When a subdivision plat has been accepted and filed with half width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half width dedicated streets but not within the subdivided tract, shall be a minimum of the required setbacks for the zone or district in which it is located and not less than twenty-five feet nor less than the width of the half dedication of the street.

B. Side yard.

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone

classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

2. The planning commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages or other building, except building housing animals, upon or immediately adjacent to the division line between the two properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the zone in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

18.38.040 Completion of buildings. Nothing in this title shall require any change in plans, construction, alteration or designated use of a building upon which construction has actually begun thirty days previous to the passage of the ordinance codified in this title and the ground story framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction, to avoid compliance with this title.

18.38.050 Contract purchasers deemed owners. A person or persons purchasing property under contract, for the purpose of this title, shall be deemed to be the owner or owners of the property covered by the contract. The city council may require satisfactory evidence of such contract of purchase.

18.38.060 Riparian vegetation — Row River.

- A. Structure and other improvements shall not be located closer than twenty-five feet from the ordinary high water line of Row River or fifteen feet from the top of the river bank, whichever is the lesser. A lesser setback may be allowed if documentation is provided that existing riparian vegetation does not extend into the setback area defined above and the riparian vegetation has not been removed in violation of the maintenance standards set forth in subsection B of this section.
- B. The following standards apply for maintenance, removal and replacement of riparian vegetation along the Row River:
 1. Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for installation of permitted improvements. Where vegetation removal cannot be avoided within the setback area, the site shall be replanted during the next planting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.
 2. A maximum of twenty-five percent of existing natural vegetation may be removed from the setback area.
 3. The following uses and activities are exempted from the standards set forth above:
 - a. Vegetation removal necessary to provide water access for a water dependent use, including water production facilities;
 - b. Removal of dead or diseased vegetation that poses a safety or health hazard;
 - c. Removal of vegetation necessary for the maintenance or placement of structural

- bank stabilization;
- d. Removal of vegetation necessary to maintain the Cottage Grove Airport primary surfaces and clear zones to be in compliance with FAA rules.

Chapter 18.39

FLOOD PLAIN MANAGEMENT

Sections:

- 18.39.010 Statutory authorization
- 18.39.020 Findings of fact
- 18.39.030 Purpose
- 18.39.040 Applicability
- 18.39.050 Basis for establishing areas of special flood hazard
- 18.39.060 Floodways
- 18.39.070 Methods of reducing flood loss
- 18.39.080 Interpretation
- 18.39.090 Definitions
- 18.39.100 Administration
- 18.39.110 Development permit required
- 18.39.120 Application requirements for development permit
- 18.39.130 General standards for Flood Hazard Protection
- 18.39.140 Specific standards for Flood Hazard Protection
- 18.39.150 Conditions
- 18.39.160 Variances
- 18.39.170 Criteria for evaluation of a Variance Request
- 18.39.180 Appeals
- 18.39.190 Violation and penalty
- 18.39.200 Abrogation and greater restrictions
- 18.39.210 Warning and disclaimer of liability

18.39.010 Statutory authorization. The legislature of the State of Oregon has in Oregon Revised Statutes (ORS 227.215) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

18.39.020 Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- B. The flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage occurs in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

18.39.030 Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

18.39.040 Applicability. This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Cottage Grove, Oregon ("the City"). No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

18.39.050 Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County and Incorporated Areas, dated June 2, 1999," and as amended, with accompanying Flood Insurance Maps, as amended, are hereby adopted by reference and declared to be a part of this Chapter. The maps are on file at City Hall, Office of Planning and Development, 400 Main Street, Cottage Grove, OR 97424.

18.39.060 Floodways. Located within areas of special flood hazard established in Section 18.39.050 Basis for Establishing Areas of Special Flood Hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the

occurrence of the base flood discharge.

- B. If Subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 18.39.130 General Standards for Flood Hazard Protection and 18.39.140 Specific Standards for Flood Hazard Protection.

18.39.070 Methods of reducing flood losses. In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. Restricting or prohibiting use which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and,
- E. Preventing or regulating the construction flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

18.39.080 Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

18.39.090 Definitions.

- A. For purposes of this Chapter, the following words, terms, and phrases shall be defined as follows:
 - 1. Appeal means a request for review of an interpretation or decision made by City Engineer and/or Director of Planning and Development of any provision of this Chapter or a decision on a request for a variance.
 - 2. Area of shallow flooding means a designated "AO" or "AH" zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flood is unpredictable and indeterminate; and velocity flow may be evident. "AO" is characterized as sheet flow and "AH" indicates ponding.
 - 3. Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V."
 - 4. Base flood means a flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with the one hundred year flood.
 - 5. Basement means any area of the building having its floor sub-grade (below ground level)

on all sides.

6. Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundations system.
7. Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
8. Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, storage of material, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
9. Existing Manufactured Home Park or Subdivision is one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed has been completed prior to November 11, 1985. The construction of facilities includes, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.
10. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing lots on which manufactured homes are to be affixed, including, but not limited to the installation of utilities, construction of streets, and final grading or pouring of concrete pads.
11. FEMA means the Federal Emergency Management Agency.
12. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; and/or,
 - b. The unusual and rapid accumulation of runoff or surface waters from any source.
13. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
14. Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
15. Flood proofing means any combination of structural and nonstructural additions, changes or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
16. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. Highway Ready refers to a recreation vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
18. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An

unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Section 18.39.100(A)(2) Specific Standards for Flood Hazard Protection.

19. Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eight consecutive days and are not highway ready. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
20. Manufactured Home Park or subdivision means a parcel, or contiguous parcels or lots of land divided into sites or lots of two or more manufactured homes that are for rent or sale.
21. New construction means a structure for which the "start of construction" commenced on or after November 11, 1985.
22. Permanent Foundation refers to a natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistance and strength.
23. Start of Construction means substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
24. Structure means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.
25. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed by fifty (50) percent of the market value of the structure before the damage occurred.
26. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds (50) fifty percent of the market value of the structure, either:
 - a. Before the improvement or repair is started;
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure;

- c. The term does not, however, include either:
- i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
 - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

27. Variance means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

28. Water Dependent means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

B. Unless specifically defined in this Section, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

18.39.100 Administration. The Director of Planning and Development or his/her designee is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

A. Duties and Responsibilities of the Director of Planning and Development. Duties of the Director of Planning and Development shall include, but not be limited to:

1. Permit Review.

- a. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state and local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 18.39.060 Floodways are met.
- d. Maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 18.39.0560 Basis for Establishing the Areas of Special Flood Hazard, the Director of Planning and Development shall request the assistance of the City Engineer to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to establish a base flood elevation in order for the Director of Planning and Development to administer Sections 18.39.140 Specific Standards for Flood Hazard Protection, and Section 18.39.060,

Floodways.

3. Information to be Obtained and Maintained.

- a. Where base flood elevation data is provided through Flood Insurance Study or required as in Section 18.39.100 (A)(2) Use of Other Base Flood Data, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood-proofed structures:
 - i. Verify and record actual elevation (in relation to mean sea level), and;
 - ii. Maintain the flood-proofing certificates required in Section 18.39.120(C) Application Requirements for Development Permit.
- c. Maintain for public inspection all records pertaining to the provisions of this Chapter.

B. Duties and Responsibilities of City Engineer. Duties of the City Engineer shall include, but not be limited to:

1. Provide technical assistance and information to the Director of Planning and Development upon request;
2. Verify field surveys and technical information submitted by any applicant for new development upon request of the Director of Planning and Development;
3. Act in cases of emergencies to prevent the loss of life and property, without a development permit in either the floodway or floodplain;
4. Alteration of Watercourses.
 - a. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration,
 - b. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished;
5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 18.39.160 Variances through Section 18.39.180 Appeals.

18.39.110 Development Permit Required. All development permits shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.39.050 Basis for Establishing the Areas of Special Flood Areas. The permit shall be for all structures including manufactured homes, as set forth in Section 18.39.090 Definitions, and for all development including fill and other activities, also set forth in the definitions.

18.39.120 Application Requirements for Development Permit. Application for a development permit shall be made on forms furnished by the Office of Planning and Development and may include but not be limited to: plans in triplicate drawn to scale showing the nature, location, dimensions and elevations

of the area in question; existing or proposed structures, fill, removal, grading, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been or will be flood-proofed;
- C. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 18.39.140(B) Specific Standards for Flood Hazard Protection, Nonresidential Construction;
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

Filing fees shall be paid by the applicant, as established by the City Council. Neither the Council nor the Planning Commission is to be considered an applicant and shall pay no fee.

18.39.130 General Standards for Flood Hazard Protection. In all areas of special flood hazards, the following standards are required to be met:

A. Anchoring.

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- 2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during flood conditions.

C. Utilities.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters in to the system;
- 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters; and,
- 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals shall be adequate drainage provided to reduce exposure to flood damage; and,
 4. Where base flood elevation data is not available from another authorizing source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).
- E. Review of Building Permits. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (Section 18.39.100 (A)(2) Use of Other Base Flood Data), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

18.39.140 Specific Standards for Flood Hazard Protection. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18.39.050 Basis for Establishing the Areas of Special Flood Hazard or Section 18.39.100 (A)(2) Use of Other Base Flood Data, the following provisions are required to be met:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the one-hundred-year flood (base flood) elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area or not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all opening shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the one-hundred-year flood (base flood) elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that design and methods of

construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structure design, specifications and plans. Such certifications shall be provided as set forth in Section 1839.100 (A)(3)(b) Information to be Obtained and Maintained;

4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 18.38.140 (A)(2) Residential Construction, above;
 5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- C. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zone A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 18.39.130 (A)(2)
- D. Recreational vehicles, travel trailers, park trailers and similar vehicles and dwellings that occupy sites within Zones A1-30, AH or AE on the applicable FIRM shall either:
1. Be on site for less than one hundred and eighty (180) days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by "quick-disconnect"-type utilities and security devices, and have no permanently attached additions, or;
 3. Meet the requirements for manufactured homes listed above under Section 18.39.140 (C), including, but not limited to anchoring and elevation.
- E. Manufactured homes placed on site, or substantially improved manufactured homes located in existing manufactured home parks or subdivision must either:
1. Elevate the lowest floor at least one foot above the base flood elevation; or,
 2. Elevate the manufactured home's chassis on reinforced piers or other foundation system of equivalent strength, no less than 36 inches above grade.
- F. Manufactured home placed outside manufactured home parks/subdivisions or within expanded parks/subdivisions, must be elevated so the lowest floor is at least one foot above base flood elevation and be anchored to a permanent foundation.

18.39.150 Conditions. The City may impose conditions as it deems necessary or desirable on permit approvals in order that:

- A. The applicable standards, regulations, criteria and purposes of this Chapter and Title are fulfilled;
- B. The health, safety or welfare of the community is furthered, or;
- C. Special considerations due to the nature and location of the proposed activity may be addressed.

Upon consideration of the criteria listed in Section 18.39.170 and the purposes of this Chapter, the Director of Planning and Development may attach such conditions to the granting of variances as deemed necessary to further the purposes of this Chapter.

18.39.160 Variances. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. The primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Variances may be issued for:

- A. Nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all variance criteria, and otherwise complies with Sections 18.39.130 (A) and 18.39.130 (B) of the general standards.
- B. The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the requirements and criteria for a variance.
- C. New construction and substantial improvements with a lowest floor elevation below the base flood elevation to be erected on a tract, parcel or lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (A) through (K) in Section 18.39.180 Appeals have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

18.39.170 Criteria for Evaluation of a Variance Request. Variances shall only be issued upon a determination that:

- A. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- B. A showing of good and sufficient cause has been presented by the applicant;
- C. Failure to grant the variance would result in exceptional hardship to the applicant beyond financial hardship;
- D. The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- E. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result. The applicant shall have the burden of providing this evidence from a professional registered engineer.

18.39.180 Appeals. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Planning and Development and/or the City Engineer in the enforcement or administration of this Chapter. The hearing by the Planning Commission shall be *de novo*. Those aggrieved by the decision of the Planning Commission may appeal such decision to the City Council. The decision of the City Council shall be final. In passing upon such application, the hearings body shall consider all technical evaluations, all

relevant factors, standards specified in other Sections of this Chapter, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the Flood Plain Management Program for the affected site;
- I. The safety or access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected height, velocity, duration, rate or rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
- K. The costs of providing governmental services during the after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and municipal water, and streets and bridges.

18.39.190 Violation and Penalty.

- A. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirement shall upon conviction thereof be fined not more than five hundred (500) dollars, imprisoned for a period not to exceed one hundred (100) days, or punished by both such fine and imprisonment.
- B. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this Chapter are committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor, as provided for in this Chapter.
- C. In addition, each person, firm or corporation found guilty of a violation shall pay all costs and expenses involved in the case of all parties.
- D. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

18.39.200 Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

18.39.210 Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter

is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administration decision lawfully made thereunder.

(Ord. No. 2838, June 28, 1999)

Chapter 18.40

SIGNS

Sections:

18.40.010 Purpose

18.40.020 Definitions

18.40.030 General prohibition

18.40.040 Exemptions

18.40.050 Amortization of nonconforming signs

18.40.060 Special purpose sign

18.40.070 Off-premise signs

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18.40.090 Purpose of signs in C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

18.40.100 Purpose of signs in C-2 CENTRAL BUSINESS DISTRICT

18.40.110 Purpose of signs in C-2P COMMUNITY COMMERCIAL DISTRICT

18.40.120 Purpose of signs in CT TOURIST COMMERCIAL DISTRICT

18.40.010 Purpose. The purpose of this chapter is to permit such signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and welfare; and, to permit and regulate signs in such a way as to support and compliment the land use objectives set forth in the comprehensive land use plan and zoning ordinance.

As the land use element of the comprehensive plan guides physical development to promote orderly and efficient patterns of land use, the sign ordinance as a major component of the urban design element, aids in creating, maintaining, and promoting a visually attractive, pleasant and humane environment to visit, live, work, shop and play in. The sign ordinance in urban design is concerned with the way people perceive and interact with their surroundings

Signs, in context of urban design, are concerned with directing, instructing, and attracting peoples

attention to particular places and areas within our community. As such signs are a major visual element or feature within the overall aesthetic image that we create for our city. The number, size, and architectural design of signs are of major concern and importance in preserving and maintaining a visually attractive community. Cottage Grove's tree-covered hillsides, river greenways, water courses, natural vegetation and colorful architectural heritage and variety are the elements that create the city's beautiful visual image and living environment.

It is recognized that there is more to the City of Cottage Grove than its beautiful visual image, but any failure to recognize this significant fact will ultimately work to the detriment of the entire community. The attraction and servicing of visitors is an important economic activity to our city. The visitor's and investor's visual impressions and subjective perception of Cottage Grove determines, to a large extent, the success or failure of our economic well being. We must continue to strive, through the prudent regulation of signs and other structures, to ensure that what is seen is visually and perceptually inviting and attractive to visitors, investors, and our own citizenry

18.40.020 Definitions.

- A. "Advertising display area" shall mean the advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area.
- B. "Animated sign" means an artificially illuminated sign that gives motion and/or action to the advertisement copy or message.
- C. "Automatic changing sign" means an electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes are shown on the same location.
- D. "Banner" means a long, narrow flag hung over a street or entrance.
- E. "Beacon light" shall mean any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.
- F. "Bench sign" shall mean a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
- G. "Billboard sign" is an off-premise sign which advertises a business, organization, event, person, place or thing not located upon the premises where such sign is located.
- H. "Construction sign" shall mean any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
- I. "Directory sign" shall mean a sign on which the names and location of occupants or the use of a building is given. This shall include office buildings and church directories.
- J. "Double faced sign" shall be counted as one sign, however, the sign area shall be the sum of the two faces for the purposes of this chapter.
- K. "Flashing sign" means an artificially illuminated sign that sends out or reflects sudden and brief blazes of light at predetermined and/or random intervals of time.
- L. "First-story (wall) height" for the purposes of calculating the maximum allowable sign area in the

C-2 CENTRAL BUSINESS DISTRICT (Chapter 18.24), the first-story wall height shall be sixteen (16) feet for all buildings and structures located in said zone district.

- M. "Free-standing sign" means a sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure erected primarily for the display and support of the sign.
- N. "Ground and/or pole sign" shall mean any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- O. "Identification sign" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building, or institution, or the occupancy. Logos of regional and national significance are included in this definition.
- P. "Illuminated sign" shall mean any sign illuminated in any manner by an artificial light source.
- Q. "Indirectly lighted or shadow sign" means an illuminated sign constructed so that the immediate source of the illumination is not visible when the sign is lighted.
- R. "Marquee sign" shall mean any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- S. "Mural" shall mean a large picture painted on a wall that does not advertise a business name, consumer product, commercial/professional service, or sales promotion.
- T. "Nonconforming sign" shall mean any sign which does not conform to the regulations of this Chapter.
- U. "Notice Bulletin Board" shall mean a sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events conducted upon, or products or services offered upon, the premises upon which the sign is located.
- V. "Off-premise sign" means a sign which contains a message unrelated to a business or profession conducted upon the premises where such sign is located.
- W. "Pennant" means a tapering flag.
- X. "Political Sign" means any sign advocating for the election of a candidate or the passage or defeat of a ballot measure. Political signs shall be considered temporary in nature.
- Y. "Portable sign" means any sign not designed to be permanently affixed to a building, structure, or the ground; a sign designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles.
- Z. "Principal Sign" (or main sign) means those signs which by message, symbol or other eye-attracting devices, convey to the viewer the basic use or enterprise conducted on the property.
- AA. "Projecting sign" means any sign, other than a wall sign, which is suspended from or supported by a building or wall, and which projects twelve (12) inches or more beyond such building or wall.
- BB. "Real Estate sign" shall mean any sign which is used to offer for sale, lease, or rent the property upon which the sign is placed.
- CC. "Roof sign" shall mean any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.
- DD. "Sign" means any fabricated emblem or display, including its structure, consisting of any letter (s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke,

trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. "Sign" does not include any display of official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this title.

- EE. "Sign Area" means the entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display.
- FF. "Subdivision sign" means signs advertising land subdivisions involving more than three continuous lots.
- GG. "Temporary Sign" means a sign which is not permanently affixed.
- HH. "Wall sign" means any sign attached to, erected against or painted on a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall and not projecting more than twelve (12) inches.
- II. "Window sign" shall mean any sign affixed to or upon a window facing the outside and which is intended to be seen from the exterior and advertises a business name, consumer products, commercial/promotional services and sales promotions. Permanent window signs shall not cover more than 25 percent of the window area and shall be counted as a sign.
- JJ. "Zoning districts" means the zoning districts established under the City's zoning ordinance as now or hereafter constituted.

18.40.030 Signs generally not permitted. The following signs are generally not permitted on any premises in any zone district outside a building or structure:

- A. Animated, rotating, or flashing signs;
- B. Advertisement flags, pennants, banners, pinwheels, or similar signs or items, except the U.S. flag and the Oregon State flag;
- C. No sign shall extend more than forty feet in height above grade;
- D. Signs listed in this section may be permitted subject to the provisions of Chapter 18.50 DESIGN REVIEW.

18.40.040 Exemptions. The provisions and regulations of this Chapter shall not apply to the following signs, except as otherwise provided herein:

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.
- B. Signs which provide direction or instruction and are located entirely on the property to which

they pertain and do not in any way advertise a business and do not exceed six (6) square feet in area; signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and signs meant to serve public safety or convenience such as "office" signs and "parking" signs.

- C. Signs located in the interior of any building or within an enclosed lobby or court or premises or any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons using the interior of such premises, court yards or building.
- D. No trespassing signs or other such signs regulating the use of a property, such as not hunting, no fishing, etc., of no more than two square feet in area.
- E. The flags, emblems, or insignia of any nation or political subdivision or corporate flags.
- F. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building of when constructed of bronze or other non-combustible material.
- G. Automatic changing signs that only display the time, temperature and date.
- H. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.
- I. Official notices posted by public officers or employees in the performance of their duties.
- J. Nationally Recognized Logo Signs. Nationally recognized company logo signs which have been standardized as to size, copy, and design or any combination thereof may be approved by the Planning Commission subject to the procedures set forth under Chapter 18.50 Design Review. (Examples of such signs are Kentucky Fried Chicken, McDonald's, Radio Shack, Burger King, Skipper's, Best Western Motel, and similar type signs.)
- K. Flags, pennants, pinwheels or similar items that do not advertise business names, consumer products, commercial/professional services, or sales promotions and such items that are used solely for decorative purposes. These flags, pennants, etc. do not have any writing or logos printed on them. Use of these items are subject to design review.
- L. Murals as defined in Section 18.40.020; EXCEPT subject to design review on principle streets.
- M. Window signs that generally advertise financial, commercial and professional services, temporary sales promotional signs that do not remain in-place more than ten consecutive days.
- N. Signs and/or other advertisement murals or paintings that are determined to be of historical value to the community.

18.40.050 Amortization of nonconforming signs. Signs which are not in conformance with the intent, purpose, and standards of this chapter and the standards of the land use zone district where such signs are located shall be brought into conformance in the manner proscribed herein or as may be agreed upon by the owner(s) of such nonconforming sign(s) and the Planning Commission.

Signs not in conformance with the intent, purpose, and standards of Title 18 of the City of Cottage Grove Municipal Code shall be brought into conformance in the following manner:

- A. If any nonconforming sign(s) in any zone district established by this title is removed or destroyed, such sign(s) thereafter shall conform to the regulation of the zone district in which it is located and this chapter.

- B. Whenever, any nonconforming sign(s) is destroyed in excess of sixty (60) percent of its replacement value, such sign or signs shall be brought into conformance with all applicable regulations of this title and chapter.
- C. Whenever a premise and/or business upon which a nonconforming sign(s) is located changes in ownership and/or use, such sign(s) must be made to conform with all applicable provisions of this title and chapter. However, all other provisions applicable to nonconforming signs shall remain in effect.
- D. Discontinuance of a premise or business upon which a nonconforming sign(s) is located for three consecutive months constitutes abandonment and termination of the nonconforming sign(s) and such sign shall be removed within thirty (30) days unless otherwise approved by the Planning Commission.

18.40.060 Special purpose signs.

- A. Temporary signs in all zoning districts. Such signs shall not be illuminated:
 - 1. Garage sale signs. One temporary sign advertising a garage sale posted on the premises from which the garage sale is to be held. Such signs shall be either a wall sign or a free-standing sign limited in size to 16 square feet in area and a height of six feet. In addition, one off-premise directional sign limited in size to four square feet and a height of 30 inches. All such signs must be removed immediately at the close of the sale.
 - 2. Political signs. Temporary political signs shall not exceed six square feet in area for each candidate or ballot measure and not more than one sign may be placed on any single parcel of property. Such signs may be placed on private property only. Such signs shall not be erected more than 60 days prior to the election date and shall be removed within ten days after the election date for which they were erected.
 - 3. Construction project signs. After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers and construction organization participating in the project. No such signs shall exceed 32 square feet in area; no free-standing sign shall exceed eight feet in height. All such signs shall be removed five days after completion and prior to occupancy.
 - 4. Special event signs. The Design Review Committee may grant, on such terms as it may deem proper, temporary special permits for signs, or the like, for advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the city.
 - 5. Real Estate signs. One real estate sign advertising the sale, rental or lease of the premises on which displayed is not to exceed the following area and height requirements:
 - a. Residential zone: six (6) square feet per side in surface area with a maximum height of (6) feet above grade.
 - b. Commercial zone: thirty-two (32) square feet and ten (10) feet above grade.
 - c. Industrial zone: thirty-two (32) square feet and eight (8) feet above grade.
 - d. PUD overlay zone and for real estate subdivision signs (subdivision signs are defined as signs advertising land subdivisions involving more than three

continuous lots): thirty-two (32) square feet and eight (8) feet above grade.

Real estate signs may be single or double-faced, may be flat-wall signs or pole mounted.

18.40.070 Off-premise signs. The number of and sign area of off-premise signs shall be applied to or against the premises upon which signs are located.

18.40.080 Hospitals, churches, or nursing homes. Hospitals, churches, nursing homes and similar uses shall be allowed one sign not to exceed forty square feet in area.

18.40.090 Purpose of signs in C-1 NEIGHBORHOOD COMMERCIAL DISTRICT. The zone district is intended to provide for the daily convenience shopping needs of the residents of the neighborhoods in which such zones are located. As such, signage in C-1 zone is not intended to attract the motoring public or the residents of the entire city or the people passing through the city; signage in the C-1 zone is primarily for business identification purposes and to allow individual businesses opportunity to advertise their products and/or service, to a limited market which is the immediate neighborhood. Once business identification is established within the neighborhood being served, the primary purpose of signs becomes product and/or services advertisement. Permitted signs in the C-1 district are intended to satisfy the following advertisement needs of businesses located in the district:

1. Provide adequate signage for identification of zone district as well as for the identification and location of individual businesses with the zone or mini-shopping complex.
2. Provide adequate signage to allow individual businesses to market their products, goods, and services in a manner consistent with sound marketing practices.
3. To accomplish both the above in such manner as will not destroy the residential character of the neighborhood, signage within the C-1 zone shall adhere to the following development guidelines:
 - A. The minimum number of signs that will adequately accomplish identification and location of individual businesses shall be required;
 - B. One directory business identification sign for the shopping complex together with individual wall-mounted business signs shall be the preferred signage standard for a shopping complex in the C-1 zone.
 - C. In terms of sign numbers, sizes, and areas — smaller and less is deemed to be preferable over bigger and more.
 - D. As a general rule sign variances shall not be granted in the C-1 district unless the proponent presents clear and overwhelming evidence that the property is so physically disadvantaged by topography, location, and/or other unusual physical circumstances as will clearly demonstrate the need for such variance.

18.40.100 Purpose of signs in C-2 CENTRAL BUSINESS DISTRICT. The C-2 zone district is the City's Central Business District (CBD) and is intended to provide a wide range of commercial and services facilities that serve the entire city and its immediate environs. The CBD is also the oldest commercial services district in the City and is physically characterized by a predominance of two and

three-story commercial structures that were built in the late 1800's and early 1900's. Mass, bulk, scale, texture, trim and color presented in various sizes of squares and rectangular shapes characterize the visual landscape of the CBD. Trees, signage, canopies, flags, pennants and promotion sales posters within the CBD add a splash of needed color that seems to tone down the sheer mass and bulk of the CBD. Signage is an integral part of the essence of variety, design and color that adds and compliments the image of downtown. Signs invite, direct, inform, and educate people about what the CBD is all about. Signage in the CBD should relate in proportion to the mass, bulk and scale of the structure upon which the sign(s) is located. Therefore, signage within the CBD should be a matter of individual evaluation. Each signage proposal should be "design reviewed" on its individual merits as the same relates to its immediate surroundings and to the generally perceived image of the CBD. Signage is a subjective evaluation of what is aesthetically pleasing or acceptable and what is not.

The specific sign regulations presented in Chapter 18.24 C-2 CENTRAL BUSINESS DISTRICT, shall be used as guidelines and not as hard-fast rules to be applied without variance. As a general rule projecting signs should be discouraged in the CBD because of their potential to obstruct other signs from view. Sign variances based upon design review procedures are acceptable within the CBD.

18.40.110 Purpose of Signs in C-2P COMMUNITY COMMERCIAL DISTRICT. The C-2P zone district is an extension of the C-2 CENTRAL BUSINESS DISTRICT, and as such is also intended to provide a wide range of commercial and service facilities that serve the entire city and its immediate environs. The major difference between the C-2 and C-2P zone districts is their orientation to the motoring consumer. The C-2P district is more orientated to the motoring public and to "shorter shopping trips" than is the CBD. Signage in this context must be able to quickly identify commercial businesses and services, this generally means more wall-mounted projecting signs and pole-mounted signs to gain the attention of the motoring public. Flags, pennants, banners and similar attention-getters should generally be permissible in the in the C-2P district. The C-2P district is characterized by one-story shopping centers and strip commercial development along Highway 99. Signage in this district is characterized by wall-mounted signs, wall-mounted projecting signs and pole signs. Shopping centers generally have one pole-mounted center identification sign with individual businesses within the center identifying themselves with one wall-mounted sign. This basic standard works well and should be maintained. As with the C-2 zone district, signage is an integral part of the essence of variety, design and color that adds and compliments the image of the City. Therefore, the specific regulations presented in Chapter 18.26 C-2P COMMUNITY COMMERCIAL DISTRICT shall be used as guidelines and not as hard-fast rules to be applied without variance. As a general rule in terms of the number of or intensity of signs, smaller and less is deemed to be preferable over bigger and more.

18.40.120 Purpose of signs in CT COMMERCIAL TOURIST DISTRICT. The CT zone district is intended to serve the motoring public and other travelers through the area. The zone district is primarily located at the freeway interchange at the north entrance to the city. This district is also suitable for use within areas of high recreation activity. Because of the physical elevation of Interstate Highway 5 most of the existing CT district around the north highway interchange is located in areas which are well below (80 ft. +/-) the highway road grade. This difference in elevation renders the CT zone district at a disadvantage because it is difficult to be seen by the freeway motoring public. Businesses located in this

general area are difficult to see by the travelers they are meant to attract. Signage in the CT district is characterized by very tall pole signs and directional signs meant to be easily seen by the travelers on the freeway. Because of the topographic limitations encountered in the CT district which respect to the freeway, each signage situation needs to be "design reviewed" in order to ensure both compliance with the intent and purpose of the sign ordinance and adequacy of signage for the business itself. Pole sign height limitations may need to be varied in order to adequately meet the minimum signage requirements of future businesses locating in this area. Therefore, the specific regulations presented in Chapter 18.28 C-2P COMMERCIAL TOURIST DISTRICT shall be used as guidelines and not as hard-fast rules to be applied without variance. As a general rule in terms of the number of or intensity of signs, smaller and less is deemed to be preferable over bigger and more.

Chapter 18.42

OFF-STREET PARKING

Sections:

- 18.42.010 Purpose
- 18.42.020 Required off-street parking
- 18.42.030 Parking area design
- 18.42.040 Parking spaces required
- 18.42.050 Parking requirements for uses not specified
- 18.42.060 Common facilities for mixed uses
- 18.42.070 Parking area improvements
- 18.42.080 Parking space dimensions — Parking table
- 18.42.090 Off-street loading and storage

18.42.010 Purpose. The purpose of this chapter is to set forth the off-street parking requirements for the various buildings and uses irrespective of the districts in which they occur.

18.42.020 Required off-street parking. Every use hereafter inaugurated and every building hereafter erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title.

18.42.030 Parking area design.

- A. All public or private parking area and parking spaces, except those required in conjunction with a single-family or two-family dwellings on a single lot, shall be designed and laid out to conform with the requirements of this title and the planning commission and city engineer.
- B. 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 movement 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 and vehicular traffic on the site.

18.42.040 Parking spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following:

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
A. Residential Types.	
Dwelling, single family	Two for each dwelling unit on a single lot
Dwelling, two family	Two for each dwelling unit
Hotels, Motels, Motor Hotels, etc.	One for each guestroom but not less than five
Roominghouses or Boardinghouses	One for each guestroom, but not less than five
Dwelling, three families or multiple family	One and one-half per each dwelling unit
B. Institutional types.	

Assisted living facility	One space for every three (3) assisted living units
Ord. 2866, §3 (part), 2001	
Hospitals	One and one-half for each bed, where fractioned, next highest full unit, plus two for each nurses station
Churches, Clubs, Lodges	One for every four fixed seats or every eight feet of bench length or every twenty-eight square feet of main assembly room (sanctuary) where no permanent seats or benches are maintained
Libraries, Museums, Art Galleries	One for each two hundred-fifty square feet of gross floor area
Nursing homes, Homes for the aged, Group care homes, asylums, etc.	One for each three beds
Welfare or Correctional Institution	One for each five beds
Schools	

Elementary or Junior
High

One and one-half for each teaching station, plus one for every six fixed seats or for every forty-two square feet of seating area where there are no fixed seats in the auditorium or assembly area

High

One and one-half for each teaching station, plus one for every four fixed seats or for every twenty-eight square feet of assembly room or auditorium where no fixed seats are maintained

C. Commercial Types

Retail Establishments, except as otherwise specified in this title

One for each three hundred square feet of gross floor area, but no less than five spaces

Barbershops and Beauty Shops

One for each seventy-five square feet of gross floor area

Bowling Alleys

Six for each bowling lane

Office buildings, business and professional offices	One for every four hundred square feet of gross floor area
Spectator type-auditoriums, assembly halls, places of public assembly, etc.	One for each four seats
Participating type-skating rinks, dancehalls, etc.	One for each seventy-five square feet of gross floor area
Establishments for which the primary function is the sale and consumption of food and beverages on the premises	One for each sixty square feet of the gross floor area

D. Industrial types.

Industrial uses, except as otherwise specified in this title	One for each five hundred square feet of gross floor area
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18.42.050 Parking requirements for uses not specified. The parking space requirements for buildings and uses not set forth in this title shall be determined by the director of planning and development and such determination shall be based upon the requirements for the most comparable building or use specified in this title.

18.42.060 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 parking facilities for any other use except as provided in subsection B of this section.

- B. The director of planning and development, may upon application, authorize the joint use of parking facilities required by the 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 no further than four hundred 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 title, shall be recorded in the office of the county recorder and copies thereof filed with the city recorder.

18.42.070 Parking area improvements. All public or private parking areas, including loading and storage areas, which contain four or more parking spaces and outdoor vehicle sales and storage areas, shall be improved according to the following:

- A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. All 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.
- B. All parking area, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public private property.
- C. All parking areas, including service drives, storage and loading areas, except those required in conjunction with single-family or two-family dwellings or vehicle sales areas, which abut a residential district, and which require an interior yard setback, shall be enclosed along and immediately adjacent to, any interior property which abuts any residential district, with a seventy percent opaque, site-obscuring fence, wall or hedge not less than three feet nor more than six 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, the area between the fence, wall or hedge and the property line shall be landscaped with lawn or low-growing evergreen groundcover, or vegetable or rock mulch. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and the fence, wall or hedge shall be maintained in good condition. Screening or planting shall be of such size as to provide the required degree of screening within twelve months after installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using the parking area.
- D. 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. Illumination, at a property line abutting residential use or at the curblin where a street intervenes, shall not exceed five-foot candles at a height of five feet from the average grade.

- E. All parking spaces shall be appropriately and substantially marked.
- F. Parking Area Improvement Requirements set forth in paragraph 18.42.070 "A" may or may not be lessened subject to review and approval by the design review committee and/or the planning commission. Parking area surface improvement requirements may be lessened upon review and approval of individual applications as the same apply to equipment storage areas or compounds and infrequently used off-street parking areas where the same are required to be provided by this title. (Infrequent means an area used ten or less days or times per month.)
 - 1. The design review committee shall review and may or may not set forth minimum surface improvement requirements in all residential and industrial zone districts.
 - 2. The planning commission shall review and may or may not set forth minimum surface improvement requirements in all other zone districts under Title 18 Zoning of the Municipal Code.

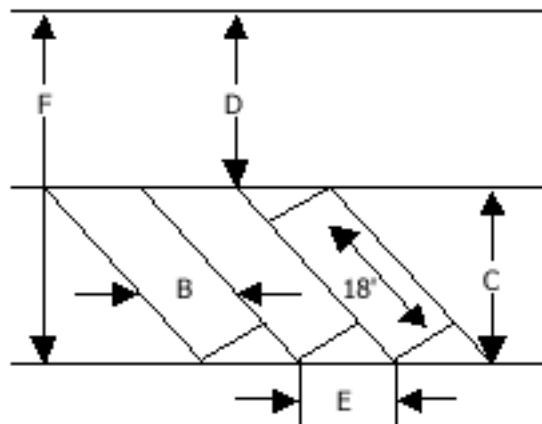
In reviewing off-street parking area surface improvement requirements the procedures set forth in Chapter 18.50 Design Review, Section 18.50.070 Procedures shall be used.

18.42.080 Parking space dimensions — Parking table. The table on the following page provides the minimum dimensions of public or private parking areas, except single-family or two-family dwellings on a single lot, based on the diagram where "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width, and "G" is the maximum permitted decrease in clear aisle width for private parking areas (see table on following page).

18.42.090 Off-street loading and storage. All loading spaces and storage areas for commercial and industrial buildings and uses shall be off the street and shall be in excess of required parking spaces.

Table I

A	B	C	D	E	F	G
P a r a l l e l	8'0"		12.0	22.0	22.00	2



20°	8'0"	13.6	11.0	23.4	24.6	1
	8'6"	14.1	11.0	24.9	25.1	
	9'0"	14.6	11.0	26.3	25.6	
	9'6"	15.1	11.0	27.8	26.1	
	10'0"	15.5	11.0	29.2	26.5	
30°	8'0"	16.0	11.0	16.0	27.0	1
	8'6"	16.4	11.0	17.0	27.4	
	9'0"	16.8	11.0	18.0	27.8	
	9'6"	17.3	11.0	19.0	28.3	
	10'6"	17.7	11.0	20.0	28.7	
45°	8'0'	18.4	14.0	11.3	32.4	3
	8'6"	18.7	13.5	12.0	32.2	
	9'0"	19.1	13.0	12.7	32.1	
	9'6"	19.4	13.0	13.4	32.4	
	10'0"	19.8	13.0	14.1	32.8	

60°	8'0"	19.7	19.0	9.2	38.7	3
	8'6"	20.0	18.5	9.8	38.5	
	9'0"	20.3	18.0	10.4	38.3	
	9'6"	20.5	18.0	11.0	38.5	
	10'0"	20.8	18.0	11.5	38.8	
70°	8'0"	19.8	20.0	8.5	39.8	3
	8'6"	20.1	19.5	9.0	39.6	
	9'0"	20.4	19.0	9.6	39.4	
	9'6"	20.6	18.5	10.1	39.1	
	10'0"	20.9	18.0	10.6	38.9	
80°	8'0"	19.2	25.0	8.1	44.2	3
	8'6"	19.3	24.0	8.6	43.3	
	9'0"	19.4	24.0	9.1	43.4	
	9'6"	19.5	24.0	9.6	43.5	
	10'0"	19.6	24.0	10.2	43.6	

Chapter 18.44

NONCONFORMING LOTS AND USES

Sections:

18.44.010 Purpose

18.44.020 Nonconforming lots of record

18.44.030 Partially destroyed nonconforming

	8'0"	18.0	26.0	8.5	44.0	
	8'6"	18.0	25.0	8.5	43.0	
90°	9'0"	18.0	24.0	9.0	42.0	3
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	

- buildings or structures
- 18.44.040 Nonconforming use of land
- 18.44.050 Nonconforming uses
- 18.44.060 Removal of nonconforming uses
- 18.44.070 Repair and maintenance

18.44.010 Purpose. There exists lots, structures and uses of structures and land which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this title to permit these nonconformities to continue

until they are removed, but not to encourage their survival. Such nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding structures or uses prohibited elsewhere in the same district.

18.44.020 Nonconforming lots of record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected, notwithstanding limitations imposed by other provisions of this title, on any single lot of record at the effective date of adoption or amendment of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. A single-family dwelling and customary accessory buildings may be erected though such lot fails to meet the requirements for area or width, or both; however, yard dimensions and other requirements not involving area or width of both shall conform to the regulation for the district in which such lot is located, unless a variance to yard requirements is granted in accordance with the procedures of Chapter 18.48.

18.44.030 Partially destroyed nonconforming buildings or structures.

- A. If any nonconforming building or structure in any district established by this title is removed or destroyed voluntarily or involuntarily, every building, structure or use occupying the premises thereafter shall conform to the regulations of the district in which it is located.
- B. Whenever, in any district, a nonconforming building or structure is damaged or destroyed by any means in excess of sixty percent of the replacement value of the building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations, including use regulations, of the district in which it is located.
- C. In the event such damage or destruction by any means of sixty percent or less of the replacement value of building or structure, only the building, structure or use which existed at the time of such partial destruction may be restored and continued; provided, however, if such restoration is started within a period of six months from the date of such damage or destruction and is diligently prosecuted to completion. The planning commission upon a written request of the application, may extend the period six months but not in excess of eighteen months from the date of the damage or destruction.

18.44.040 Nonconforming use of land.

- A. Use discontinuance. Where no main buildings are used in connection with the nonconforming use of land, or where the only buildings are accessory or incidental to such use, the nonconforming use of such land shall be discontinued not later than one year after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the district in which it is located. The planning commission shall inform both the owner and occupant by letter of the date at which such nonconformity begins and ends. Such beginning date shall not be earlier than the postmark of the letter.
- B. Expansion. A nonconforming use of land shall not be expanded or extended in any way either on the same or any adjoining land.
- C. Discontinuance or change. The discontinuance of nonconforming use of land for six months out of any twelve consecutive months or a change of a nonconforming use of land to some other kind of nonconforming use constitutes abandonment and termination of the nonconforming use and thereafter the use of the land must conform to the regulations of the district in which it is located.

18.44.050 Nonconforming uses. If a use of a building structure or land exists at the effective date of adoption or amendment of the ordinance codified in this title and such a use is not allowed in the district under the terms of this title, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing building or structure devoted to a use not permitted by this title, 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.
- B. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.
- C. Any nonconforming use may not be changed to another nonconforming use.
- D. Any building, structure of land use, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which it is located and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, the building, structure or land shall thereafter only be used in conformance with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a building or structure, removal or destruction of the building or structure shall eliminate the nonconforming status of the land.

18.44.060 Removal of nonconforming uses.

- A. If the planning commission determines that the continuance of a nonconforming use is detrimental to the health, safety or welfare of a neighborhood such a nonconforming use shall be

completely removed or converted to a conforming use within the time prescribed by the city council.

- B. The planning commission shall conduct public hearings on the nonconforming use and set forth an amortization period for its continuance of not less than five years nor more than forty years, depending on the impact of the use on the neighborhood.
- C. The city council shall approve or deny the amortization period.
- D. The planning commission shall then grant a conditional use permit subject to the procedures set forth in Chapter 18.46.

18.44.070 Repairs and maintenance.

- A. Nothing in this title 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, but in no event shall such repair or maintenance prolong the time within which the nonconforming use thereof must terminate.
- B. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent of not exceeding fifty percent of the replacement value of the building or structure; provided, that the cubic content of the building or structure, is not increased from the size which existed at the date the ordinance codified in this title was passed or amended

Chapter 18.46

CONDITIONAL USE PERMITS

Sections:

- 18.46.010 Description and purpose
- 18.46.020 Definition
- 18.46.030 Use permit prerequisite to building
- 18.46.040 Applications
- 18.46.050 Public hearing and notice
- 18.46.060 Action
- 18.46.070 Effective date
- 18.46.080 Expiration of conditional use permit
- 18.46.090 Revocation
- 18.46.100 General criteria
- 18.46.110 General conditions
- 18.46.120 Additional conditions - Generally
- 18.46.130 Additional conditions - Bed and breakfast facility
- 18.46.140 Additional conditions - Churches

- 18.46.150 Additional conditions - Public or parochial schools
- 18.46.160 Additional conditions - Service stations
- 18.46.170 Additional conditions - Greenway conditional use permit
- 18.46.180 Operating sawmills zoned M-1 on January 1, 1978
- 18.46.190 Additional Conditions - Cottage industry
- 18.46.200 Additional Conditions - Telecommunications Facilities

18.46.010 Description and Purpose.

- A. Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things, the size of the area required for the development of such uses, the effect such uses have on the public utility systems, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and the effect such uses have on the growth and development of the community as a whole.
- B. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this title. The authority for the location and operation of certain uses shall be subject to review by the planning commission and the issuance of a conditional use permit. The purpose of review shall be to determine the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purpose of this title shall be reserved. Nothing construed in this title shall be deemed to require the planning commission to grant a conditional use permit when it has been quantitatively shown that the proposed use is not in compliance with Section 18.46.100 GENERAL CRITERIA of this chapter.

18.46.020 Definitions. For the purpose of Chapter 18.46, the following words, terms and phrases are defined as set forth in this section. The definitions of the words, terms, and phrases set forth herein are to be construed as descriptions of the interaction between land uses and/or activities which are adjacent or in close proximity to each other within the various use districts and/or neighborhoods of the city.

- A. Adverse: As used herein, an interaction between land uses and/or activities that causes them to move or work in an opposite or contrary direction and therefore the interaction is unfavorable and harmful to each others basic operations, functions, actions, and/or physical appearance.
- B. Civic environment: Relating to the quality of a city, neighborhood or an area's livability or lack thereof.
- C. Compatible: As used herein, land uses and/or activities that can be mixed or be closely associated without interfering with or causing harm to one another's operations, actions, or physical appearance.
- D. Convenient and functional: A favorable interaction between land uses and/or activities that cause secondary interactions within the city, neighborhood or area to be:
 - 1. Easy to do and able to perform;
 - 2. Near and easily accessible and useful; and,

3. To be handy and useful.

- E. Harmony: A favorable interaction between land uses and/or activities that cause the same to be in agreement with or complimentary to one another's basic operations, action, function, and appearance. As agreement or compatibility in size, shape, scale, bulk, intensity of activity(ies), traffic generation, noise levels, land coverage, density and architectural/structural requirements and design.
- F. Livability: As used herein, land uses and/or activities that can peacefully and agreeably endure in each other's presence without harming one another's basic purpose for existing. Used to describe the degree of compatibility, harmony, and agreement between land uses and/or activities.
- G. Operating characteristics: As used herein, the physically measurable physical requirements, actions, or activities generated or caused by a land use or activity; i.e., consumption of natural resources, vehicular and pedestrian traffic generation, noise and odor generation, space and volume needs, utility consumptions, etc..
- H. Scale-bulk: Terms used to describe agreeable or disagreeable comparative relationships in proportion; between buildings/structures and/or land use size, mass, density and volume.

18.46.030 Use permit prerequisite to building. No building permit shall be issued when a conditional use permit is required by the terms of this chapter unless a permit has been granted by the planning commission and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or for which such permits are required or permitted by provisions of this chapter.

18.46.040 Applications. The application for a conditional use permit shall be made in writing to the planning commission by the owner of the land in consideration or his agent, duly authorized in writing, on forms provided by the planning commission. The application shall be accompanied by the following information:

- A. Site and building plans and elevations;
- B. Existing conditions on the site and within three hundred feet of the site;
- C. Utility and access data;
- D. Operational data; and,
- E. All other information requested by the planning commission.

18.46.050 Public hearing and notice. The planning commission shall hold at least one public hearing on each conditional use permit filed with the commission. The procedures for the public hearing and notice shall conform to the requirements as stated in Chapter 18.56.

18.46.060 Action. The planning commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of this chapter.

18.46.070 Effective data. No conditional use permit granted by the planning commission shall become effective until after an elapsed time of fifteen days from the date the notice of the action or decision

required by Section 18.56.120 has been served.

18.46.080 Expiration of conditional use permit. A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate and become void unless:

- A. The use authorized for such permit shall have commenced or construction necessary thereto shall have commenced, on or before the time limit specified in such permit and thereafter diligently advanced; or,
- B. If no time limit is specified, on or before six months after the date the permit became effective.
- C. Such period of time may be extended by the planning commission for a period of six months but not in excess of eighteen months from the date the first order granting became effective.

18.46.090 Revocation. The planning commission, after notice and public hearing, may revoke a conditional use permit on the basis of any one or more of the following grounds:

- A. Violation of any of the provisions of the zoning ordinance;
- B. Failure to comply with any prescribed requirement of the conditional use permit;
- C. The use for which the permit was granted has ceased to exist or has been suspended for six consecutive months or for eighteen months during and three-year period;
- D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a nuisance.

18.46.100 General criteria. A conditional use permit may be granted only if the proposal conforms to all the following general criteria, as well as to all other additional criteria or conditions required by this chapter.

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and surrounding neighborhood, with consideration to be given to harmony in scale bulk, coverage, and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;
- B. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and setting will allow;
- C. That the proposed development will not impede or interfere with the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;
- D. That the proposed development shall be compatible with the general purpose and intent of the city's comprehensive plan;
- E. That the required dedication and improvement of streets within the development site for the proper extension and/or connection of necessary streets shall be made;

- F. That the required dedication of right-of-way within the development site for the extension of collector and arterial streets shall be made;
- G. That the use of the development site shall not adversely affect access to and subdivision of abutting properties.

18.46.110 General conditions. The planning commission shall designate conditions in connection with the conditional use permit as it deems necessary to secure the purpose of this chapter and may require the guarantees and evidence that such conditions may include:

- A. Regulation of uses, special yard setbacks, coverage and height;
- B. Requiring fences, walls, screens, landscaping and maintenance;
- C. Regulation and control of points of vehicular ingress and egress;
- D. Regulation of signs;
- E. Regulation of vibration, odors and sightlines;
- F. Requiring surfacing of parking areas;
- G. Requiring rehabilitation plans;
- H. Regulation of hours of operation and duration of use or operation;
- I. Requiring a time period within which the proposed use shall be developed;
- J. Requiring bonds to ensure performance of special conditions;
- K. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter;
- L. Regulation of noise to assure that any new source will meet Department of Environmental Quality (DEQ) Standards.

18.46.120 Additional conditions - Generally. Some land uses by the nature of the activity associated with them require separate and intense consideration by the planning commission prior to their establishment. Such uses and additional conditions are set out in Sections 18.46.130 through 18.46.210.

18.46.130 Additional conditions - Bed and breakfast facilities. Any building used for bed and breakfast purposes shall comply with the following standards:

- A. All residences used for bed and breakfast facilities be applicant occupied.
- B. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- C. Off-street parking shall be provided at the rate of two spaces for owner and one space for each sleeping room. The front yard shall not be used for off-street parking for temporary guests.
- D. One on-premises sign may be approved by the city provided that such sign is compatible with residential uses and is not more than four square feet in size.
- E. The conditional use permit shall specify the number of rental rooms and total number of guests permitted in the facility.
- F. All necessary state and county permits, certifications or requirements shall be obtained as a

condition of approval of a bed and breakfast facility.

- G. Room rentals to families or individuals shall not exceed fourteen consecutive days.
- H. The bed and breakfast facility must be accessory to and contained within the existing single-family dwelling occupied by the dwelling's owner.
- I. The only meal to be provided to guests shall be breakfast and it shall be served only to guests taking lodging in the facility.
- J. An occupancy permit shall be obtained from the city building department prior to the commencement of business.
- K. The bed and breakfast facility will be subject to a yearly review by the city planner. If an approved facility is not established within one year of the approval date, or if the use lapses for over one year, the approval automatically expires and a new application is required.
- L. Transfer of ownership of the bed and breakfast facility will require review by the planning commission and issuance of a conditional use permit in the new owner's name. (To be processed as a modification to the original conditional use permit.)
- M. The bed and breakfast facility must maintain an up-to-date guest register.

18.46.140 Additional conditions - Churches. Any building used for church purposes in any residential area, except freestanding personages, shall provide and maintain a minimum setback of twenty feet from any property line which is under a different ownership and is zoned for residential use.

18.46.150 Additional conditions - Public or parochial schools. Any building used for school purposes shall provide and maintain setbacks of fifteen feet from side and rear property lines, except on the street side of a corner lot where the street is dedicated to the public. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.

18.46.160 Additional conditions - Service stations.

A. General principles.

1. Service stations shall be located adjacent to and integrated with other commercial and industrial uses and shall not be developed in "spot" locations.
2. A service station should be located adjacent to an arterial street. A service station may be located adjacent to other streets, provided, that use of the street and access does not have detrimental effects upon the area.
3. Service stations in retail commercial shopping centers shall be integrated with but located on the periphery of retail commercial centers.
4. Service stations may be expected to vary in nature of operation and physical size depending upon the size of the property in which they are sited and size of the customer market they are intended to serve.
5. The siting and architectural character of a service station shall blend with the existing or proposed character of the surrounding area. Variations in building design, materials and functional features are encouraged.

6. A pleasing uncluttered appearance of service stations should be assured by adherence to sign regulations, maintenance of adequate landscaping and limited outdoor display of automotive accessories.

B. Conditional use permit provisions.

1. Location.

- a. The minimum distance from the site to a school, park, playground, church, museum or similar use shall be two hundred feet.
- b. Service stations developed in conjunction with other commercial development shall be situated on arterial streets on the perimeter of such development.

2. Site improvements.

- a. Approximately eight percent of the net area of a service station site shall be improved with well maintained landscaping elements. These elements may include but will not be limited to plant materials, street furniture and decorative surfaces. Emphasis should be on a pleasing appearance, quality of design and proper balance between structure and landscape elements, rather than satisfaction of quantitative criteria. Existing specimen trees, mature ornamental shrubs and ground cover shall be preserved whenever possible.
- b. A fence, hedge, or wall shall be erected on all interior property lines, except where a service station is an integral part of an adjacent commercial development. Such a fence, hedge or wall shall be a minimum of five feet but not greater than seven feet in height, except within fifteen feet of street rights-of-way where no fence, hedge or wall shall be permitted. The fence, hedge or wall shall screen seventy percent of the view between the service station and adjacent property and shall be reviewed by the planning commission for aesthetic and maintenance factors.
- c. Each landscaped and planted area shall be serviced by an automatic irrigation system which is remotely operated.

3. Area and dimensions.

- a. Area. The maximum site area shall be sixteen thousand square feet. The minimum site area shall be ten thousand square feet.
- b. Dimensions. The minimum width along an arterial street shall be one hundred twenty-five feet; the minimum depth shall be eight feet.

4. Access.

- a. A service station shall be permitted not more than two curb cuts for each street frontage.
- b. Service station driveways on arterial streets shall be located at least ten feet from the nearest point of the intersection of public right of way.
- c. Driveways for service stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation element of such adjacent use.

5. Signs, lighting and noise.

- a. Service stations shall be required to adhere to the sign regulations of the zoning district in which they are located.
- b. Miscellaneous small signs and announcements should be concentrated on display structures such as bulletin boards, benches, kiosks or other accessory type structures,

which may be incorporated with the landscaping. No more than sixty-four square feet shall be devoted to such bulletin boards.

- c. Lights shall be reflected away from adjoining properties. Illumination, at a property line abutting residential property or at the curblin where a street intervenes, shall not exceed from all signs and lighting, five foot candles at a height of five feet.
- d. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and the decibel level measured at property lines shall not exceed street background noise normally occurring at the site.

6. Operations.

- a. One gasoline pump shall be permitted per two thousand square feet of site area. A double pump stanchion shall represent one pump.
- b. Operation outside permanent structures shall be limited to the dispensing of gasoline, oil, water, changing tires, and attaching and detaching trailers.
- c. No merchandise shall be displayed so as to obstruct traffic, visual clearance, or pedestrian movement.

7. Truck service stations. Service stations designed to primarily serve the trucking market shall be located in industrial districts. Such service stations shall have a minimum of three hundred feet of frontage on an arterial street. Such service stations shall be exempt from the maximum area, dimensions and curb cut requirements.

8. Tourist commercial service stations. Service stations designed to primarily serve the tourist market shall be located in tourist commercial districts. Such service stations shall have a minimum of one hundred fifty feet of frontage on an arterial street. Such service stations shall be exempt from the maximum area and dimension requirements.

9. Design.

- a. The architectural design of the service station shall be submitted with the plans to file for the request for a conditional use permit.
- b. A landscaping plan of the service station shall be submitted with the plans to file for the request for a conditional use permit.

10. Copy on file. A copy of the conditional use requirements for the service station shall be on file in each service station constructed under this title.

18.46.170 Additional conditions - Greenway conditional use permit.

A. Purpose. The Greenway conditional use permit procedure is a means to permit intensification, change of use, or development of properties within the adopted Willamette River Greenway Boundary, in a manner consistent with the Greenway Policy.

B. Uses.

1. The land use element of the comprehensive plan and underlying zoning district shall determine the uses permitted in the Greenway.
2. All uses and development activities are subject to this section unless otherwise exempted by Subsection G of this section.

C. Criteria and conditions.

1. All requests for a Greenway conditional use permit are subject to the provisions of Chapters 18.50 and 18.58.
2. The planning commission shall consider the following objectives and make affirmative findings on each of them:
 - a. Significant fish and wildlife habitats will be protected;
 - b. Identified scenic area, viewpoints and vistas will be preserved;
 - c. Any structure must be located outside the existing riparian vegetation or behind a setback line which is at least 15 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible.
 - d. The natural vegetation along the river will be maintained to the maximum extent that is practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.
 - e. The proposed development change or intensification of use is compatible with the site and surrounding area.
 - f. Any development will be located away from the river to the maximum extent possible.
 - g. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation that is feasible between the activity and the river.

D. Vegetation Maintenance Standards. Within the riparian setback area, the following standards for maintenance of riparian vegetation shall apply:

1. Along Coast Fork of Willamette River and Row River, no more of a parcel's existing riparian vegetation shall be removed from the setback area than is necessary for the placement or development outside of the riparian zone of use(s) permitted by the zoning district. Vegetation removed in such a manner shall, to the extent practicable, be replaced with similar or the same indigenous vegetation during the next planning season. In no case shall the 25 percent standard in (2) below be exceeded.
2. Along the rivers named above, except for the uses specifically cited below, no more than 25 percent by area, on any given parcel of existing natural riparian vegetation shall be removed for any reason within the riparian setback area.
 - a. Dead or diseased vegetation, or vegetation which constitutes a hazard to public safety or a threat to existing healthy indigenous vegetation.
 - b. Vegetation to be removed for pedestrian access (pathways) to the waterway;
 - c. Removal of vegetation necessary for the maintenance or placement of artificial or structural shoreline stabilization, provided a showing is made that natural erosion control measures or other non-structural solutions are not feasible and only where applicable state and federal standards are met.
 - d. Removal of blackberry vines, Scotch broom, or other noxious vegetation, provided that

such vegetation is replaced with other more suitable vegetation.

3. Variance from Riparian Vegetation Requirements. Request for relief from the above standards shall be processed pursuant to the Variance.

E. Notification and hearings.

1. Provide for at least one public hearing on each application which will allow any interested person an opportunity to speak;
2. Provide for the giving of notice of such hearing to at least owners of record of contiguous property and to any individual or group requesting such notice.

F. Notice to Department of Transportation.

1. The city will not permit an intensification, change of use or development on lands within the boundaries of the Willamette River Greenway without first giving immediate notice by "certified mail -- return receipt requested" to the Department of Transportation of an application for a Greenway conditional use permit.
2. Notice of action taken by the city on an application shall be furnished to the Department of Transportation.

G. Definition. Intensification, change of use or development exception: Intensification, change of use or development in urban and rural areas do not include:

1. Gravel removal from the bed of the Willamette River conducted under a permit from the state;
2. Customary dredging and channel maintenance;
3. The placing, by public agency, of signs, markers, aids, etc., to serve the public;
4. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
5. On scenic easements acquired under Oregon Revised Statutes Section 390.332(2)(a), the maintenance authorized by the statute and Oregon Revised Statutes Section 390.368;
6. The use of small cluster of logs for erosion control.

Any public body intending an action regarding the above which might reasonably be expected to materially affect the functions of another public body shall notify the Department of Transportation and the appropriate city or county.

18.46.180 Operating sawmills zoned M-1 on January 1, 1978.

A. General principles. Operating sawmills zoned M-1 on January 1, 1978, may be allowed to expand only when the general criteria in Section 18.46.100, the general conditions in Section 18.46.110 and the standards in this section are met.

B. Applicability. To accomplish the purpose of this section, a conditional use permit shall be required prior to the issuance of a building permit for all new sawmill site construction that has not been previously approved under this conditional use process.

C. Conditional use provisions.

1. Site improvements.

a. A fence, hedge, wall or earth berm shall be erected along all lot lines abutting existing residential development. Such a fence, hedge, wall or berm shall be a minimum of six feet, but not greater than eight feet in height, except within fifteen feet of street rights-of-way where no fence, hedge, wall or earth berm shall be permitted. Fences, hedges, walls or earth berms shall screen the view between adjacent residences and the sawmill activities. The plans for such fence, hedge, wall or earth berm shall be reviewed by the planning commission for aesthetic, maintenance and noise dampening factors.

b. All planted areas shall be serviced by remotely operated, automatic irrigation systems.

2. Access. Public or private streets and driveways, employee and equipment parking areas and primary vehicle maneuvering areas shall be paved to minimize dust. Paving and drainage plans shall be reviewed and approved by the city engineer.

3. Lighting. Lights shall be reflected away from adjoining properties.

4. Noise. The owner shall provide the city with a written statement from the Department of Environmental Quality that the owner's facilities and operation at the subject site meets one of the following criteria:

a. That it is not under a compliance order or otherwise deemed by the Department of Environmental Quality to be not in compliance with state or federal laws relating to noise pollution; or,

b. That it is under and approved noise-abatement program and compliance schedule.

5. Dust.

a. All unpaved, temporary vehicle maneuvering areas (i.e., log decks) shall be watered during vehicle use to suppress dust.

b. All sawdust generating machinery (i.e., saws, planes, etc.) shall be screen or housed to minimize escaping dust from wood or other sources.

6. Department of Environmental Quality Notification. The city will notify the Department of Environmental Quality of any application for a conditional use permit by certified mail, return receipt requested. Notice of action taken by the city on an application shall be furnished to the Department of Environmental Quality.

18.46.190 Additional conditions - Cottage industry (Ord. No. 2725, §3 (part), 1993).

A. Purpose.

1. To permit people to live and work in their homes and neighborhoods, if their business operations do not inconvenience adjacent neighbors nor disrupt the basic character of the residential

neighborhoods in which they reside and work.

2. To allow a desirable and compatible mix of home occupations, professional services and Cottage Industries within residential zone districts.
3. To minimize the need for people to commute long distances to their place of work.
4. To promote car-pooling, bicycling and walking to places of work, and thus conserve energy, reduce reliance on the automobile, reduce maintenance on the public street systems and avoid traffic congestion, reduce auto noise and emissions pollution. To promote the public health by encouraging bicycling, walking, and the reduction of automobile related pollutants.
5. To promote greater use and efficiency of the City's infrastructure by permitting a greater mix of land uses within the developed pattern, thus minimizing the need for costly infrastructure expansions into undeveloped lands.

B. General principles.

1. The greater the land use intensity of the proposed Cottage Industry, the greater the need:
 - a. For larger land areas of operation
 - b. For visual and noise pollution abatement
 - c. For safe and efficient access to the site
 - d. To ensure overall compatibility with existing neighborhood utility systems
 - e. To promote car-pooling, bicycling and walking to the work site
 - f. For overall aesthetic compatibility in terms of bulk, size and scale
 - g. To promote harmony and a convenient and functional civic environment
2. Cottage Industries of greater operational and land use intensity should be located on larger land sites and adjacent to or in very close proximity to arterial streets. Low intensity Cottage Industries may be located on local city streets.
3. The greater the use of car-pooling, bicycling and walking to and from the Cottage Industry, the greater compatibility of higher intensity Cottage Industries in low density residential neighborhoods and local city streets.
4. The least polluting Cottage Industries in terms of noise, vehicular traffic generation; outdoors or yard activity; materials deliveries to and from the site; visitations to and from the site by visitors, buyers, salesman; building heights and scale-bulk relationships; and other similar operational characteristics shall be considered the most compatible with the traditional standards of residential neighborhoods.

C. General Conditions.

1. Those portions of the dwelling and/or accessory building engaged in the operation of the Cottage Industry shall conform to the State of Oregon Uniform Building, Mechanical, Electrical and Plumbing Codes as applicable.
2. The operation of the Cottage Industry shall be conducted between the daylight hours of 8:00 a.m. to 6:00 p.m. and during the normal work week of Monday through Friday, unless otherwise approved by the Planning Commission.
3. The operation of the Cottage Industry shall not cause noisome or offensive odors, excessive and

harmful noise, accumulations of waste materials of any kind. In addition to the concerns specifically mentioned above, every other thing, substance or act which is determined by the Director of Planning and Development to be injurious or detrimental to the health, safety or welfare of adjacent and surrounding properties is declared to be unlawful and shall be cause for the immediate revocation of the conditional use permit. Garbage receptacle shall be stored within a fenced area not visible to the general public.

4. Off-street parking shall be provided for all resident and non-resident vehicles either on the premise or within four hundred feet thereof. Employee car-pooling, bicycling and walking are strongly encouraged and may be required as a condition of issuing a permit.
5. Materials and/or mechanical equipment not recognized as being part of the normal household shall be subject to Planning Commission approval.
6. There shall be no retail sales of products or services not directly produced on the premises, unless otherwise approved by the Planning Commission
7. It shall not involve the use of heavy commercial or industrial vehicles that weigh 12,000 lbs. or more for delivery of materials to or from premises located on local and collector city streets.
8. Open outdoor storage of materials or supplies shall not be permitted on minimum (6000 square foot) size lots, unless otherwise approved by the Planning Commission.
9. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part. Exception: One 4 ½ square foot business identification sign shall be permitted.
10. Not more than 50 percent of the dwelling unit shall be employed for the Cottage Industry.
11. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use either by color, materials or construction, lighting, signs, sounds or noises or vibrations.

D. Utilities.

1. Utility consumption shall not exceed the delivery capacity of the utility systems serving the residential neighborhood where the cottage industry is located.

E. Vehicular traffic generation.

1. The number of vehicular trip-ends generated by the Cottage Industry site shall not exceed the number of vehicular trip-ends that would be generated by the equivalent number of dwelling units permitted on the site.

F. Site Improvement Requirements.

1. Solid board fencing or equivalent shall be installed on side and back yard property lines. And, if the Cottage Industry operational characteristics entail outdoors work activities, the height required for fencing shall be 6 feet and perimeter back yard landscaping shall be provided as a means of absorbing noise generated by such work activities.

2. On-site off-street parking including access driveways for non-residential vehicles shall be paved with asphaltic concrete, concrete, or other desirable dust-free surfacing materials.
3. All landscaping shall be maintained in a neat and orderly manner and shall be serviced by an automatic irrigation system which is remotely operated.

G. Lot Coverage

1. Lot coverage by all buildings on minimum size lots shall not exceed 50 percent of the lot's gross land area.

H. Non-resident vehicles

1. The number of non-resident vehicles permitted on site shall be 1 per every 5 non-resident employees.
2. Car-pooling beyond the minimum required may be imposed by the Planning Commission when in their discretion such imposition will result in a greater degree of compatibility.
3. Bicycling and walking to the job site may be imposed as a condition of approval when in the discretion of the Planning Commission such a condition is required to maintain the neighborhood's public health and safety.

I. Noise Level Standards.

1. For sites greater than 0.5 acres in size daytime (8 a.m. to 6 p.m.) noise levels due to industry operations shall not exceed 45 dBA at a distance 2 feet beyond the site's property lines.
2. For sites less than 0.5 acres in size daytime (8 a.m. to 6 p.m.) noise levels due to industry operations shall not exceed 55 dBA at a distance of 2 feet beyond the site's property lines.

18.46.200 Additional conditions -- Telecommunication Facilities.

A. Purpose.

The provisions of this section are intended to ensure that wireless telecommunication facilities (WTFs) are located, installed, maintained and removed in a manner that:

1. Minimizes the number of transmission towers throughout the community;
2. Encourages the collocation of wireless telecommunication facilities;
3. Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers;
4. Recognizes the need for telecommunication providers to build out their systems over time; and
5. Ensures that all wireless telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption.

B. Applicability.

Wireless telecommunication facilities, as defined in Chapter 18.04, may be constructed, modified to increase its height, installed or otherwise located within the city only when the general criteria in Section 18.46.100, the general conditions in Section 18.46.110 and the standards in this section are met. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.

C. Criteria and conditions.

1. General standards for siting WTFs shall be as follows:
 - a. All WTFs shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
 - b. Any telecommunication facility shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction.
2. Construction, installation, or modification of all transmission towers and antennas shall comply with the following standards:
 - a. Separation between transmission towers: No transmission tower may be constructed within 2,000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower that is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied.
 - b. Height limitation: The maximum height of a transmission tower, including antennas, in the C2-P, M-1, or M-2 zone is 100 feet. For freestanding structures, height shall be measured from the average grade adjacent to the structure to the highest point of the support structure or any attachment thereto. Average grade shall exclude fill and/or grading for the structure itself.
 - c. Collocation: New transmission towers shall be designed to accommodate collocation of additional providers.
 1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either outright or through future modification to the tower.
 2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either outright or through future modification of the tower.
 - d. Setback: The following setbacks from adjacent property lines and adjacent streets:
 1. The transmission tower shall be set back from adjacent property lines a minimum number of twenty (20) feet.
 2. The transmission tower shall be set back from adjacent public right-of-ways with a

minor arterial designation a minimum number of feet that is equal to a ratio of 2:1 (the height of the tower to setback).

3. Ancillary facilities, including the buildings, cabinets, vaults, closures and equipment required for operation of WTF, shall be setback as determined by the underlying zone.
- e. Buffering: In all zones, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen outside of any protective fencing and any related equipment. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
- f. Noise reduction: In C2-P and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, assisted living facility or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.
- g. Lighting: No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. Support facilities and equipment may be illuminated so long as the light pattern remains within the site boundaries and the light is shielded from view from adjacent public rights-of-way, residential uses and residential zoning districts.
- h. Visual impacts: A WTF shall be located and installed in such a manner as to minimize the visual impact on the skyline and surrounding area. Site location and development shall preserve the existing character of the surrounding buildings, land use and the zoning district to the greatest extent possible, while maintaining the function of the communication equipment. To the greatest extent practicable, the application shall demonstrate that the following items have been incorporated in the proposal:
 - a. On site vegetation preserved and disturbance to the existing topography is minimized;
 - b. The WTF is sited in a location which has the least impact on residential uses and districts and public rights-of-ways;
 - c. The WTF is incorporated as a building element or architectural feature as part of an existing building;
 - d. Equipment facilities are located within a building or placed underground; and
 - e. The telecommunication facility incorporates stealth technology or is a neutral color such as white, gray, blue, black or green or similar to adjacent building color.
- i. Display: No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than 2.

3. Removal of facilities.

Not less than 30 days prior to the date that a WTF operator plans to abandon or discontinue operation of a facility, the provider must notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuance of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the director within which to:

- a. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.
- b. In the event that abandonment as defined in this chapter occurs due to the relocation of an antenna at a lower point on the support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the support structure shall have six months from the date of effective abandonment to co-locate another service on the support structure. If another service provider is not added to the support structure, then the operator shall promptly dismantle and remove that portion of the support structure that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to WTFs that do not diminish their essential role in providing a total system shall not constitute abandonment.
- c. Dismantle and remove facility. If the support structure, antenna array, foundation and facility are not removed within the 60-day period or additional period of time allowed by the city, then the city may remove such support structure, antenna, foundation and related facility at the operator's expense. If there are two or more operators co-locating on a facility, except as provided for in subsection b of this section, this provision shall not become effective until all operators cease using the facility.
- d. At the earlier of 60 days from the date of abandonment without reactivating, or upon completion of dismantling and removal, city approval for the facility shall automatically expire.
- e. To insure removal of the WTF, the applicant shall, as a condition of approval of the Conditional Use Permit, provide a performance bond payable to the City of Cottage Grove and acceptable to the Community Development Director to cover the cost of removal of the WTF and restoration of the site at the time the facility is removed.
- f. The property owner shall bear the ultimate responsibility for removal of the WTF and shall sign a document that is recorded in the deed history of the subject property with Lane County Deeds and Records recognizing such responsibility.

D. Applications.

In addition to the requirements established for applications in 18.46.040, applications for WTFs shall include the following:

1. A description of the type of service offered (voice, data, video, etc.) and the consumer receiving

- equipment; the identification of the provider and backhaul provider, if different.
2. A plot plan drawn to scale showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and any existing or proposed easements.
 3. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
 4. The method(s) of stealth design (where applicable).
 5. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provide the most accurate representation of the proposed facility from a variety of vantage points.
 6. A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions, maintenance specifications, and a bond to guarantee removal as specified in this chapter.
 7. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable).
 8. A map of the City showing the approximate geographic limits of the 'cell' to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 2,000 feet of the proposed site.
 9. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for collocation is within the area recommended by the engineer's report, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
 - a. The structure is not of sufficient height to meet engineering requirements;
 - b. The structure is not of sufficient structural strength to accommodate the telecommunication facility;
 - c. Electromagnetic interference for one or both WTS facilities will result from collocation; or,
 - d. The radio frequency coverage objective cannot be adequately met.
 10. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure complies with FCC rules for such emissions; the cumulative RF emissions if collocated.
 11. Documentation that the ancillary facilities will not produce sound levels in excess of those required by this standard, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
 12. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed and commented on the proposal.

Chapter 18.48

VARIANCES

Sections:

18.48.010 Purpose

18.48.020 Limitations

18.48.030 Application

18.48.040 Conditions

18.48.050 Period of validity

18.48.060 Public hearing

18.48.010 Purpose. The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are consistent with the objectives of this title. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

18.48.020 Limitations. A variance shall not be granted as a substitute for, or in lieu of, a change in zone. The power to grant variances does not extend to use regulations.

18.48.040 Conditions. The planning commission may grant a variance to a regulation prescribed by this title if on the basis of the petition, investigation and evidence submitted, the planning commission finds that:

- A. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or necessary physical hardship inconsistent with the objectives of the zoning ordinance;
- B. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners or other properties classified in the same zoning district;
- C. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district;
- D. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district;
- E. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

18.48.050 Period of validity. No order of the planning commission granting a variance shall be valid for a period longer than six months unless such permitted use is established within such period, or in the event such permitted use is dependent upon the erection or alteration of a building, unless a building permit for the erection or alteration is obtained within such six-month period; provided, however, that the planning commission, upon written request of the applicant, may extend the period six months but not in excess of eighteen months from the date the first order granting the variance was given.

18.48.060 Public hearing. Upon the filing of a verified application for variance, the planning commission shall set time and place for a public hearing of the request, in accordance with the

requirements of Chapter 18.56.

Chapter 18.50

DESIGN REVIEW

Sections:

18.50.010 Purpose and intent

18.50.020 Definitions

18.50.030 Applicability

18.50.040 Criteria for design review

18.50.050 Off-site improvements and right-of-way

18.50.060 Conditions

18.50.070 Procedure

18.50.010 Purpose and intent. The purpose of this chapter is to establish site design criteria and review procedures to promote the general health and welfare by encouraging attention to site planning and giving regard to the natural environment, creative project design and the character of the neighborhood or area.

18.50.020 Definitions. For the purpose of this chapter, the words set out in this section shall have the following meanings:

- A. "Landscaping" includes trees, grass, bushes, shrubs, flowers, garden areas, and bark-o-mulch, the arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas, artificial turf or carpeting or other outdoor architectural amenities; but excludes artificial plants, shrubs, bushes or flowers.
- B. "Staff review committee" consists of the following members of the city staff: public works director and the director of planning and development.
- C. "Design review" is the review of design review plans by the Planning Commission and/or the Staff Review Committee, whichever the case may be.
- D. "Design review plans" consist of the following improvement plans drawn to scale:
 - 1. Site plan;
 - 2. Landscape plan;
 - 3. Architectural drawings and plans;
 - 4. Signage and lighting plan(s); and,
 - 5. Any other improvement plans deemed necessary to secure the purpose and requirements of this chapter.
- E. "Special land use permits" are permits for variances, conditional uses, zone changes, design review, planned unit developments, development permits and special use permits.

18.50.030 Applicability. To accomplish the purpose of this chapter, design review shall be required in the following instances:

- A. Incidental to a zoning ordinance amendment;
- B. The Planning Commission may require design review in conjunction with major subdivision approval when it is determined by the planning commission necessary to accomplish the purpose of this chapter;
- C. Prior to the issuance of a building permit for all new construction and physical improvements and relocations, additions and exterior changes to existing buildings, except a single family residence or a duplex and permitted accessory structures thereto in zones where the same is permitted by right.
- D. When criteria in Section 18.50.070(B) apply.

18.50.040 Criteria for design review. The following criteria shall be utilized by the staff review committee or planning commission, as the case may be and when design review is required to ensure that the purpose and intent of this chapter are met:

- A. General. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe, efficient and attractive development of the site.
- B. Relationship to neighborhood and areas. The proposed development or physical improvements will not impair or interfere with either the development, use, enjoyment or value of other property in the vicinity or the orderly and pleasing development of the neighborhood or area as a whole.
- C. Project development.
 - 1. The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;
 - 2. The proposed development or physical improvement is in character with the design qualities of other developments in the area;
 - 3. Due consideration has been given to the historical characteristics or architectural theme within an area;
 - 4. There is sufficient variety in the design of the structures and ground to avoid monotony in the external appearance.
- D. Aesthetic Design.
 - 1. The design, size, shape and arrangement of structures and uses are in scale and compatible with the surroundings;
 - 2. Exposed utility lines, storage areas, machinery, installations, service and loading areas, advertising features and similar accessory areas and structures are set back or screened to minimize the loss of natural light, views, privacy and general aesthetic value of surrounding properties;
 - 3. The development or physical improvement is so designed, sized or sited to minimize obstruction of scenic views.

E. Landscaping.

1. The development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, including fences, when necessary. Landscaping shall be located in at least the following separate areas:
 - a. The front yard, when required, or that adjacent to the public right-of-way;
 - b. Along any lot boundary adjacent to a residential zone;
 - c. To define, soften or screen the appearance of off-street parking areas from the public right-of-way.
2. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.

F. Advertising features. The size, location and design of all exterior signs and illumination are in scale and harmony with the site and area.

18.50.050 Off-site improvements and right-of-way. Additional right-of-way and off-site improvements, including but not limited to street improvements, pedestrian ways, lighting and signalization, may be required upon the city engineer's finding that an increased need for such improvements is created by the proposed development.

18.50.060 Conditions. Reasonable conditions may be established by the staff review committee or planning commission in connection with design review as deemed necessary to secure the purpose and requirements of this chapter. Guarantees and evidence may be required that such conditions will be or are being complied with.

18.50.070 Procedure.

A. Application for design review approval.

1. Prior to submission of a request for design review approval, the applicant must confer with the city planner in order to ascertain application requirements.
2. Applications for design review approval must be made on a form prescribed by the city planner and submitted to the planning and development office along with the required fee and three copies each of the following, when appropriate:
 - a. A site plan, drawn to scale, showing parcel location, boundaries and dimensions; the location, arrangement and dimensions of all structures, parking, loading areas, walkways, points of ingress and egress, landscape areas, fences and walks. The site plan shall indicate how utility services and drainage are to be provided.
 - b. A landscape plan, drawn to scale, showing the location of existing and proposed tree plantings, ground cover, screening plantings, pertinent landscape features and proposed method of irrigation.
 - c. Architectural drawing, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of proposed structures as they will appear on completion. Proposed treatment of exterior surfaces shall be specified.

- d. Signage and lighting plan(s), drawn to scale, showing the size, location, character and type of signs and lighting facilities.
- e. Other improvement plans as may be required to secure the purpose and requirements of this chapter.

B. Review and action. The planning commission or staff review committee, whichever the case may be, will review and approve, disapprove or approve conditionally, design review plans in one of the following ways:

1. When zoning ordinance amendments and special land use permits and design review approval is required, the Planning Commission will take action within twenty (20) days of receipt of a complete design review application as described in subsection A of this section.
2. A design review application may be made concurrent with a zoning ordinance amendment or at a later date prior to approval of a building permit for construction on the site. When a zoning ordinance amendment is approved without a design review, the planning commission shall recommend to the city council as a condition of approval, that a design review application be submitted to the planning commission for their approval prior to issuance of a building permit for the site, or recommend that design review approval authority be given to the staff review committee.
3. When only a building permit and design review approval, is required, the staff review committee will take action on the design review plan within fifteen (15) days of receipt of a complete design review application.
4. When only a building permit and site plan approval is required, the staff review committee will take action for:
 - a. Exterior modifications to buildings which affect no more than fifty (50) percent of the existing wall area; or,
 - b. Additions to buildings not exceeding fifty (50) percent of the original floor area; or,
 - c. Interior modifications to existing buildings will be reviewed where the City Planner determines that a significant effect on public facilities or services may occur.

C. Appeals.

1. An appeal of the staff review committee's decision may be made to the planning commission by the applicant provided:
 - a. The applicant delivers to the city recorder a written notice of appeal, stating his reasons for appeal based on the requirements of Chapter 18.50.
 - b. The written notice of appeal is received by the city recorder within fifteen days of the applicant's receipt of notice of action by the staff review committee.
2. The planning commission shall hold a public hearing at its next regular scheduled meeting following seven days after filing of the appeal.
3. The planning commission shall approve, disapprove or approve conditionally the design review application based on the testimony as to compliance with the requirements of this chapter.
4. The decision of the planning commission shall be final unless appealed to the city council consistent with appeal provisions of this title.

- D. Documentation of approved plans. Upon arrival of site plans and applications, the staff review committee shall request from the applicant three copies of the approved plans which shall be marked "approved" with the date of such action. The staff review committee shall attach conditions of approval to the plans.
- E. Effective date. Unless appealed, approvals of site plans and applications become effective after an elapsed period of fifteen days from the date of action by the staff review committee or planning commission.
- F. Limits of approval. If a building permit for a development for which design review application approval has been granted is not obtained within one year of the approval, unless an extension has been requested and granted by the staff review committee within that time period, the approval is deemed automatically revoked and a new design review application must be submitted and approved prior to issuance of a building permit.
- G. Modifications. Except for interior structural modifications, and changes in use that are in character with those associated with original approval, and other changes deemed minor by the staff review committee, all modifications subsequent to design review application approval must be reviewed and approved according to the requirements for original submittals.
- H. Compliance. Once approved, the development of the site must conform to approved design review plans and all conditions attached thereto. Any departure constitutes a violation of this title.

Chapter 18.51

TEMPORARY TRAILERS

Sections:

- 18.51.010 Purpose
- 18.51.020 Definitions
- 18.51.030 Applicability
- 18.51.040 Exemption
- 18.51.050 General standards
- 18.51.060 Application
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18.51.010 Purpose. This Chapter is intended to regulate the use of trailers within any zoning district of

the City except MHP Mobile Home Park Districts for specific limited temporary purposes on an interim basis in order to alleviate hardship, facilitate safety and security, and ensure the orderly provision of temporary and/or itinerant commercial activity.

18.51.020 Definitions. For purposes of this Chapter, the following words, terms and phrases shall be defined in the manner set forth below:

Trailer: Any unit or structure which may be used for living, sleeping, or business purposes which is equipped with wheels or other devices that enables transportation from one place to another, including, but not limited to recreational vehicles, fifth-wheels, camp trailers, etc. For purposes of this Chapter, "trailer" does not include "manufactured dwellings," as defined, described and regulated elsewhere in this Title.

18.51.030 Applicability. The use of a trailer for any purpose shall be subject to the applicable procedures, criteria, standards and regulations of this Chapter, except within approved mobile home parks. No use of a trailer shall be permitted without prior approval of the City.

18.51.040 Exemptions. The regulations contained in this Chapter shall not apply to any trailer that is:

- A. Legally located and in storage or otherwise not in use, or;
- B. Legally located on property in residential districts as guests of residents for visitation periods of up to five (5) days a year.

18.51.050 General Standards. All trailer uses shall comply with the following standards:

- A. The location and placement of the trailer shall conform with all site, location, access and parking requirements set forth in the zoning district regulations that apply to the trailer location.
- B. The trailer shall not be connected in any manner to any utility service unless required, approved and permitted by the City.
- C. The trailer shall not be placed upon a permanent foundation.
- D. Trailers shall not occupy any required parking area.
- E. The use shall be limited in duration to the minimum amount of time deemed reasonable for the proposed use.
- F. No use shall be allowed without prior written approval of the property owner of the site upon which it will be located.

18.51.060 Application. Prior to initiation of any trailer use, an application shall be filed with the Office of Planning and Development. The application shall contain the following information:

- A. Location of the proposed trailer use site by address.
- B. Site sketch plan that shows the proposed placement of the trailer, its dimensions, and distances from property lines and other buildings and structures, and trailer access and parking.

- C. Description of the proposed use and its proposed duration.
- D. Any proposed use of utility services.
- E. All plans and specifications necessary for any building or utility permits.
- F. Any other information deemed necessary by the City.

18.51.070 Procedures. Upon receipt of a complete application, City staff shall evaluate the application for conformance with the uses, criteria and standards of this Chapter and any other applicable regulations of this Title and shall issue a decision within ten (10) working days.

18.51.080 Permitted uses. The following uses of a trailer on a limited and temporary basis shall be permitted, subject to the applicable approval criteria and conditions:

- A. Work-related purposes on construction job sites, subject to the following standards:
 - 1. The trailer is located on the job site by the contractor and/or subcontractor following issuance of a building permit and removed within ten (10) days after issuance of a final permanent occupancy permit;
 - 2. Residential and/or security guard use shall be approved by the Building Official, subject to any code requirements, and;
 - 3. The trailer permit shall not exceed six (6) months in duration.
 - 4. Notwithstanding standard 1., above, a residential property owner who will be acting as contractor may use a temporary trailer on a vacant development site ninety (90) days prior to issuance of a building permit, provided that the owner/contractor executes a written agreement that includes the following conditions:
 - a. Payment of a non-refundable \$600 application fee, to be applied to the cost of a building permit at the time of issuance;
 - b. The ninety (90) day submittal period shall not be renewed or extended under any circumstances;
 - c. Failure to obtain a building permit prior to expiration of the ninety (90) day submittal period shall void the temporary trailer permit and the use shall be immediately discontinued.
- B. Security guard use, subject to the following standards:
 - 1. A plan which describes how permanent provisions for security guard purposes are to be developed for the site prior to expiration of the permit shall be submitted with the application, and;
 - 2. The trailer permit shall not exceed one (1) year in duration.
- C. Fund raising purposes by nonprofit community groups or other business uses, subject to the following standards:
 - 1. The trailer shall be located in a commercial or industrial district, except real estate sales offices in residential subdivision or more than twenty lots may be located in a residential district;
 - 2. The use shall be approved by the Building Official, subject to any code requirements, and;
 - 3. The trailer permit shall not exceed six (6) months in duration.
- D. Medical Hardship purposes, subject to the following standards:

1. The trailer shall be located in a residential district or otherwise on site of the person that requires or will provide care;
2. A written statement by the doctor of the patient which attests to the need for the care shall accompany the application;
3. The trailer permit shall not exceed one (1) year in duration, unless an additional written statement by the doctor is submitted prior to expiration, and;
4. Upon cessation of the need for the care by the patient, the use shall cease.

18.51.090 Conditions. Reasonable conditions may be attached to a permit approval in order that the purpose and standards of this Chapter are addressed, or to ensure that any other applicable regulations of this Title or the building codes are maintained, or to otherwise promote the health, safety and welfare of the community.

18.51.100 Permit renewals and/or extensions. A permit issued under the criteria and standards of this Chapter may be renewed or extended through the submittal of a new application, unless otherwise prohibited or as otherwise described under specific standards when it can be shown that:

1. Extraordinary circumstances have occurred that justify a limited extension under hardship conditions, or;
2. The scope and nature of the related work associated with the use reasonably justifies an extension.

18.51.110 Termination of permit. Whenever any use authorized by permit under this Chapter is voluntarily terminated for more than seventy-two (72) hours, the permit shall become null and void.

18.51.120 Non-transferability of permits. No permits issued to a specific person or organization is transferable.

18.51.130 Appeals. Appeals of temporary trailer permit decisions shall proceed as follows:

- A. Appeal of a staff decision shall be made in writing to the Planning Commission within ten (10) days of the date of the staff decision. The appeal shall be in writing and shall state the basis for the appeal. Following filing of an appeal, the application shall be scheduled for a public hearing. The Planning Commission shall consider the application and approve, conditionally approve or deny the application.
- B. Appeal of a decision of the Planning Commission shall be made in writing within ten (10) days of the notice of decision by the Planning Commission. The City Council shall review the appeal document, the record of proceedings and other information presented to the Planning Commission during the public hearing process, unless the Council, on its own motion, reopens the matter to testimony and holds a de novo hearing. The Council may sustain, deny, modify, continue, table refer back to the Planning Commission for further public testimony or require further consideration by the Planning Commission. A decision of the City Council shall be the final decision of the City.

18.51.140 Violation — Penalties.

- A. Any person, firm or corporation convicted of violating any provisions of this Chapter shall be punished by either:
 - 1. A fine not to exceed five hundred dollars (\$500), or;
 - 2. Imprisonment for a period not to exceed one hundred (100) days, or;
 - 3. Both such fine and imprisonment.
- B. Any person, firm or corporation shall be subject to penalty for violating a provision of this Chapter for each day or portion thereof which the violation is committed, continued, or allowed by such person, firm or corporation.

18.51.150 Severability. The provisions of this Chapter are severable. If a section, paragraph, subdivision, clause, sentence, or provision of this Chapter is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Chapter.

(Ord. 2810, Effective July 8, 1998)

Chapter 18.52

OCCUPANCY PERMITS

Sections:

18.52.010 Purpose

18.52.020 Building permits

18.52.030 Occupancy permits

18.52.010 Purpose. The purpose of this chapter is to provide that all construction or alterations of buildings or structures; or changes in uses thereof required to have a building permit, shall require a certificate of occupancy before the building or structure may be occupied and to enforce the zoning laws of the city.

18.52.020 Building permits. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the building inspector. Permits shall be issued upon the following provisions:

- A. No building permit for construction, alteration, or excavation shall be issued, for which the application does not contain nor is accompanied by a written statement signed by the applicant specifying the uses or occupancy for which the proposed construction or alteration is designed or intended;

- B. No building permit shall be issued where such construction, addition, or alteration or use thereof would fail to meet or would be in violation of any provision and requirements of this title;
- C. All applications shall contain a statement, setting forth the use, height, structure size and the location of the building on the lot;
- D. The lot shall front or abut on a public street, or have access to such street over a private street or easement of record approved by the planning commission

18.52.030 Occupancy permits.

- A. No building or structure shall be occupied or used prior to the issuance of a certificate to occupy, whenever:
 - 1. A building permit has been or should have been issued to construct or alter the building or structure;
 - 2. A change in use occurs;
 - 3. Upon request of the owner, contractor, or other interested person, the building inspector or authorized representative of the city shall inspect the completed construction or alteration for conformance to the provisions of the zoning ordinance and the Uniform Building Code;
 - 4. A notice disallowing occupancy and stating the type of zone, type of occupancy, or uses, type of permits required, type of structure and providing for authorization of occupancy shall be posted in a conspicuous place on the structure being constructed or altered;
 - 5. Upon conformance with all provisions of the zoning ordinance and the Uniform Building Code, the notice will be signed by an authorized representative of the city and shall constitute authorization to occupy;
 - 6. When a structure is altered, the limitations set forth in this chapter shall apply only to the portions of a building or structure which occupancy would adversely affect the safety and/or welfare of the occupants as determined by the building inspector;
 - 7. The Planning Commission may upon request from an owner, contractor, or other interested person, approve temporary exemption from conditions set by the Planning Commission or the City Council when one or more of the following criteria is met;
 - a. Inclement weather,
 - b. Action pending in the courts, the city council or other governmental body which may directly affect construction or alteration as originally intended;
 - 8. A building or structure for which a building permit is issued to construct or alter the building may be excluded from the provisions set forth in this chapter; provided, that it is a single-family dwelling, or building incidental to single-family uses, i.e., garages, carports, outbuildings or structures;
 - 9. It is a violation of this title to remove the notice of disallowing occupancy prior to approval of occupancy by an authorized representative of the city.

Chapter 18.54

MOVING OF BUILDINGS AND STRUCTURES

Sections:

18.54.010 Requirements designated

18.54.010 Requirements designated. Before a permit is issued for a building or structure to be moved from one lot to another within the city or moved in to the city from an area not within the city limits, a one thousand dollar bond must be posted with the city and the building inspector must determine that the building or structure will meet the following requirements:

- A. The use for which the building was designed and the intended use shall be in keeping with the zone or district into which the building is moved;
- B. The building shall meet all the requirements of the city building, fire and sanitation codes;
- C. The expected usable life of the building shall be not more than fifty percent expended;
- D. The building or structure is in keeping with or not detrimental to the character and welfare of the area into which it is to be moved.

Chapter 18.56

ZONING OF ANNEXED AREAS

Sections:

18.56.010 Requirements

18.56.010 Requirements.

- A. The planning commission shall proceed promptly to recommend a comprehensive zoning plan for such newly annexed areas in accordance with the provisions of Chapter 18.58. In accordance with the Commission's zoning plan and in order to afford zoning protection to newly annexed areas that have not been previously zoned by the county, such areas are automatically classified as RS residential suburban district, R-1 single family residential, R-2 medium density multiple family residential district, or "R" single family residential district may be applied for on an individual basis. The zoning plan may include commercial and/or industrial zones as deemed appropriate by the Planning Commission.
- B. Where an area is zoned by the county at the time of annexation to the city, the county zoning regulation applicable to the annexed area shall continue to apply in accordance with Oregon Revised Statutes Section 227.310 unless, at the time of annexation or at a subsequent time, the city council enact city zoning in the annexed areas.

Chapter 18.58

PROCEDURES

Sections:

- 18.58.010 Purpose
- 18.58.020 Initiation
- 18.58.030 Application
- 18.58.040 Filing and appeal fees
- 18.58.050 Public hearing and notice
- 18.58.060 Required information in notices
- 18.58.070 Continuance of hearing
- 18.58.080 Summary of testimony
- 18.58.090 Action by the planning commission
- 18.58.100 Action by the city council
- 18.58.110 Resolution of intent to rezone
- 18.58.120 Notice of action or decision
- 18.58.130 Process for planning commission appeals
- 18.58.140 Limitations of the renewal or refilling of applications
- 18.58.150 Nature and conduct of hearing
- 18.58.160 Challenge for bias, prejudgment or personal interest
- 18.58.170 Presiding officer
- 18.58.180 Burden of proof
- 18.58.190 Order of procedure
- 18.58.200 Record of proceedings
- 18.58.210 Publication of rules
- 18.58.220 Amendment and suspension of rules

18.58.010 Purpose. As the comprehensive general plan for the city is put into effect during the coming years, there will be a need for changes in district and other regulations of this title. Also, as the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such changes or amendments shall be made in accordance with the procedures in this chapter.

18.58.020 Initiation. The initial public hearing on any proceeding under this title shall be held before the planning commission. Proceedings may be initiated as follows:

- A. Amendments to Zoning Ordinance. Such amendments, which include amendments or changes to the official zoning map, may be initiated by the council, planning commission, or property owner of land in consideration or his agent, duly authorized in writing. If they are initiated by an interested person, an application for such amendment shall be made on forms provided by the planning commission for this purpose, duly signed and verified by the applicant and filed with the planning commission.
- B. Issuance of Variances, Conditional Use Permits or Design Review Approvals. A request for a

variance, conditional use permit or design review approval may be initiated by an application made by the property owner of the land in consideration, or his agent duly authorized in writing on forms provided by the planning commission for this purpose, duly signed and verified by such person, and filed with the commission.

- C. Revocation or modification of Variances or Conditional Use Permits. The revocation or modification of any variance or conditional use permit may be initiated by the planning commission or the council on its motion, or by an application made by any person damaged or adversely affected by continuance of such variance or conditional use permit, on forms provided by the planning commission for this purpose, duly signed and verified by such person, and filed with the planning commission.
- D. Planned Unit Development. Planned unit development permit shall be processed by the planning commission and transmitted to the city council with a recommendation for its approval or disapproval and any conditions the planning commission feels should be imposed. The city council may approve, disapprove, or refer the same back to the planning commission for further processing. Any such permit is subject to the final approval of the city council.
- E. Determination of other permitted buildings and uses. The determination as to whether a building or use not specified as a permitted use is considered to be permitted, may be initiated by application made by any interested person on forms provided by the planning commission for this purpose, duly signed and verified by such person and filed with the planning commission. There is no public hearing needed for this determination.

18.58.030 Application. The property owner desiring a proposed change in the boundaries of a district, or a request for a variance, design review approval, a conditional use permit, or a planned unit development, shall file an application for such on forms provided by the planning commission for this purpose. Such forms shall be signed and verified by the property owners or their agent.

- A. An application for land use action or permit shall consist of:
 - 1. A complete application form and all supporting documents and evidence.
 - 2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.
 - 3. Legal description of the property affected by the application.
- B. A complete application and all supporting documents and evidence must be submitted at least 30 days prior to the date of a hearing.
- C. If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.
- D. If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the

31st day after the governing body first received the application.

- E. Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the planning commission shall be held on the same date.
- F. Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitation of ORS 215.178.

18.58.040 Filing and appeal fees.

- A. When proceedings are initiated by an applicant, filing fees shall be paid as a condition of filing. Neither the council nor the commission is to be considered an applicant and shall pay no fee.
- B. The filing fee, by type of request, is established by resolution as provided by Ordinance 2361, set out at "Fee Schedule" in this code.
- C. When a change of zone classification and variance, conditional use permit, or design review approval are involved concurrently, there shall be only one fee charged.
- D. No filing fee shall be refunded except on order of the planning commission or council for good cause shown.

18.58.050 Public hearing and notice.

- A. The public hearing shall be before the commission.
- B. Notice of public hearing shall be by one publication, in a newspaper of general circulation within the city, not less than twenty days prior to the date of the public hearing.
- C. Notice of the public hearing shall be given by posting, at least ten days prior to the date of the public hearing, at least one notice at the City Hall and one notice in front of the property. If more than one property is involved, additional notices shall be posted at the discretion of the staff to the planning commission.
- D. Notice of public hearing shall be given by mail at least twenty days before the date of hearing.
- E. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - 1. Legislative change to the Zoning Ordinance — None.
 - 2. Quasi-judicial text or map amendment to the Zoning Ordinance — 100 feet. In addition, when a zone change request affects all or a part of an existing mobile home park, tenants of the affected parks shall also receive public notice.
 - 3. Conditional use — 100 feet.
 - 4. Variance request — 100 feet.
 - 5. Review Uses — 100 feet.
 - 6. Appeals (sent to parties to the record).
 - 7. Zone changes surrounding a public use airport. The owner of a public use airport shall be

notified of all zone change requests involving property within 5,000 feet of the side or end of a runway of the airport facility.

Addresses for a mailed notice required by this Ordinance shall be obtained from the County Assessor's real property tax records. 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 Ordinance for notice. In addition to persons to receive notice as required by the matter under consideration, the Director of Planning and Development may provide notice to others he has reason to believe are affected by the proposed action.

- F. Published notice shall be given for the proposed actions described below by publication in a newspaper of general circulation in the City of Cottage Grove:
1. Legislative change to the Zoning Ordinance;
 2. Quasi-judicial text or map amendment to the Zoning Ordinance;
 3. Conditional use;
 4. Variance;
 5. Design review;
 6. Planned unit development; and,
 7. Appeal.

18.58.060 Required information in notices. Required information in notices shall be as follows:

- A. The name of the applicant;
- B. The date, time, place or hearing and who is holding the public hearing;
- C. The street address, legal description or other easily understood geographical reference to the subject property;
- D. The nature of the application and the proposed use or uses which could be authorized;
- E. A list of the applicable criteria from the Zoning Ordinance and Comprehensive Plan that apply to the application at issue;
- F. A statement that failure to raise an issue in person or by letter precludes appeal and that failure to specify which criterion the comment is directed precludes an appeal based on that criterion.
- G. A statement describing where the complete application, criteria and other relevant information is available for review, how written comments may be submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.
- H. A statement 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.
- I. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
- J. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

18.58.070 Continuance of hearing.

- A. If for any reason the public hearing is not begun or completed on the date for such hearing, the person presiding at such public hearing may continue such hearings; provided, that before the adjournment of the meeting he publicly announces the time and place to which such hearing is continued, in which event no further notice is required.
- B. Unless there is a continuance, if a participant requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 215.428.

18.58.080 Summary of testimony. A summary of all pertinent testimony offered at public hearings before the commission and council and the names of persons testifying shall be reduced to writing and made a part of the permanent files on the case.

18.58.090 Action by the planning commission.

- A. **Zone Changes and Intent to Rezone.** The planning commission shall make specific findings and forward a report to the city council as to whether the change of zone or intent to rezone is required to achieve the objectives of the zoning ordinance prescribed in this code and whether such change would be consistent with the purpose and intended application of the zone classification.
- B. **Other actions.** Except for zone changes and intent to rezone, the other actions or decisions on this title of the planning commission shall be final unless appealed. The city council may on its own motion, review any proceedings as an appeal of the planning commission's action.

18.58.100 Action by the city council. Any action or decision of the city council on proceedings arising under this title, excepting a reference back to the planning commission and continuances of a hearing shall be final and conclusive. The total processing time for land use requests, including that allotted for appeals, shall not exceed 120 days, unless all parties involved agree to waive this requirement.

18.58.110 Resolution of intent to rezone.

- A. If, from the facts presented and the findings in the report and recommendation of the planning commission, the city council determines that the public health, safety, welfare and convenience will be served by a change in zone, or any portion thereof, the council may indicate its general approval in principal of the change in zone by the adoption of a "resolution of intent to rezone" the property. The resolution shall include any conditions, stipulations or limitations which the city council may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the city council may feel necessary to prevent speculative holding of the property after rezoning.
- B. However, a resolution for needed housing types shall not include conditions, stipulations, or limitations which have the effect, either individually or cumulatively, of decreasing planned

densities or unduly increasing development costs.

- C. A site plan approved by the planning commission shall be required; the same shall be binding on the property. Any approved site plan may be amended or it may be released from the restrictions of such site plan by resolution of the city council on recommendation from the planning commission. However, no other changes constituting a departure from the approved site plan shall be made.
- D. The fulfillment of all conditions, stipulations and limitations contained in the resolution, on the part of the applicant, shall make this resolution a binding commitment upon the city council. Upon completion of compliance action by the applicant, the council shall, by ordinance, effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations, or limitations, contained in the resolution, shall render the resolution of intent to rezone null and void unless an extension is granted by the council upon recommendation of the planning commission.

18.58.120 Notice of action or decision.

- A. A notice of the action or decision of the planning commission or the city council shall be given in writing to the applicant.
- B. The notice may be served personally or, in the alternative, sent by first class mail addressed to the person at his address shown in the application.
- C. The notice shall be deemed served at the time it is deposited in the United States mail.

18.58.130 Process for planning commission appeals.

- A. Filing of appeals. An appeal of a planning commission decision must be filed with the city recorder within fifteen days of any action of the planning commission. The person filing the appeal shall have appeared before the planning commission orally or in writing.
- B. Content of appeal. Every appeal except when review is caused by the city council's own motion, shall be in writing, stating the grounds for the appeal and setting forth the alleged error by the planning commission.
- C. Action by the City Recorder. Upon receipt of an appeal of a planning commission decision, the city recorder will submit the appeal to the city manager's office for placement on the city council agenda.
- D. Action by the City Manager. Upon receipt of an appeal of a planning commission decision, the city manager will place the appeal on the next regular city council agenda. If the appeal is submitted after the submittal deadline for the city council agenda items, the appeal will be placed on the following regular city council meeting agenda.
- E. Review by the City Council. The city council, upon receipt of an appeal or by its own motion, shall review only the appeal document, the record of proceedings and other information presented to the planning commission during the commission's deliberation on the request.
- F. Action by the City Council. The city council, after review of the record of the planning commission action, may sustain, deny, modify, continue, table, refer back to the planning commission for further public testimony or require further consideration by the commission, on

any request for which an appeal has been filed or has been considered by the council on its own motion.

The denial or approval by the city council of an appeal shall be final and conclusive.

- G. Referral to the Planning Commission. If an item is referred back to the planning commission the council may require that the commission hold a public hearing. If the council does not require the commission to hold a public hearing the commission may, on its own motion, open an item for public discussion.
- H. Action by the Planning Commission. Upon receipt of a referral for further consideration from the city council, the planning commission shall review the planning commission record, the record of the city council pertaining to the item. The commission shall forward its decision and supportive findings to the city council for final consideration.

18.58.150 Nature and conduct of hearing.

- A. The planning commission in conducting a hearing which will result in a determination as to the permissible use of specific property, including large area rezonings, is subject to review as a quasi-judicial body and all formal hearings shall be conducted accordingly. Unless waived, interested parties are, therefore, entitled to an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as part of that record.
- B. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.
- C. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.
- D. No person shall present irrelevant, immaterial or repetitious testimony or evidence.
- E. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the hearing body.
- F. The presiding officer and members of the commission or council may question any persons who appear.
- G. Recognizing that any determinations regarding the use of specific property may be most practically handled in a summary manner to the satisfaction of all parties immediately concerned and without harm to the public interest, unless the quasi-judicial hearing, hereinafter referred to as a formal hearing; procedure provided for in these rules is requested by any person at or prior to the commencement of the hearing, the formal hearing procedural requirements shall be considered waived and the following less formal procedure substituted therefor:
 - 1. Any interested party may appear for himself or be represented by a person of his choosing. Any person speaking at a public hearing shall first identify himself by name and address and, if appearing in a representative capacity, identify whom he represents;
 - 2. Procedure for all matters considered shall be as follows:
 - a. The planning staff will present the matter, action and considerations required by law and any other information deemed necessary to establish appropriate

considerations prior to public discussion or hearing. The permanent report of the planning commission may be substituted for such presentation;

- b. (Open public hearing, if applicable.) The proponents of the matter shall present their case;
- c. Opponents of the matter shall present their case;
- d. Proponents shall then have an opportunity to rebut any new matters presented by the opponents;
- e. City staff members and representatives of other public agencies shall be afforded an opportunity to make presentations, followed by a summation by the planning staff, if considered necessary or desirable;
- f. Discussion and action;

H. Disclosure rule.

1. To assure fair and impartial recommendations and determinations and to assure advocates the opportunity to respond or refute information which the hearing body has available to it, it is mandatory that full disclosure of prehearing (ex parte) consideration of all public hearing, formal or informal, land use agenda items be made.
2. Members of the hearing body should avoid prehearing contacts so that their recommendations and determinations can be made based solely on the evidence presented at the time of public hearing. Nothing herein shall prohibit attendance at a public hearing of another hearing body by a member of the hearing body, provided only that the member does not participate in any way at such hearing.
3. Disclosures shall be made as follows: Any discussion, except at a public hearing, between any voting member and an applicant or his representative, or any other person with a direct interest, concerning a specified case while such matter is scheduled or likely to come before the hearing body shall be made known, and the substance thereof related by such member, at the beginning of the public hearing before the hearing body on such case, all of which shall be entered into the record.

18.58.160 Challenge for bias, prejudgment or personal interest.

- A. Any proponent or opponent of a proposal to be heard by the hearing body may challenge the qualification of any member to participate in such hearing and decision. Except for a challenge based upon disclosure made at the time of a hearing, which may be made orally, such challenges must state facts in writing, by affidavit, relied upon by the submitting party relating to member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.
 1. Such written challenge must be delivered by personal service to the presiding officer, and the member whose qualification is challenged, not less than forty-eight hours preceding the time set for public hearing.
 2. Such challenge shall be incorporated into the record of the hearing.
- B. No member shall participate in a hearing or a decision of a proposal when he:
 1. Is a party to or has a direct personal or pecuniary interest in the proposal;
 2. Is in business with the proponent; or

3. For any other reason, has determined that he cannot participate in the hearing and decision in an impartial manner.

18.58.170 Presiding officer. The chairman of the planning commission shall be the presiding officer at all hearings before the planning commission. In the absence of the presiding officer, or with his consent, the hearing body may designate one of its members to act as presiding officer at any appropriate hearing. A presiding officer shall have authority to:

- A. Regulate the course and decorum of the hearing;
- B. Dispose of procedural requests or similar matters;
- C. Rule on offers of proof and relevancy of evidence and testimony;
- D. Take such other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;
- E. Impose reasonable time limits on those appearing;
- F. Rules upon a challenge for bias under Section 18.58.170 including to disqualify a member from participation.

18.58.180 Burden of proof.

- A. The burden of proof in a formal hearing is upon the proponent. The more drastic the change or the greater the impact of the proposal in an area, the greater is the burden upon the proponent.
- B. The following criteria and factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal:
 1. Conformance with the comprehensive plan and zoning code;
 2. The public need for the proposal;
 3. How public need will be best served by changing the zone classification of the proponent's property as compared with other available property;
 4. If other areas have been previously designated for a use of development submitted in the proposal, then the necessity for introducing the proposal into an area not previously contemplated and why the property owners there should bear the burden, if any, of introducing that proposal into their area;
 5. Mistake in the original comprehensive plan;
 6. Change in the character of the neighborhood;
 7. Factors listed in Oregon Revised Statutes Section 227.240 as they apply to the specific proposal;
 8. Such other factors which relate to the public need for helpful, safe and aesthetic surroundings and conditions.

18.58.190 Order or procedure. The presiding officer, in the conduct of a formal hearing, shall:

- A. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

- B. Call for Abstentions. Inquire of the body whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing his abstention shall not participate in the hearing, participate in discussion of the question or vote on the question. Any member whose participation has been challenged by allegation of bias, prejudice, personal interest, or partiality, or who has been subject to significant ex parte or prehearing contact from proponents or opponents, may make a statement in response thereto or in explanation thereof, for the record, and his decision to abstain or not. This statement shall not be subject to cross-examination, except upon consent of that member, but shall be subject to rebuttal by any person.
- C. Objections to Jurisdiction. Inquire of the audience whether there are any objections to jurisdiction of the hearing body to hearing the matter, and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if his inquiry results in substantial evidence that the hearing body lacks jurisdiction, e.g., necessary procedural requirements to the ordinance have not been met. Any matter thus terminated may, if the defect can be remedied, be rescheduled by the hearing body.
- D. Staff Report(s). Request the representative of the planning commission or staff to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the planning commission, if necessary, and appropriate and provide such other information as may be requested by the hearing body, including written communications received. The permanent report of the planning commission may serve as the staff report, and shall, in any event, be a part of the record together with the minutes of any meeting upon which such permanent report is based.
- E. Proponent's Case.
1. The applicant-proponent shall first be heard, on his own behalf, or by representative.
 2. Upon failure of the applicant or his representative to appear at the hearing on his proposal, or upon his express waiver of presenting testimony and evidence, the hearing body shall consider the written application, plus staff materials, as presenting the applicant's case.
 3. Persons in favor of the proponent's proposal shall next be heard.
- F. Questioning. In addition to the direct questions presented by the members, direct questions or persons appearing at a hearing may be allowed by the presiding officer upon request by any person. However, such direct questions by others than members shall be discouraged. Persons having questions should state such questions and to whom the questions are addressed at the time of their own presentation. Reply by the person or person to whom the questions are addressed would be made during the rebuttal period or as determined by the presiding officer.
- G. Opponents Case. Persons opposed to the proposal shall next be heard in the same manner as in the case of the proponent(s).
- H. Rebuttal Evidence. Allow the proponent to offer rebuttal evidence and testimony and the opponents to respond to such additional statements. The scope and extent of rebuttal shall be determined by the presiding officer.
- I. Close of Hearing and Deliberation. The presiding officer shall conclude the hearing and the hearing body shall deliberate the proposal. The hearing body shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff or the planning commission or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of

continued deliberation and shall not allow for additional submission of testimony, except upon decision of the hearing body. In any case, where a decision of the city council upholds the planning commission decision, the permanent report of the planning commission, of approved and/or adopted, shall constitute, along with the planning commission minutes, a part of the findings and conclusions of the council.

18.58.200 Record of proceedings.

- A. The recording officer of the hearing body or a designee of the presiding officer shall be present at each formal hearing and may provide that the proceedings be electronically or stenographically recorded.
- B. The presiding officer shall, where practicable, cause to be received, all physical and documentary evidence presented which shall be marked to show the identity of the person offering and whether presented on behalf of proponent or opponents. Such exhibits shall be retained by the hearing body until after any applicable appeal period has expired at which time the exhibit shall be released upon demand to the person identified thereon.

18.58.210 Publication of rules. These rules shall be placed on record with the planning department and the city recorder and be available to the public at all hearings.

18.58.220 Amendment and suspension of rules. Any rules of procedures not required by law may be amended, suspended or repealed at any hearing by majority vote of those members present and voting.

Chapter 18.60

ENFORCEMENT AND PENALTY

Sections:

18.60.010 Planning director

18.60.020 Abatement

18.60.030 Violation — Penalty

18.60.010 Planning Director. It shall be the duty of the planning director to see that this title is enforced. He shall issue no permit for the construction or alteration of any building or part thereof unless, in his opinion, the plans, specifications and intended use of such building conform in all respects to the provisions of this title.

18.60.020 Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the zoning regulations is unlawful and a public nuisance and may be abated as such.

18.60.030 Violation — Penalty.

- A. Any person, firm or corporation violating any of the provisions of the zoning ordinance of the City of Cottage Grove, Oregon shall upon conviction thereof be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days or both. The planning director is authorized to initiate prosecution for alleged violations by filing a complaint in the Municipal Court of the City of Cottage Grove. (Ord. No. 2727, Section 2, 1993)
- B. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provisions of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this title.

