

City of McMinnville Zoning Ordinance

Chapters:

- [17.03 General Provisions](#)
- [17.06 Definitions](#)
- [17.09 Zone Classifications, Boundaries, and Maps](#)
- [17.12 R-1 Single-Family Residential Zone](#)
- [17.15 R-2 Single-Family Residential Zone](#)
- [17.18 R-3 Two-Family Residential Zone](#)
- [17.21 R-4 Multiple-Family Residential Zone](#)
- [17.24 O-R Office/Residential Zone](#)
- [17.27 C-1 Neighborhood Business Zone](#)
- [17.30 C-2 Travel Commercial Zone](#)
- [17.33 C-3 General Commercial Zone](#)
- [17.36 M-L Limited Light Industrial Zone](#)
- [17.39 M-1 Light Industrial Zone](#)
- [17.42 M-2 General Industrial Zone](#)
- [17.45 AH Agricultural Holding](#)
- [17.48 F-P Flood Plain Zone](#)
- [17.51 Planned Development Overlay](#)
- [17.52 Airport Overlay Zone](#)
- [17.54 General Regulations](#)
- [17.55 Wireless Communication Facilities](#)
- [17.57 Landscaping](#)
- [17.58 Trees](#)
- [17.59 Downtown Design Standards and Guidelines](#)
- [17.60 Off-Street Parking and Loading](#)
- [17.63 Nonconforming Uses](#)
- [17.66 Conditional Uses](#)
- [17.67 Home Occupations](#)
- [17.69 Variances](#)
- [17.72 Public Hearings](#)
- [17.75 Administrative Provisions](#)

-
-
Chapter 17.03

-
GENERAL PROVISIONS

Sections:

- 17.03.010 Title.
- 17.03.020 Purpose.
- 17.03.030 Interpretation—More restrictive provisions govern.
- 17.03.040 Compliance with provisions required.

17.03.010 Title. The ordinance codified in Chapters 17.03 through 17.75 of this title shall be known as “The McMinnville Zoning Ordinance of 1981.” (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 through 17.75 of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.030 Interpretation—More restrictive provisions govern. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.03.040 Compliance with provisions required. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.06

-
DEFINITIONS

Sections:

- 17.06.010 Generally.
- 17.06.020 Access.
- 17.06.030 Accessory structure or accessory use.
- 17.06.040 Alley.
- 17.06.045 Alter.
- 17.06.046 Apartment house.
- 17.06.050 Automobile service station
- 17.06.052 Automobile wrecking yard.
- 17.06.055 Basement.
- 17.06.057 Bed and breakfast establishment.
- 17.06.060 Boardinghouse, lodginghouse, or roominghouse.
- 17.06.070 Building.
- 17.06.072 Building line.
- 17.06.074 Building official.
- 17.06.077 Campus living organization (fraternity, sorority, or dormitory).

17.06.078	Cemetery.
17.06.079	Church.
17.06.080	Clear vision area.
17.06.090	Clinic.
17.06.100	Club.
17.06.110	Commission.
17.06.120	Common wall construction.
17.06.130	Community building.
17.06.135	Condominium.
17.06.140	Council.
17.06.145	Day care facility.
17.06.147	Deck.
17.06.150	Dwelling, multifamily.
17.06.160	Dwelling, single-family.
17.06.170	Dwelling, two-family.
17.06.180	Dwelling unit.
17.06.190	Family.
17.06.200	Fence.
17.06.202	Fence, sight-obscuring.
17.06.210	Floor area.
17.06.220	Grade.
17.06.236	Guesthouse, servants' quarters.
17.06.240	Height of building.
17.06.250	Home occupation.
17.06.260	Hospital.
17.06.270	Hotel.
17.06.280	Junkyard.
17.06.290	Kennel.
17.06.300	Loading space.
17.06.310	Lot.
17.06.320	Lot area.
17.06.330	Lot, corner.
17.06.340	Lot, curvilinear.
17.06.350	Lot, flag.
17.06.360	Lot, front.
17.06.370	Lot, interior.
17.06.380	Lot line.
17.06.385	Lot of record.
17.06.390	Lot, rear.
17.06.400	Lot, through.
17.06.405	Manufactured home/house and class A mobile home.
17.06.410	Mobile home.
17.06.412	Mobile home park.
17.06.418	Model home.
17.06.420	Motel.
17.06.430	Nonconforming structure or nonconforming use.
17.06.435	Nursing home/convalescent home.
17.06.440	Owner.
17.06.450	Parking space.
17.06.460	Patio.
17.06.470	Person.

17.06.475	Prefabricated structure.
17.06.480	Professional office.
17.06.485	Recreation vehicle.
17.06.487	Recreation vehicle park.
17.06.488	Residential child care facility.
17.06.490	Sign.
17.06.500	Sign, advertising.
17.06.510	Sign, business.
17.06.515	Sign, portable.
17.06.517	Social relief facilities.
17.06.520	Story.
17.06.522	Story, first.
17.06.530	Street.
17.06.540	Structural alteration.
17.06.550	Structure.
17.06.570	Transitional parking area.
17.06.580	Use.
17.06.590	Yard.

17.06.600	Yard, duplex rear.
17.06.610	Yard, exterior side.
17.06.620	Yard, flag lot.
17.06.630	Yard, front.
17.06.632	Yard, duplex front.
17.06.640	Yard, rear.
17.06.650	Yard, side.
17.06.660	Yard, through lot.
17.06.670	Zero lot line construction.

17.06.010 **Generally.** For the purposes of this title, the following terms shall be defined as set forth in this chapter. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.020 **Access.** “Access” means the way or means by which pedestrians and vehicles enter and leave property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.030 **Accessory structure or accessory use.** “Accessory structure” or “accessory use” means a structure or use incidental and subordinate to the main use or property and located on the same lot as the main use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.040 **Alley.** “Alley” means a street which affords only a secondary means of access to property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.045 **Alter.** “Alter” means any change, addition, or modification in construction of a structure or building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.046 **Apartment house.** See “Dwelling, multifamily.”

17.06.050 **Automobile service station.** “Automobile service station” means a building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.052 Automobile wrecking yard. See “Junkyard.” (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.055 Basement. “Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.057 Bed and breakfast establishments. “Bed and breakfast establishment” means a structure designed and occupied as a residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facilities. (Ord. 4292 §2 (a), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.060 Boardinghouse, lodginghouse or roominghouse. “Boardinghouse,” “lodginghouse,” or “roominghouse” means a building where lodging with or without meals is provided for compensation for not more than five persons in addition to members of the family occupying such building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.070 Building. “Building” means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. A mobile home, with or without wheels, shall not be considered a building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.072 Building line. “Building line” means a line that is parallel with and adjacent to the most forward portion of a building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.074 Building official. “Building official” means the superintendent of the building department or his designate. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.077 Campus living organization (fraternity, sorority, or dormitory). “Campus living organization (fraternity, sorority, or dormitory)” means a living organization having a common kitchen located in the structure or located in a separate structure, but providing facilities for student housekeeping which has received official sanction from an institution of higher learning or hospital. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.078 Cemetery. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.079 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. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.080 Clear vision area. “Clear vision area” means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the curb lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to a point of intersection. Where no curb exists, the edge of the improvement shall be substituted for curb line. (Ord. 4477 §6, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.090 Clinic. “Clinic” means a facility for human ailments conducted by a group of physicians, dentists

and other licensed practitioners for the treatment and examination of outpatients. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.100 Club. “Club” means buildings and facilities, owned and operated for a social, educational or recreational purpose, to which membership is required for participation, and not operated primarily for profit nor to render a service which is customarily carried on as a business. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.110 Commission. “Commission” means the city Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.120 Common wall construction. “Common wall construction” means a single-family dwelling having one or more walls attached to and in common with one or more other single-family dwellings. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.130 Community building. “Community building” means a publicly owned and operated facility used for meetings, recreation or education. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.135 Condominium. “Condominium” means the land, whether leasehold or in fee simple and whether contiguous or noncontiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto, which are submitted to the provisions of ORS 91.500 to 91.671 and 91.990. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.140 Council. “Council” means the common council of the city. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.145 Day care facility. “Day care facility” means any facility that provides care to three or more children (outside the family) during a limited portion of a twenty-four hour period, including a day nursery, family day care center, or similar unit operating under any name or as may be licensed by the State of Oregon, but not including educational, health care, residential (overnight), group care, or detention facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.147 Deck. “Deck” means a flat-floored, roofless area adjoining a dwelling or other building and adapted especially to outdoor dining and living. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.150 Dwelling, multi-family. “Multi-family dwelling” means a building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.160 Dwelling, single-family. “Single-family dwelling” means a detached building containing one dwelling unit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.170 Dwelling, two-family. “Two-family dwelling” means a detached building containing two dwelling units and commonly known as a duplex. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.180 Dwelling unit. “Dwelling unit” means one or more rooms designed for occupancy by one family and having not more than one cooking facility. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.190 Family. “Family” means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing means or lodging to not more than two additional persons, excluding servants or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. Family shall include

two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, as well as staff persons required to meet the Department of Human Resources licensing requirement, who are living as a single housekeeping unit using one kitchen. (Ord 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.200 Fence. "Fence" means any obstruction constructed of any materials, including but not limited to wire, wood, cement, brick, plastic, and evergreen or shrubbery planting arranged in such a way as to partially or wholly obstruct vision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.202 Fence, sight-obscuring. A "sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.210 Floor area. "Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.220 Grade. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.230 Group Care Facility. (deleted as per Ord. 4479A)

17.06.236 Guesthouse, servants' quarters. "Guesthouse and/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. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.240 Height of building. "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck lines of a mansard roof, or to the highest gable of a pitch or hip roof. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.250 Home occupation. "Home occupation" means a lawful occupation carried on by a resident of a dwelling as a secondary use within the same building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.260 Hospital. "Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care with nursing service on a continuous basis. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.270 Hotel. "Hotel" means a building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.280 Junkyard. "Junkyard" means the use of more than two hundred square feet of the area of any property for the storage of junk, including scrap metals or other scrap materials and/or for the dismantling or

“wrecking” of automobiles or other vehicles or machinery. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.290 Kennel. “Kennel” means a lot or building in which four or more dogs, cats or animals at least four months of age are kept for board, propagation, training, or sale. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.300 Loading space. “Loading space” means an off-street space within a structure or on the same lot with a structure for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which space abuts on a street or other appropriate means of access. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.310 Lot. “Lot” means a parcel or tract of land. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.320 Lot area. “Lot area” means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements for access to other property except as otherwise provided in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.330 Lot, corner. “Corner lot” means a lot abutting on two or more streets other than an alley, at their intersection. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.340 Lot, curvilinear. “Curvilinear lot” means a lot having a curved frontage. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.350 Lot, flag. “Flag lot” means a lot which takes access on a street and has the main body of the lot away from the street. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.360 Lot front. “Lot front” means, on an interior lot, the side facing a lot abutting the street. On a corner lot, either side facing the street may be the front. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968.)

17.06.370 Lot, interior. “Interior lot” means a lot other than a corner lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.380 Lot line. “Lot line” means the property line bounding a lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.385 Lot of record. “Lot of record” means a lot shown as a part of a recorded subdivision or created through a legal partitioning, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the county recorder; except that no parcel of land created after 1968 without complying with the provisions of the land division requirements of the state and the city or county (whichever had jurisdiction control at the time of the division) shall be considered a lot of record. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.390 Lot rear. “Lot rear” means that side of the lot opposite of the front and most distant therefrom, except that a duplex lot rear need not be opposite the front. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.400 Lot, through. “Through lot” means an interior lot having frontage on two streets. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.405 Manufactured home/house and Class A mobile home. “Manufactured home/house and Class A mobile home” means a mobile home conforming to HUD construction codes, transportable in one or more

factory-built sections, and designed to be used for permanent occupancy as a dwelling. (Ord. 4564 §1, 1994; Ord. 4481 §3, 1991)

17.06.410 Mobile home. “Mobile home” means a structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling, which was designed and built to comply with the Oregon State Department of Commerce Rules and Regulations for Mobile Homes. Mobile home does not mean recreation vehicle or modular home. (Ord. 4481 §3, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).).

17.06.412 Mobile home park. “Mobile home park” means any place where four or more mobile home spaces are located within five hundred 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 to any person for a charge or fee paid or to be paid for rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. (Ord. 4536 §1, 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.418 Model home. “Model home” means the building(s) and/or property incorporating unique or innovative architectural design or construction techniques and intended for use as an example to promote similar development, and also means the building(s) and/or property intended for use as an example in attracting potential buyers to a specific subdivision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.420 Motel. “Motel” means a building or group of buildings on the same lot containing guests units, which building or group is intended or used primarily for the accommodation of transient automobile travelers. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.430 Nonconforming structure or nonconforming use. “Nonconforming structure” or “nonconforming use” means a lawful existing structure or use at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.435 Nursing home/convalescent home. “Nursing home/convalescent home” means any facility for the care, boarding, and housing of elderly persons or medical outpatients, including rest homes, homes for the aged, and similar uses operating under any name or as may be licensed by the State of Oregon. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.440 Owner. For the purposes of this title, an owner of property may also mean an authorized agent of the owner. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.450 Parking space. “Parking space” means an enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.460 Patio. “Patio” means an unenclosed, covered recreation area adjoining a dwelling or other building and adapted especially to outdoor dining and living. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.470 Person. “Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any group or combination acting as a unit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.475 Prefabricated structure. “Prefabricated structure” means a building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site and complies with the requirements for a prefabricated structure in the Uniform Building Code, but does not

include a mobile home or recreational vehicle. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.480 Professional office. “Professional office” means an office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.485 Recreation vehicle. “Recreation vehicle” means a vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a motor vehicle; which is intended for human occupancy and is designed for vacation or recreation purposes but not residential use, and is equipped with plumbing, sink, or toilet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.487 Recreation vehicle park. “Recreation vehicle park” means a lot which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.488 Residential child care facility. “Residential child care facility” means any facility which has a primary purpose of the provision of overnight housing, boarding, and care including foster and shelter care, for children under the age of eighteen. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.490 Sign. “Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.500 Sign, advertising. “Advertising sign” means a sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such sign is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.510 Sign, business. “Business sign” means a sign which directs attention to a business, profession, service, product, activity, or entertainment sold or offered upon the premises where such sign is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.515 Sign, portable. “Portable sign” means any sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily include, but are not limited to: A-frame or sandwich board signs, signs attached to wood or metal frames which are designed to be self-supporting and movable, and trailer reader boards. Portable sign does not mean a sign affixed to and hanging from a marquee or awning provided the bottom of such sign is not less than eight feet above the sidewalk grade. (Ord. 4283 §2, 1984; Ord. 3380 (part), 1968).

17.06.517 Social relief facilities. “Social relief facility” means a home or private institution operated for the care, treatment, and/or boarding and housing of socially impaired persons, not to included detention facilities or those handicapped persons protected by the Fair Housing Amendments Act of 1988. (Ord. 4479A §3, 1991).

17.06.520 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, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered a story. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.522 Story, first. “First story” means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story,

provided such floor level is not more than four feet below grade, as defined herein, for more than fifty percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.530 Street. "Street" means the entire width between boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "drive," "lane," "place," "avenue," "alley," or other similar designation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.540 Structural alteration. "Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.550 Structure. "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.560 Tourist home. (Repealed by Ord. 4292 July 24, 1984).

17.06.570 Transitional parking area. "Transitional parking area" means a lot or portion of a lot in a residential zone being used for additional parking spaces by a commercial or manufacturing enterprise. Said parking spaces shall be in addition to the parking requirements of the business or manufacturing zone in which said enterprise is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.580 Use. "Use" means the purpose for which land or structure is designed, arranged or intended, or for which it is occupied or maintained. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.590 Yard. "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in Sections 17.54.020 and 17.54.060. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.600 Yard, duplex rear. "Duplex rear yards" need not be opposite the front yard. Each unit of a duplex must be provided with a rear yard with access provided thereto. (Ord. 4174 §1(part), 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.610 Yard, exterior side. "Exterior side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.620 Yard, flag lot. Yard requirements for flag lots shall be figured only within the main body and not within that portion for access. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.630 Yard, front. "Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the lot front to the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.632 Yard, duplex front. A duplex structure must be provided with one front yard. It is not necessary to provide each unit with a separate front yard. (Ord. 4174 §2, 1982).

17.06.640 Yard, rear. "Rear yard" means a yard extending the full width of the lot, or in the case of a corner lot, to the exterior side yard, the depth of which is the minimum distance from the lot rear to the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.650 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard along the side of the main building, the width of such yard being the minimum distance from the lot side to the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.660 Yard, through lot. Through lot yards shall provide the required front yard on each street. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.06.670 Zero lot line construction. "Zero lot line construction" means a dwelling which is constructed abutting a lot line, having no setback therefrom, primarily used in conjunction with common wall construction. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.09

-
ZONE CLASSIFICATION, BOUNDARIES AND MAPS

Sections:

- 17.09.010 Zones established.
- 17.09.020 Zone boundaries—Map adopted by reference.
- 17.09.030 Zone boundaries—Designated.
- 17.09.040 Zone boundaries—Official map.
- 17.09.050 Annexed areas.

17.09.010 Zones established. For the purpose of this title, the following zones are established in the city:

Abbreviated Zone	<u>Designation</u>
Single-family residential zone	R-1
Single-family residential zone	R-2
Two-family residential zone	R-3
Multiple-family residential zone	R-4
Office/Residential zone	O-R
Neighborhood business zone	C-1
Travel commercial zone	C-2
General commercial zone	C-3
Limited light industrial zone	M-L
Light industrial zone	M-1
General industrial zone	M-2
Agricultural holding zone	AH
Flood area zone	F-P

(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.020 Zone boundaries—Map adopted by reference. The boundaries for the zones listed in this title are indicated on the McMinnville Zoning Map of 1980, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.030 Zone boundaries—Designated. Unless otherwise indicated by the zoning map, zone boundaries

are lot lines, the centerlines of streets, and the centerlines of railroad rights-of-ways. If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone, in which the greater area of the lot lies; provided, that this adjustment involves a distance not to exceed twenty feet from the mapped zone boundary. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.040 Zone boundaries—Official map. The boundaries for the zones enumerated in this title and ORS 227.310 and for those areas zoned and rezoned in accordance with ordinances enacted by the Council and approved by the Mayor subsequent to the date of December 2, 1980, shall be as set forth by the Engineering Department on the map which is kept on file in City Hall; and that said map, subject to future amendment by the Council, as recorded by the Engineering Department, is approved as the official zoning map of the City, December 2, 1980. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.09.050 Annexed areas. An unzoned area annexed to the City shall be placed in the R-1 zone. A County zoned area annexed to the City shall remain in the County zone classification and shall not be allowed any building permits until the zone is changed to a city zone through the procedures set forth in Chapter 17.72 of this title. Simultaneous application for annexation and a zone change is allowed provided that the zone change ordinance does not take effect until and unless the property is properly annexed to the City and incorporated within the city limits. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.12.010 Permitted uses.
- 17.12.020 Conditional uses.
- 17.12.030 Lot size.
- 17.12.040 Yard requirements.
- 17.12.050 Building height.
- 17.12.060 Density requirements.
- 17.12.070 Signs.

17.12.010 Permitted uses. In an R-1 zone, the following uses and their accessory uses are permitted:

- A. Site built single-family dwelling and Class A mobile home subject to the following standards.
 1. If the dwelling is removed, the exposed foundation and any outbuildings must be removed within 90 days or, if notice is given to the city, 180 days will be allowed for installation of another home on the existing foundation; and
 2. A Class A mobile home shall have a pitched roof with a minimum slope of a nominal three feet in height for each 12 feet of run; and
 3. A Class A mobile home shall not be located adjacent to an historic landmark or within an historic district, as identified in the current McMinnville Historic Resources Inventory; and
 4. A Class A mobile home shall be multisectional, at least 24 feet in width, and enclose a space of not less than 1,000 square feet; and
 5. A Class A mobile home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade; and

6. A Class A mobile home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material which is comparable to the predominant materials used on surrounding dwellings, as determined by the Planning Director. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants, and restrictions of any homeowner's or other association; and

7. A Class A mobile home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010; and

8. A Class A mobile home shall have a garage or carport constructed of like materials. An attached or detached garage may be required in lieu of a carport where a garage is consistent with the predominant construction of immediately surrounding dwellings.

B. Two-family dwelling on a corner lot with nine thousand square feet minimum area provided the subdivision plat designates the lot as duplex;

C. A single-family dwelling having a common wall with one other single-family dwelling, provided:

1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.

2. The two dwellings shall have a common wall at the "zero" lot line.

3. One of the lots shall be a corner lot approved for this use on a subdivision plat hereafter approved by the Planning Commission and filed in accordance with law, and:

a. Both lots combined shall comprise not less than nine thousand square feet in area.

There is no minimum lot area for the individual lots created.

b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.

OR both lots shall be interior lots approved for this use on subdivision plat here after approved by the Planning Commission and filed in accordance with the law, and approved by the Planning Commission and filed in accordance with the law, and

c. Each lot shall comprise not less than nine thousand square feet in area.

d. The setback requirements will apply to each dwelling unit independently, except that the setbacks for the "zero" lot line shall be waived.

4. Each dwelling unit must have independent services which include but are not limited to sewer, water, and electricity.

5. The common wall shall be a fire wall and shall be of a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974;

D. Day care facility, under the following provisions:

1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.

2. Twelve or fewer children are present at any one time at the center.

3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.

4. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810.

E. Residential child care facility, under the following provisions:

1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less children under care reside in the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met;
- F. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met.
- G. Home occupation, subject to the provisions of Chapter 17.67;
- H. Model home, subject to the provisions of Section 17.54.100 of this ordinance;
- I. Public park and recreation area;
- J. Sewage pump station;
- K. Satellite dish provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting. (Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499 §1, 1991; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.020 Conditional uses. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Two-family dwelling on corner lots with a minimum of nine thousand square feet;
- B. Cemetery;
- C. Church;
- D. Community building, including library;
- E. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Thirteen or more children present at any one time,
 3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- F. Residential child care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more children are present at any one time;
- G. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time;
- H. Farming and keeping of domestic animals;
- I. Golf course, except driving range and miniature golf course when operated as a business;
- J. Guesthouse or servants' quarters provided the lot is not less than twelve thousand square feet in area;
- K. Home office of a physician or minister;
- L. Public or private school;
- M. Electrical power substation;
- N. Water reservoir;
- O. A single-family dwelling having a common wall with one other single-family dwelling, providing:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The two dwellings shall have a common wall at the "zero" lot line.
 3. One of the two lots shall be a corner lot, and:
 - a. Both lots combined shall comprise not less than nine thousand square feet in area.

There is no minimum lot area for the individual lots created.

b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.

OR both lots shall be interior lots, and:

c. Each lot shall comprise not less than nine thousand square feet in area.

d. The setback requirements will apply to each dwelling unit independently, except that the setback for the "zero" lot line shall be waived.

4. Each dwelling unit must have independent services which include, but are not limited to sewer, water, and electricity.

5. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974;

P. Windmill, for generation of electricity or pumping water;

Q. Bed and breakfast establishments provided:

1. That the structure be designed for and occupied as a single-family residence. The structure shall retain the characteristics of a single-family residence.

2. That the establishment be owner-occupied.

3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.

4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the bed and breakfast establishment.

5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.

6. That the duration of each guest's stay at the bed and breakfast establishment be limited to no more than seven consecutive days and no more than fifteen days in the 30-day period.

7. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance No. 3997 of this code;

8. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of a \$25 fee, provided that the permit has not been terminated under the provisions of Section 17.12.020(Q)(9) below.

9. Complaints on conditions 1 through 8 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.66.010 and 17.66.015 of the zoning ordinance. If the bed and breakfast establishment is found to be in violation of the criteria, the Planning Commission may terminate the use.

R. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §6 (part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(b), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.030 Lot size. In an R-1 zone the lot area shall not be less than nine thousand square feet, except as provided in Sections 17.12.010(C) and 17.12.020(O) of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.040 Yard requirements. In an R-1 zone each lot shall have yards of the following size unless otherwise provided for in Section 17.54.090:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than ten feet, except an exterior side yard shall not be less than twenty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.050 Building height. In an R-1 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.060 Density requirements. In an R-1 zone, the lot area per family shall not be less than nine thousand square feet, except that the lot area for approved two-family corner lots and common wall, single-family corner lots shall not be less than nine thousand square feet for two families. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.12.070 Signs. In an R-1 zone, the following types of signs are permitted:

- A. A sign not to exceed two square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated;
- B. A non-illuminated temporary sign not to exceed six square feet in area concerning the lease, rental, or sale of a property;
- C. A non-illuminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign;
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way;
- E. Political campaign signs are permitted as follows:
 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they were made.
 2. Permitted signs shall not exceed six square feet in area.
 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate shall post a bond in the form approved by the City Attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
 5. The city shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section.
- F. A non-illuminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlines in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 square feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.
- H. A non-illuminated or indirectly illuminated sign not to exceed thirty (30) square feet in area may be permitted to identify a church at the location of the sign. The sign shall be no more than six (6) feet in height, measured from grade, and be set back a minimum of ten (10) feet from the property lines. A reader board may be integral to the sign. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the

McMinnville Landscape Review Committee. Additional identification signage, limited to six (6) square feet of sign area for each additional public street frontage, is also permitted. (Ord. 4802 §1 (part), 2004; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968.)

-
-
Chapter 17.15

-
R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.15.010 Permitted uses.
- 17.15.020 Conditional uses.
- 17.15.030 Lot size.
- 17.15.040 Yard requirements.
- 17.15.050 Building height.
- 17.15.060 Density requirements.
- 17.15.070 Signs.

- 17.15.010 Permitted uses. In an R-2 zone, the following uses and their accessory uses are permitted:
- A. Site built single-family dwelling and Class A mobile home subject to the following standards:
 1. If the dwelling is removed, the exposed foundation and any outbuildings must be removed within 90 days or, if notice is given to the city, 180 days will be allowed for installation of another home on the existing foundation; and
 2. A Class A mobile home shall have a pitched roof with a minimum slope of a nominal three feet in height for each twelve feet of run; and
 3. A Class A mobile home shall not be located adjacent to a historic landmark or within a historic district, as identified in the current McMinnville Historic Resources Inventory; and
 4. A Class A mobile home shall be multisectional, at least 24 feet in width, and enclose a space of not less than 1,000 square feet; and
 5. A Class A mobile home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade; and
 6. A Class A mobile home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material which is comparable to the predominant materials used on surrounding dwellings, as determined by the Planning Director. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants and restrictions of any homeowner's or other association; and
 7. A Class A mobile home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010; and
 8. A Class A mobile home shall have a garage or carport constructed of like materials. An attached or detached garage may be required in lieu of a carport where a garage is consistent with the predominant construction of immediately surrounding dwellings.
 - B. Two-family dwelling on a corner lot with eight thousand square feet minimum area;
 - C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.

2. The two dwellings shall have a common wall at the "zero" lot line.
 3. If one of the lots is a corner lot, then:
 - a. Both lots combined shall comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 - b. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot,
OR if both lots are interior lots, then:
 - c. Each lot shall comprise not less than seven thousand square feet in area,
 - d. The setback requirements will apply to each dwelling unit independently, except that the setback for the "zero" lot line shall be waived.
 4. Each dwelling unit must have independent services which include, but are not limited to, sewer, water and electricity.
 5. The common wall shall be a fire wall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 6. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 7. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- D. Day care facility, under the following provisions;
1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer children are present at any one time at the center.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
 4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- E. Residential child care facility, under the following provisions:
1. The structure is maintained in its residential character, operators own, lease or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less children under care reside in the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- F. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- G. Home occupation subject to the provisions of Chapter 17.67;
- H. Model home, subject to the provisions of Section 17.54.100 of this ordinance;
- I. Public park and recreation area;
- J. Sewage pump station;
- K. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting. (Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993;

Ord. 4499; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.020 Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66.

- A. Cemetery;
- B. Church;
- C. Community building, including library;
- D. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators.
 2. Thirteen or more children are present at any one time.
 3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- E. Residential child care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators and/or
 2. Six or more children are present at any one time.
- F. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- G. Farming and keeping of domestic animals;
- H. Golf course, except driving range and miniature golf course when operated as a business;
- I. Guesthouse or servants' quarters provided the lot is not less than twelve thousand square feet in area;
- J. Home office of a physician or minister;
- K. Public or private school;
- L. Electrical power substation;
- M. Water reservoir;
- N. Windmill, for the generation of electricity or pumping water;
- O. Bed and breakfast establishments, subject to the provisions of Section 17.12.020(Q);
- P. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(c), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.030 Lot size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010(C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.040 Yard requirements. In an R-2 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.090:

- A. A front yard shall not be less than twenty feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than twenty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.050 Building height. In an R-2 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.060 Density requirements. In an R-2 zone, the lot area per family shall not be less than seven thousand square feet, except that the lot area for two-family corner lots and common wall, single-family corner lots shall not be less than eight thousand square feet for two families. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.15.070 Signs. In an R-2 zone, the following types of signs are permitted:

- A. A sign not to exceed two square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated.
- B. A non-illuminated temporary sign not to exceed six square feet in area concerning the lease, rental or sale of property.
- C. A non-illuminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign.
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way.
- E. Political campaign signs are permitted as follows:
 - 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they are made.
 - 2. Permitted signs shall not exceed six square feet in area.
 - 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
 - 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate shall post a bond in the form approved by the city attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
 - 5. The city shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section.
- F. A non-illuminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlined in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 square feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.
- H. A non-illuminated or indirectly illuminated sign not to exceed thirty (30) square feet in area may be permitted to identify a church at the location of the sign. The sign shall be no more than six (6) feet in height, measured from grade, and be set back a minimum of ten (10) feet from the property lines. A reader board may be integral to the sign. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the McMinnville Landscape Review Committee. Additional identification signage, limited to six (6) square feet of sign area for each additional public street frontage, is also permitted. (Ord. 4802 §1 (part), 2004; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.18

-
R-3 TWO-FAMILY RESIDENTIAL ZONE

-
-
Sections:

- 17.18.010 Permitted uses.
- 17.18.020 Conditional uses.
- 17.18.030 Lot size.
- 17.18.040 Yard requirements.
- 17.18.050 Building height.
- 17.18.060 Density requirements.
- 17.18.070 Signs.

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. A single-family dwelling having a common wall with one other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The two dwellings shall have a common wall at the "zero" lot line.
 3. Both lots combined comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State,
 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- D. Day care facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer children are present at any one time at the center.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
 4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- E. Residential child care facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease or rent the property and reside therein, and the center is operated at a usage level equal or subservient to the residential use of the structure.
 2. Five or less children under care reside in the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- F. Social relief facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.

3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.

- G. Home occupation, subject to the provisions of Chapter 17.67;
- H. Mobile home subdivision, provided that the provisions of both the McMinnville Land Division Ordinance and the Mobile Home Development Ordinance are met and that a minimum of ten contiguous lots are developed solely for mobile home occupation;
- I. Model home, subject to the provisions of Section 17.54.100 of this ordinance;
- J. Public park and recreation area;
- K. Sewage pump station;
- L. Mobile home park, subject to the provisions of the Mobile Home Development Ordinance;
- M. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting. (Ord. 4564 §4(part), §5, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4481 §1, 1991; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4221 §1, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.020 Conditional uses. In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66.

- A. Cemetery;
- B. Church;
- C. Community building, including library;
- D. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Thirteen or more children are present at any one time.
 3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- E. Residential child care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more children are present at any one time.
- F. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- G. Farming and keeping of domestic animals;
- H. Golf course, except driving range and miniature golf course when operated as a business;
- I. Guesthouse or servant quarters provided the lot is not less than twelve thousand square feet in area;
- J. Home office of a physician or minister;
- K. Public or private school;
- L. Electrical power substation;
- M. Water reservoir;
- N. Windmill, for the generation of electricity or pumping water;
- O. Bed and breakfast establishment, subject to the provisions of Section 17.12.020(Q).
- P. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §6 (part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(d), 1984; (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.030 Lot size. In an R-3 zone the lot size shall not be less than six thousand square feet except as provided in Section 17.18.010(C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.040 Yard requirements. In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.090:

- A. A front yard shall not be less than fifteen feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than fifteen feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.050 Building height. In an R-3 zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.060 Density requirements. In an R-3 zone, the lot area per family shall not be less than four thousand square feet, except that the lot area for common wall, single-family corner lots shall not be less than eight thousand square feet for two families. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.18.070 Signs. In an R-3 zone, the following types of signs are permitted:

- A. A sign not to exceed two square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated;
- B. A non-illuminated temporary sign not to exceed six square feet in area concerning the lease, rental or sale of property;
- C. A non-illuminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign;
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way;
- E. Political campaign signs are permitted as follows:
 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they are made.
 2. Permitted signs shall not exceed six square feet in area.
 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate shall post a bond in the form approved by the City Attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
 5. The City shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section.
- F. A non-illuminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlined in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.
- H. A non-illuminated or indirectly illuminated sign not to exceed thirty (30) square feet in area may be permitted to identify a church at the location of the sign. The sign shall be no more than six (6) feet in height, measured from grade, and be set back a minimum of ten (10) feet from the property lines. A reader board may be integral to the sign. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the McMinnville Landscape Review Committee. Additional identification signage, limited to six (6) square feet of sign area for each additional public street frontage, is also permitted. (Ord. 4802 §1

(part), 2004; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.21

-
R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

-
-
Sections:

- 17.21.010 Permitted uses.
- 17.21.020 Conditional uses.
- 17.21.030 Lot size.
- 17.21.040 Yard requirements.
- 17.21.050 Building height.
- 17.21.060 Density requirements.
- 17.21.070 Signs.

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. Multiple-family dwelling;
- D. Condominium;
- E. Boardinghouse, lodginghouse, or roominghouse;
- F. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The dwelling shall have a common wall at the "zero" lot line.
 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- G. Day care facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer children are present at any one time at the center.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as

amended, are met.

4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.

H. Residential child care facility, under the following provisions:

1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.

2. Five or less children under care reside in the home at any one time.

3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.

I. Social relief facility, under the following provisions:

1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.

2. Five or less people unrelated to the operator, reside at the home at any one time.

3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.

J. Home occupation, subject to the provisions of Chapter 17.67;

K. Mobile home subdivision, provided that the provisions of both the McMinnville Subdivision Ordinance and the Mobile Home Development Ordinance are met and that a minimum of ten contiguous lots are developed solely for mobile home occupation;

L. Model home, subject to the provisions of Section 17.54.100 of this ordinance;

M. Public park and recreation area;

N. Sewage pump station;

O. Mobile home park, subject to the provisions of the Mobile Home Development Ordinance;

P. Bed and breakfast establishments, subject to the provisions of Section 17.12.020(Q);

Q. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting. (Ord. 4564 §4(part), 1995; Ord. 4534 §5(part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §2(e), 1984; Ord. 4221 §2, 1982; Ord. 4828 (part), 1981; Ord. 3380 (part), 1968).

17.21.020 Conditional uses. In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66.

A. Campus living organization (fraternity, sorority or dormitory);

B. Cemetery;

C. Church;

D. Community building, including library;

E. Day care facility, when the following situations exist:

1. The structure is not used as a residence by the operators, and/or

2. Thirteen or more children are present at any one time;

3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.

F. Residential child care facility, when the following situations exist:

1. The structure is not used as a residence by the operators, and/or

2. Six or more children are present at any one time.

G. Social relief facility, when the following situations exist:

1. The structure is not used as a residence by the operators, and/or

2. Six or more people unrelated to the operator reside at the home at any one time.

H. Farming and keeping of domestic animals;

I. Golf course, except driving range and miniature golf course when operated as a business;

J. Home office of a physician or minister;

- K. Hospital and clinic;
- L. Nursing/convalescent home;
- M. A multiple-family dwelling constructed to a higher density than normally allowed in the R-4 multiple-family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met:
 1. That public and private utilities and services would not be overtaxed by the proposed development. Utilities and services include, but are not necessarily limited to, water, sanitary sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 2. That the transportation network in the immediate area as well as in the adjoining areas is capable of handling the prospective increase in traffic flow.
 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. A variance to this requirement may be considered by the Planning Commission when the proposed housing structure is limited solely to elderly residents.
 4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a "share" of that adjacent property's public or private utilities or services.
 5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street, and Johnson Street.
- N. Public or private school or college;
- O. Electrical power substation;
- P. Water reservoir;
- Q. Windmill, for generation of electricity or pumping water;
- R. Bed and Breakfast establishment, provided:
 1. That three or more guest sleeping rooms are provided on a daily or weekly basis for the use of six or more travelers or transients at any one time.
 2. That a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment.
 3. That signing be limited to only one non-illuminated or indirectly illuminated wooden sign not exceeding six square feet of face area.
 4. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance 3997.
- S. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §6 (part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §1(f), 1984; Ord. 4221 §3, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.090:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the

property line bordering the street;

E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020 (M) are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.21.070 Signs. In an R-4 zone, the following types of signs are permitted:

- A. A sign not to exceed six square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated;
- B. A non-illuminated temporary sign not to exceed six square feet in area concerning the lease, rental or sale of property;
- C. A non-illuminated sign not to exceed forty-eight square feet in area identifying a subdivision at the location of the sign;
- D. Signs may be located in a required front yard or a required side yard adjacent to a street but shall not be located in or extend over a street or public right-of-way;
- E. Political campaign signs are permitted as follows:
 1. Campaign signs shall not be erected earlier than six weeks prior to an election for which they are made.
 2. Permitted signs shall not exceed six square feet in area.
 3. Such signs shall be confined within private property and removed within fourteen days after the election for which they were made.
 4. Prior to the erection of any political campaign sign, the political treasurer on behalf of the candidate shall post a bond in the form approved by the City Attorney and filed with the Planning Director in the amount of fifty dollars (\$50.00) guaranteeing removal of such signs within fourteen days after the election for which they are used.
 5. The city shall remove signs posted in the public right-of-way and those signs not removed from private property fourteen days following the election. The costs of removal shall be deducted from the bond posted; the bond or remaining portion thereof shall be refunded upon compliance with this section;
- F. A non-illuminated or indirectly illuminated sign not to exceed twenty-four square feet identifying a "model home," subject to the procedures outlined in Section 17.54.100.
- G. A non-illuminated free-standing sign not to exceed 15 feet in height, and 36 square feet in area may be permitted to identify a public school at the location of the sign. In lieu of such signage, a non-illuminated wall mounted sign not to exceed 48 square feet in area, or a non-illuminated or indirectly illuminated monument sign not to exceed six feet in height, and 48 square feet in area, is permitted. A reader board may be integral to the sign. Such signs shall be located in compliance with the setbacks applicable to the residential zone in which they are located.
- H. A non-illuminated or indirectly illuminated sign not to exceed thirty (30) square feet in area may be permitted to identify a church at the location of the sign. The sign shall be no more than six (6) feet in height, measured from grade, and be set back a minimum of ten (10) feet from the property lines. A reader board may be integral to the sign. Landscaping shall be provided at the base of the sign, consistent with a plan to be submitted by the applicant for review and approval by the McMinnville Landscape Review Committee. Additional identification signage, limited to six (6) square feet of sign area for each additional public street frontage, is also permitted. (Ord. 4802 §1,

2004; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.24

-
O-R OFFICE/RESIDENTIAL ZONE
-

Sections:

17.24.010	Purpose.
17.24.020	Permitted buildings and uses.
17.24.030	Conditional uses permitted.
17.24.040	Limitations on uses.
17.24.050	Signs.
17.24.060	Yard requirements.
17.24.070	Height of buildings.
17.24.080	Parking requirements.
17.24.090	Parking variances.

17.24.010 Purpose. The purpose and intent of this zone is at least two-fold. One, it may be used to provide a transition and buffer area between commercially zoned and residentially zoned areas; and two, it is intended to provide an incentive for the preservation of old and historical structures. It may also serve as a buffer zone along major arterials between the roadway and the interior residential areas. Therefore, the requirements set forth herein should be interpreted in relationship to the protection of abutting residential areas. Implementation and interpretation should take into consideration those factors conducive to a healthy place to live, and improvements should be in scale and relationship to surrounding property uses. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.020 Permitted buildings and uses. In an office/residential district, the following types of buildings and uses and their accessory uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- A. Subject to the requirements of the R-4 zone, the following residential uses and their accessory uses are permitted:
1. Single-family dwelling.
 2. Common wall, single-family dwelling.
 3. Two-family dwelling (duplex).
 4. Multiple-family dwelling.
 5. Condominium.
 6. Boarding, lodging or rooming house;
- B. Antique/art galleries and associated sales;
- C. Barbershop;
- D. Beauty shop;
- E. Clinic;
- F. Day care facility, under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.

2. Twelve or fewer children are present at any one time at the center.
 3. Requirements of the Oregon State Structure Specialty and Fire Life Safety Code (UBC), as amended, are met.
 4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- G. Dressmaking or tailor shop;
- H. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural and Fire Life Safety Code (UBC) as amended.
- I. Home occupations;
- J. Library or museum;
- K. Offices: all professional, administrative and business offices, provided that retail sales are not allowed except for those sales incidental to the principal occupation conducted therein;
- L. Public and semi-public buildings essential to the physical and economic welfare of the area, such as fire stations, substations, and pump stations, provided that no stockpiling or storage of materials shall be allowed;
- M. Public and private parking lots;
- N. Residential child care facility, under the following provisions:
1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less children under care reside in the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met;
- O. Studios for the following:
1. Artists.
 2. Interior decorator.
 3. Photographer;
- P. Secretarial service;
- Q. Telephone answering service;
- R. Bed and breakfast establishments, subject to the provisions of Section 17.12.020(Q), except that subsection 17.12.020(Q)(2) shall not apply.
- S. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.
- T. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §5 (part), §7(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4477 §1(part), 1990; Ord. 4292 §1(g), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.030 Conditional uses permitted. In an office/residential zone, the following uses and their accessory uses are permitted subject to the provisions of Chapter 17.66 of this ordinance:

- A. Church;
- B. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Thirteen or more children are present at any one time;
 3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.
- C. Residential care facility, when the following situations exist:

1. The structure is not used as a residence by the operators, and/or
 2. Six or more children are present at any one time;
- D. Social relief facility, when the following situations exist:
1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- E. Nursing/convalescent home;
- F. Windmill, for generation of electricity or pumping water;
- G. Bed and breakfast establishments, subject to the provisions of Section 17.21.020(R). (Ord. 4534 §6(part), §8(part), 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(h), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.040 Limitations on uses. The following conditions and limitations shall apply to all uses locating in the office/residential zone:

- A. Where a property in the office/residential zone abuts a property in a residential zone, a six-foot fence of a sight-obscuring material shall be placed along the affected property line. The fence shall be of such material and design so as not to detract from adjacent residences and shall be free of advertising. Responsibility for placement of the fence falls with the office/residential property when being changed from a residential use;
- B. Where a property in an office/residential zone abuts another property in an office/residential zone which is in residential use, a sight-obscuring fence or wall, whether permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall falls with the property requesting development approval;
- C. All parking areas and approach aisles shall be surfaced with asphaltic cement concrete or Portland cement concrete. Driving aisles, maneuvering aisles, and required parking spaces shall be clearly marked;
- D. No use of any structure in the office/residential zone shall normally occur between the hours of 8 p. m. to 7 a.m., save and except the residential uses permitted;
- E. No use creating a noise, vibration, odor, or other similar nuisances prohibited by City ordinances shall be permitted;
- F. A minimum of seven percent of the site shall be placed in landscaping. Landscape plans must be approved by the Landscape Review Committee prior to any building permits or occupancy permits being issued. This condition applies to all uses regardless of whether or not the outside dimensions of the structure are being changed, save and except this condition does not apply to single-family, common wall single-family, or duplex residential uses;
- G. All outside lighting shall be directed away from residential zones and from residential uses in the office/residential zone;
- H. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
1. Off-street parking or loading.
 2. Temporary display and sales of merchandise, provided it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- I. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises, except that home occupations are exempt from this limitation;
- J. Access points to and from the property must be approved by the City Engineer and the Planning Director;
- K. A plan showing the locations of all existing and proposed buildings and structures, parking areas and access points, lighting, signs, landscaping, and other such data as may have a bearing on the adjacent properties must be submitted to and approved by the Planning Director prior to issuance of any building permits and prior to any new use occupying an existing structure. The Planning Director shall approve said plan upon finding that all conditions and limitations of this title are met. Construction shall be in conformance with the approved plan. The Planning Director's decision may be appealed to

the Planning Commission. Residential uses are exempt from this requirement. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.050 Signs. Signs located in the office/residential zone are subject to the following limitations:

- A. All signs must be flush against the building and not protrude more than twelve inches from the building face;
- B. All signs, if illuminated, must be indirectly illuminated and nonflashing;
- C. No sign exceeding thirty-six square feet in size shall be allowed. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.060 Yard requirements. For new structures and additions in an office/residential zone, yards shall be maintained as follows (these setbacks shall apply only to new construction):

- A. There shall be a front yard of not less than fifteen feet;
- B. Side yards shall be not less than seven and one-half feet when adjacent to a residential zone; when adjacent to an office/residential zone, no side yard shall be required, except that residential uses are subject to the side yard requirements of the R-4 zone;
- C. Exterior side yards shall be a minimum of fifteen feet;
- D. There shall be a rear yard of not less than twenty feet when adjacent to a residential zone; when adjacent to a commercial zone or other property in this zone, then no rear yard setback shall be required, except that residential uses are subject to the rear yard setback requirements of the R-4 zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.070 Height of buildings. In an office/residential zone, a building shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.080 Parking requirements. Parking shall be provided in accordance with Chapter 17.60 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.24.090 Parking variances.

- A. February 17, 2005A variances to the parking requirements of Chapter 17.60 of this ordinance may be granted in the circumstance where an existing structure is being converted to a different use or occupancy subject to the following limitations:
 - 1. At no time may a variance be granted for more than fifty percent of the required parking spaces.
 - 2. New structures may not be granted variances under this section.
 - 3. Variances approved under this section are not transferable and are valid only for the specific occupancy or use for which they are granted. Any new use desiring to locate in a structure or on property for which a variance has been granted regardless if such new use is in the same land use category as was the old use must either provide the required parking or receive variance approval.
- B. In entertaining a variance request, the Planning Commission may consider the following factors:
 - 1. Is the variance necessary to preserve an existing structure and/or existing landscaping?
 - 2. Would the granting of a variance have an adverse impact on neighboring properties?
 - 3. Would the granting of the variance result in extensive street parking?
 - 4. Is there available public parking nearby?
 - 5. What is the expected traffic generation of the proposed use? Is it less than the required parking would indicate? (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-

-

Chapter 17.27

C-1 NEIGHBORHOOD BUSINESS ZONE

-
-
-

Sections:

17.27.010	Permitted uses.
17.27.020	Conditional uses.
17.27.030	yard requirements.
17.27.040	Building height.
17.27.050	Lot coverage.
17.27.060	Use limitations.

17.27.010 Permitted uses. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Bakery, provided all products produced are sold only at retail on the premises;
- B. Barbershop or beauty shop;
- C. Confectionery or candy store, provided all products produced are sold only at retail on the premises;
- D. Drugstore or pharmacy;
- E. Florist, garden shop or nursery, retail;
- F. Food store, retail;
- G. Laundry or dry cleaning distributing station;
- H. Laundry or dry cleaning, self-service;
- I. Medical or dental office;
- J. Shoe repair shop;
- K. Sewage pump station;
- L. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.554. (Ord. 4732, 2000; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.020 Conditional uses. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Public or private school;
- B. Electrical power substation;
- C. Water reservoir;
- D. Windmill, for generation of electricity or pumping water;
- E. Cable television ground receiving station. (Ord. 4732, 2000; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.030 Yard requirements. In a C-1 zone, yards shall be maintained as follows:

- A. There shall be a front yard of not less than thirty feet;
- B. No side yard is required except there shall be a side yard of not less than twenty feet when adjacent to a residential zone or thirty feet when on the street side of a corner lot;
- C. There shall be a rear yard of not less than twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.040 Building height. In a C-1 zone, buildings shall not exceed a height of thirty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.050 Lot coverage. In a C-1 zone, buildings shall not occupy more than twenty-five percent of the lot area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.27.060 Use limitations. In a C-1 zone, the following limitations shall apply:

- A. For expansion of existing buildings and for new construction, a development plan shall be submitted to the Commission for their approval. Such plan shall show the locations of all existing and proposed buildings and structures, parking areas and access points, lighting, signs, landscaping and such other data as may have a bearing on the adjacent properties. Construction shall be in conformance to the plan approved by the Commission to assure compatibility with adjacent zones;
- B. The floor area for any business established in this zone shall not exceed six thousand square feet of sales area, exclusive of storage and business office space;
- C. The Commission may impose the following conditions before a building permit will be issued for the proposed development:
 - 1. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.
 - 2. Require the dedication of additional street right-of-way where an officially adopted plan indicates need for increased width or where the nature of the proposed development warrants increased street width.
 - 3. Limit the hours a business may be open to the public.
- D. All business, services, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - 1. Off-street parking or loading.
 - 2. Drive-in windows.
 - 3. Temporary display and sales of merchandise, provided it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- E. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;
- F. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.30

-
C-2 TRAVEL COMMERCIAL ZONE
-
-

Sections:

17.30.010	Permitted uses.
17.30.020	Conditional uses.
17.30.030	Yard requirements.
17.30.040	Building height.
17.30.050	Use limitations.

17.30.010 Permitted uses. In a C-2 zone, the following uses and their accessory uses are permitted:

- A. Automobile service station;
- B. Boardinghouse, lodginghouse or roominghouse;
- C. Gift shop;
- D. Hotel and motel;

- E. Recreational vehicle park;
- F. Restaurant;
- G. Sewage pump station;
- H. Social relief facility, under the following provisions:
 1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or fewer people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- I. Bed and breakfast establishments subject to the provisions of Ordinance 3997;
- J. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4534 §1, 1993; Ord. 4479A §4(part), 1991; Ord. 4292 §2(i), 1984; Ord. 4279 §1(A), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.020 Conditional uses. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Commercial recreation facility;
- B. Repair garage, provide there is no outside repair or storage;
- C. Social relief facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Six or more people unrelated to the operator reside at the home at any one time.
- D. Public or private school;
- E. Electrical power substation;
- F. Water reservoir;
- G. Windmill, for generation of electricity or pumping water;
- H. Cable television ground receiving station. (Ord. 4732, 2000; Ord. 4479A §4(part), 1991; Ord. 4279 §1(B), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.030 Yard requirements. In a C-2 zone, yards shall be maintained as follows:

- A. There shall be a front yard of at least thirty feet;
- B. No side yard is required except there shall be a side yard of at least fifteen feet when adjacent to a residential zone or on the street side of a corner lot;
- C. There shall be a rear yard of at least twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.040 Building height. In a C-2 zone, a building shall not exceed a height of forty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.30.050 Use limitations. In a C-2 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height. (Ord. 4477 §2, 1990).

-
C-3 GENERAL COMMERCIAL ZONE
 -
 -

Sections:

17.33.010	Permitted uses.
17.33.020	Conditional uses.
17.33.030	Yard requirements.
17.33.040	Building height.
17.33.050	Use limitations.

17.33.010 Permitted uses. In a C-3 zone, the following uses and their accessory uses are permitted:

1. All uses and conditional uses permitted in the C-1 and C-2 zones, except those listed in Section 17.33.020;
2. Condominiums subject to the provisions of the R-4 zone;
3. Multiple-family dwelling subject to the provisions of the R-4 zone;
4. Owner-occupied residence in the same building as a business;
5. Advertising sign;
6. Auction house;
7. Auditorium exhibition hall, or other public assembly room;
8. Automobile, boat, trailer, or truck rental, sales, or service;
9. Automobile repair garage;
10. Bank or similar financial institution;
11. Bicycle sales or repair shop;
12. Book or stationary store, retail;
13. Building materials supply store, retail;
14. Business and trade school or college not objectionable due to noise, odor, dust, smoke, vibration, or other reasons;
15. Church;
16. Clothing store, retail;
17. Club, lodge, hall, or fraternal organization;
18. Cocktail lounge;
19. Community building;
20. Custom manufacturing of goods only for retail sale on the premises;
21. Department store, retail;
22. Dressmaking, millinery, or tailor shop;
23. Dry goods or notions store, retail;
24. Electric appliance or equipment, sales and service;
25. Farming or logging, implement or machinery, sales or service;
26. Floor covering sales and service;
27. Frozen food locker, retail;
28. Furniture store, retail;
29. Garden supply store, nursery, or green house, retail;
30. Government building including armory, maintenance, repair, or storage facility;
31. Hardware and paint store, retail;
32. Hospital and clinic;
33. Household, business, or recreational equipment sales or rental;
34. Ice dispenser, retail;
35. Interior decorating shop;
36. Jewelry store, retail;

37. Laundry cleaning establishment;
38. Library or museum;
39. Locksmith;
40. Lumber or building material sales, retail;
41. Medical or dental laboratory;
42. Monument sales, retail;
43. Mortuary or funeral home, including crematorium;
44. Music or musical instrument store, retail;
45. Nursing/convalescent home;
46. Office;
47. Paint or glass store, retail;
48. Parking structure or lot;
49. Pawnshop or second-hand goods store provided all merchandise is stored in a building;
50. Pet store, retail;
51. Photographic shop, blueprinting, photostating, or other reproduction process;
52. Plumbing and heating store;
53. Printing or publishing plant;
54. Public utility building and facility;
55. Recreational vehicle park;
56. Retail or wholesale stores or businesses not involving manufacturing, processing, or compounding of products other than that which is clearly incidental to the business conducted on the premises and provided that not more than fifty percent of the floor area of the building is used in the manufacturing, processing, or compounding of products, and such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes;
57. Rubber stamp manufacture, provided all products are sold on the premises;
58. Scientific or professional instrument sales or service;
59. Sewage pump station;
60. Shoe store, retail;
61. Sign painting shop;
62. Storage garage or mini-storage buildings;
63. Studio, including music, dancing, art, photography, or health;
64. Tavern;
65. Taxi stand;
66. Taxidermy shop;
67. Theater;
68. Toy or hobby store, retail;
69. Upholstery or furniture repair shop;
70. Variety store, retail;
71. Veterinary office or animal hospital, provided there are no runs or pens and no noise is audible beyond the property line;
72. Wholesale office or showroom with merchandise on the premises limited to small parts and samples;
73. Social relief facility, under the following provisions:
 - a. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - b. Five or fewer people unrelated to the operator reside at the home at any one time.
 - c. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met. (Ord. 4479A §4(part), 1991; Ord. 4279 §1(C), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Day care facility;
- B. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- C. Residential care facility;
- D. Public or private school;
- E. Public transportation passenger terminal;
- F. A multiple-family dwelling constructed to a higher density than normally allowed in the R-4 multiple-family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met:
 - 1. That public and private utilities and services would not be overtaxed by the proposed development. Utilities and service include, but are not necessarily limited to, water, sanitary sewer, storm sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 - 2. That the transportation network in the immediate area, as well as in the adjoining areas, is capable of handling the prospective increase in traffic flow.
 - 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. A variance to this requirement may be considered by the Planning Commission when the proposed housing structure is limited solely to elderly residents.
 - 4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a "share" of that adjacent property's public or private utilities or services.
 - 5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street and Johnson Street;
- G. Cable television ground receiving station;
- H. Utility transmission station;
- I. Water reservoir;
- J. Windmill, for generation of electricity or pumping water. (Ord. 4479A §4(part), 1991; Ord. 4279 §1(D), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.030 Yard requirements. Except as provided in Section 17.54.100, and "A" and "B" below, there shall be no required yards in a C-3 zone:

- A. Side yard shall not be less than twenty feet when adjacent to a residential zone;
- B. Rear yard shall not be less than twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.040 Building height. In a C-3 zone, buildings shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.33.050 Use limitations. In a C-3 zone, outside storage abutting or facing a residential zone shall be enclosed by a sight obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed ten feet in height. (Ord. 4477 §3, 1990).

-

-

Chapter 17.36

M-L LIMITED LIGHT INDUSTRIAL ZONE

Sections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses.
- 17.36.040 Yard requirements.
- 17.36.050 Building height.
- 17.36.060 Use limitations.

17.36.010 Purpose. The M-L limited light industrial zone is intended to create, preserve, and enhance areas containing manufacturing and related establishments with limited external impact and with an open and attractive setting. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.020 Permitted uses. In the M-L zone, the following uses and their accessory uses are permitted subject to the provisions of Sections 17.36.010:

1. Aerospace and aeronautics industries, including light sheet metal composite manufacturing, and their accessory uses;
2. Bottling plant;
3. Blueprinting;
4. Business or trade school or college;
5. Cabinet or carpenter's shop;
6. Contractor's equipment storage;
7. Caretaker's dwelling whenever the use requires the on-site residence of such person;
8. Freight depot;
9. Government buildings, including armories, maintenance, repair or storage facilities;
10. Laboratory for experiment, research or testing, except combustion-type motor testing;
11. Manufacturing and assembling of precision optics;
12. Manufacturing and assembling of precision testing equipment;
13. Manufacturing, assembling, testing and repairing of components, devices, equipment and systems of an electronic or electro-mechanical nature, such as, but not limited to:
 - a. Audio systems and photographs.
 - b. Coils, tubes, semiconductors and similar components.
 - c. Communication, navigation, transmission and reception equipment, control equipment and systems.
 - d. Data processing equipment and systems.
 - e. Metering instruments.
 - f. Radar, infrared, and ultraviolet equipment.
 - g. Radio, television, and telephone equipment.
 - h. Scientific and chemical instruments;
14. Manufacturing of ceramic products using only previously pulverized clay and fired in kilns using low-pressure gas or electricity (brick and tiles not permitted);
15. Manufacturing or storage of ice;
16. Offices for engineers, architects, landscape architects, surveyors, and those engaged in the practice of designing, drafting, or graphics;
17. Parking lot, public or private;
18. Photographic film processing, photoengraving, photocopying and photostating;

19. Printing, publishing, or engraving plant;
20. Processing, packaging and storing of food or beverage excluding processing those involving rendering of fats and oils, or slaughtering; (as amended by Ord 4372, June 3, 1986)
21. Sewage pump station;
22. Electrical power substation;
23. Warehousing of previously prepared materials or products excluding explosive materials;
24. Water reservoir;
25. Wholesale distribution and sales facility;
26. Hospital, medical office and ancillary hospital uses;
27. Wireless communications facilities subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord. 4570 §1, 1994; Ord. 4463 §1, §3, 1989; Ord. 4372 §1(part), 1986; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.030 Conditional uses. In the M-L zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Cable television ground receiving station;
- B. Cemetery;
- C. Day care facility;
- D. Other uses similar to the uses permitted or permitted conditionally;
- E. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application;
- F. Windmill, for generation of electricity or pumping water;
- G. Farm machinery sales and services. (Ord. 4463 §2, 1989; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.040 Yard requirements. Except as required in "A", "B" and "C" below, there shall be no yards required in the M-L zone:

- A. For property zoned M-L fronting on Three Mile Lane, all buildings will be set back one hundred twenty feet from the centerline of said street;
- B. Side yard shall not be less than twenty feet when adjacent to a residential zone;
- C. Rear yard shall not be less than twenty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.050 Building height. In an M-L zone, a building shall not exceed a height of sixty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.36.060 Use limitations. In an M-L zone, the following limitations shall apply to all uses:

- A. Development plans for any proposed use in the M-L zone must first be approved by the Planning Commission. The following areas must be addressed by the Commission prior to approval of the final development plans:
 1. Noise Generation. The City will examine the potential noise generation of proposed developments and the potential impact of the noise on nearby residential areas. Landscaping, earthen berms, desirable building design and siting, limitations on operating hours or work locations, and/or other methods may be required to lessen noise. DEQ standards will be used by the City as a guideline.
 2. Traffic Generation. The City will examine the location of access points and the amount of traffic generated by proposed developments for impacts on surrounding areas. The Commission must determine that adequate streets exist or will be developed to handle expected traffic and that the proposed activity will not adversely impact streets in the area.
 3. Air and Water Pollution. The City will examine potential air and water pollution impacts of

developments and may place restrictions beyond state DEQ standards where deemed necessary.

4. Appearance. The City may require that the site be visually screened from neighboring areas through earthen berms, landscaping and/or other screening methods. This screening may fulfill portions of the required landscaping for the development.

B. In an M-L zone, outside storage abutting or facing a residential zone shall be enclosed by a sight-obscuring fence. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential zone. The fence shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Planning Director. Outside storage in a required yard shall not exceed seven feet in height;

C. All outside lighting shall be directed away from residential zones;

D. A minimum of twenty-five percent of the development site shall be in open space or landscaping;

E. A completed application and fifteen copies of the proposed development plan shall be submitted to the Planning Director a minimum of thirty days prior to the meeting at which the Commission will discuss the proposed development plans. (Ord. 4463 §4, 1989; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.39
-

*
M-1 LIGHT INDUSTRIAL ZONE
(as amended by Ord. 4522 Aug. 11, 1992)

Sections:

17.39.010	Purpose.
17.39.020	Permitted uses.
17.39.030	Conditional uses.
17.39.040	Design standards.
17.39.050	Environmental standards.

17.39.010 Purpose. The purpose of the M-1 Light Industrial zone is to provide appropriate locations for light industrial activities and to buffer these activities from adjacent commercial and residential development through the application of site development and environmental standards.

The zone is suitable for those businesses that can be operated within a wholly enclosed building (outside storage of materials permitted if properly screened), and which are engaged in the manufacturing, processing, assembly, packaging, or treatment of finished or semi-finished products from previously prepared or processed materials. Warehousing, wholesaling, and limited commercial use shall also be permitted; residential uses shall be prohibited. (Ord. 4522 §1(part), 1992).

17.39.020 Permitted uses. The following uses and their accessory uses are permitted:

- A. A use permitted in the M-L zone;
- B. Cable television ground receiving station;
- C. Compounding, processing, packaging, storing or other treatment of cosmetics, drugs, perfumes, bakery goods, candy, wood, pharmaceuticals, soap or toiletries, excluding all processes

involving refining of fats or oils;

D. Glass installation and sales;

E. Green house and wholesale nursery;

F. Laboratories: testing, medical, dental, photo or motion picture, except structural-mechanical testing laboratories;

G. Laundry, dry cleaning or dyeing establishment (non-retail);

H. Manufacture, repair or storage of articles from the following listed, previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious or semi-precious stone or metal, shell, textiles, wax, wire, or yarn;

I. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical or dental supplies or equipment, small electric or electronic supplies or equipment, business machines, video and computer equipment, hearing aids, small hand tools, watches or timing devices, luggage, photographic equipment, boats or furniture;

J. Manufacture or assembly of bicycles, small electric generators and motors, sashes and doors, and vending machines;

K. Manufacture or assembly of modular, manufactured, mobile or motor homes, or travel trailers and recreational vehicles;

L. Manufacture, assembly, repair, or storage of sporting or recreation products;

M. Mortuary and funeral home, including crematorium;

N. Offices for administrative and professional uses related to the sale or service of industrial products;

O. Plumbing, heating, electrical, paint or general contractor's storage, repair or sales shop;

P. Public use structures and activities, excluding those listed in Section 17.39.030;

Q. Repair, rental, sales, servicing or storage of machinery, boats, implements, equipment, manufactured homes, trailer coaches or motor vehicles;

R. Sign painting, sale or repair shop;

S. Storage and sales of building supplies or equipment;

T. Storage and sales of frozen or refrigerated food;

U. Tool and equipment rental;

V. Upholstery shop;

W. Veterinarian hospital or kennel, provided open runs or pens are not less than two hundred feet from a residential zone;

X. Welding, sheet metal or machine shop;

Y. Wood truss manufacturing;

Z. Similar permitted uses, approved subject to the provisions of Section 17.54.010. (Ord. 4522 §1 (part), 1992).

17.39.030 Conditional uses. The following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66:

A. Agricultural supply store, wholesale or retail;

B. Recycling collection center;

C. Service stations;

D. Cemetery;

E. Day care facility;

F. Public uses, limited to sewage treatment plants, schools and churches;

G. Other similar conditional uses, approved subject to the provisions of Section 17.54.010(C). (Ord. 4522 §1(part), 1992).

17.39.040 Design standards.

A. Yard Requirements. There shall be no required yards, except as follows:

1. Yards shall not be less than forty feet when adjacent to a residential zone or residential use. This requirement shall not apply to caretaker's dwellings, as permitted by this zone.
2. Yards shall not be less than fifteen feet when adjacent to a commercial zone or commercial use.
3. Yards shall not be less than fifteen feet when adjacent to a public roadway.

B. Building/storage height. A building shall not exceed a height of eighty (80) feet. Outside storage in a required yard shall not exceed ten (10) feet in height;

C. Perimeter Treatment. The purpose of perimeter treatment, or buffering, is to provide visual barriers which block the glare of lights, signs, and structures; provide privacy and protection; and reduce or eliminate potential adverse impacts of visual or noise pollution between M-1 zoned properties and adjacent residential development. Perimeter treatment or buffering typically consists of dense landscaping, fencing, or block walls or combination of these elements. Utilities, sidewalks, and bikeways may be located within required perimeter treatment areas.

1. When abutting or facing a residential zone or residential use, refuse containers and outside storage shall be enclosed by a sight-obscuring fence or masonry wall. The fence or wall shall obstruct the containers or storage from view on the sides of the property abutting or facing a residential zone. The fence or wall shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Planning Director.

2. All parking and loading areas which abut or face a residential zone or residential use, or arterial or major collector street, shall be screened by a sight-obscuring fence or vegetative screen. All other building openings which face or abut a residential use or zone shall be kept to a minimum and shall be kept closed to the maximum extent possible during business operation.

3. A buffer yard shall be provided along all perimeters which abut a residential or commercial zone, existing residential or commercial use, or public roadway. The purpose of the buffer yard is to reduce the building scale, provide transition between contrasting uses and architectural design, and to soften, rather than block, the view of incompatible or undesirable views. At a minimum buffer yards adjacent to residential zones or uses shall be fifteen (15) feet in width, have a six (6) foot tall wood or masonry fence located along the inside edge of the yard, and landscaping to include two (2) canopy trees, four (4) evergreen trees, three (3) understory trees, twelve (12) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to commercial zones or uses shall be a minimum of ten (10) feet in width with landscaping to include one (1) canopy tree, three (3) evergreen trees, two (2) understory trees, eight (8) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to a public roadway shall be a minimum of eight (8) feet in width with landscaping to include street trees a minimum of eight (8) feet in height and two (2) inches in caliper and spaced appropriate to their species; shrubs; and groundcover. Buffer yards of less than one-hundred (100) lineal feet shall provide landscaping at a density equal to or greater than that required herein, or as may be required by the Landscape Review Committee.

Maintenance of the buffer yard shall be the continuing obligation of the property owner.

- D. Off-street parking and loading (see Chapter 17.60);
- E. Clear vision (see Sections 17.54.120 and 17.54.130);
- F. Signs (see Section 17.54.135);
- G. Landscaping (see Chapter 17.57). (Ord. 4522 §1(part), 1992).

17.39.050 Environmental standards.

A. General Requirement: Each use, activity or operation within the M-1 (Light Industrial) zone shall comply with applicable federal, state and local regulations pertaining to noise, odor, air, and water pollution.

B. Documentation: Prior to issuance of a building permit, occupancy permit, or change of occupancy, whichever is appropriate, the Planning Director may require submission of evidence

demonstrating compliance with applicable environmental regulations and necessary permits. (Ord. 4522 §1(part), 1992).

-
-
Chapter 17.42

-
M-2 GENERAL INDUSTRIAL ZONE
-

Sections:

- 17.42.010 Permitted uses.
- 17.42.020 Conditional uses.
- 17.42.030 Yard requirements.
- 17.42.040 Building height.

17.42.010 Permitted uses. In an M-2 zone, the following uses and their accessory uses are permitted:

- A. A use permitted in the M-1 zone;
- B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;
- C. Manufacture, processing, and storage of grains or fertilizer;
- D. Airport. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.020 Conditional uses. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.66:

- A. Automobile wrecking yard;
- B. Day care facility;
- C. Disposal or reduction of waste materials, garbage, offal, or dead animals;
- D. Junkyard;
- E. Manufacture, use or storage of explosives;
- F. A privately owned and operated facility planned, located and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.030 Yard requirements. Except as required in "A" and "B" below, there shall be no required yards in an M-2 zone:

- A. Side yard shall not be less than fifty feet when adjacent to a residential zone;
- B. Rear yard shall not be less than fifty feet when adjacent to a residential zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.42.040 Building height. In an M-2 zone, a building shall not exceed a height of eighty feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.45

-
AH AGRICULTURAL HOLDING ZONE

-
-Sections:

17.45.010	Purpose.
17.45.020	Interpretation.
17.45.030	Permitted uses.
17.45.040	Conditional uses.
17.45.050	Lot size.
17.45.060	Yard requirements.
17.45.070	Building height.
17.45.080	Signs.

17.45.010 Purpose. The purpose and intent of the agricultural holding zone is to provide for the continued practice of agriculture in areas where municipal sewer and water service exists or where an adopted city policy affecting the expansion of such services exists.

Further, uses allowed in this zone are to be consistent with proposals and policies contained in an adopted comprehensive plan for the city. The AH zone does not provide for an automatic farm use valuation for farms under the provisions of Oregon Revised Statutes, Chapter 308. However, the use of this zone shall not be construed as restricting in any manner the granting of deferments under the provisions of Oregon Revised Statutes, Section 308.375. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.020 Interpretation. Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.030 Permitted uses. In the AH zone, the following uses and their accessory uses are permitted:

- A. Farming (definition as per ORS 215.203(a), (b), and (c), exempting a commercial feed lot operation of any kind);
- B. Single-family dwelling when comprehensive plan map designation is "residential";
- C. Sewage pump station. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.040 Conditional uses. In the AH zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66;

- A. Public service or public utility buildings and structures, with no interior storage of any kind and no garages for the repair and/or maintenance of equipment;
- B. Park, golf course and other open-land recreational uses, but excluding commercial amusement uses such as golf driving range, race track or amusement park or other similar uses;
- C. Public safety facility;
- D. Home occupation;
- E. Electrical power substation;
- F. Water reservoir;
- G. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.050 Lot size. In an AH zone, a lot that is less than ten acres may not be created. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.060 Yard requirements. In an AH zone, the minimum yard requirements shall be as follows:

- A. Front yards shall be a minimum of thirty feet, except as otherwise required by planned development provisions;
- B. Side yards:
 - 1. Single-family dwellings, ten feet,
 - 2. Public utility structures, five feet,
 - 3. Barns, fifty feet; all other structures, twenty-five feet;
- C. Rear yards:
 - 1. Single-family dwellings, twenty feet,
 - 2. Public utility structures, five feet,
 - 3. Barns, fifty feet; all other structures, twenty-five feet. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.070 Building height. Building height in an AH zone shall be as follows:

- A. Twenty-five percent of lot depth or sixty feet maximum;
- B. Single-family dwellings, thirty-five feet maximum. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.45.080 Signs. Signs and nameplates shall be permitted in an AH zone as follows:

- A. One sign not exceeding six square feet in area for buildings other than dwellings;
- B. One sign not exceeding six square feet in area pertaining to the sale or rent of property;
- C. Temporary signs not exceeding fifty square feet in area on a tract of land in single ownership advertising the sale of agriculture produce thereof, which sign shall be removed after the crop season is ended;
- D. Nameplates or identifying signs pertaining to farms, providing such sign shall not exceed six square feet;
- E. Signs pertaining to right of ownership and any organizational signs shall not exceed six square feet;
- F. All other signs or nameplate are unlawful, unless authorized pursuant to the provisions of this chapter. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.48

-
F-P FLOOD AREA ZONE
-
-

Sections:

- 17.48.005 Purpose
- 17.48.010 Established—Area included.
- 17.48.020 Boundaries indicated on map.
- 17.48.025 Definitions.
- 17.48.030 Permitted uses.
- 17.48.040 Conditional uses.
- 17.48.045 Conditional use factors.
- 17.48.050 Signs.
- 17.48.060 Use limitations.

17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying at or below the 100-year flood level as established by the Federal Emergency Management Agency for the National Flood Insurance program is declared to be flood area zone property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.020 Boundaries indicated on map. The boundaries for the zone established by Section 17.48.010 shall be indicated on the McMinnville Zoning Map. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.025 Definitions. For the purpose of this chapter, the following terms shall be defined as set forth below:

- A. “Fill” means the placement or removal of any kind of material (natural or man-made) in the floodplain which has the effect of altering the contour elevations or configurations therein. Included in this definition is the relocation of material which is already in the floodplain;
- B. “Floodway” – The floodway is the channel of the stream plus any adjacent floodplain areas that must be kept free from encroachment in order that the 100-year flood may be carried without substantial increases in flood heights;
- C. “Floodway fringe” is the area between the floodway and the boundary of the 100-year flood. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.030 Permitted uses. In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Chapter 17.48.060 Use Limitations):

- A. Farming;
- B. Public park and recreation facility, not requiring the use of any structure;
- C. Sewage pump station. (Ord. 4684 §1, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.040 Conditional uses. In an F-P zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66:

- A. Boat landing and launching facility;
- B. Open land recreation facility requiring the use of any structure;
- C. Removal of sand, gravel, topsoil, or rock;
- D. Landfill or diked land subject to the following procedures:
 1. Preliminary submittal of the proposal shall be made to the Planning Department, which shall check the proposal to insure its compliance to the ordinance. Said proposal shall then be submitted to the Planning Commission.
 2. The Planning Department shall prescribe the form and information required for applications made for any fill or dike. No application shall be accepted unless it complies with such requirements and is verified as to the correctness thereto. There shall be included, as a part of the application, an accurate map. Such plans shall be in triplicate, drawn at a scale of not larger than one inch equals fifty feet nor smaller than one inch equals five hundred feet, and shall show:
 - a. 100-year flood projection elevation on the subject site. State source of information.
 - b. Property boundaries and dimensions.
 - c. Ground elevations shown by contour lines of not less than two foot vertical intervals. State source of information.

- d. Existing and proposed structures.
 - e. Dimensions and elevations of existing and/or proposed fill.
 - f. Location of stream channel in relationship to items "a" through "e" above.
 - g. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed fill and high-water information.
 - h. Profile showing the slope of the bottom of the channel or flow line of the stream, and the slope line of the proposed fill.
 - i. Specifications of fill material, grading, channel improvement or maintenance plans, dimensions, and restoration of completed project.
- E. Weapons Training Facility subject to the following conditions:
- 1. The property on which the facility is located must be owned or leased by a Federal, State, or local government agency for the exclusive use of public safety personnel engaged in firearms or other related training;
 - 2. The facility must be located no closer than 2,640 feet (one-half mile) to any land planned and zoned for residential use; and
 - 3. Only those firearms or weapons authorized by a government agency and utilized for law enforcement related purposes shall be allowed within the area approved for a weapon training facility. Possession of other firearms or weapons at a weapon training facility site shall be considered a violation of this ordinance.
- F. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55. (Ord. 4732, 2000; Ord 4684 §2, 1998; Ord. 4559 §1, 1994; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.045 Conditional use factors. The Planning Commission shall consider the following factors and special conditions when making a decision regarding a conditional use in the floodplain zone:

- A. Factors to be Considered:
- 1. The danger to life and property due to increased flood heights or velocities caused by any proposed fill.
 - 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - 3. The importance to the community of the service provided by the proposed facility.
 - 4. The availability of alternative locations not subject to flooding.
 - 5. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 6. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - 7. The compatibility of the proposed use with the potential of the site and the surrounding floodplain area for open space, natural habitats, and recreational places.
 - 8. The impact of the proposed use on fish and wildlife habitat.
 - 9. Such other factors which are relevant to the purposes of this section.
- B. Special Conditions. Upon consideration of the factors listed above and the purposes of this section, the Planning Commission may attach such conditions to the granting of a conditional use permit as it deems necessary to further the purposes of this portion of the zoning ordinance. The following such conditions, but not exclusively limited thereto, may be included:
- 1. Limitations on periods of use and operation, and upon the area to be filled and the elevation of the fill as well as to the kinds of material which may be so emplaced.
 - 2. Imposition of operational controls, sureties, and deed restrictions.
 - 3. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - 4. Limitations on the removal or destruction of critical fish and wildlife habitat including any

area of riparian vegetation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.050 Signs. In the F-P zone, the type of signs permitted shall be the same as in the R-1 zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.060 Use limitations. In an F-P zone, the following limitations shall apply:

- A. No residence shall be constructed;
- B. The first floor elevation of any structure for the shelter of humans shall be situated at least three feet above the established water crest elevation for a flood with a probability rate of one percent;
- C. A lot shall not be less than one acre in area;
- D. Within the floodway and flood fringe, no encroachment will be allowed which causes any increase in the flood height or which would result in hazardous velocities (see floodway schematic). (Ord. 4684 §3, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

FLOODWAY SCHEMATIC

Chapter 17.51

PLANNED DEVELOPMENT OVERLAY

Sections:

- 17.51.010 Purpose.
- 17.51.020 Standards and requirements.
- 17.51.030 Procedure.

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

- A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)
- B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development

plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)

1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.
 2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;
- C. The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;
- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)
- E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are sub-mitted, unless those requirements have been specifically changed in the planned development approval;
- F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration:

- A. An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:
 1. Proposed land uses, building locations and housing unit densities.
 2. Proposed circulation pattern indicating the status of street ownership.
 3. Proposed open space uses.
 4. Proposed grading and drainage pattern.
 5. Proposed method of water supply and sewage disposal.
 6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.
 7. Relation of the proposed development to the surrounding area and the comprehensive plan;
- B. Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
 3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
 4. The plan can be completed within a reasonable period of time;
 5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
 7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;
- D. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;
- E. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;
- F. Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 of this ordinance;
- G. Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners;
- H. An approved planned development shall be identified on the zoning map in addition to the existing zoning. (Ord. 4242 §1, §2, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Chapter 17.52

AIRPORT OVERLAY ZONE

Sections:

- 17.52.010 Purpose.
- 17.52.020 Definitions.
- 17.52.030 General Restrictions.
- 17.52.040 Runway Protection Zone Restrictions.
- 17.52.050 Approach Zone Restrictions.

- 17.52.060 Horizontal Zone Restrictions.
- 17.52.070 Conical Zone Restrictions.
- 17.52.080 Waiver of Remonstrance Required.
- 17.52.090 Notice of Construction.
- 17.52.100 Nonconforming Uses.
- 17.52.110 Variances.
- 17.52.120 Enforcement.
- 17.52.130 Conflicting Regulations.

17.51.010 Purpose. The Airport Overlay Zone shall enhance the utility of the McMinnville Municipal Airport by preventing the establishment of any structure or use of land which unreasonably obstructs the safe flight of aircraft in landing or taking off. Further, this overlay zone is intended to prevent the establishment of airspace obstructions through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR), Part 77. The Airport Overlay Zone is intended to implement recommendations contained in the McMinnville Airport Master Plan Update (1989-2009) and as drawn on the Airport Imaginary Surfaces Map (Wilsey & Ham, 1989). (Ord. 4512 §1(part), 1992).

17.52.020 Definitions. For the purpose of this chapter only, the following special definitions are established:

- A. Airport: McMinnville Municipal Airport.
- B. Airport Approach Surfaces:
 1. Runway 22: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 50:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 1,000 foot width of the primary surface and expands to a width of 4,000 feet at a distance of 10,000 feet.
 2. Runway 4: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 34:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 1,000 foot width of the primary surface and expands to a width of 3,500 feet at a distance of 10,000 feet.
 3. Runway 16/34: A surface longitudinally centered on the extended runway centerline, extending horizontally and vertically from the end of the primary surface at a 20:1 slope for a horizontal distance of 10,000 feet along the extended runway centerline. The beginning width of the approach surface coincides with the 500 foot width of the primary surface and expands to a width of 3,500 feet at a distance of 10,000 feet.
- C. Airport Approach Zone: The area underneath the airport approach surfaces.
- D. Airport Elevation: For the purpose of determining the height limits in all zones set forth in this ordinance, elevations supplied on the Airport Imaginary Surfaces Map (Wilsey & Ham, 1989) shall be used to calculate height limitations.
- E. Airport Conical Surface: Extends horizontally and vertically from the airport horizontal surface and extends outward and upward at a slope of 20:1 for a horizontal distance of 4,000 feet, terminating at an elevation of 509 feet above sea level.
- F. Airport Conical Zone: The area underneath the airport conical surface.
- G. Airport Hazard: Any structure, tree, or use of land which exceeds height limits established by the airport imaginary surfaces or the presence of glare, smoke, fumes, or vapors which impairs visibility in the vicinity of the airport.
- H. Airport Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
- I. Airport Horizontal Zone: The area underneath the airport horizontal surface, not including the airport approach zones and the airport primary surfaces.

- J. Airport Imaginary Surfaces: Those imaginary areas in space which constitute the Airport Overlay Zone and are defined by the approach surface, the horizontal surface, and the conical surface as identified on the Airport Imaginary Surfaces Map (Wilsey & Ham, 1989). Any structure extending above these imaginary surfaces is a hazard.
- K. Airport Overlay Zone: See "Airport Imaginary Surfaces."
- L. Airport Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 1,000 feet for runway 4/22 and 500 feet for runway 16/34.
- M. Airport Runway Protection Zone (i.e., Clear Zone): Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- N. Aviation Easement: An easement which provides right of flight at any altitude above the approach surface.
- O. City: City of McMinnville.
- P. County: Yamhill County.
- Q. MUAMC: McMinnville Urban Area Management Commission.
- R. Place of Public Assembly: A permanent structure or place which is designed to accommodate 50 or more persons at one time for such purposes as deliberation, instruction, education, worship, awaiting transportation, shopping, drinking or dining, entertainment, or amusement.
- S. Structure: An object, including a mobile object, constructed or installed by persons, including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, and overhead transmission lines.
- T. Nonconforming Use: Any pre-existing (i.e., established prior to the effective date of this ordinance) structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto. (Ord. 4512 §1(part), 1992).

17.52.030 General Restrictions. No use in the Airport Overlay Zone shall:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft; or
- B. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. 4512 §1(part), 1992).

17.52.040 Runway Protection Zone Restrictions. Within the four prescribed clear zones, the City shall make every attempt, subject to available resources, to either purchase title to properties or secure aviation easements in order to protect the airport approach zones. (Ord. 4512 §1(part), 1992).

17.52.050 Approach Zone Restrictions. The following uses are prohibited in the Approach Zone:

- A. Places of public assembly;
- B. Industrial discharge impairing visibility, including smoke or steam pollution sources;
- C. Any structure which exceeds a height greater than 209 feet above MSL;
- D. Residential density greater than one dwelling per twenty acres except as allowed in the underlying zone exist-ing prior to the date of adoption of this ordinance or except if a development request involves an existing lot of record;
- E. The planting of any tree which reaches a mature height of 75 feet or more within 3,750 feet of the Primary Surface;
- F. Any use which would make it difficult for pilots to distin-guish between airport lights and others;
- G. Any use which would result in glare in the eyes of the pilots using the airport;
- H. Any use which would create bird strike hazards. (Ord. 4512 §1(part), 1992).

17.52.060 Horizontal Zone Restrictions. The following uses are prohibited in the Horizontal Zone:

Any structure which exceeds a height greater than 309 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills. (Ord. 4512 §1(part), 1992).

17.52.070 Conical Zone Restrictions. The following uses are prohibited in the Conical Zone:

Any structure which exceeds a height greater than that established by this parabolic curve which starts at 309 feet above MSL and terminates at 509 feet above MSL except that a structure may be constructed to a vertical height no greater than 35 feet above the ground in the Eola Hills. (Ord. 4512 §1(part), 1992).

17.52.080 Waiver of Remonstrance Required. Prior to the issuance of a building permit or approval of a land use request within the Approach Zone, an applicant shall submit to the City Planning Director and to the County Planning Director a signed waiver of remonstrance recognizing noise impacts resulting from airport operations and waiving rights to remonstrate against the same. Said waiver shall be recorded with the deed(s) to the subject property. (Ord. 4512 §1(part), 1992).

17.52.090 Notice of Construction. Anyone proposing to construct or alter a structure within an Approach Zone shall be required to contact the Federal Aviation Administration regional office in Seattle, Washington, to determine whether the subject request requires the submission of FAA Form 7460-1 (Notice of Proposed Construction or Alteration). If said form is required, then completed copies shall also be submitted to the Aeronautics Division of the Oregon Department of Transportation, to the Airport Manager, to the City Planning Director, and to the County Planning Director. (Ord. 4512 §1(part), 1992).

17.52.100 Nonconforming Uses. No permit shall be granted that would allow nonconformities within the Approach Zone to be enlarged upon, expanded, or extended in any manner which would increase the hazard to aviation, except as provided in the variance section. (Ord. 4512 §1(part), 1992).

17.51.110 Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the McMinnville Urban Area Management Commission (MUAMC) for a variance from such regulations. An application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that:

- A. Owing to special and unusual circumstances related to a specific piece of property, strict application or enforcement of this ordinance would cause an undue or unnecessary hardship;
- B. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any comprehensive plan or policy; and
- C. The variance would not create a hazard to air navigation.

In granting a variance, the jurisdiction may attach conditions which it finds necessary to protect the best interests of the surrounding property, the airport, or otherwise achieve the purposes of this chapter.

An appeal of any decision related to a variance shall follow the appropriate jurisdiction's appeal procedures and the concurrence procedures as outlined in the 1981 McMinnville Urban Growth Boundary Management Agreement. (Ord. 4512 §1(part), 1992).

17.52.120 Enforcement. The appropriate jurisdiction (i.e., the City of McMinnville, Yamhill County, or the City of Dayton) shall have the power and duty to interpret and to enforce the provisions of this ordinance. Any appeal of an interpretive ruling by the appropriate jurisdiction regarding the requirements of this ordinance shall be filed within fifteen days of said ruling and shall be initiated only with the MUAMC.

In addition, the City may, at its own expense, trim any tree which exceeds the height restrictions of this ordinance to a height which conforms to said height restrictions. Notice of such action with an affected property owner shall be made thirty days prior to any scheduled trimming. (Ord. 4512 §1(part), 1992).

17.52.130 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 4512 §1(part), 1992).

-
-
Chapter 17.54

-
GENERAL REGULATIONS
-

Sections:

17.54.010	Similar uses permitted when.
17.54.020	Accessory uses.
17.54.030	Buildings-Number per lot.
17.54.040	Buildings-Height exceptions-Public buildings
17.54.050	Buildings-Height exceptions-Chimneys, domes, towers, flagpoles and similar structures.
17.54.060	Buildings-Projections into yards.
17.54.070	Lots-Access.
17.54.080	Yards-Measurement.
17.54.090	Yards-Requirement exceptions.
17.54.095	Yards-Required along arterial streets.
17.54.100	Model homes.
17.54.110	Temporary living units.
17.54.120	Clear-vision area-Requirements.
17.54.130	Clear-vision area-Measurement.
17.54.135	Signs, portable signs restricted.
17.54.140	Use of required open space.
17.54.150	Minimum requirement maintenance.
17.54.160	Street names.
17.54.170	Address assignments.

17.54.010 Similar uses permitted when.

- A. Purpose. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted or conditionally permitted in a zoning district had they been contemplated and whether such uses are compatible with the listed uses.
- B. Review procedure/standards. Upon receipt of a request for classification of an unlisted use, the Planning Director shall provide written notice to owners of property located within 300 feet of the subject property, as those names appear on the most recent property tax assessment roll provided by the Yamhill County Assessor's Office. If the subject property borders an unincorporated property, then written notice shall be provided to those property owners located within the unincorporated area which are within 1,500 feet of the subject property. Notice shall also be published in the newspaper. The notice shall:
1. Provide a fourteen day period for submission of written comments prior to decision by the Planning Director;
 2. State that issues which may provide the basis for an appeal to the Planning Commission

shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

3. List the applicable criteria for the decision;
4. Indicate the street address or other understood geographical reference;
5. State the place, date, and time that comments are due;
6. State that copies of all documentation submitted by the applicant are available for review, and that copies can be obtained at cost;
7. Include the name and phone number of a staff person to contact for information pertaining to the application.

C. Review Criteria. Approval or denial of an unlisted use classification request shall be based on the following findings:

1. The use is consistent with the intent and purpose of the applicable zoning district;
2. The use has similar intensity, density, and off-site impacts as the uses permitted or conditionally permitted in the applicable zoning district; and
3. The use has similar impacts on community facilities and services as the listed uses.

D. Limitation/appeal. The Planning Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted or conditional use. The decision of the Planning Director shall be mailed to the applicant and any person who submits comments within the stated review period. The notice of decision shall include an explanation of appeal rights and briefly summarize the decision making process for the decision being made. The decision of the Planning Director may be appealed to the Planning Commission if notice of intent to appeal is received by the Planning Department within fifteen days of the Director's decision.

1. The decision of the Planning Director shall be entered in a registry to be kept on file in the Planning Department office. The decision, as noted in the registry, shall include:
 - a. The street address or understood geographic reference;
 - b. The date of the decision; and
 - c. A written summary of the decision made. (Ord. 4522 §2, 1992; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.020 Accessory uses. An accessory use shall comply with all requirements of a principle use, except as this title specifically allows to the contrary, and shall comply with following limitations:

A. Fence limitations shall be as follows:

1. No fence constructed or installed on an interior or rear property line shall exceed the height of seven feet. Evergreen or shrubbery planting may be maintained on such property lines when the neighbor is agreeable thereto.
2. A fence located in a required front or required side yard on the street side of a corner lot shall not exceed a height of two and one-half feet measured from the curb elevation. Where adequate vision clearance exists at driveways, the Planning Director may set the height of said fence.
3. Fence height restrictions do not apply to public utility fences nor to chain link fences enclosing school and public playgrounds;

B. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales;

C. A garage, accessory storage and workshop building may be maintained accessory to a dwelling;

D. An uncovered swimming pool may be located within a required rear yard or side yard behind the rear building line provided it is no closer than five feet to the property line.

1. Any pool forty-eight inches in height above grade level is to be considered its own fence if the following conditions are met:

- a. The method of entering the pool is a removable ladder or stair that is moved a safe distance from said pool when the pool is not in use.
- b. If a deck or walkway is constructed around aforesaid pool that is over thirty inches above grade, this deck or walkway must be equipped with a guardrail with either vertical or horizontal members that will not permit passage of a nine-inch sphere. If no fence with self-

closing and locking gates encloses the yards, one must be installed on the stair or ladder that serves as entry onto the deck or walkway. If more than one entry to a deck or walkway is provided, all entries shall have self-closing and locking gates.

c. The pool must be set and maintained as per manufacturer's instructions.

2. Any pool installed at ground level or below ground level shall be protected against accidental entry by a fence not less than forty-eight inches nor more than eighty-four inches in height with a self-closing, self-locking gate not less than forty-eight inches from the edge of the pool.

a. The pool must be set and maintained as per manufacturer's instructions.

b. Any pool less than forty-eight inches in height shall be considered to be at ground level installation and treated as same for protective fencing;

E. An accessory building may be located within a required rear yard or the required side yards behind the back building line, and said accessory building shall not contain more than 100 square feet in area and be not greater than ten feet in height. An accessory building meeting these requirements may be built to the property line;

F. An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than ten feet to a rear property line. An uncovered deck may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.030 Buildings—Number per lot. In an R-1, R-2, and R-3 zone there shall be only one main building on a lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.040 Buildings—Height exceptions—Public buildings. Public, quasi-public or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding sixty feet, and churches or temples may be erected to a height not exceeding seventy-five feet, when permitted in a zone with lower height regulations, provided the required yards are increased one foot for each foot of additional building height above the height regulations for the zone. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.050 Buildings—Height exceptions—Chimneys, domes, towers, flagpoles, and similar structures. Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.060 Buildings—Projections into yards. Architectural features such as cornices, canopies, sunshades, chimneys, and flues shall not project more than eighteen inches into a required yard. Eaves may extend a distance not to exceed thirty inches into a required yard. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.070 Lots—Access. Every lot shall abut a street, other than an alley for at least twenty-five feet, or shall abut an access easement which in turn abuts a street, for at least fifteen feet. (Ord. 4477 §4, 1990; Ord. 4522 §2, 1992; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.080 Yards—Measurement. The measurement of a yard shall be made from the lot line to the nearest face of the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.090 Yards—Requirement exceptions.

A. The following exceptions to the front yard requirements for a dwelling are authorized for a lot in any zone:

1. If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average

depth of the front yards of the abutting lots.

2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the abutting lot and the required front yard depth.
 3. Whether attached to a residence or as a separate building, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than twenty feet from the property line bordering the street;
- B. In a district where automobile service stations are permitted, freestanding gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard. In any zone, gasoline pumps and pump islands shall not be closer than ten feet to a street line;
- C. In a commercial or an industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.095 Yards—Required along arterial streets. Except in zones where greater setbacks are required, a minimum five foot yard shall be provided where a lot or parcel abuts an arterial street. Arterial streets are defined in the comprehensive plan and include: Adams Street, Baker Street, Highway 99W, Westside Road, Baker Creek Road, Three Mile Lane, Highway 18, Old Sheridan Road, Hill Road, Honnold Lane, Lafayette Avenue, and Johnson Street between Third Street and Lafayette Avenue.

- A. The required five foot yard shall be maintained as a clear vision area as defined in Section 17.54.120, except that the following uses may be allowed when alternatives are unavailable:
1. The exceptions described in Section 17.54.120.
 2. Traffic and other state or municipal signs.
 3. Traffic signals and controller boxes.
 4. Electrical junction boxes.
 5. Signs and sign posts provided that the body of the sign be below two and one-half feet in height or above eight feet in height when measured from the top of the curb, or where no curb exists, from the established street centerline grade;
- B. A building may be constructed with a cantilever which extends out over the setback at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade;
- C. Setback variance requests shall be processed under the provisions of Chapters 17.69 and 17.72, except that:
1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance.
 2. Variances to the requirements of this section which do not involve building setbacks must comply with subsection 17.54.095(C)(1) above, but need not comply with Section 17.69.030;
- D. Except for existing permanent buildings and structures (other than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption. (Ord. 4283 §1(part), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.100 Model home. A "model home" means the building(s) and/or property incorporating unique or innovative architectural design or construction techniques and intended for use as an example to promote similar development, and also means the building(s) and/or property intended for use as an example in attracting potential buyers to a specific subdivision. A permit for a model home may be obtained from the Planning Director, subject to the following conditions:

- A. The applicant for a model home permit must supply the Planning Director with a plot plan of the proposed model home and a narrative explaining any unique or innovative architectural design or construction techniques intended to be used in the model home. If the permit is being requested for a home which is simply to be used as an example in attracting buyers to a specific subdivision, the

applicant must supply the Planning Director with a plot plan of the model home and a copy of the approved plat of the subdivision clearly showing the lot on which the model home is to be located.

1. If the Planning Director finds that approval of the permit would create no adverse impact on the immediate neighborhood or the surrounding area he will issue a renewable and revocable permit, upon payment of the appropriate fee, for a one-year period. Approval by the Planning Director of a renewable request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Commission;

B. The Planning Director may permit the temporary use of a sales office within a designated model home, subject to the condition that the sales office is used to conduct sales of homes within the subdivision in which the model home is located. Sales of real properties outside the subdivision may not be conducted out of said office.

1. A permit for such use may be granted in the form of a temporary and revocable permit, the fee for which will be set by the City Council. The permit shall be valid for not more than one year or until ninety percent of the building permits for the subdivision have been issued, whichever occurs first. If ninety percent of the building permits have not been issued in one year's time, the permit may be renewed, upon reapplication to the Planning Director and payment of the appropriate fee. Renewal of a permit shall be for periods of not more than six months or until the ninety percent requirement is met. Approval by the Planning Director of a renewal request is contingent on the absence of formal complaints or changes in circumstances. If there are formal complaints or changes in circumstances, the request for renewal must be approved by the Commission. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions of the Planning Director may be appealed to the Commission;

C. The Planning Director may permit the temporary use of non-illuminated or indirectly illuminated signs (not to exceed twenty-four square feet) identifying and providing information about a model home in residential zones, subject to all other requirements regulating sign locations.

1. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a one-year period, subject to such conditions as will safeguard the public health, safety, and welfare. Application for the permit shall consist of a scaled drawing of the sign detailing size (square feet) and shape; a list of information to be included on the sign; and a plot plan showing where the sign will be located on the property. Such permit shall be renewable upon reapplication to the Planning Director in the absence of any formal complaints or changes in circumstance. Formal complaints or changes in circumstances may be cause for revocation of an approved permit by the Planning Director. All decisions may be appealed to the Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.110 Temporary living units.

A. This section is enacted to meet the requirements of McMinnville citizens who have a need for a temporary living unit in which they will provide "special care" to a relative. This section is not enacted to provide additional living space for family members unless the hardship conditions listed below are met. The City envisions the use of a temporary living unit approved under this section on a lot which has an occupied residence; however, it may be approved on a lot which is immediately adjacent to the residence of the family member making application for this special permit. The temporary living unit, if approved, must meet all the yard and setback requirements of this title. When granting a permit, the Commission will take into consideration the lot on which the unit will be placed, the type of temporary living unit being proposed, and the visual impact of the unit upon the surrounding neighborhood.

1. The definition of the term "special care" shall include providing medical attention (either

physical or mental) and/or providing living accommodations for a relative who needs to be in close physical proximity to family members for assistance in housekeeping, shopping, etc., and for emotional support;

2. The definitions of the term "temporary living unit" includes, but is not limited to, mobile home and trailer coach;

B. The Planning Commission may permit the temporary use of a temporary living unit in any zoning district (subject to the unit meeting yard and setback requirements of the zoning ordinance) in the following situation: Temporary residence for relative requiring special care;

C. A permit for such use may be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permit shall be renewable upon reapplication to the Planning Director on the absence of any formal complaints or changes in circumstances. Such structures shall be removed after they are no longer required for their initial use. Application for a temporary permit shall be on forms provided by the Planning Director. A public hearing shall be required to consider the initial temporary permit request, subject to the requirements of Section 17.72.045 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.120 Clear—vision area—Requirements. A clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that the following may be allowed in a clear vision area:

A. Trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight feet above the grade;

B. Telephone, power, and cable television pole;

C. Telephone switch boxes provided that they are less than ten inches wide at the widest dimension. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.130 Clear-vision area—Measurement. The following measurements used in conjunction with the formula established in subsection 17.06.080 shall be used to establish clear vision areas:

A. In a residential zone the minimum length of the triangle legs shall be 30 feet at street intersections and 10 feet where a street and an alley intersect;

B. In all other zones the minimum length of the triangle legs shall be 15 feet at street intersections and 10 feet where a street and an alley intersect, except that when the angle of intersection between two streets, is less than 30 degrees, the length of the triangle legs shall be 25 feet;

C. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade;

D. Except for existing permanent buildings and structures (other than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption. (Ord. 4283 §3, 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.135 Signs, portable signs restricted. Except as provided in subsections B and C below, portable signs over two and one-half feet in height shall be set back a minimum of ten feet from the street side of a property line or fifteen feet from the face of the street curbs:

A. The height of the sign shall be measured from the top of the curb, or where no curb exists, from the established centerline grade;

B. This section does not apply to portable signs which are placed within recessed entryways and building alcoves, provided that no portion of the sign extends beyond the building lines and provided that no portion of the sign extends over a public sidewalk;

C. This section does not apply to portable signs which are hung from the face or wall of a building

provided that the sign does not protrude more than two inches from the face or wall. (Ord. 4283 §1 (part), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.140 Use of required open space. No lot area, yard, other open space, or off-street parking or loading area which is required by this title for one use shall be used as a required lot area, yard, or other open space or off-street parking or loading area for another use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.150 Minimum requirement maintenance. No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimums required for it by this title, except when the provisions of the planned development overlay are utilized. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.160 Street names. Except for the extensions of existing streets, no street name shall be used which will duplicate or be confused with the name(s) of an existing street. Street names and numbers shall conform to the established pattern in the City. All street names, for public and private streets, shall be approved by the Planning Commission and/or City Council. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.54.170 Address assignments. The Building Official shall be responsible for assigning addresses to new structures. Addresses shall conform to the established numbering system for the City and to the requirements of McMinnville Ordinance No. 1770 and shall be assigned at the time the building permit is issued or before final occupancy is granted. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.55

-
WIRELESS COMMUNICATIONS FACILITIES
(as amended by Ord. 4732, June 2000)

Sections:

- -
- 17.55.010 Purpose.
 - 17.55.020 Definitions.
 - 17.55.030 Antennas to which this chapter has no application.
 - 17.55.040 Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communication service.
 - 17.55.050 Design standards.
 - 17.55.060 Co-location of antennas and antenna support structures.
 - 17.55.070 Interference with reception.
 - 17.55.080 Antenna support structures – removal when no longer used
 - 17.55.090 Application for permit for antennas, antenna arrays, antenna support structures, and equipment enclosures.

17.55.010 Purpose. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of wireless communications services to the residents of the City. Such siting is intended to occur in a manner that will facilitate the location of various types of wireless communication facilities in permitted locations consistent with the residential character of the City, and consistent with land uses in commercial and industrial areas. The prevention of the undue proliferation and associated adverse visual impacts of wireless communications facilities within the City is one of the primary

objectives of this chapter. This chapter, together with the provisions of the Uniform Building Code, is also intended to assist in protecting the health, safety, and welfare of the citizens of McMinnville. (Ord. 4732, 2000)

17.55.020 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

- A. **Alternative antenna support structures:** means roofs of buildings, provided they are 30 feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.
- B. **Antenna:** means a specific device used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by this chapter include omni-directional (or "whip") antennas, directional (or "panel") antennas, parabolic (or "dish") antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.
- C. **Antenna array:** means two or more antenna as defined in 17.55.020(B), above.
- D. **Antenna support structure:** means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:
 1. Lattice tower: which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;
 2. Monopole tower: which is a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.
- E. **Co-location:** means utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider.
- F. **Equipment enclosure:** means a small structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.
- G. **Facilities:** means all equipment and property associated with the construction of antenna support structures, antenna arrays, and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, and buildings and similar structures.
- H. **Radio Frequency (RF) Engineer:** is a professional engineer licensed in Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.
- I. **Wireless communications facility:** means an unstaffed facility for the transmission and/or reception of RF, microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.
- J. **Wireless communications service:** means the providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of current or future wireless communications facilities. (Ord. 4732, 2000)

17.55.030 Antennas to which this chapter has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless

communications service providers, antennas under 70 feet in height and owned and operated by a federally-licensed amateur radio station operators, to any antenna support structure or antenna lawfully in existence within the city on the effective date of this chapter, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio or television broadcasting facilities. (Ord. 4732, 2000)

17.55.040 Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communications service. Wireless communication antenna, antenna arrays, and antenna support structures are permitted, conditionally permitted, or prohibited to be located in the zones as provided in this Chapter and as listed below:

- A. Antenna support structures are permitted in the M-L (Limited Light Industrial Zone), M-1 (Light Industrial Zone), and M-2 (General Industrial Zone) zones only.
- B. In the R-1, R-2, R-3, and R-4 zones, with Planning Commission approval of a conditional use permit, subject to the requirements of Chapter 17.66, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.
- C. In the O-R, C-1, C-2, and C-3 zones located outside of the Historic Downtown Core (for purposes of this ordinance, defined as the area between First and Fifth Streets, and Adams and Galloway Streets), antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall add not more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.
- D. In the Historic Downtown Core, the placement of antennas and antenna arrays may be permitted subject to the requirements of Chapter 17.66 (Conditional Use) of the McMinnville Zoning Ordinance, and the requirements of this ordinance.
- E. In the M-L, M-1, and M-2 zones located outside of the Historic Downtown Core, antennas and antenna arrays may be mounted to existing alternative antenna support structures.
- F. In the A-H and F-P zones, with Planning Commission approval of a conditional use permit, subject to the requirements of Chapter 17.66, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.

G. Wireless Facilities matrix.

ZONE	WIRELESS FACILITIES	
	TOWERS	ANTENNA ARRAY MOUNTS TO EXISTING STRUCTURES*
Residential	Prohibited	Less than or equal to 20 feet height added (Conditional Use)
Commercial	Prohibited	Less than or equal to 20 feet height added (Permitted) Within Historic Downtown (Conditional Use)
Industrial	Permitted	Permitted (without regard to height added)

		Within Historic Downtown (Conditional Use)
Agricultural Holding	Prohibited	Less than or equal to 20 feet height added (Conditional Use)
Floodplain	Prohibited	Less than or equal to 20 feet height added (Conditional Use)

* Subject to the requirements of Chapter 17.55. (Ord. 4732, 2000)

17.55.050 Design standards.

- A. Where permitted, antenna support structures shall be constructed and installed as far away from existing buildings on adjoining land as is reasonably possible, and in no event within any required yard or set-back area or nearer than 25 feet to any publicly held land, residential structure or accessory building on adjoining land, or railroad right-of-way.
- B. The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.
- C. All antenna support structures, antennas, and antenna arrays, and associated facilities shall be finished in a non-reflective neutral color.
- D. No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, he finds: 1) that a closer spacing is required in order to provide adequate wireless communication service to the subject area; and 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area. An appeal of the Planning Director's decision may be made to the Planning Commission provided such appeal is filed with the Planning Department within fifteen days of the Director's decision. Appropriate fees, as set by City Council resolution, shall accompany the appeal.
- E. The construction and installation of antenna support structures, antennas, antenna arrays, and the placement of antennas or antenna arrays on alternative antenna support structures, shall be subject to the requirements of the city's Building Code (UBC), and Electrical Code (NEC).
- F. No antennas or antenna arrays, or antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.
- G. There shall be no signs, symbols, flags, banners, or other such devices or things attached to or painted or inscribed upon any antennas, antenna arrays, or antenna support structures.
- H. If the application involves the placement of an antenna or an antenna array on a building that is listed in the McMinnville register of historic structures, no permit to construct, install or erect antenna support structures or equipment enclosures, or to install, mount or erect antennas or antenna arrays on existing buildings or on other alternative antenna support structures, shall be issued without the prior approval of the McMinnville Historic Landmarks Committee. (Ord. 4732, 2000)

17.55.060 Co-location of antennas and antenna support structures.

- A. Co-location shall be required unless demonstrated to be infeasible to the satisfaction of the

Planning Director or Planning Commission. Evidence submitted to demonstrate such shall consist of the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; or
2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements; or
3. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas or antenna arrays and related equipment; or
4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference with nearby antennas or antenna arrays, or vice-versa; or
5. That there are other limiting factors, such as inadequate space for a second equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

B. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas or antenna arrays on antenna support structures and/or alternative antenna support structures. The following co-location requirements shall apply:

1. All antenna support structures shall be designed so as to not preclude co-location.
2. In the event co-location is represented to be infeasible, the City may retain a technical expert in the field of telecommunications engineering to verify if co-location at the site is not feasible, or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.
3. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the city may require a third party technical study at the expense of either or both of such providers.
4. The City of McMinnville may deny a building or conditional use permit to the applicant for a wireless facility who has not demonstrated a good faith effort to co-locate on an existing wireless communication facility. Determination of "good faith effort" shall be the responsibility of the Planning Director. (Ord. 4732, 2000)

17.55.070 Interference with reception. No antenna or antenna array shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals, especially as regard police and emergency services operating frequencies. (Ord. 4732, 2000)

17.55.080 Antenna support structures—removal when no longer used. Any antenna support structure that has had no antenna or antenna array mounted upon it for a period of 180 successive days, or if the antenna or antenna array mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days from the date of written notice from the City. During such 90 days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the Planning Director or Building Official shall determine. If such structure and equipment enclosure are not so removed, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. (Ord. 4732, 2000)

17.55.090 Application for permit for antennas, antenna arrays, antenna support structures, and equipment

enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

- A. Payment of all permit fees, plans check fees and inspection fees;
- B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, antenna array, enclosure, and/or structure is proposed, or copy of an appropriate easement, lease, or rental agreement;
- C. A map, drawing or aerial photo showing all existing and proposed antenna support structures within one mile of the McMinnville Urban Growth Boundary (UGB). Information provided shall include the number of existing antenna and antenna arrays per antenna support structure, as well as the number of arrays planned for use upon a proposed new antenna support structure, with sufficient detail (if available) to be added to the City's GIS data system. Any wireless communications service provider may utilize existing mapping information possessed by the City in order to create an updated map.
- D. A scaled plan and a scaled elevation view and other supporting drawings, illustrating the location and dimensions of the relevant antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures and any and all other major devices and attachments. (Ord. 4732, 2000)

-
-
Chapter 17.57

-
LANDSCAPING
-

Sections:

17.57.010	Purpose and intent.
17.57.020	Definitions.
17.57.030	Plans—Submittal and review—Approval—Time limit for completion.
17.57.040	Plans—Information to be included.
17.57.050	Area determination—Planning factors.
17.57.060	Zones where required.
17.57.065	Specific uses requiring landscaping.
17.57.070	Central business district.
17.57.080	Plan review committee.
17.57.090	Credit for work in public right-of-way.
17.57.100	Appeal—Planning Commission to act.

17.57.010 Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.020 Definitions. For the purposes of this chapter, the following terms shall have the following

meanings:

- A. Landscaping means the preservation, planting, and maintenance of trees, shrubs, groundcovers, and lawn that are compatible with this chapter and Section 17.03.020 of this ordinance. Landscaping shall be encouraged that considers energy conservation through effective planting and ground contouring. Courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the landscaping percentages required in Section 17.57.050 if they are designed in conjunction with substantial plantings of trees, shrubs, groundcovers, or lawns, and the review committee finds they are consistent with the purpose and intent set forth in Section 17.57.010 and factors set forth in Section 17.57.050(B) of this ordinance;
- B. New construction means all completely new structures, mobile additions, parking lots, and parking structures, and includes any additions to or expansion of existing structures or parking lots which result in additional lot coverage or parking lot coverage. This does not include remodeling or new construction which does not result in additional lot or parcel or parking lot coverage for said structure or parking lot. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.030 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, he shall submit, for the Landscape Review Committee, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within ten working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence shall not be necessary for action to be taken on the plans. A failure to review within ten working days shall be considered as approval of the plan;
- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. The applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City;
- E. All completed landscape projects shall be inspected by the Director of Parks and Recreation. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an

occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as long as they do not alter the character and aesthetics of the original plan. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Plans—Information to be included. The following information shall be included in the plans submitted under Section 17.57.030:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. All of the information on the plot plan for the building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
 1. Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
 5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.

a. ALC (additional lot coverage)	X	% of landscaping	X	Total
ELC (existing		required		lot area

lot coverage)

- b. Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
 4. The development and use of islands and plantings therein to break up parking areas.
 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;
- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.060 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (multiple-family residential zone, except the construction of a single-family or two-family residential unit);
- B. C-1 (neighborhood business zone);
- C. C-2 (travel commercial zone);
- D. C-3 (general commercial zone);
- E. O-R (office/residential zone);
- F. M-L (limited light industrial zone);
- G. M-I (light industrial zone);
- H. M-2 (general industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.065 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. Utility substations, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments. (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.070 Central business district. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;

B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.080 Plan review committee. All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.

A. The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of three members and two alternate members. At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three-year terms for each alternate member. The terms shall be computed from the first Tuesday in January 1978. The Council shall designate the alternate members as first and second alternates. Thereafter, the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members;

B. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.090 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;

B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;

C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS



No Required Landscaping



One-Half Required Landscaping

-
-
Chapter 17.58

TREES
(as amended Ord. 4654B Dec. 9, 1997)

Sections:

- 17.58.010 Purpose.
- 17.58.020 Applicability.
- 17.58.030 Definitions.
- 17.58.040 Tree Removal/Replacement.
- 17.58.050 Review Criteria.
- 17.58.060 Permit Exemptions.

17.58.070	Topping.
17.58.075	Protection of Trees.
17.58.080	Street Tree Planting - When Required.
17.58.090	Street Tree Standards.
17.58.100	Street Tree Plans.
17.58.110	Street Tree Planting.
17.58.120	Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 4654B §1, 1997).

17.58.030 Definitions.

Critical Root Zone: Generally a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to 1.5 feet for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of twelve feet.

Crown: The leaves and branches of a tree or shrub; the upper portion of the tree from the lowest branches on the trunk to the top. May also be referred to as "canopy."

DBH: Diameter-at-breast-height is tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Downtown Tree Zone: Street trees located within an area bounded on the north by Fifth Street, on the south by First Street, on the east by Johnson Street and on the west by Adams Street.

Downtown Tree: A public street tree planted within public rights-of-way within the Downtown Tree Zone.

Drip Line: A vertical line extending from the outermost edge of the tree's original canopy to the ground.

Hazardous Tree: A tree or part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including utilities within these areas or is afflicted with or weakened by a disease or injury.

Historic Tree: Selected trees placed on an inventory based on the age, species, location, and historic significance.

Major Pruning: Removal of over 20 percent of the tree's canopy, any tree topping, or disturbance of over 10 percent of the root system.

Planning Director: The McMinnville City Planning Director or his or her designee.

Public Tree: A tree located within a public right-of-way or on public land, such as a city park.

Repeated and Excessive: Two incidents within any three year period requiring removal or repair of a public sidewalk.

Significant Trees: Selected trees placed on an inventory based on the age, species, and location.

Street Tree: A living, standing woody plant typically having a single trunk at least 1-1/2 inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right-of-way.

Topping: The severe cutting back of limbs to stubs three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

Tree: Any woody plant having a trunk five inches or more in diameter 4.5 feet above ground level at the base of the trunk. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Tree Board: An appointed citizen committee formed for the purpose of hearing concerns and making decisions regarding trees. The McMinnville Landscape Review Committee currently serves in this capacity.

Tree Establishment: Includes watering, initial pruning, and replacement of trees, if necessary, for a period of three years from the date of planting. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.040 Tree Removal/Replacement

A. The removal or major pruning of a tree within the public right-of-way shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action. Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. Requests for tree removal within the downtown tree one shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or his designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Direct, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if notice of intent to appeal is filed with the Planning Department within five days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

B. Trees subject to this ordinance shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current downtown tree zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.

C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

F. Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.

G. The pruning and removal of street trees within the downtown tree zone shall be the responsibility of the City, and shall be undertaken at public expense.

H. Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications. Such design specifications may include tree root barriers, watering tubes or structures, and removable pavers, and shall graphically describe the proper method for planting trees within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.

I. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the downtown tree zone. In order to implement this policy, the Planning Director shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the downtown tree zone. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

B. The tree is in conflict with public improvements.

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

D. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.060 Permit Exemptions.

A. Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.

B. Maintenance - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.

C. Removal of downtown trees at the direction and initiative of the City Planning Director. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the McMinnville Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees

A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to

the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.

C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the Landscape Review Committee.

E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting—When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curbside planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the McMinnville Landscape Review Committee.

B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the downtown tree zone, consideration shall be given to the height of adjacent buildings.

D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb.

E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.

F. Existing street trees shall be retained unless approved by the Planning Director for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the Planning Director to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required

to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the downtown tree zone shall follow the design drawing, or modified design, approved by the Planning Director.

H. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City.

I. Maintenance of street trees, other than those located in the downtown tree zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the downtown tree zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and Multi-family Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 21 of the McMinnville Land Division Ordinance.

B. Commercial, Industrial, Multi-family, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season

following planting, or as may be required by the City. (Ord. 4654B §1, 1997).

Chapter 17.59

DOWNTOWN DESIGN STANDARDS AND GUIDELINES (as adopted Ord. 4797, Oct. 23, 2003)

Sections:

- 17.59.010 Purpose
- 17.59.020 Applicability
- 17.59.030 Review Process
- 17.59.040 Review Criteria
- 17.59.050 Building and Site Design
- 17.59.060 Surface Parking Lots
- 17.59.070 Awnings
- 17.59.080 Signs

17.59.010 Purpose. To provide for the protection, enhancement and preservation of buildings, structures, and other elements in the downtown core which contribute to its special historic and cultural value. Further, it is not the purpose of this ordinance to create a “themed” or artificial downtown environment. Rather, its purpose is to build on the “main street” qualities that currently exist within the downtown and to foster an organized, coordinated, and cohesive historic district that reflects the “sense of place,” economic base, and history unique to McMinnville and the downtown core. (Ord. 4797 §1, 2003).

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 - 1. All new building construction;
 - 2. Any exterior building or site modification that requires a building permit; and,
 - 3. All new signage.
- C. This ordinance shall not apply to the following activities or uses:
 - 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance;
 - 2. Interior remodeling; and,
 - 3. Single-family detached housing.
- D. This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single

window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance. (Ord. 4797 §1, 2003).

17.59.030 Review Process.

A. An application for a building permit for an activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (F) below.

B. Applications shall be submitted to the Planning Department for initial review for completeness. The application shall include the following information:

1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
4. Photographs of the subject site and adjacent property.
5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.

C. Applications determined to be incomplete will be returned to the applicant within twenty (20) days of their submittal, accompanied by a letter detailing the items that must accompany any resubmitted application.

D. Review Process

1. Within five (5) working days of a complete application's submittal, the Planning Director, or his/her designee, shall review the application for compliance with the design guidelines and standards as set forth in this ordinance. If the Planning Director, or his/her designee, finds the proposed activity to be in compliance with the requirements of this ordinance s/he shall submit to the Building Department a permit clearance form, which will indicate that the requirements of this ordinance have been satisfied.
2. If the Planning Director, or his/her designee, finds the proposed activity to be in noncompliance with the requirements of this ordinance, he shall immediately issue a "notice of delay" to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application.
 - a. The Historic Landmarks Committee shall meet within twenty-one (21) days of the date the completed application was submitted to the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure to review within twenty-one (21) days shall be considered an approval of the application.
 - b. If the Historic Landmarks Committee finds the proposed activity to be in compliance with the provisions of this ordinance, they shall direct the Planning Director, or his/her designee, to submit to the Building Department a permit clearance form.
 - c. If the Historic Landmarks Committee finds the proposed activity in noncompliance with

the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

E. Waiver Process

1. A guideline or standard contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. A request for a waiver to the standards of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(D)(2).

F. Appeal

1. An appeal of a decision by the Planning Director, or his/her designee, or Historic Landmarks Committee, including an appeal of conditions placed on the permit by the committee, may be made to the Planning Commission within ten (10) days of the applicable review body's decision. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the review body and shall hold a public hearing on the appeal at their next regularly scheduled meeting. Notice of an appeal hearing shall be published in a newspaper of general circulation in the City not less than five days or more than fifteen days prior to the date of the public hearing.

2. An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council following the procedures noted in 17.72.050. (Ord. 4797 §1, 2003).

17.59.040 Review Criteria

A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:

1. The City's historic preservation policies set forth in the Comprehensive Plan;
2. The City's historic preservation ordinance (no. 4401), and in particular, the criteria contained in Section 10; and
3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
 - b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
 - c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter. (Ord. 4797 §1, 2003).

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.
2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof

heights, or applying vertical divisions, materials and detailing to the front façade.

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:

- a. A belt course separating the upper stories from the first floor;
- b. A bulkhead at the street level;
- c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;
- d. A recessed entry and transom with transparent door; and
- e. Decorative cornice or cap at the roofline.

4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.

5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.

6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.

8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.

C. Building Materials.

1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):

- a. Wood, vinyl, or aluminum siding;
 - b. Wood, asphalt, or fiberglass shingles;
 - c. Structural ribbed metal panels;
 - d. Corrugated metal panels;
 - e. Plywood sheathing, to include wood paneling such as T-111;
 - f. Plastic sheathing; and
 - g. Reflective or moderate to high grade tinted glass.
3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim. (Ord. 4797 §1, 2003).

17.59.060 Surface Parking Lots.

A. Surface parking lots shall be prohibited from locating on Third Street. In addition, vehicular access to parking lots from Third Street is prohibited.

B. All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance.

C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee. (Ord. 4797 §1, 2003).

17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.
- B. Awnings shall be placed between pilasters.
- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.
- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.
- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited. (Ord. 4797 §1, 2003).

17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.
- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.
- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.
- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.
- E. The use of the following are prohibited in the downtown area:
 1. Internally-lit signs;
 2. Flashing signs
 3. Pedestal signs and pole-mounted signs;
 4. Portable trailer signs;
 5. Cabinet-type plastic signs;
 6. Billboards of all types and sizes;
 7. Historically incompatible canopies, awnings, and signs;
 8. Signs that move by mechanical, electrical, kinetic or other means; and,
 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

-
-
Chapter 17.60

OFF—STREET PARKING AND LOADINGSections:

- 17.60.010 Applicability of chapter.

- 17.60.020 Property owner's responsibility.
- 17.60.030 Plans required.
- 17.60.040 Spaces—Used to park automobiles only.
- 17.60.050 Spaces—Location.
- 17.60.060 Spaces—Number required.
- 17.60.070 Off—street loading requirements.
- 17.60.080 Design requirements.
- 17.60.090 Requirements for uses not listed.
- 17.60.100 Reduced requirements for certain area.
- 17.60.110 More than one use per structure.
- 17.60.120 Joint use of spaces permitted.
- 17.60.130 Transitional parking areas.
- 17.60.140 Bicycle parking.
- 17.60.150 Parking variances for historic structures.

17.60.010 Applicability of chapter. The provisions set forth in this chapter shall apply to off-street parking and loading facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.020 Property owner's responsibility. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter. Should the owner or occupant of any lot or buildings change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this title to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are met. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.030 Plans required. A plan drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.040 Spaces—Used to park automobiles only. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.050 Spaces—Location. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.060 Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

- | | |
|--|--|
| 1. Single-family and two-family dwelling. | Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms. |
| 2. Multiple-family dwelling | One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons. |
| 3. Boarding house, lodginghouse, or roominghouse | One space per two guest accommodations. |
| 4. Fraternity, sorority, cooperative, or dormitory | One space per two sleeping accommodations. |
| 5. Bed and breakfast establishments | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room. |
|
B. Institutional land use category: | |
| 1. Convalescent hospital, nursing home, sanitarium, or rest home | One space per two beds for patients or residents. |
| 2. Hospital | Three spaces per two beds. |
| 3. Churches, clubs or lodges | One space per every four fixed seats or every eight feet of bench length in the main auditorium or sanctuary. One space per every 75 square feet in the main auditorium when no permanent seats or benches are maintained. |
| 4. Library, reading room, museum, or art gallery | One space per 300 square feet of floor area. |
| 5. Day care, preschool, nursery, or kindergarten | One space for each teacher or supervisor. |
| 6. Elementary or junior high school | One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater. |
| 7. Senior high school | One space per classroom plus one space per administrative employee plus one space per each six students or one space per four seats or eight feet of bench length in the main auditorium or gymnasium, whichever is greater. |
| 8. College—commercial or business | One space per every three classroom seats. |
| 9. College—residential type | One space per every three full-time equivalent students. |

10. Other places of public assembly including stadiums One space per four seats or eight feet of bench length.

C. Commercial land use category

1. Automobile service station Two spaces per each lubrication stall, rack, or pit and one per each two gasoline pumps.
2. Auto wash One and one-half spaces per employee.
3. Banks, financial institutions One space per 200 square feet of floor area.
4. Barber shop and beauty parlor One space per each employee plus two spaces per each barber or beauty chair.
5. Bowling alley Six spaces per alley.
6. Dance hall, skating rink, pool or billiard parlor, and similar commercial recreational uses without fixed seating One space per 100 square feet of floor space.
7. Drive-in restaurants or similar drive-in uses for the sale of beverages, food, or refreshments for consumption on the premises. One space per four seats or one space per 200 square feet of floor area, whichever is greater.
8. Establishments for sale and consumption on the premises of beverages, food, or refreshments One space per 100 square feet of floor area or one per four seats, whichever is greater.
9. Laundromats and coin operated dry cleaners One space per every two washing machines.
10. Medical or dental office, including clinic One space per 200 square feet of floor area.
11. Mortuary One space per four seats or eight feet of bench length in chapel.
12. Motel or hotel One space per each guest room. Parking for motel or hotel restaurants or ball rooms must be figured separately as per the requirements of this section.
13. Nursery One space per 300 square feet of floor area of the building.
14. Pharmacy One space per 150 square feet of floor area.
15. Private golf club, swimming pool, club, tennis club, or other similar uses One space for each two member families, or if anticipated membership has not been achieved, one space for every two member families anticipated at maximum membership or one space for every four persons when facility is used to capacity.
16. Professional office (non-medical or dental) One space per 300 square feet of floor area.

17. Retail store, except as otherwise specified in this section One space per 250 square feet of floor area.
18. Retail stores handling bulky merchandise or household furniture One space per 500 square feet of floor area.
19. Service or repair shop One space per 400 square feet.
20. Theater One space per each three seats.
21. Bed and breakfast establishment (as amended Ord 4292, July 24, 19984) One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room.
- D. Industrial land use category:
1. Manufacturing establishment One space per 1,000 square feet of floor area or two spaces per three employees working on the largest shift during peak season, whichever is greater.
2. Wholesale establishment, warehousing One space per 2,000 square feet of floor area or two spaces per three employees on the largest shift during peak season, whichever is greater.

(Ord. 4479A §5, 1991; Ord. 4477 §5, 1990; Ord. 4419 §2, 1988) Ord. 4292 §2(j), 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.070 Off-street loading requirements.

- A. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use;
- B. The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor area of the Building in Square Feet</u>	<u>Number of Berths</u>
5,000 to 10,000	1
10,000 and over	2

For buildings or structures up to five thousand square feet, regular off-street parking areas may be used to meet the off-street loading requirements;

- C. A loading berth shall contain a space twelve feet wide and thirty-five feet long and have a vertical clearance of fourteen feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.080 Design requirements.

- A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free;
- B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed

by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line;

C. Safe access shall be provided as follows:

1. Access aisles shall be of sufficient width for all vehicular turning and maneuvering;
2. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
3. Driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site;
4. Clear vision areas shall be provided at driveway exits for all uses except single-family and two-family residential and shall have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade. Except for existing permanent buildings and structures (other than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption;
5. Driveway cuts shall be a minimum of twenty feet from a street intersection;

D. Parking areas shall be made compatible with surrounding uses as follows:

1. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street;
2. When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property;
3. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling;

E. Space size minimum shall be as follows:

1. Handicap parking spaces shall be a minimum of twelve feet wide and 19 feet in length.
2. Compact and subcompact parking spaces shall be a minimum of eight feet by sixteen feet.
3. Standard parking spaces shall be a minimum of eight feet six inches by nineteen feet.

F. The type of space shall be set as follows:

1. Handicap spaces shall be required and designated as per current federal, state, and local regulations.
2. Standard spaces shall comprise not less than sixty-five percent of all newly constructed lot spaces.

G. Except as varied for good cause by the Building Official or Planning Director, maneuvering room shall be required and parking stalls measured according to the following table:

PARKING MANEUVERING ROOM TABLE

Parking Angle Degrees	Width of Spaces	One Way Aisle Width	Two Way Aisle Width	
Parallel	8'0"	13'0"	26'0"	Standard space- Minimum requirements: Width 8.5' Length 19'
	8'6"	12'6"	25'0"	
	9'0"	12'0"	24'0"	
	9'6"	11'6"	23'0"	

30°	8'0"	13'0"	26'0"	Compact space -Minimum requirements: Width 8' Length 16'
	8'6"	13'0"	24'0"	
	9'0"	11'0"	22'0"	
	9'6"	11'0"	22'0"	
45°	8'0"	14'0"	26'0"	Handicapped space- Minimum requirements: Width 12' Length 19'
	8'6"	13'0"	26'0"	
	9'0"	12'0"	24'0"	
	9'6"	11'0"	22'0"	
60°	8'0"	17'0"	25'0"	PARKING SPACE MEASUREMENT DIAGRAM:
	8'6"	16'0"	25'0"	
	9'0"	15'0"	24'0"	
	9'6"	15'0"	24'0"	
75°	8'0"	25'0"	25'0"	A = Aisle Width B = Space Width C = Space Length
	8'6"	24'0"	25'0"	
	9'0"	23'0"	24'0"	
	9'6"	22'0"	24'0"	
90°	8'0"	28'0"	28'0"	
	8'6"	27'0"	27'0"	
	9'0"	26'0"	26'0"	
	9'6"	25'0"	25'0"	

(Ord. 4283 §4, 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.090 Requirements for uses not listed. The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. All decisions made by the Planning Director may be appealed to the Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.100 Reduced requirements for certain area. In the area bounded by Adams Street, Ford Street, Fourth Street, and Seventh Street, required off-street parking spaces for commercial establishments may be one-half of the number stated for the particular use in Section 17.60.060 (see special parking requirements map below).

REDUCED PARKING REQUIREMENTS



No Required

One-

Half Required
Parking
(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
Parking

17.60.110 More than one use per structure. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.120 Joint use of space permitted. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Commission in the form of deeds, leases, or contracts to establish the joint use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.130 Transitional parking areas. Property located in a commercial or industrial zone may utilize a lot or portion of a lot in a residential zone for parking spaces which are in addition to those required by the commercial or industrial zone. The applicant shall meet all of the off-street parking and loading requirements contained in this chapter in addition to those set forth in this section unless said property is a preexisting, nonconforming use and the granting of transitional parking will be in the best interests of the city and surrounding environs. The following criteria are established:

- A. Application shall be made to the Planning Commission and shall set forth the following information:
 1. Reason said transitional parking is required.
 2. Absence of commercial or industrial zone property for said parking space.
 3. Diagram or drawing of proposed site to include buildings, streets, ingress and egress traffic flow diagram, and landscaping;
- B. The R-zone property must be contiguous to the benefited commercial or manufacturing zone property and may not be across any street or portion thereof; further, any transitional parking use shall not result in R-zone property being bounded on three or more sides by said use and/or commercial or industrial zoned properties or any combination thereof;
- C. The side, rear, and front yard setbacks of said transitional parking area shall not be less than seven and one-half feet. The applicant shall establish a wheel bumper curb three feet from the point at which any side or rear or front yard commences, save and except rear and side yard setbacks may be used only for parking purposes when said setbacks are a part of a contiguous boundary between commercial and manufacturing zone property and the R-zone property which is to be used for parking purposes;
- D. The applicant/user shall, as a condition of the granting of a transitional parking permit, provide and permanently maintain an evergreen hedge along side and back yard properties which adjoin property zoned residential. The hedge shall be not less than three feet in height at the time of planting and shall be of a kind or variety which is capable of reaching a height of at least six feet. In addition, a permanent fence or wall of three feet shall also be erected along side and back yard properties which adjoin property zoned residential;
- E. Requests for transitional parking shall be approved for periods not to exceed five years. An applicant may apply for an extension upon compliance with the requirements set forth in this section and subsequent approval by the Planning Commission;
- F. The Planning Commission may grant a request for transitional parking with or without a public hearing. Public hearings shall be held in accordance with Section 17.72.045 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.140 Bicycle parking.

- A. Bicycle parking facilities shall be required as follows:
 1. In any commercial (C-1, C-2, and C-3) or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
 2. The uses exempted from bicycle parking requirements include: residential uses, drive-in

theaters, mortuaries, motels, hotels, and automobile service stations.

3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.

B. Bicycle parking facilities shall be provided pursuant to the following design standards. (as modified by the Bicycle Parking Administrative Rule of September 14, 1984):

1. At a minimum, a bicycle parking facility shall consist of a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable or chain and lock.

2. Fixed objects which are intended to serve as bicycle parking facilities but not obviously designed for such purposes shall be clearly labeled as available for bicycle parking.

3. Bicycle parking facilities shall provide a least an eighteen inch clearance between adjacent bicycles.

4. Aisles between bicycle parking facilities shall be at least five-feet in width.

5. Paving is not required for bicycle parking areas, but the outside ground surface shall be finished or planted in such a way that the surface will remain free from mud or dust. Bicycle parking may be provided within a required landscape area.

6. Bicycle parking should be situated at least as conveniently as the most convenient car parking area. Bicycle and automobile parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (Ord. 4261 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.60.150 Parking Variances for Historic Structures. (as amended by Ord. 4314, Jan. 2, 1985)

A. A variance to the parking requirements of Chapter 17.60 of this ordinance may be granted in the circumstance where an existing historic structure located in the C-3 zone or O-R zone is being converted to a different use or occupancy subject to the following conditions:

1. Only those structures which have been categorized as "distinctive" or "significant" historic resources by the Historic Landmarks Committee shall be eligible under this section for a variance to the parking requirements.

2. The Planning Director may grant variances to the parking requirements for up to and including five vehicles. Variances for greater than five vehicles must be granted by the Planning Commission.

3. Variances approved under this section are not transferable and are valid only for the specific occupancy or use for which they are granted. Any new use proposed for a structure, or on property for which a parking variances has been granted, regardless if such new use is in the same land use category as the old use, must either be provided with the required parking or receive separate approval of a parking variance.

4. All variances shall be recorded by the applicant in the Deed Records of Yamhill County for the purpose of informing any new occupant or owner that the property has been granted a variance and may be subject to conditions.

B. The process for granting parking variances for historic structures shall be as follows:

1. Application shall be made on forms provided by the Planning Director. The applicant shall provide a site plan and a map showing available public and private parking within 300 feet of the site. The Planning Director or the Planning Commission may require the provision of other drawings or material essential to the understanding of the variance request.

2. The Planning Director or Planning Commission shall base their decision on the factors listed in Section 17.60.060(C) below and shall either approve, approve with conditions, or deny the application.

3. A decision by the Planning Director may be appealed to the Planning Commission.

4. A public hearing pursuant to the procedures as set forth in section 17.72.040 of this ordinance shall be held for parking variance requests which are required to be processed before the Commission.

C. In entertaining a request for a parking variance for an historic structure, the Planning Director

or Planning Commission shall consider the following factors:

1. Is the variance requested the minimum variance which would allow the use while preserving the structure?
2. What is the expected traffic generation of the proposed use? Is it less than the required parking would indicate?
3. What is the peak time use of the proposed use? How does that compare with other uses in the neighborhood?
4. What is the general character of the surrounding neighborhood? Is it commercial, residential, or mixed use in nature?
5. To what degree would the granting of the variance cause an adverse impact on the neighborhood? Could the adverse impacts be negated through conditioning the variance?
6. How many public parking spaces, including street parking spaces, are available in the vicinity of the site?
7. Does the value of saving the specific historic structure outweigh the negative impacts which would result in the neighborhood? Could the structure in fact be lost if the variance were not granted?

D. The Planning Director or Planning Commission may impose conditions on the parking variance which could:

1. Preserve the site or structure or preserve the character of the area;
2. Ensure that alterations to the structure are compatible with the historic or architectural character of the structure or neighborhood;
3. Preserve the existing landscaping;
4. Limit the hours of operation of the use or occupancy;
5. Minimize adverse impacts on neighboring property owners. (Ord. 4314 §1, 1985; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.63

-
NONCONFORMING USES

Sections:

17.63.010	Purpose.
17.63.020	Lots of record—Single-family dwelling construction permitted.
17.63.030	Structures—Alteration or extension.
17.63.040	Changes to conforming use only.
17.63.050	Use of structure—Discontinuance.
17.63.060	Structure—Destruction.
17.63.070	Time limit for completion.

17.63.010 Purpose. Within the zones established by this title there exist lots, structures and uses of land and structures which were lawful before the ordinance codified in this title was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this title and amendments. It is the intent of this title to permit these nonconformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this title to be incompatible with permitted uses in the zones involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, except as provided for in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.020 Lots of record—Single-family dwelling construction permitted. In a residential district, one single-family dwelling may be constructed on any single lot of record which is nonconforming because of area, width, length, or a combination thereof, provided the lot is no less than four thousand square feet in area. All other zoning requirements, such as yard dimensions, setbacks, etc., shall conform to the zone in which the lot is located. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.030 Structures—Alteration or extension. Structures conforming as to use but nonconforming as to height, yard requirements, setback, lot size, or density may be altered or extended, provided the alteration or extension does not result in a violation of this title, except as provided below:

- A. Dwellings may be altered or extended subject to the provisions of Section 17.54.090;
- B. Dwellings located in residential zones may be altered or extended so long as the alteration or extension does not result in a violation of this title or so long as the alteration or extension is confined within the existing building lines. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.040 Changes to conforming use only. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone, and after it is changed, it shall not be changed back to a nonconforming use. If a use other than that allowed in the zone is desired, a change of zone may be applied for pursuant to Chapter 17.72 of this code. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.050 Use of structure—Discontinuance. If a nonconforming use, or the use of a nonconforming structure, is discontinued for a period of one year, further use of the property shall conform to the requirements of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.060 Structure—Destruction.

- A. If a nonconforming structure or a structure containing a nonconforming use in the industrial land use category is destroyed by any cause to an extent exceeding sixty percent of the assessed structural value as recorded in the County Assessor's records at the time of destruction, a future structure or use of the property shall conform to the provisions of this ordinance;
- B. If a nonconforming structure or a structure containing a nonconforming use in a residential, commercial, or public land use category is destroyed by fire, accident, or an act of God, the structure may be rebuilt to the same size (square footage before destruction) and may be occupied by the use which occupied the structure at the time of destruction. In the case of a destruction of a nonconforming multiple-family residential structure, the structure, if rebuilt, may not contain more living units than existed prior to the destruction. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.63.070 Time limit for completion. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building, structure or use for which a building permit has been legally issued prior to the effective date of adoption or amendment of the ordinance codified in this title, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.66

-
CONDITIONAL USES

-
-
Sections:

17.66.010	Authorization to grant or deny conditional uses.
17.66.015	Placing conditions on a permit.
17.66.020	Listed uses or modifications—Application.
17.66.030	Public hearing—Required.
17.66.040	Public hearing—Notice of decision.
17.66.050	Use conveyed with property—Termination conditions and procedures.
17.66.060	Compliance with zone standards—Exceptions.
17.66.065	Keeping animals in residential zone.

17.66.010 Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the 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 generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.015 Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a

parking area or truck loading area;

- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.020 Listed uses or modifications—Application. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the Planning Director. The Planning Commission may require other drawings or information necessary to achieve an understanding of the proposed use and its relationship to surrounding properties. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.030 Public hearings—Required. Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing pursuant to the procedures set forth in Section 17.72.040. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.040 Public hearing—Notice of decision. Within five working days after a decision has been rendered with reference to a request for a conditional use, the secretary to the Planning Commission shall provide the applicant with written notice of the decision of the Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.050 Use conveyed with property—Termination conditions and procedures.

- A. Subject to the provisions of this section, a conditional use shall become a property right and shall be conveyed to the benefit of the owner or other person(s) entitled to possession regardless of transfer of title or interest unless otherwise specified by the Planning Commission at the time of approval;
- B. Each conditional use permit issued after the effective date of this ordinance codified in this section shall be terminated if:
 1. Construction or remodeling for the conditional use as approved has not been started within one year of the date specified on a development schedule approved with the conditional use, or in case no such development schedule was approved, within one year of the effective date of approval.
 2. Construction once commenced does not substantially progress for a one-year period.
 3. After completion of the construction or remodeling, the approved use as authorized by the permit lapses for any one-year period.
 4. There is a failure to meet any condition as may be specifically required by the Planning Commission at the time of approval of a conditional use;
- C. The Planning Director shall determine if a conditional use is in compliance with this section and any conditions imposed by the Planning Commission. At such time as a conditional use becomes subject to termination as provided in this section, the Planning Director shall notify, in writing, the legal owner of record or the occupant. The notice shall explain the reasons for which the conditional use will be terminated. Notice of termination will be delivered by registered mail. A receipt of delivery will be returned to the Planning Director;
- D. An action or ruling of the Planning Director pursuant to this section may be appealed to the Planning Commission within thirty days after the recorded date of delivery of the notice of termination. In the event the notice is not deliverable or acceptance is refused or unclaimed, the thirty days in which an appeal may be filed shall be computed from the date of mailing. Notice of

appeal shall be in writing and filed with the City Recorder. The decision of the Planning Director is final if the appeal is not taken within the thirty-day period. If the appeal is filed, the Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal pursuant to Section 17.72.040. The conditional use shall be invalid during the appeal process;

E. Upon termination of a conditional use, the property shall thereafter be used in accordance with the zoning ordinance and other applicable plans, ordinances, resolutions, rules, and regulations unless a conditional use or other action is subsequently approved. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.060 Compliance with zone standards—Exceptions. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use or as otherwise modified as follows:

A. Setbacks. In a residential zone, yards shall be at least one-half the height of the principal structure. In any zone, yards greater than the standard of the zone in which the use is located may be required;

B. Limitations on access to lots and on openings to buildings. The City may limit or prohibit vehicular access from a conditional use to a residential street not designated as an arterial street on an officially adopted street plan, and it may limit or prohibit openings in sides of a building or structure permitted as a conditional use within fifty feet of a residential zone if such openings will cause glare, excessive noise, or other adverse effects on adjacent residential properties;

C. Signs. The sign limitations of a zone may be exceeded for a conditional use to allow one indirectly illuminated or non-illuminated sign not exceeding six (6) square feet in an area on each side of a conditional use abutting a street. In addition, in the case of a church, sign limitations shall be prescribed by the zone in which they are located. A sign shall pertain to the conditional use and may be located in a required yard;

D. Utility substation or pumping substation. The minimum lot size of the zone in which a public utility facility is to be located may be waived only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site in a residential zone. Such uses shall be fenced and provided with landscaping as found necessary. (Ord. 4802 §2, 2004; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.66.065 Keeping of animals in residential zones. In addition to other provisions of this chapter, the following conditions shall apply in a zone when animals are permitted:

A. In addition to the lot area per family requirements for the zone, a minimum area of one-half an acre shall be provided for accommodation of the animals listed in Subsections 1 and 2 below.

Animals shall not exceed the following density requirements:

1. One horse or one cow over six months of age for each ten thousand square feet of lot area.
2. One sheep or one goat over six months of age for each five thousand square feet of lot area;

B. Twelve fowl or rabbits may be maintained on a lot in an R-1 or an R-2 zone. Any in excess of this number shall require an additional five hundred square feet of lot area per fowl or rabbit;

C. No enclosure or pen for animals shall be closer than seventy feet to a front lot line or twenty-five feet to a side lot line. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.67

-
HOME OCCUPATIONS

Sections:

- 17.67.010 Home occupation—Purpose.
- 17.67.020 Application—Approval.
- 17.67.030 Home occupation standards.
- 17.67.040 Home occupation complaint procedures.
- 17.67.050 Standards for judging objections.
- 17.67.060 Action by Commission—Home occupation complaints.

17.67.010 Home occupations—Purpose. The home occupation provision is included in recognition of the needs of many people who are engaged in small scale business ventures which could not necessarily be sustained if it were necessary to lease commercial quarters for them or which, in the nature of the home occupation, cannot be expanded to full-scale enterprises. It is the intent of this ordinance that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district continue to be conducted in such district and not at home. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.020 Application—Approval. A permit for a home occupation may be obtained from the Planning Director subject to the following conditions:

- A. The applicant for a home occupation permit must supply the Planning Director with a map showing the location of the property on which the home is located, and must complete an application (on forms provided by the City) and submit it to the Planning Department;
- B. If the Planning Director finds that approval of the permit would create no adverse impact on the immediate neighborhood or the surrounding area, he will, within 21 days of the date of the application, issue a renewable and revocable permit, upon payment of the appropriate fee, for a one-year period;
- C. Permits may be renewed for one-year periods upon request of the applicant by filing a renewal application with the Planning Department and upon payment of the appropriate fee, provided that the permit has not been terminated under the provisions of Sections 17.67.040 through 17.67.060 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.030 Home occupation standards. A home occupation shall mean that any occupation or profession may be carried on by a member of the family residing on the premises, provided that the following conditions are satisfied:

- A. No sign is used other than a name plate not over one square foot in area;
- B. There is no display that will indicate from the exterior that the building is being used for any purpose other than a dwelling;
- C. There is no outside storage of materials other than plant materials;
- D. There are no outside paid employees;
- E. The occupation must be carried on in the main building and shall not occupy more than one room or twenty-five percent of the floor area;
- F. The building retains the characteristics of a residence;
- G. The use does not unduly infringe upon the residential character of the neighborhood;
- H. The use does not generate excessive traffic which greatly exceeds the numbers which would normally be found in the neighborhood. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.040 Home occupation complaint procedures.

- A. Complaints on conditions A through E in Section 17.67.030 will be investigated by the Building Official. If the Building Official finds a violation of any of the conditions A through E, he shall then

notify the permit holder of the violation by certified letter. If the violation has not been corrected within seven days of the receipt of the letter informing the permit holder of the violation, the Planning Director shall have cause to revoke said permit;

B. Complaints on conditions F through H in Section 17.67.030 shall be reviewed by the Commission at a public hearing. The Planning Commission shall review home occupations upon receipt of two written complaints within a sixty day period from two separate households located within 300 feet of the boundary of the property on which the home occupation is located. Said complaints shall set forth the nature of the objection. Such complaints shall be investigated by the Building Official, and the results of the investigation shall be reported to the Planning Commission at a public hearing. The public hearing procedure shall take the following form:

1. The complaints must be filed not less than twenty-one days prior to the date of the public hearing.
2. Written notice of the public hearing shall be mailed to all owners of property within 300 feet of the boundary of the property on which the home occupation is located.
3. The public hearing shall be conducted as per the requirements of McMinnville Ordinance No. 3682, as amended.
4. Any public hearing may be continued to a specific date by oral pronouncement prior to the close of such hearing and such pronouncement shall serve as sufficient notice of such continuance to all interested parties.
5. A decision of the Planning Commission shall be final unless an appeal is filed within fifteen days after the date the decision is rendered.
6. If an appeal of the Planning Commission's decision is filed, all parties shall be bound by the Planning Commission's decision until such time as the Council may modify or reverse said decision. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.050 Standards for judging objections. Standards for judging objections to a home occupation shall include, but not be limited to the following:

- A. Generation of excessive traffic;
- B. Monopoly of on-street parking spaces;
- C. Frequent deliveries and pickups by motor freight trucks;
- D. Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
- E. Smoke, fumes, or odors in excess of those created by normal residential use;
- F. Other offensive activities not in harmony with a residential neighborhood. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.67.060 Action by Commission—Home occupation complaints. The Commission, upon hearing the evidence, may:

- A. Approve the use as it exists;
- B. Require the use to be terminated;
- C. Impose appropriate restrictions, such as limiting hours of operation, establishing a phase-out period, or other measures insuring compatibility with the neighborhood. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.69

-
VARIANCES
-

Sections:

- 17.69.010 Planning Commission authority.
- 17.69.020 Application.
- 17.69.030 Conditions for granting.
- 17.69.035 Variances for solar collection systems.
- 17.69.040 Limited adjustments—Building Official authority.
- 17.69.050 Public hearing—Required.
- 17.69.060 Public hearing—Notice of decision.
- 17.69.070 Use conveyed with property—Termination conditions and procedures.

17.69.010 Planning Commission authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.020 Application. A property owner may initiate a request for a variance by filing an application with the Planning Director. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangements of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the variance request. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.030 Circumstances for granting. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.035 Variances for solar collection systems. A setback variance may be granted by the Commission for a solar energy collection system, active or passive, which is to be attached to an existing structure or accessory to an existing structure subject to compliance with the following conditions:

- A. Granting of the variance will in no way hinder access to public utilities or fire access;
- B. Granting of the variance will not unduly restrict solar access to surrounding properties;
- C. Granting of the variance will not unreasonably invade the privacy of adjoining properties;
- D. The variance requested is the minimum variance which would allow the construction of the system;
- E. The system must meet the minimum standards for tax credit certification from the Oregon Department of Energy;

F. The system must be designed to provided no less than ten percent of the total energy requirements for the principal use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.040 Limited adjustments—Building Official authority. The City Building Official may grant limited adjustments to the terms of this title when such adjustments are within the limitations and conditions contained in Section 17.69.030. These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.

A. Limits for adjustments are as follows:

1. Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than ninety square feet;
2. Setbacks: Maximum adjustment of ten percent of the required setback.

B. Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density or use of property;

C. The applicant shall submit in writing such information as is necessary to make a decision on adjustments. Special conditions may be attached to adjustments if such conditions relate directly to the adjustments;

D. An order granting a specific adjustment shall be filed with:

1. The owner of the property.
2. The building department.
3. Abutting property owners.

The order granting a specific adjustment shall be effective on the sixteenth day following the day the order was granted;

E. The decision of the City Building Official to grant or deny an adjustment may be appealed to the Planning Commission under the provisions contained in Section 17.72.040 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.050 Public hearing—Required. Before the Commission may act on a variance request, it shall hold a public hearing pursuant to the procedures as set forth in Section 17.72.040 of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.060 Public hearing—Notice of decision. Within five working days after a decision has been rendered with reference to a request for a variance, the secretary shall provide the applicant with notice of the decision of the Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.69.070 Use conveyed with property—Termination condition and procedures.

A. Subject to the provisions of this section, a variance shall become an integral part of the property and shall be conveyed to the benefit of the owner or other person(s) entitled to possession regardless of transfer of title or interest unless otherwise specified by the Planning Commission at the time of approval;

B. Each variance issued after the effective date of the ordinance codified in this title shall be terminated if:

1. Any construction or remodeling relative to the variance as approved has not been started within one year of the date specified on a development schedule approved with the variance, or in case no such development schedule was approved, within one year of the effective date of approval;
2. There is a failure to meet any condition as may be specifically required by the Planning Commission at the time of approval of the variance;

C. The Planning Director shall determine if a variance is in compliance with this section and any condition imposed by the Planning Commission. At such time as a variance becomes subject to termination as provided by this section, the Planning Director shall notify in writing the legal owner of record or the occupant the grounds on which the variance will be terminated. Notice of termination

will be delivered by registered mail. A receipt of delivery will be returned to the Planning Director;

D. An action or ruling of the Planning Director pursuant to this section may be appealed to the Planning Commission within thirty days after the recorded date of delivery of the notice of termination. In the event the notice is not deliverable or acceptance is refused or unclaimed, the thirty days in which an appeal may be filed shall be computed from the date of mailing. Notice of appeal shall be in writing and filed with the City Recorder. The decision of the Planning Director is final if the appeal is not taken within the thirty-day period. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal pursuant to Section 17.72.040. The variance shall be invalid during the appeal process, and no work shall be undertaken during the appeal process;

E. Upon termination of a variance, the property shall thereafter be used in accordance with the zoning ordinance and other applicable plans, ordinances, resolutions, rules, and regulations unless a variance or other action is subsequently approved. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-

-

Chapter 17.72

-

PUBLIC HEARINGS

-

-

Sections:

- 17.72.010 Quasi-judicial or legislative hearings.
- 17.72.015 Initiation—Text amendments.
- 17.72.020 Initiation—Zone map and planned development overlay amendments.
- 17.72.025 Public hearings and notice requirements—Text amendments.
- 17.72.030 Public hearings and notice requirements—Zone map and planned development overlay amendments.
- 17.72.035 Resolution of intent to rezone.
- 17.72.040 Public hearings and notice requirements—Variance applications and conditional use applications.
- 17.72.045 Public hearings and notice requirements—Temporary living unit applications.
- 17.72.050 Appeal from ruling of Commission.
- 17.72.060 Failure to receive notice—Not to impair hearing.
- 17.72.070 Recess of hearing.

17.72.010 Quasi-judicial or legislative hearings. A public hearing before the Planning Commission or City Council may be either legislative in nature or quasi-judicial in nature. Generally, a requested amendment to the text of this ordinance would call for a legislative type hearing. A requested change to the zoning map which is site specific would call for a quasi-judicial type hearing. The determination of the City Attorney as to which type of hearing process is required for individual applications shall be final. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.015 Initiation—Text amendments. An amendment to the text of this ordinance may be initiated by the Council, by the Planning Commission or by the Citizens' Advisory Committee. Any other citizen may petition the City Council requesting them to initiate a text amendment. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.020 Initiation—Zone map and planned development overlay amendments. An amendment to the

official zoning map or to an existing planned development overlay may be initiated by the Council, by the Planning Commission, by the Citizens' Advisory Committee or by application of the property owners. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.025 Public hearings and notice requirements—Text amendments.

- A. The Planning Commission shall hold at least one public hearing on a proposed amendment to the text of this ordinance:
 - 1. The public hearing on the amendment shall be held at the earliest practicable meeting.
 - 2. Notice of public hearing shall be published in a newspaper of general circulation in the City not less than five days nor more than 15 days prior to the date of the public hearing;
- B. Public hearings shall be conducted by any or all of the rules specified in McMinnville Ordinance No. 3682, as amended, at the discretion of the body which is involved;
- C. Any public hearing may be continued to a specified date by oral pronouncement prior to the close of such hearing and such pro-nouncement shall serve as sufficient notice of such continuance to all interested persons;
- D. Within 45 days following the public hearing, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:
 - 1. Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;
- E. Upon receipt of the decision of the Planning Commission, the City Council shall:
 - 1. Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or
 - 2. Adopt an ordinance effecting the proposed change in an amended form, or
 - 3. Refuse to adopt the amendment through a vote to deny, or
 - 4. Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.025(A)(2). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.030 Public hearings and notice requirements—Zone map and planned development overlay amendments.

- A. The Commission shall hold at least one public hearing on an application for an amendment to the zoning map or to any existing planned development overlay:
 - 1. Application for said change must be filed, with payment of the appropriate fee, not less than thirty days prior to the date of the public hearing.
 - 2. Notice of the public hearing shall be published in a newspaper of general circulation in the City not less than five days nor more than fifteen days prior to the date of the public hearing.
 - 3. Written notice of a requested change shall be mailed to all owners of the property within three hundred feet of the exterior boundary of the property for which the change has been requested, not fewer than twenty nor more than thirty days prior to the date of the hearing;
 - 4. Written notice of an application to change a zone for all or part of a mobile home park shall be provided for the tenants of a mobile home park at least 20 days but not more than 40 days before the date of the first public hearing on the applications.
- B. Public hearings shall be conducted as per the requirements established in McMinnville Ordinance No. 3682, as amended;
- C. Any public hearing may be continued to a specific date or by oral pronouncement prior to the close of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons;
- D. Within 45 days following the public hearing, unless a continuance is announced, the Planning Commission shall make specific Findings of Fact. Based on the findings, the Planning Commission shall render a decision which shall recommend either that the application be approved or denied, or

that the proposal be adopted or rejected, or that the application be approved in a different form.

1. If the decision of the Planning Commission recommends that the application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council.

2. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed by the applicant or by an interested party within fifteen calendar days of the Planning Commission's decision;

E. Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

1. Based on the material in the record and the findings adopted by Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or

2. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.030(A)(2) and (3). (Ord. 4534 §2 and §4 (part), 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.035 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.040 Public hearings and notice requirements for variance applications and conditional use applications.

A. The Commission shall hold at least one public hearing on an application for a variance or a conditional use permit.

1. Application must be filed, with payment of the appropriate fee, not less than 30 days prior to the date of the public hearing.

2. Notice of the public hearing shall be published in a newspaper of general circulation in the City, not less than five days nor more than fifteen days prior to the date of the public hearing.

3. Written notice of a requested variance shall be mailed to all owners of property within one hundred feet of the exterior boundary of the property for which the variance has been requested, not fewer than twenty nor more than thirty days prior to the date of the public hearing.

4. Written notice of a requested conditional use permit shall be mailed to all owners of property within two hundred feet of the exterior boundary of the property for which the conditional use permit has been requested, not fewer than twenty nor more than thirty days prior to the date of the public hearing;

B. Public hearings shall be conducted as per requirements of McMinnville Ordinance No. 3682, as

amended;

C. Any public hearing may be continued to a specific date by oral pronouncement prior to the close of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons;

D. A decision of the Planning Commission shall become final fifteen days after the date it is made, provided that an appeal is not filed. (Ord. 4534 §4 (part), 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.045 Public hearings and notice requirements for temporary living unit applications.

A. The Planning Commission shall hold at least one public hearing on an application for a temporary living unit.

1. Application must be filed, with payment of the appropriate fee, not less than thirty days prior to the date of the public hearing.

2. Written notice of the request shall be mailed to all owners of property within one hundred feet of the exterior boundary of the property for which the temporary living unit is requested, not fewer than twenty nor more than thirty days prior to the date of the hearing;

B. Public hearings shall be conducted as per the requirements of McMinnville Ordinance No. 3682, as amended;

C. Any public hearing may be continued to a specific date by oral pronouncement prior to the close of such hearing and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons;

D. A decision of the Planning Commission shall become final fifteen days after the date it is made, provided that an appeal is not filed. (Ord. 4534 §4(part), 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.050 Appeal from ruling of Planning Commission. An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within fifteen days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder and shall set forth in detail the basis for and issues raised in the appeal. If the appeal is not taken within the fifteen-day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. Notice of a City Council hearing on an appeal of a decision of the Planning Commission shall take the form of that provided for the initial application before the Planning Commission. (Ord. 4534 §3, 1993; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.060 Failure to receive notice—Not to impair hearing. For the purposes of giving notice to affected parties, the names and addresses of the owner as shown on the record of the County Assessor may be used. Failure of a person or persons to receive notice as prescribed in this article shall not impair the validity of the hearing. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.72.070 Recess of hearing. A hearing may be recessed to obtain additional information or to serve further notice upon other property owners or persons who may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

-
-
Chapter 17.75

-
ADMINISTRATIVE PROVISIONS

Sections:

17.75.010	Filing fees.
17.75.020	Severability.
17.75.030	Enforcement.
17.75.040	Inspection and right-of-way.
17.75.050	Violation—Procedure—Penalty.
17.75.060	Legal proceeding as alternative remedy.
17.75.070	Limitations on renewal or refiling of application.

17.75.010 Filing fees. In order to defray the expenses connected with the application for hearing requests as well as other specified permits, the City shall charge and collect a filing fee for each such application as established by resolution of the City Council.

- A. The applicant(s) shall be held responsible for submitting the required filing fee upon completion and submittal of the application;
- B. Whether the request is approved or denied by the City Council and Planning Commission, the petitioner shall not be entitled to a refund of the initial fee paid. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.020 Severability. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, that judgment shall affect only that part held invalid and shall not impair the validity of the remainder of these regulations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.030 Enforcement. The Planning Director, or in his absence the Building Official, shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by him regarding the requirements of this ordinance may be made only to the Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.040 Inspection and right-of-entry. Whenever they shall have cause to suspect a violation of any provision of this ordinance, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this ordinance, officials responsible for enforcement or administration of this ordinance, or their duly authorized representatives, may enter onto any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless a warrant authorizing entry and inspection for a zoning violation is first obtained from the court. A warrant shall not be issued unless good and sufficient grounds based upon reliable evidence is shown by the officials responsible for enforcement and administration of this ordinance. (A secured building means a building having doors and windows capable of locking, fully enclosed, and occupied.) No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.050 Violation—Procedure—Penalty.

- A. A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used in violation of this ordinance, requiring said owner or occupier to appear in court regarding a violation of the zoning ordinance;
- B. A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence;
- C. A person convicted of violating a provision of this ordinance shall, upon conviction, be

punished by a fine of not more than five hundred dollars for each day that the violation continues;
D. A violation of this title shall be considered a separate offense for each day that the violation continues;

E. In the event the owner/occupier fails to pay any fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the City Council to adopt an ordinance making the amount a lien against the property. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.060 Legal proceedings as alternative remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this title, the building or land thus in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration, or use. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.75.070 Limitations on renewal or refile of application. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the City Council or Planning Commission, for good cause, shall grant permission to do so. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

*

Prior history: Ords. 3380, 4128, and 4372.